

EXECUTIVE SUMMARY

Board of Cosmetology

I. General Information

Meeting Type: General Business
Meeting Date: Sunday, July 25, 2004
Meeting Location: Marriott Tampa Westshore
1001 North Westshore Boulevard
Tampa, Florida 33607

Attendees:

Mary Blanco, Chair
Joseph Caetano, Vice Chair
Donna Osborne
Laura Brown
Laurel Ritenbaugh
Monica Smith
Anthony White
Julie Malone, Executive Director, DBPR
Diane Guillematte, Assistant Attorney General, Department of Legal Affairs
Susan Wilkinson, Assistant General Counsel, Office of the General Counsel, DBPR
Drew Winters, Assistant General Counsel, Office of the General Counsel, DBPR
Robyn Barineau, Government Analyst, DBPR
Patricia Gough, Court Reporter
Nadine Forbes, Steiner Education Group
John Conley, The Hairwraps Company, Inc.
Jackie Mercer, South Technical Charter High School
Rena Wood, Withlacoochee Technical Institute
Arlen Black, Hillsborough County School District
Myra Jowers, FCCJ
M. Jaimangal, Academy of Beauty and Business
Katina R. Johnson, JKJ Concepts
Elisa Barnwell, BARDA Enterprises
Lynette Beuligmann, Puttin on the Ritz Salon
Rocco DiBernardo
Nick DiBernardo
Peter Bitzer
Dianne Lakeman
Akrute Patel, Student at Institute for Creative Enhancement
Melissa Benyola, Student at Institute for Creative Enhancement
Melanie Pennell, Respondent
Florence Smith, Endorsement Applicant

II. Major Issues/Actions

- The board considered the following matters:
 - 18 disciplinary cases
 - 2 cosmetology endorsement applications
 - 2 hair braiding course applications
 - 1 hair wrapping course application
 - 2 HIV/AIDS initial licensure course applications
- Ms. Susan Wilkinson, Assistant General Counsel, reported there are currently 115 cosmetology cases in the legal section
- Ms. Donna Osborne discussed her proposal to increase facial specialty hours to 600 from 260 and nail specialty hours to 500 from 240; requiring individuals to pass a state examination which results in licensure rather than registration; renaming facial specialists to estheticians; requiring individuals to pass a written and practical examination to obtain an esthetics license; allowing cosmetologists to only perform facials and requiring them to pass a written and practical examination to obtain an esthetics license if they want to perform services other than facials in the esthetics realm; and booth renter licensure
- Ms. Myra Jowers, FCCJ, informed the board that her students support increasing facial specialty hours and renaming facial specialists to estheticians
- Mr. Rocco DiBernardo explained his five year research of booth renters and the need to create a booth renter license
- Ms. Julie Malone, Executive Director, informed the board that the department will probably only pursue legislative initiatives during the 2005 legislative session that effect the entire department; she suggested that the board consider seeking a separate sponsor for their 2005 legislative pursuits
- Ms. Jowers mentioned that she believes the Florida Cosmetology Association may be pursuing legislation in the 2005 legislative session to increase facial specialty and cosmetology school hours
- Vice Chair Joseph Caetano mentioned that the Florida Beauty Federation intends to hire a lobbyist in the future and will probably put booth rental legislation before the 2005 Legislature
- Ms. Malone informed the board of the department's implementation of the MMA prohibition legislation; she added that Severn Trent Lab in Tallahassee has been selected as the MMA testing lab
- Ms. Malone referred board members to the U.S. Food and Drug Administration's List of Prohibited Ingredients and Related Safety Issues for review
- Ms. Malone distributed two documents showing board revenue and expense projections through June 30, 2009, for the board's review; one document showed all fees capped out and the other did not show all fees capped out
- Mrs. Laura Brown asked how the board can control their financial situation and Ms. Malone made two helpful suggestions: (1) the board can cap out all fees to increase revenue and, (2) the board can consider amending their rules to eliminate annual inspections and require biennial inspections to decrease expense
- Ms. Guillemette suggested the possibility of the department amending their law to incorporate the allowance of the collection of attorney's fees in disciplinary matters
- Ms. Malone included a copy of HR2133, Cosmetology Tax Fairness and Compliance Act of 2003, in the agenda for the board's information

- Ms. Malone reported that there are currently 17 inspectors employed by Regulation and that as of July 8, 2004, 17,950 salon inspections had been completed
- The board agreed to send Ms. Osborne to the National Interstate Council (NIC) of State Boards of Cosmetology's 49th Annual Conference
- Mrs. Brown suggested that possibly the Florida Beauty Federation could move their proposal relating to reciprocity during the 2005 legislative session
- Ms. Guillemette informed the board that a statutory amendment would be necessary to incorporate license numbers in advertisements
- The board inquired about utilizing the NIC exam as their state examination; Ms. Guillemette informed the board that the department must certify a national examination before it can be utilized
- The board agreed to table their review of amending the requirements for hair braiding, hair wrapping and body wrapping course requirements/outlines
- Ms. Guillemette and Ms. Wilkinson are currently working on reformatting the disciplinary guidelines and hope to have a draft available for the board at the next meeting
- Mr. M. Jaimangal of the Academy of Beauty and Business expressed his support of the initiatives to examine Florida estheticians and nail specialists; he added that the board may want to consider increasing the cosmetology hours to 1,500 to incorporate esthetics; he further stated that the nail program should be increased to at least 400 hours
- The board agreed to conduct its next meeting on Monday, October 11, 2004, in either St. Augustine, Florida, or Orlando, Florida

III. Legislation/Rule Promulgation

- Ms. Guillemette and Ms. Osborne will continue to work together on the legislative proposals regarding nail and facial specialties, definitions, and booth rental and will bring their work back to the board for further discussion

IV. Action Required

- Ms. Guillemette and Mr. Winters will prepare final orders from this meeting for filing with the Agency Clerk's Office
- The board will need input from the medical boards concerning suggested statutory changes because the proposed changes reference medical machines, products and techniques
- Ms. Guillemette suggested the Florida Cosmetology Association be contacted to determine what, if any, legislation they might be considering for the 2005 legislative session which might overlap with the board's legislative initiatives
- Ms. Malone will provide the year-end financial report to the board at the next meeting
- Ms. Malone will relay to the department Ms. Guillemette's suggestion of amending Chapter 455, F.S., to allow for the collection of attorney's fees in disciplinary matters

- Ms. Malone will research and report back to the board about the number of fines paid in disciplinary matters
- Ms. Malone will research if/how the board can obtain Florida pins for Ms. Osborne to distribute to NIC Conference attendees and advise Ms. Osborne of her findings
- Ms. Osborne will provide Ms. Malone with the last draft of cosmetology definitions for inclusion in the next board meeting agenda
- Ms. Guillemette will research utilizing the NIC examination in Florida
- Ms. Osborne will inquire at the NIC Conference if they would be willing to make an examination presentation to the board at a future meeting
- Ms. Guillemette and Ms. Wilkinson will provide the board with a reformatted draft of disciplinary guidelines at the next board meeting
- Ms. Malone will send Mr. Jeff Hudnall a letter wishing him the best in his new venture relating to paraffin waxing
- Ms. Malone will send Ms. Elisa Barnwell a letter informing her that the board has no authority to approve a hair braiding course offered via the Internet
- Ms. Malone will refer the Board of Medicine writer to the Electrolysis Council regarding their inquiry on lasers

Julie Malone
Executive Director
July 28, 2004