

EXECUTIVE SUMMARY

Board of Cosmetology

I. General Information

Meeting Type:	General Business
Meeting Date:	Sunday, June 3, 2007
Meeting Location:	Florida Hotel and Conference Center 1500 Sand Lake Road Orlando, Florida 32809

Attendees:

Laurel Ritenbaugh, Chair
Myra Jowers, Vice Chair
Laura Brown
Donna Osborne
Monica Smith
John Washington, Director, Division of Regulation, Department of Business and Professional Regulation
Robyn Barineau, Executive Director, Department of Business and Professional Regulation
Dan Biggins, Assistant Attorney General, Department of Legal Affairs
Charles Tunnicliff, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation
Libby 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
Cindy Green, Court Reporter
Bonnie Poole, Florida Cosmetology Association
Chuck Chapman, Florida Cosmetology Association
Robert Valdez, Florida Cosmetology Schools Association
Moriah Murphy, Florida Association of Beauty Professionals
Nancy Bradley, Commission for Independent Education
Jon Conley, The Hairwraps Company
Jerry Gardner, Elite
Louise King, Daytona Beach Community College
Cornelia Popp, Daytona Beach Community College
Rena Woods, Withlacoochee Technical Institute
Yvonne Valdez, Manhattan Hairstyling Academy
Dan Washburn
Donna McKinney, Student at Institute for Creative Enhancement
Pamela Washington, Student at Institute for Creative Enhancement
Maya Thomas
Jodie Mistretta
Mary Sam Butera

II. Major Issues/Actions

- Mr. John Washington, Director, Division of Regulation, addressed the board regarding the salon inspection program. He indicated that the Division of Regulation currently has 16 inspectors to conduct all salon, barbershop and veterinary establishment inspections. He added that 90 percent of all establishments are compliant with all law and rule requirements when inspected. Director Washington asked the board to consider allowing biannual inspections of salons to allow the Division of Regulation to focus, through a reinspection process, on those salons that violate board law and rules. He ensured the board that all salons would be inspected at least once every two years. The board was amenable to Director Washington's proposal and agreed that this plan would be an incentive for compliance by all salons. The board voted to amend Rule 61G5-20.003, Florida Administrative Code, as follows, and asked Mr. Dan Biggins, Assistant Attorney General, to proceed with rulemaking:

“The Department of Business and Professional Regulation shall cause an inspection of all proposed salons to determine if all the requirements have been met. Each licensed salon shall be inspected at least biennially by the Department. No person shall, for any reason intentionally, or directly inhibit an authorized representative of the Department from performing said inspections.”
- Ms. Maya Thomas addressed the board regarding the original intent of the hair braiding law. She indicated that the hair braiding definition should also include the allowance to braid manufactured materials. Chair Laurel Ritenbaugh informed Ms. Thomas that when manufactured materials are braided into an individual's hair, often other cosmetology services must be performed such as cutting and trimming and for this reason, only a cosmetologist is allowed to braid manufactured materials. Ms. Thomas also informed the board that individuals are advertising as hair braiding schools and only the Commission for Independent Education can license a school. Mr. Biggins informed Ms. Thomas that the board approves hair braiding providers and courses, and he suggested she seek private counsel or counsel from the Commission for Independent Education in this matter.
- The board agreed to reconsider disciplinary case no. 2006.014047 against Ms. Shalita Parks. A final order was issued against Ms. Parks on February 14, 2007, which imposed a fine of \$500, costs of \$298.20, restitution of \$1,840.00, and revocation of her cosmetology license. After discussion by the board, the board agreed that the original imposed discipline would remain in full force and effect.
- After presenting 41 disciplinary cases for the board's consideration, Mr. Charles Tunnichliff, Assistant General Counsel, provided his Prosecuting Attorney's Report and reported that as of June 1, 2007, there are 207 cosmetology cases in the legal section. Mr. Tunnichliff also introduced Ms. Libby Duffy, Assistant General Counsel, as the new attorney who will handle future cosmetology cases. He added that he intends to continue to assist with transitioning Ms. Duffy into her new role as the board's prosecutor.
- The board approved five hair braiding course applications and denied one hair braiding course application, approved three hair wrapping course applications, approved three body wrapping course applications and denied two body wrapping course applications, approved four initial HIV/AIDS courses, and denied two continuing education courses.

