

EXECUTIVE SUMMARY
Board of Cosmetology

I. General Information

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| Meeting Type: | General Business |
| Meeting Date: | Sunday, October 10, 2004 |
| Meeting Location: | Marriott Tampa Westshore 1001 North Westshore Boulevard Tampa, Florida 33607 |

Attendees:

Joseph Caetano, Vice Chair
Donna Osborne
Laura Brown
Laurel Ritenbaugh
Monica Smith
Julie Malone Garofalo, Executive Director, DBPR
Diane Guillemette, Assistant Attorney General, Department of Legal Affairs
Daniel Biggins, Assistant Attorney General, Department of Legal Affairs
Charles Tunnickliff, Assistant General Counsel, Office of the General Counsel,
DBPR
Robyn Barineau, Government Analyst, DBPR
Patricia Gough, Court Reporter
Kirby Morris, National Interstate Council for State Boards of Cosmetology
Claus Lang, Professional Credential Services, Inc.
Bonnie Poole, Florida Cosmetology Association
Robert Valdez, Florida Cosmetology Schools Association
Karina Rolnik, Steiner Education Group
John Conley, The Hairwraps Company, Inc.
Rena Wood, Withlacoochee Technical Institute
H. Louise King, Daytona Beach Community College
Frank Capostagno, Academy of Professional Careers
Myra Jowers, FCCJ
Quang Vo, Hollywood Nails+, Respondent
Mauricia Paez, Portofino Salon, Respondent
Marcie West Bishop, Respondent
Miriam E. Lynch
Janice Royal
Patricia Boone

II. Major Issues/Actions

- The board considered the following matters:
 - 1 motion for reconsideration
 - 22 disciplinary cases
 - 4 hair braiding course applications
 - 2 hair wrapping course applications
 - 3 body wrapping course applications
 - 1 HIV/AIDS initial licensure course application
 - 1 continuing education course application
- Mr. Charles Tunncliff, Assistant General Counsel, reported there are currently 137 cosmetology cases in the legal section.
- Mr. Quang Vo, Hollywood Nails+, Respondent, suggested the department include on citations which individual(s) is alleged to have violated the laws and rules.
- Ms. Bonnie Poole, Florida Cosmetology Association, inquired as to why the State Attorney's Office does not prosecute all cases forwarded to them by the department. Mr. Tunncliff and Ms. Diane Guillemette, Assistant Attorney General, informed Ms. Poole that the discretion to prosecute cases forwarded to them by the department is completely up to their office and that the State Attorney's Offices are aware that the department has the authority to take administrative action against an individual or business.
- Ms. Guillemette informed the board that draft disciplinary guidelines will be available for review at the next board meeting.
- Mr. Kirby Morris, President, National Interstate Council of State Boards of Cosmetology (NIC), along with Mr. Claus Lang, Vice President of Professional Credential Services, Inc., gave a presentation regarding the NIC national examination and the advantages to using the national examination. Some highlights from the NIC presentation included the examination (written and practical) for cosmetologists, nail technicians and estheticians; over 100,000 written and practical examinations offered in 2003 for cosmetology related professionals; the NIC examination is offered in English, Latin American Spanish and Vietnamese; the NIC exam is endorseable in 32 states; NIC defends and pays for the defense of all exam challenges; the approximate cost to a candidate for the NIC written and practical examination is \$115 to \$120; all examiners are required to attend an annual, two-day scoring course for standardization purposes.
- Ms. Poole informed the board that statutory changes would be necessary to utilize the NIC examinations but agrees that the NIC program would benefit all licensees and she supports the examination of all licensees.
- Mr. Robert Valdez, Florida Cosmetology Schools Association, expressed his concern with the scoring of NIC practical examinations being opinion-based.
- The board denied the Petition for Variance and Waiver of Rule 61G5-20.0015, Florida Administrative Code, submitted by Ms. Miriam Ellen Lynch.
- Ms. Donna Osborne briefly discussed her proposal to offer four licenses by examination: hair stylist, esthetician, nail technician and cosmetologist. Her

