

MINUTES

**BOARD OF COSMETOLOGY
Department of Business and Professional Regulation
Florida Hotel and Conference Center
1500 Sand Lake Road
Orlando, Florida 32809**

Monday, July 23, 2007 – 10:00 a.m.

The Board of Cosmetology meeting was called to order at approximately 10:00 a.m., by Ms. Myra Jowers, Vice Chair.

Board Members Present

Myra Jowers, Vice Chair
Donna Osborne
Ginny Fincel
Rosabel Ramos

Board Members Absent

Monica Smith

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation
Dan Biggins, Assistant Attorney General, Department of Legal Affairs
John R. Washington, Division Director, Division of Regulations, Department of Business and
Michael Green, Unlicensed Activity Administrator, Division of Regulation, Department of Business and Professional Regulation
Dana Ewaldt, Government Analyst, Department of Business and Professional Regulation

Interested Parties Present

Bonnie, Poole, Florida Cosmetology Association
Chuck Chapman, Florida Cosmetology Association
David Burt, President, JADE Learning, Inc.
Heather Ferrell, Instructional Designer, JADE Learning, Inc.
Amy Heckendorf, Instructional Designer, JADE Learning, Inc.
Rick Wallace, Florida Association of Beauty Professionals
Louise Hersey
Richard Ramos

The meeting was opened with a roll call and a quorum was established. Ms. Robyn Barineau, Executive Director, welcomed the new board members to the meeting.

Approval of Minutes: June 3, 2007

Ms. Donna Osborne moved to approve the minutes from the June 3, 2007, board meeting. Ms. Ginny Fincel seconded the motion to approve the minutes and the motion passed unanimously.

Applications

Applications for Hair Braiding Courses

- Jacksonville Beauty Institute
After review and discussion of the course application, Ms. Osborne moved to deny the application since the information contained in the course outline is incomplete, the course outline and objective do not comply with Florida cosmetology sanitation requirements and based on the reference to “selecting a treatment” in the course objective since a hair braider is not authorized to treat diseases or disorders of the scalp. Vice Chair Jowers seconded the motion and the motion passed unanimously.

- Cassandra’s Braiding Academy
After review and discussion of the course application, Ms. Osborne moved to deny the application based on information contained in the course objective in relation to “treatments” of scalp diseases and disorders since a hair braider is not authorized to treat diseases or disorders of the scalp. Ms. Fincel seconded the motion and the motion passed unanimously.

Initial HIV/AIDS Course Applications

- Vutram, Inc.
Ms. Barineau noted that the course completion certificate is missing the course number reference. Ms. Osborne moved that the board approve the course application with the contingency of correcting the course completion certificate by including the course number. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Fincel seconded the motion. The motion passed unanimously.

Continuing Education Course Applications

- Nadine Forbes, Inc.,
Anatomy of Facial Expression – 2 Hours Home Study/Video
After review and discussion, Ms. Osborne moved that the board approve the provider application and the course application. Ms. Fincel seconded the motion and the motion passed unanimously.

- Modern Salon Learning
Advanced Highlighting Techniques – 1 Hour Internet
 After review and discussion, Ms. Osborne moved that the board approve the course application. Ms. Fincel seconded the motion. The motion passed unanimously.
- Modern Salon Learning
Corrective Color – 1 Hour Internet
 After review and discussion, Ms. Osborne moved that the board approve the course application. Vice Chair Jowers seconded the motion. The motion passed unanimously.
- Modern Salon Learning
Best Blondes – 1 Hour Internet
 After review and discussion, Ms. Osborne moved that the board approve the course application. Ms. Fincel seconded the motion. The motion passed unanimously.
- JADE Learning
Chemical Basics of Hair, Skin and Nails – 2 Hours Internet
 Present for the meeting and representing JADE Learning were Mr. David Burt, President, Ms. Heather Ferrell, Instructional Designer, and Ms. Amy Heckendorf, Instructional Designer. After review and discussion of the course material, Ms. Osborne moved that the board approve the provider application and the course application. Ms. Fincel seconded the motion. The motion passed unanimously.
- JADE Learning
CSI: Sanitation & Sterilization - Solve the Case – 3 Hours Internet
 After review and discussion, Ms. Osborne moved that the board approve the course application with minor changes to the curriculum. In the investigation portion of the case scenarios, Ms. Osborne noted several inappropriate usages of the word “diagnosis” and suggested using the word “recognize” instead since a Florida cosmetology licensee or registrant is not authorized to diagnose. Ms. Osborne noted product names mentioned throughout the case scenarios. Mr. Burt verbally agreed to remove the product references and replace the word diagnosis as noted by Ms. Osborne. Ms. Fincel seconded the motion. The motion passed unanimously.
- JADE Learning
Going Green! Environmental Issues in Cosmetology – 1 Hour Internet
 Ms. Fincel moved that the board approve the course material as presented. Ms. Osborne seconded the motion. The motion passed unanimously.
- JADE Learning
(HIV/AIDS Today – 2 Hours Internet)
 Ms. Osborne moved that the board approve the course material as presented. Ms. Fincel seconded the motion and the motion passed unanimously.

