

EXECUTIVE SUMMARY

Board of Cosmetology

I. General Information

Meeting Type: General Business
Meeting Date: Monday, October 15, 2007
Meeting Location: Hyatt Regency Miami
400 S.E. Second Avenue
Miami, Florida 33131

Attendees:

Myra Jowers, Chair
Donna Osborne, Vice Chair
Ginny Fincel
Candido Llano
Rosabel Ramos
Monica Smith
Robyn Barineau, Executive Director, Department of Business and Professional Regulation
Dan Biggins, Assistant Attorney General, Department of Legal Affairs
Bill Oglo, 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
Daisy Amador, Court Reporter
Latazia Stuart, Central Florida College
John Conley, The Hairwraps Company
Richard Ramos

II. Major Issues/Actions

- Vice Chair Myra Jowers welcomed new member, Mr. Candido Llano, to the Board of Cosmetology.
- The board denied one hair braiding course application, approved six hair braiding course applications, denied one hair wrapping course application, approved five body wrapping course applications, approved eight initial HIV/AIDS course applications, approved three continuing education provider applications, denied 21 continuing education course applications, and approved 28 continuing education course applications.
- The board approved the Administrative Law Judge's Proposed Recommended Order in case number 2006.045419 against Reflections

Barber Shop and Beauty Salon revoking the cosmetology salon license and imposing a fine of \$5,000.

- After presenting 14 disciplinary cases for the board's consideration, Ms. Elizabeth Duffy, Assistant General Counsel, provided her Prosecuting Attorney's Report and reported that as of September 12, 2007, there were 169 cosmetology cases in the legal section.
- Mr. Dan Biggins, Assistant Attorney General, informed the board that the biennial cosmetology salon inspection rule was effective September 27, 2007.
- Ms. Robyn Barineau, Executive Director, informed the board that the Division of Regulation is currently developing their implementation plan for the biennial inspection program. She added that the Division of Regulation will keep the board apprised of the progress of the initiative.
- Mr. Biggins drafted a proposed rule requiring a consumer-protection flyer approved by the department to be posted in all cosmetology salons. The board approved the following amendment to Rule 61G5-20.005, Florida Administrative Code, Display of Documents:
"By July 1, 2008, all holders of a cosmetology or specialty salon license shall display at each footbath a copy of the Consumer Protection Notice regarding footbaths, sanitation, and safety. Copies of this Notice (revised October 15, 2007, and incorporated herein by reference) may be obtained from the Department of Business and Professional Regulation at 1940 North Monroe Street, Tallahassee, Florida, 32399-0783, and the Call Center by calling 850.487.1395."
- Ms. Barineau provided the board with two versions of the proposed consumer-protection flyer which had been edited by the department's Communications Office. The board agreed that the condensed version was more likely to be read by consumers; they appreciated the graphics that were added to the flyer.
- To mirror the recent amendment to Chapter 455, Florida Statutes, for electronic reporting of continuing education courses, the board agreed to amend Rule 61G5-32.001(6)(e), Florida Administrative Code, Continuing Education, as follows:
~~"Beginning November 1, 2001, e~~Continuing education providers shall electronically provide to the Department the list of attendees at each of its offered courses within 30 business days of the completion of the course, ~~or prior to the end of the renewal cycle, whichever occurs first.~~ However, the continuing education provider shall electronically report to the Department completion of a licensee's course within 10 business days beginning on the 30th day before the renewal deadline or prior to the renewal date, whichever occurs sooner...
- The board agreed to amend Rule 61G5-20.002, Florida Administrative Code, Salon Requirements, to eliminate the requirement that salon owners submit proof of compliance with all building and fire codes prior to the issuance of a cosmetology salon license. The board agreed to amend the rule as follows:
~~"Submit proof of compliance with all local building and fire codes. Comply~~ with all local building and fire codes. These requirements shall continue in full

force and effect for the life of the salon.”

