

EXECUTIVE SUMMARY

Board of Cosmetology

I. General Information

Meeting Type: General Business
Meeting Date: Sunday, April 23, 2006
Meeting Location: The Florida Mall Hotel
1500 Sand Lake Road
Orlando, Florida 32809

Attendees:

Joseph Caetano, Chair
Laurel Ritenbaugh, Vice Chair
Laura Brown
Myra Jowers
Monica Smith
Secretary Simone Marstiller, Department of Business and Professional Regulation (DBPR)
Robyn Barineau, Executive Director, DBPR
Dan Biggins, Assistant Attorney General, Department of Legal Affairs
Drew Winters, Assistant General Counsel, Office of the General Counsel, DBPR
Dana Ewaldt, Government Analyst, DBPR
Cindy Green, Court Reporter
Louise King, Daytona Beach Community College (DBCC)
Cornelia Popp, DBCC
Helen King, DBCC
John Conley, The Hairwraps Company
Jerry Gardner, Elite
Roberta Robinson, Salon Blondie, Respondent
Thu Ha, Florida Nails, Respondent
Ian Pennell, Respondent
Melanie Pennell, Respondent
Raquel Santiago Vega, Respondent
Illa Ovile, Nail Garden, Respondent
Maria Esther Briceno, Diva Nails, Respondent
Julie Woodhouse, Applicant
Carmen Rodriguez, Translator for Raquel Santiago Vega
Robin M. Vallentino, Translator for Maria Esther Briceno
Valencia Jones, Mandisa Ngozi Art of Braiding School
Denise Jones, Mandisa Ngozi Art of Braiding School
Danielle Kemp, Cosmetology Student
Jackie Smith, Cosmetology Student

II. Major Issues/Actions

- Chair Joseph Caetano noted Mr. Anthony White's absence from the meeting and that he had not contacted board staff prior to the meeting informing them of his absence. This is considered an unexcused absence.

- Secretary Simone Marstiller introduced herself and thanked the board for the opportunity to participate in the meeting; she informed the board of her goal for the department to increase accountability to all professions and improve customer service; she added that she welcomes the opportunity to work with the board and its membership and welcomed any comments from the board.
- The board considered the following matters:
 - 37 disciplinary cases
 - 4 hair braiding course applications
 - 3 hair wrapping course applications
 - 5 body wrapping course applications
 - 4 initial HIV/AIDS course applications
 - 2 continuing education provider applications
 - 2 continuing education course applications.
- Mr. Drew Winters, Assistant General Counsel, reported there are currently 167 cosmetology cases in the legal section.
- Mr. Winters mentioned that most cases testing for methyl methacrylate (MMA) come back with a positive test result. Mr. Winters added that the Office of the General Counsel and the Division of Regulation are currently working on finding the most cost-effective vendor to test the MMA samplings and will provide a report on their efforts at the next board meeting. The board asked that Mr. Winters have his staff note on the disciplinary case memos when a prior violation of MMA is involved.
- At the request of Ms. Rose M. Todd, applicant for licensure by endorsement, the board tabled her request to consider her application for licensure by endorsement
- At the request of Ms. Julie M. Woodhouse and since she did not qualify for licensure by endorsement, the board agreed to allow Ms. Woodhouse to switch her application from endorsement to examination.
- Mr. Dan Biggins, Assistant Attorney General, provided the board with draft rule language relating to the sanitation and sterilization of foot baths. Ms. Robyn Barineau, Executive Director, informed the board that she compiled information from various states regarding their requirements for sanitation and sterilization of foot baths, and this information was included in the agenda for their review. The board asked Mr. Biggins to proceed with the rulemaking process for this language.
- Vice Chair Laurel Ritenbaugh agreed to compile some suggestions for postings at salons that would be helpful to patrons and provide her suggestions to the board at the next meeting. Some suggestions include ensuring that the operators wash their hands between patrons and ensuring that instruments/implements are sanitized/sterilized between patrons.
- Ms. Myra Jowers informed the board that HB771 passed all committees. She added that Ms. Bonnie Poole of the Florida Cosmetology Association contacted the National Cosmetology Association and asked them for their assistance with moving the bill through the Legislature. Ms. Jowers indicated there is some late opposition and resistance with the proposed legislation.
- Ms. Barineau informed the board that the department will be imposing a \$30 assessment on all licenses being renewed October 31, 2006, and October 31, 2007. Ms. Barineau added that as of December 31, 2005, the board's cash balance in their operating account was in a deficit. The board favorably agreed to the \$30 assessment in conjunction with licenses being renewed October 31, 2006, and October 31, 2007, and also suggested that salons be assessed \$30 in conjunction with their renewal on November 30, 2006. The board asked Mr. Biggins to amend Rule 61G5-24.020, Florida Administrative Code, to incorporate assessment language as suggested.