- JADE Learning
The Perfect Style – 4 Hours Internet
 Ms. Osborne moved that the board approve the course material as presented. Ms. Fincel seconded the motion and the motion passed unanimously.
- JADE Learning
The Perfect Style, Home Study – 4 Hours Home Study
 Ms. Osborne moved that the board approve the course material as presented. Ms. Fincel seconded the motion and the motion passed unanimously.
- JADE Learning
Rule the Business, Know the Laws - 2 Hours Internet
 Ms. Osborne moved that the board approve the course material as presented. Ms. Fincel seconded the motion and the motion passed unanimously.
- JADE Learning
Techniques for Dimensional Color - 4 Hours Internet
 Ms. Osborne moved that the board approve the course material as presented. Ms. Fincel seconded the motion and the motion passed unanimously.
- JADE Learning
What You Should Know About Worker’s Compensation - 1 Hour Internet
 Ms. Osborne moved that the board approve the course material as presented. Ms. Fincel seconded the motion and the motion passed unanimously.
- JADE Learning
Work Safe – OSHA for Cosmetologists – 1 Hour Internet
 Ms. Osborne moved that the board approve the course material as presented. Ms. Fincel seconded the motion and the motion passed unanimously.
- Go To Learn, LLC., d/b/a FAB
 (Formerly Known as North Florida Cosmetology Institute)
AAA Continuing Education for Salon Professionals – 16 Hours Home Study & Internet
 Ms. Osborne moved that the board deny the renewal course application based on inconsistencies of copyright editions and current updates of the reference materials. Vice Chair Jowers seconded the motion. The motion passed unanimously.

- Go To Learn, LLC., d/b/a FAB
(Formerly Known as North Florida Cosmetology Institute)
HIV/AIDS Awareness – 2 Hours Home Study & Internet
Ms. Osborne moved that the board deny the renewal course application based on inconsistencies of copyright editions and current updates of the reference materials. Vice Chair Jowers seconded the motion. The motion passed unanimously.

Applications for Body Wrapping Courses

- ASM Beauty World Academy
Ms. Barineau reminded the board that they denied the body wrapping course application at their July 3, 2007, board meeting due to inch loss claims stated in the lesson objective. ASM Beauty World Academy resubmitted the course material with the inch loss claims removed. Ms. Osborne noted in the Chapter 1 of the outline the phrase “learn how to treat people with HIV/AIDS” could be misleading. Ms. Fincel suggested “living and working with HIV/AIDS” as a replacement. Ms. Osborne moved that the board approve the application course materials with a contingency of the replacing the misleading phrase in Chapter 1 of the course outline and that the correction be submitted to the Executive Director within 30 days. Ms. Fincel seconded the motion and the motion passed unanimously.

Committee Reports

Continuing Education Committee – Ginny Fincel, Chair

Vice Chair Jowers appointed Ms. Fincel to fill the Continuing Education Committee Chair position.

Rules Committee – Donna Osborne, Chair

Ms. Osborne had no additional report at this time.

Legislative Committee – Donna Osborne, Chair

Ms. Osborne reported that she understands the cosmetology bill proposed during the 2007 Legislative Session will again be presented during the 2008 Legislative Session. Ms. Osborne mentioned that the proposed Hair Technician license was most objectionable in the 2007 legislation.

Old Business

Proposed Biennial Salon Inspection Program

Mr. John Washington, Director, Division of Regulation addressed the board regarding the proposed biennial salon inspection program. He stated that by amending their Rule and allowing inspectors to conduct salon inspections at least once every two years will increase the effectiveness of the program and allow the inspectors more flexibility to focus on unlicensed activity sweeps, stings and MMA initiatives. It will also provide a better opportunity to follow up with the salons not in compliance generally within four months after an inspection. Mr. Washington added that one-half of the salons will be inspected one year and the other half will be inspected the following year and that new salons will be inspected within 60 days after a salon license has been issued. The newly reformatted program will allow inspectors the ability to dedicate more time at each inspection and give them the opportunity to inform the salon owners and employees of new law or rule changes as well as random inspection scheduling would help curtail “word spreading” throughout a particular area while other inspections are being 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 compliance in all salons. Director Washington thanked the board and expressed his appreciation for their willingness to move in this direction.