- Mr. Biggins introduced Mr. Bill Oglo, Assistant Attorney General, to the board. Mr. Biggins indicated that he has been reassigned to some new boards and that Mr. Oglo will now be serving as counsel to the Board of Cosmetology. Mr. Biggins thanked the board for the opportunity to work with them.
- Ms. Donna Osborne, Chair of the Rules Committee, reported that she reviewed Rule 61G-22, Florida Administrative Code, School Curriculum Performance Based Learning – Minimal Competency and Service, and believes that an area relating to facial specialty needs to be added to the rule. She has some thoughts on the language that should be added and suggested the rule be opened for development and discussion at the next meeting. Ms. Barineau also added that it would be important to conduct a rules workshop to invite all interested parties to offer input on the facial specialty curriculum. The board agreed that a rules workshop should be conducted in conjunction with their April 2008 board meeting.
- Chair Myra Jowers added that Ms. Susan Lehr will be speaking with the House sponsor for the cosmetology legislation that will be introduced during the 2008 Legislative Session.
- Ms. Barineau reported that as of June 30, 2007, the combined balance in the board’s operating and unlicensed activity accounts was approximately \$147,000.
- Ms. Barineau mentioned the department’s efforts to bring hair braiding, hair wrapping and body wrapping registrants whose registrations will expire on October 31, 2007, into compliance with the 100% Continuing Education Initiative. She informed the board that as of early October, 70% of these registrants were still non-compliant. She expects a huge renewal rush at the end of the cycle, and she will keep the board posted with the progress of the project.
- Ms. Barineau again informed the board of an ongoing project relating to information cosmetology schools are able to obtain through the department’s website. She added that within the next 30 days or so, cosmetology schools will be sent a letter providing them with a PIN number for them to download a listing from the department’s website of all students who have applied to take the cosmetology examination from their schools. Ms. Barineau will provide more information relating to this initiative at the next meeting.
- Ms. Barineau informed the board that there is a new Bureau of Education and Testing psychometrician for the cosmetology profession, Ms. Kelly Torres. Ms. Torres reported that from January through September 2007, the overall pass rate for the cosmetology examination was approximately 62%, compared to the 2006 pass rate of approximately 40%. The board was pleased with the increased pass rate.
- Ms. Barineau informed the board of the recent sting operation in Jacksonville. She added that the Jacksonville Bureau of Investigative Services Office worked with local law enforcement and they shut down two businesses, issued six citations, and one individual was arrested in conjunction with unlicensed activity.

- Ms. Torres' report indicated that a Strength and Weakness Report will be added to the passing score reports no later than November 9, 2007. This information will be printed on a separate page and will be displayed in a bar graph format. The board was very appreciative of this information.
- Ms. Torres' report also indicated that a cosmetology school meeting has been scheduled for October 19, 2007, from 10 a.m. until 1 p.m. in Tallahassee. She added that information regarding the application process, the call center, continuing education, and the examination development process will be presented.
- Ms. Torres also reported that new Spanish examination forms have been published and are now in production.
- The board agreed that soaps like Cascade and Electrosol were sufficient to use as low-foaming soaps in foot baths.
- Chair Jowers and Vice Chair Osborne attended the National Interstate Council of State Boards of Cosmetology annual conference in Rapid City, South Dakota, from August 25-27, 2007, and provided the board with a report on the conference. They both agreed that it was a very informative conference. They mentioned that several states are concerned with sanitation and safety as well as student cheating.
- Ms. Barineau informed the board of the following meeting dates and locations:
 - January 28, 2008 – St. Augustine
 - April 13, 2008 – Orlando

III. Legislation/Rule Promulgation

- Mr. Biggins and Mr. Oglo will move forward with development of Rule 61G5-20.004, Florida Administrative Code, Display of Documents, to require a consumer-protection flyer approved by the department to be posted in all cosmetology salons.
- Mr. Biggins and Mr. Oglo will move forward with development of Rule 61G5-32.001, Florida Administrative Code, Continuing Education, to mirror the new provider reporting requirements included in Chapter 455, Florida Statutes.
- Mr. Biggins and Mr. Oglo will move forward with development of Rule 61G5-20.002, Florida Administrative Code, Salon Requirements, to eliminate the requirement of proof of building and fire code compliance prior to the issuance of a cosmetology salon license.
- Mr. Biggins and Mr. Oglo will move forward with development of Rule Chapter 61G5-22, Florida Administrative Code, School Curriculum Performance Based Learning – Minimal Competency and Service, to include a section on facial specialty.

IV. Action Required

- Mr. Biggins and Ms. Duffy will prepare final orders from this meeting for filing with the Agency Clerk's Office.
- The board will discuss adding facial specialty language to the curriculum rule at the next board meeting. They will conduct a rules workshop in conjunction with their April 2008 board meeting to solicit input from interested parties on this issued.
- Ms. Barineau will provide additional information at the next board meeting relating to the initiative which will allow cosmetology schools to download listings of their students who have applied to take the cosmetology examination.
- Ms. Barineau will continue to keep the board apprised of the continuing education initiative for hair braiders, hair wrappers and body wrappers.
- The board will conduct its next meeting in St. Augustine, Florida, on Monday, January 28, 2008.

Robyn Barineau
Executive Director
October 17, 2007