- proposal suggested the following school hour requirements for these licenses: hair stylist (1,200 hours); esthetician (600 hours); nail technician (600 hours); and cosmetologist (2,400). The proposal also suggests the offering of certificates, without examination, for shampooer, hair braider, hair wrapper, body wrapper and cosmetic specialist. In addition, the proposal also allows for some grandfathering of licensees.
- Ms. Myra Jowers, FCCJ, informed the board that her belief is that students would not enroll for a 2,400 hour cosmetology program.
 - Ms. Poole indicated that an increase from the current 1,200 hours to 2,400 for cosmetology is substantial. She added that the board's proposal should not be too vague as it would be difficult to move it through the Legislature.
 - Ms. Guillemette referred the board to the email from Ms. Susan Tobin dated August 30, 2004, regarding the sanitation of whirlpool spas. She added that the board's rules do not address the regulation of foot spas and that Ms. Tobin should contact her local health department or the foot spa manufacturer for answers to her sanitation questions.
 - Ms. Julie Malone Garofalo, Executive Director, reported that as of June 30, 2004, the board's operating account balance was (\$731,912) which included the \$900,000 transfer from their unlicensed activity account. She added that the projected deficit at June 30, 2005, is (\$554,465) as reported at the July 25, 2004, board meeting.
 - Mrs. Laura Brown asked Ms. Malone Garofalo to report at the next board meeting as to the break out of the Information Technology expense included on the financial statements.
 - Ms. Malone Garofalo mentioned the Complaints and Investigative Statistics Report for Fiscal Year 2003-2004 and the Complaints and Investigative Statistics Report for Period Ending June 31, 2004.
 - Ms. Guillemette mentioned the Rules Report included in the supplemental agenda.
 - Mr. Daniel Biggins, Assistant Attorney General, referred the board to the letter included in the supplemental agenda from Ms. Stephanie Parkin dated September 22, 2004. He suggested to Ms. Parkin that she seek a declaratory statement for her question regarding spray tanning and that she needed to provide additional information to address her questions on infrared body wraps.
 - Ms. Guillemette distributed copies of laws and rules from other states which might assist the board while considering statutory changes.
 - Ms. Guillemette thanked the board for the opportunity to work with them and informed them that Mr. Biggins would now be their Assistant Attorney General.
 - The board agreed to conduct a telephone conference call on Friday, November 5, 2004, for purposes of a legislative workshop and a general business meeting to discuss legislation and to conduct its next in-person meeting on Sunday, January 9, 2005, in Orlando, Florida.

III. Legislation/Rule Promulgation

- Ms. Guillemette, Mr. Biggins and Ms. Osborne will continue to work together on the board's legislative proposals and a draft will be provided to Ms. Malone Garofalo on or before October 22, 2004, for posting on the board's webpage prior to the telephone conference call legislative workshop and general business meeting.
- Ms. Guillemette will complete the disciplinary guidelines draft and have them included in the next in-person board meeting agenda.

IV. Action Required

- Ms. Guillemette, Mr. Biggins and Mr. Tunnicliff will prepare final orders from this meeting for filing with the Agency Clerk's Office.
- Mr. Tunnicliff will forward the comments of Mr. Vo to the inspector supervisors for consideration.
- Ms. Malone Garofalo will review the revised Broward Career Institute body wrapping course completion certificate before the course is offered ensuring that the certificate no longer contains, "valid for two years from issue date."
- Ms. Malone Garofalo will inform Ms. Tobin that she should contact her local health department and her whirlpool spa manufacturer for questions regarding sanitation since the board rules do not address the regulation of foot spas.
- Ms. Malone Garofalo will report to the board at the next in-person board meeting as to the break out of the Information Technology expense included on the financial statements.

Julie Malone Garofalo
Executive Director
October 14, 2004