

EXECUTIVE SUMMARY **Board of Cosmetology**

I. General Information

Meeting Type: General Business
Meeting Date: Monday, July 23, 2007, and Tuesday, July 24, 2007
Meeting Location: Florida Hotel and Conference Center
1500 Sand Lake Road
Orlando, Florida 32809

Attendees:

Myra Jowers, Vice Chair

Ginny Fincel

Donna Osborne

Rosabel Ramos

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 Tunnick, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation

Elizabeth 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

Michael Green, Unlicensed Activity Administrator, Division of Regulation, Department of Business and Professional Regulation

Mary Diebler, Court Reporter

Heather Herrington, Court Reporter Intern

Bonnie Poole, Florida Cosmetology Association

Chuck Chapman, Florida Cosmetology Association

Rick Wallace, Florida Association of Beauty Professionals

David Burt, President, JADE Learning, Inc.

Heather Ferrell, Instructional Designer, JADE Learning, Inc.

Amy Heckendorf, Instructional Designer, JADE Learning, Inc.

Louise Hersey

Richard Ramos

II. Major Issues/Actions

- Vice Chair Myra Jowers welcomed new members, Ginny Fincel and Rosabel Ramos, to the Board of Cosmetology.
- The board denied two hair braiding course applications, approved one body wrapping course application, approved one initial HIV/AIDS course application, and approved 16 continuing education course applications.

- Mr. John Washington, Director, Division of Regulation, addressed the board regarding the proposed biennial salon inspection program. He informed the board that allowing inspectors to conduct inspections of all salons at least once every two years will increase effectiveness of the inspection program. He added that one-half of the salons will be inspected one year and the other half will be inspected the following year. The Division of Regulation will follow up with all salons not in compliance generally within four months after an inspection. New salons will be inspected within 60 days after a salon license has been issued. Director Washington indicated that the newly reformatted program will allow inspectors to dedicate more time to all inspections and give them an opportunity to inform the salon owners and employees of new law or rule changes. More sweeps and stings will be conducted. A listing of delinquent and suspended salons will be followed up on after renewal periods. Inspectors will partner with local law enforcement to work toward compliance in all salons. Productivity will be recorded and quarterly reviews will be conducted. He thanked the board for their willingness to move in this direction. Mr. Dan Biggins, Assistant Attorney General, reported that if the rule amendment allowing for biennial inspections rather than the current annual inspections continues to progress without objection, it should become effective within approximately 60 days.
- Mr. Michael Green, Unlicensed Activity Administrator, gave an overview of the department's unlicensed activity program. He mentioned that each department regional investigative office will conduct at least two sweeps per month in suspected unlicensed activity areas. He indicated that a public service announcement will be created and aired relating to the combating of unlicensed activity and the sanitation requirements in the barbering and cosmetology professions. Mr. Green asked the board for their top three consumer protection concerns and the board offered the following response: (1) sanitation requirements with special attention to foot baths; (2) prohibited use of methyl methacrylate (MMA); and (3) unlicensed activity. Mr. Green will provide the board with additional information related to the unlicensed activity program and related efforts at a later meeting.
- Ms. Donna Osborne, Chair of the Legislation Committee, reported that she understands that the cosmetology bill proposed during the 2007 Legislative Session will again be presented during the 2008 Legislative Session. She mentioned that the proposed Hair Technician license was most objectionable in the 2007 legislation.
- Ms. Robyn Barineau, Executive Director, informed the board of an ongoing project relating to information cosmetology schools are able to obtain through the department's website. She added that in the very near future, cosmetology schools will be sent a letter providing them with a pin number for them to download a listing from the department's website of all students who have applied to take the cosmetology examination from their schools. Ms. Barineau will provide more information relating to this initiative at the next meeting.
- Ms. Barineau will make some minor formatting changes to the proposed consumer-protection flyer and have graphics added to the flyer. The flyer 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. The board also suggested that inspectors distribute the flyer to salons for posting and a downloadable, PDF version be available on the board's website. 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.