New Business

Update Of Proposed Sanitation Flyer for Salons

Ms. Barineau provided the board with a draft version of the proposed consumer protection flyer for salons from the department’s communication office. Vice Chair Jowers stated that the notice should be condensed or reduced and suggested using bulleted information particularly in regards to the foot bath sanitation procedures. Ms. Osborne suggested adding graphics to the flyer. Ms. Barineau stated that she will make some minor edits. The board would like to require salons to post this flyer in a conspicuous place visible to the public much like the display of documents and display of the latest inspection sheet requirements.

New Business

Unlicensed Activity Campaign

Mr. Michael Green, Unlicensed Activity Administrator, Division of Regulations, presented an overview of the department’s unlicensed activity program. Mr. Green stated that each regional investigative office will conduct at least two sweeps per month in suspected unlicensed activity areas. Mr. Green informed the board that a public service announcement will be created and aired relating to the combating of unlicensed activity and sanitation requirements in the cosmetology and barbering professions. Mr. Green asked the board to provide him with their top three consumer protection concerns, which are: (1)

sanitation requirements between customers with special attention to foot baths; (2) prohibited use of methyl methacrylate (MMA); and (3) unlicensed activity. Mr. Green will provide additional information relating to the unlicensed activity program and related efforts at a later meeting.

Other Business

Executive Directors Report

Financial Report, March 31, 2007 - Operating Account

Financial Report, March 31, 2007 - Unlicensed Activity Account

As of March 31, 2007, the combined balance in the board's operating and unlicensed activity account was approximately \$15,000.

Hair Braider, Hair Wrapper and Body Wrapper Continuing Education Initiative

Ms. Barineau informed the board of the department's efforts to bring hair braiding, hair wrapping and body wrapping registrants whose registrations expire on October 31, 2007, into compliance with the 100% renewal continuing education initiative. She will provide an update of the project progress at the next meeting.

National Accrediting Commission of Cosmetology Arts & Sciences, Inc. (NACCAS) Newsletter - Volume 3 No. 3

Ms. Barineau informed the board that the National Accrediting Commission of Cosmetology Arts and Sciences Newsletter was included in the agenda for informational purposes.

Complaints and Investigative Statistics Report July 2006–May 2007

Ms. Barineau informed the board that the complaints and investigative statistics report for July 2006 through May 2007 was included in the agenda for informational purposes.

National Interstate Council of State Boards of Cosmetology, Inc. (NIC) Newsletter April/May/June Volume 63 No. 2

Ms. Barineau informed the board that the National Interstate Council of State Boards of Cosmetology Newsletter was included in the agenda for informational purposes.

Board Attorney's Report

Proposed Draft to Rule 61G5-20.003, F.A.C. – Inspections

Mr. Dan Biggins, Assistant Attorney General, informed the board that if the rule amendment continues to progress without objection, it should become effective within

approximately 60 days.

Bureau of Education and Testing

Examination Strength and Weakness Report Update

The department's Bureau of Education and Testing provided an example of an examination strength and weakness report which the testing vendor, Promissor, provides to the Ohio State Board of Cosmetology examination candidates. The score report is two pages long so that examination strengths and weaknesses are reported to passing candidates on a separate page and could be detached by the candidate. Ms. Barineau indicated that the report would not be as detailed as the example provided however the report would show the strength and weakness areas. The board approved the report format and requested Ms. Barineau advise the Bureau of Education and Testing to have Promissor begin providing the passing cosmetology examination candidates with the strength and weakness report on a detachable second page.

Board Member Comments

Ms. Osborne welcomed Ms. Ginny Fincel and Ms. Rosabel Ramos to the board.

Chairperson Comments

Vice Chair Jowers also welcomed the new board members.

Ms. Jowers reminded the board that she and Ms. Osborne will be attending the National Interstate Council of State Boards of Cosmetology annual conference in Rapid City, South Dakota, from August 25-27, 2007, and that she will provide the board with a report of the conference at the next board meeting.

Public Comments

Email From Mr. Anthony Misco Regarding SB920

Ms. Barineau informed the board that this correspondence was included in the agenda for information purposes.

Email Inquiry From Mr. Ian Bary Seitman Regarding Cold Lasers

The board office received an email inquiry regarding cold laser for use by cosmetologists in cosmetology salons. The board requested Mr. Biggins respond to Mr. Seitman's inquiry 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. Mr. Wallace stated that FAB continues to grow with a current membership of over 1,200. Mr. Wallace added that FAB will be partnering with the

board, the department, the cosmetology industry, and cosmetology schools on future legislative initiatives to include workshops for developing future legislation proposals.

Ms. Bonnie Poole, Florida Cosmetology Association (FCA), thanked the board for the opportunity to appear before them and indicated FCA is the only working cosmetology association in Florida having been in existence for over 68 years.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:50 p.m.