- The board denied the request of Ms. Gloria Wiggins to grant her both a hair braiding and hair wrapping registration based on experience. They agreed that course requirements must be fulfilled in order to qualify for these registrations.
- Ms. Robyn Barineau, Executive Director, reported that as of December 31, 2006, the balances in their operating and unlicensed activity accounts were \$59,721 and \$354,939, respectively.
- The board asked Ms. Barineau to consult with the Bureau of Education and Testing to determine if a score report could be two pages long so that examination weaknesses could be reported to passing candidates on a separate page and could be detached by the candidate. The board also asked if examination strength/weakness information could somehow be obtained by a candidate online. The board asked Ms. Barineau to report her findings at the July board meeting as to the options available to provide private examination strength/weakness reports to candidates.
- Ms. Donna Osborne reported that although HB 117 and SB 920 passed through the 2007 Legislature, Governor Crist vetoed the legislation. The board expressed disappointment with the veto.
- The board asked that Vice Chair Myra Jowers, Executive Director Robyn Barineau, and board members Donna Osborne and Laura Brown, be approved to attend the National Interstate Council of State Boards of Cosmetology annual conference in Rapid City, South Dakota, from August 25-27, 2007.
- Ms. Barineau reminded all board members to file their Financial Disclosure forms with the Commission on Ethics by July 1, 2007, or they could face financial penalties for each day their forms are not received by the Commission. She also asked that all board members complete their reimbursements for travel and submit them to her office as soon as possible so that all current fiscal year expenses can be paid out of current year funds.
- The board previously reviewed a proposed salon flyer originally prepared by Vice Chair Laurel Ritenbaugh which includes information relating to sanitation tips for licensees and their customers, information relating to the proposed rule for sanitizing and sterilizing foot baths, and information encouraging individuals to file unlicensed activity complaints. The board would like to require salons to post this flyer and have inspectors distribute the flyer to salons for posting. Mr. Dan Biggins, Assistant Attorney General, will draft rule language to require salons to post the flyer with their most current inspection sheets. The board will further discuss the proposed flyer at the next board meeting.
- The board discussed a letter included in the agenda from Ms. Salome Macko regarding the definition of hair wrapping and the differences between manufactured hair and hair extensions. The board asked Mr. Biggins to respond to Ms. Macko's letter.
- The board discussed an email included in the agenda from Mr. Tom Fiala regarding photo-facials and intense pulse light therapy and which Board of Cosmetology licensees can perform these services. The board asked Mr. Biggins to respond to Mr. Fiala's email suggesting that he request a declaratory statement to address his questions.
- The board discussed an email included in the agenda from Ms. Tonya Moore regarding her concerns with the dangers involved with eyelash extensions. The board asked Ms. Barineau to respond to Ms. Moore thanking her for bringing her concerns to their attention.

- The board discussed an email included in the agenda from Ms. Stephanie Schlageter regarding thermage and which Board of Cosmetology licensees can perform this service. After discussion, the board agreed that Ms. Schlageter should be referred to the Board of Medicine for assistance.
- Ms. Moriah Murphy, co-Executive Director of the Florida Association of Beauty Professionals (FAB), thanked the board for the opportunity to make an appearance at the board meeting. She informed the board that FAB is a non-profit trade association based in Tallahassee. She added that FAB will be partnering with the board, the department and the cosmetology industry with cosmetology initiatives, and FAB intends to participate in future board meetings. Mr. Robert Valdez, Florida Cosmetology School Association (FCSA), indicated that the FCSA is partnering with FAB to bring one voice for the cosmetology industry and schools.

III. Legislation/Rule Promulgation

- Mr. Biggins will proceed with rule development for Rule 61G5-20.003, Florida Administrative Code.

IV. Action Required

- Mr. Biggins and Mr. Tunnick will prepare final orders from this meeting for filing with the Agency Clerk's Office.
- The board will further discuss the proposed sanitation flyer for posting in salons at the July 2007 board meeting.
- Ms. Barineau will work with the Bureau of Education and Testing and explore additional examination strength/weakness information and provide their research at the next board meeting.
- Mr. Biggins will respond to the letter from Ms. Salome Macko regarding the definition of hair wrapping.
- Mr. Biggins will respond to the email from Mr. Tom Fiala regarding the board's licensees that can perform photo-facials and intense pulse light therapy suggesting that he seeks a declaratory statement to address these issues.
- Ms. Barineau will send an email from the board thanking Ms. Tonya Moore for her concerns regarding eyelash extensions.
- Ms. Barineau will send an email from the board to Ms. Stephanie Schlageter referring her to the Board of Medicine with questions relating to thermage procedures.
- The board will conduct its next meeting in Orlando, Florida, on Monday, July 23, 2007, and Tuesday, July 24, 2007.

Robyn Barineau
Executive Director
June 15, 2007