

EXECUTIVE SUMMARY

Board of Cosmetology

I. General Information

Meeting Type: General Business
Meeting Date: Sunday, January 22, 2006
Meeting Location: The Quorum Hotel - Tampa
700 Westshore Boulevard
Tampa, Florida 33609

Attendees:

Joseph Caetano, Vice Chair
Donna Osborne
Laura Brown
Laurel Ritenbaugh
Myra Jowers
Representative Jennifer Carroll
Dennis Yecke, Deputy Secretary of Professions, Department of Business and Professional Regulation (DBPR)
Robyn Barineau, Executive Director, DBPR
Dan Biggins, Assistant Attorney General, Department of Legal Affairs
Charles Tunnicliff, Assistant General Counsel, Office of the General Counsel, DBPR
Cameron Doherty, Assistant General Counsel, Office of the General Counsel, DBPR
Dana Ewaldt, Government Analyst, DBPR
Mary Croom, Court Reporter
Bill Ratliff, Informed
Rose Washko, Florida Cosmetology Association (FCA)
Glenda Stephenson, FCA
Nancy Bradley, Commission for Independent Education (CIE)
Kasonga Butler Nelson, CIE
Louise King, Daytona Beach Community College
Mado Jaimangal, Academy of Beauty and Business
John Conley, The Hairwraps Company
Jeff Herman, Natures Spa, Respondent
Juan Rosario, Tony's Hair Styling, Respondent
Delicia Brice, Student at Institute for Creative Enhancement (ICE)
Priscilla Crump, Student at ICE

II. Major Issues/Actions

- Vice Chair Joseph Caetano noted Mr. Anthony White's absence from the meeting and that Ms. Monica Smith's absence was excused as she contacted board staff prior to the meeting informing them of her conflict
- Deputy Secretary Dennis Yecke introduced himself and thanked the board for the opportunity to participate in the meeting
- Representative Jennifer Carroll introduced herself and thanked the board for the opportunity to appear and address the cosmetology bill she is sponsoring in the House

of Representatives; she added that she understands the need for licensees to be properly trained and for customers to receive quality service; Representative Carroll solicited assistance from board members for testimony before various committees that will hear the cosmetology bill

- The board considered the following matters:
 - proposed recommended order
 - 21 disciplinary cases
 - 7 hair braiding course applications
 - 4 hair wrapping course applications
 - 2 body wrapping course applications
 - 8 initial HIV/AIDS course applications
 - 1 continuing education provider application
 - 2 continuing education course applications
 - 9 initial HIV/AIDS course applications
- Mr. Charles Tunncliff, Assistant General Counsel, reported there are currently 157 cosmetology cases in the legal section
- Ms. Robyn Barineau, Executive Director, informed the board of the efforts the department made with regard to the 100% Continuing Education Initiative; she informed the board that the department conducted an extensive information campaign to remind licensees of the law requiring completion of continuing education prior to the renewal of a license; the department worked with large franchises to get the word out to their employees, board staff distributed fliers and answered questions at tradeshow, the board and department websites posted information on the initiative, inspectors distributed informational fliers to salons while conducting inspections, along with other efforts; additionally, if a licensee submitted payment for their license renewal but did not complete their required board-approved continuing education, the licensee was mailed a letter-in-lieu-of a license informing them of the requirement to complete their continuing education before issuance of their license; Ms. Barineau reminded the board that the renewal deadline was extended until December 1, 2005, because of the impact of Hurricane Wilma on Floridians; she advised the board that the inspectors are in the process of issuing citations to licensees whose licenses are not current; Ms. Barineau informed the board that the word is spreading in the industry of the seriousness of non-compliance with continuing education requirements and that the department is now working on compliance information for licensees whose licenses will expire October 31, 2006
- Ms. Barineau informed the board that the financial report continues to show a cash deficit (over \$900,000) in their operating account which must be addressed; she added that the majority of the board fees are at the statutory fee caps; Ms. Barineau indicated she would be working with Deputy Secretary Yecke, the department's budget office, and other staff to prepare a plan to address the board's negative cash posture; she plans to provide the board with as many options as possible to address their cash position at the next board meeting
- Ms. Barineau informed the board that the email from the DBPR Secretary regarding Hurricane Katrina; the email from the DBPR Secretary regarding staff announcements; the DBPR unlicensed activity complaint line press release; the letter from Deborah L. Roope; the National Commission of Cosmetology Arts & Sciences, Inc. (NACCAS), newsletter – Volume 1 No. 7; the NACCAS newsletter – Volume 1 No. 8; the National Interstate Council of State Boards of Cosmetology, Inc. (NIC) newsletter – Volume 61 No. 5; the 2005-2006 NIC directory of state board members; the Board of Cosmetology newsletter; the DBPR toll-free unlicensed activity complaint line statistics; the announcement by Governor Bush regarding funding recommendations for hurricane preparedness, response and recovery; the DBPR administered cosmetology

examination pass/fail rates for 1993-2000; and the complaints and investigative statistics report for July 2005 – December 2005 were included in the agenda for informational purposes