- Ms. Barineau reported that as of March 31, 2007, the combined balance in the board's operating and unlicensed activity accounts was approximately \$15,000.
- Ms. Barineau mentioned the department's efforts to bring hair braiding, hair wrapping and body wrapping registrants whose registrations 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.
- Ms. Barineau consulted with the department's Bureau of Education and Testing to determine if a score report could be two pages long so that examination strengths and weaknesses could be reported to passing candidates on a separate page and could be detached by the candidate. She provided the board with a copy of a similar passing report which the testing vendor, Promissor, provides for the Ohio State Board of Cosmetology. Ms. Barineau indicated that the report will not be as detailed as the Ohio report but will show strength and weakness areas. The board approved the report format and asked that Ms. Barineau advise the Bureau of Education and Testing to have Promissor begin providing the passing candidates with strength and weakness reports on a detachable second page.
- Vice Chair Jowers and Ms. Osborne will attend the National Interstate Council of State Boards of Cosmetology annual conference in Rapid City, South Dakota, from August 25-27, 2007, and provide the board with a report on the conference at the next board meeting.
- The board discussed an email included in the agenda from Mr. Frank Grunewald regarding Light Emitting Devices (LEDs) being used in tanning salons. The board asked Mr. Biggins to respond to Mr. Grunewald's email indicating that a license is required to operate an LED machine.
- The board discussed an email included in the agenda from Mr. Ian Bary Seitman regarding cold lasers for use by cosmetology licensees. The board asked Mr. Biggins to respond to Mr. Seitman's email suggesting that he request a declaratory statement to address his questions.
- Mr. Rick Wallace, co-Executive Director of the Florida Association of Beauty Professionals (FAB), introduced himself and thanked the board for the opportunity to make an appearance at the board meeting. He added that FAB continues to grow with a current membership of over 1,200. He added that FAB will be partnering with the board, the department and the cosmetology industry on future legislative initiatives including workshops to develop legislation.
- Ms. Bonnie Poole, Florida Cosmetology Association (FCA), thanked the board for the opportunity to speak and indicated that the FCA is the only working cosmetology association in the State of Florida having been in existence for over 68 years.
- After presenting 41 disciplinary cases for the board's consideration, Ms. Elizabeth Duffy, Assistant General Counsel, provided her Prosecuting Attorney's Report and reported that as of July 19, 2007, there are 198 cosmetology cases in the legal section.
- The board agreed to the following meeting dates and locations:
 - January 28 and 29, 2008 – Orlando or Tampa
 - April 27 and 28, 2008 – Orlando or Tampa
- The board elected Ms. Myra Jowers as Chair of the Board of Cosmetology and Ms. Donna Osborne as Vice Chair of the Board of Cosmetology.

III. Legislation/Rule Promulgation

- Mr. Biggins will draft a rule to require a consumer-protection flyer approved by the department to be posted in all cosmetology salons for discussion at the next board meeting.

IV. Action Required

- Mr. Biggins and Ms. Duffy will prepare final orders from this meeting for filing with the Agency Clerk's Office.
- Mr. Green will provide the board with additional information related to the unlicensed activity program and related efforts at a later meeting.
- Ms. Barineau will provide additional information at the next board meeting relating to the initiative which will allow cosmetology schools to download listings of their students who have applied to take the cosmetology examination.
- The board will further discuss the proposed sanitation flyer for posting in salons at the October 2007 board meeting.
- Ms. Barineau will continue to keep the board apprised of the continuing education initiative for hair braiders, hair wrappers and body wrappers.
- Ms. Barineau will inform the Bureau of Education and Testing that the board would like to proceed with examination strength and weakness information on a second-page of a passing score report.
- Chair Jowers and Vice Chair Osborne will report on the National Interstate Council of State Boards of Cosmetology annual conference at the next board meeting.
- Mr. Biggins will respond to the emails from Mr. Frank Grunewald and Mr. Ian Bary Seitman.
- The board will conduct its next meeting in Miami, Florida, on Monday, October 15, 2007.

Robyn Barineau
Executive Director
August 7, 2007