- Ms. Barineau advised the board that the email from Deputy Secretary Dennis Yecke regarding improvements to the DBPR Internet site, email from Secretary Simone Marstiller regarding the 2006-2007 Executive Budget, correspondence from the board office in response to a letter from Ms. Annette Ferguson regarding shampoo bowls required in a flea market salon, the National Association of Cosmetology Arts & Sciences, Inc. (NACCAS) Newsletter, the Complaints and Investigative Statistics Report for July 2005-2006, the Bureau of Education and Testing memorandum relating to the cosmetology examination reference materials and cross references the age of the current cosmetology examination forms were included in the agenda for informational purposes.
- The board agreed to send Ms. Donna Osborne and Ms. Myra Jowers as their delegates to the National Interstate Council of State Boards of Cosmetology, Inc. (NIC) Annual Conference in Portland, Maine, on August 26-28, 2006, should there be sufficient budget to cover the cost of sending two delegates. Should there not be enough budget to send two delegates, the board agreed to send Ms. Osborne only.
- Ms. Osborne reminded the board of the 2008 NIC Annual Conference which is slated to be conducted in Florida and mentioned that the board may be called upon to assist with the conference.
- 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.
- Ms. Barineau informed the board of a March 27, 2006, letter sent out from the Department of Management Services advising employees, including board members, of the availability of a one-year credit protection program for employees who were potentially affected by a company that worked for Convergys who used offshore services, almost two years ago, to electronically categorize some state employee personnel files. The service is available at no charge and participants must elect participation on or before May 12, 2006.
- Ms. Barineau advised the board that she would make a presentation at a future meeting regarding the roles and responsibilities of a board member. She inquired if all board members had received their recently mailed board member handbooks and asked that should any member have any questions, they contact her for assistance.
- The board asked Mr. Biggins to further research the possibilities of bidding out the cosmetology written theory and clinical examinations and a possible practical examination and the administration of such examinations; Mr. Biggins will work with Ms. Barineau on these issues and advise the board of his findings at the July board meeting.
- Ms. Barineau reminded the board of the department's efforts to bring licensees whose licenses will expire on October 31, 2007, into compliance with the 100% Continuing Education Initiative. She will keep the board posted with the progress of the project.
- The board agreed to conduct a general board business meeting on Sunday, July 23, 2006, in Orlando, Florida.

III. Legislation/Rule Promulgation

- Mr. Biggins will proceed with rulemaking for Rule 61G5-20.002, Florida Administrative Code, to require sanitation and sterilization of pedicure equipment. The rule text will read:

61G5-20.002 - Salon Requirements

(2) Each salon shall comply with the following:

(g) Pedicure Equipment Sterilization and Disinfection:

The following cleaning and disinfection procedures must be used for any pedicure equipment that holds water, including sinks, bowls, basins, pipe-less, and whirlpool spas:

1. After each client, all pedicure units must be cleaned with a chelating soap or detergent with water to remove all visible debris, then disinfected with an EPA registered hospital grade bactericidal, fungicidal, virucidal, and pseudomonacidal disinfectant used according to manufacturers instructions for at least ten (10) minutes. If the pipe-free foot spa has a foot plate, it should be removed and the area beneath it cleaned, rinsed, and wiped dry.
 2. At the end of each day of use, the following procedures shall be used:
 - a. All filter screens in whirlpool pedicure spas or basins for all types of foot spas must be sanitized. All visible debris in the screen and the inlet must be removed and cleaned with a chelating soap or detergent and water. For pipe-free systems, the jet components or foot plate must be removed and cleaned and any debris removed. The screen, jet, or foot plate must be completely immersed in an EPA registered, hospital grade bactericidal, fungicidal, virucidal, and pseudomonacidal disinfectant that is used according to manufacturer's instructions. The screen, jet, or foot plate must be replaced after disinfection is completed and the system flushed with warm water and low-sudsing soap for 5 minutes, rinsed, and drained.
 - b. After the above procedures are completed, the basin should be filled with clean water and the correct amount of EPA registered disinfectant. The solution must be circulated through foot spa system for 10 minutes and the unit then turned off. The solution should remain in the basin for at least 6 to 10 hours. Before using the equipment again, the basin system must be drained and flushed with clean water.
 3. Once each week, subsequent to completing the required end-of-day cleaning procedures, the basin must be filled with a solution of water containing one teaspoon of 5.25% bleach for each gallon of water. The solution must be circulated through the spa system for 5 to 10 minutes and then the solution must sit in the basin, or for at least 6 hours. Before use, the system must be drained and flushed.
 4. A record or log book containing the dates and times of all pedicure cleaning and disinfection procedures must be documented and kept in the pedicure area by the salon and made available for review upon request by a consumer or a Department inspector.
- Mr. Biggins will proceed with rulemaking for Rule 61G5-24.020, Florida Administrative Code, to update the assessment rule with the current dates of assessment in conjunction with renewal of individual licenses due for renewal on October 31, 2006, and October 31, 2007, and salon licenses due for renewal on November 30, 2006.

IV. Action Required

- Mr. Biggins and Mr. Tunnick will prepare final orders from this meeting for filing with the Agency Clerk's Office.

- Mr. Biggins will proceed with rulemaking for Rule 61G5-20.002, Florida Administrative Code, to require sanitation and sterilization of pedicure equipment.
- Mr. Biggins will proceed with rulemaking for Rule 61G5-24.020, Florida Administrative Code, to update the assessment rule with the current dates of assessment in conjunction with renewal of individual licenses due for renewal on October 31, 2006, and October 31, 2007, and salon licenses due for renewal on November 30, 2006.
- The Office of the General Counsel and the Division of Regulation will inform the board at the next meeting of the selected MMA testing vendor.
- The Office of the General Counsel will note on each disciplinary case memo any prior cases involving MMA.
- Board staff will send a copy of the March 27, 2006, letter from the Department of Management Services.
- Mr. Biggins and Ms. Barineau will work together on gathering information on bidding out the cosmetology written theory and clinical examinations and a possible cosmetology practical examination. They will also research bidding out the administration of these examinations and report their findings at the July board meeting.

Robyn Barineau
Executive Director
May 11, 2006