- Ms. Barineau advised the board that the department is currently attempting to address the board member vacancy situation; the department is seeking assistance from boards to assist with locating qualified applicants to fill vacancies on all its boards and commissions; Ms. Barineau suggested that interested applicants contact the department or the Governor's Appointments Office for a Gubernatorial Appointments Questionnaire for completion and filing with the Governor's Appointments Office
- The board discussed the correspondence from Ms. Annette Ferguson regarding cosmetology salon requirements; although they understand her situation, they must adhere to the law and their responsibility to protect the public's health, safety and welfare; they also suggested she consider seeking a declaratory statement to further address her individual situation
- Ms. Barineau also informed the board about the increase in MMA cases over the last six months; she stated over 90% of the samples that have been sent to the laboratory for testing have come back positive; as a result, word is spreading in the industry that MMA is illegal and salons are reevaluating their products to ensure they are in compliance
- Vice Chair Caetano suggested the board consider developing procedures to ensure that salons properly sanitize foot baths; Ms. Barineau added that she understands the board's concern with proper sanitation of foot baths, but that should they elect to add more sanitation and sterilization requirements for salons, there may possibly be an increase in costs associated with inspections, investigations and disciplinary matters; Ms. Laurel Ritenbaugh suggested there be some sort of information campaign to alert the public of the cleanliness of foot baths
- The board approved the draft disciplinary guidelines as provided by Mr. Dan Biggins, Assistant Attorney General, with the following amendments:
 - 61G5-30.001(2)(b): Penalty Range
"For a salon which has never been licensed, or for which the salon license has expired, a fine of \$500. For a salon which has become delinquent, a fine of \$50 for every month or partial month of delinquency during which the salon has operated, up to a total of **\$500.**"
 - 61G5-30.001(2)(i): Penalty Range
"A fine of **\$500 for the first offense**; a fine of \$500 **and suspension or revocation** for a subsequent offense."
- The board expressed their concern with the cosmetology examination pass/fail rates; the board asked Ms. Barineau to inquire of the Bureau of Education and Testing to determine if when examination questions are developed, if all resource materials are cross-referenced to ensure that the resource materials address subject matters the same way; additionally, the board asked Ms. Barineau to determine the age of the oldest question being utilized on any form of the cosmetology examination
- The board elected Mr. Joseph Caetano as Chair of the Board of Cosmetology and Ms. Laurel Ritenbaugh as Vice Chair of the Board of Cosmetology
- The board agreed to conduct the next meeting on Sunday, April 23, 2006, at 9 a.m. in Orlando, Florida

III. Legislation/Rule Promulgation

- Mr. Biggins will notice for rule development Rule 61G5-20.002, Florida Administrative Code, for discussion at the April 2006 board meeting
- Mr. Biggins will proceed with filing the disciplinary guideline rules as amended by the board, Rules 61G5-30.001(1) and (2), Florida Administrative Code

IV. Action Required

- Mr. Biggins and Mr. Tunnicliff will prepare final orders from this meeting for filing with the Agency Clerk's Office
- Ms. Barineau and Mr. Biggins will prepare a response to the letter from Ms. Ferguson and suggest she consider seeking a declaratory statement
- Ms. Barineau will research other states' requirements regarding the sanitation and sterilization of foot baths and provide her research at the next board meeting
- Ms. Barineau will inquire of the Bureau of Education and Testing to determine if when examination questions are developed, if all resource materials are cross-referenced to ensure that the resource materials address subject matters the same way
- Ms. Barineau will ask the Bureau of Education to determine the age of the oldest question being utilized on any form of the cosmetology examination
- The board asked Ms. Barineau to extend an invitation to Professional Credential Services, Inc., to attend the July board meeting for a presentation on their examination services in accordance with their letter included in the agenda addendum

Robyn Barineau
Executive Director
January 25, 2006