

MINUTES

**BOARD OF COSMETOLOGY
Department of Business and Professional Regulation
The Florida Hotel and Conference Center
1500 Sand Lake Road
Orlando, Florida 32806**

Monday, November 20, 2006

The Board of Cosmetology meeting was called to order at approximately 10:00 a.m., by Mr. Joseph Caetano, Chair.

Board Members Present

Joseph Caetano, Chair
Laurel Ritenbaugh, Vice Chair
Donna Osborne
Laura Brown
Myra Jowers

Board Members Absent

Monica Smith

Other Persons Present

Robyn Barineau, Executive Director, DBPR
Dan Biggins, Assistant Attorney General, Department of Legal Affairs
Charles Tunnickliff, Assistant General Counsel, Office of the General Counsel, DBPR
Tiffany Harrington, Assistant General Counsel, Office of the General Counsel, DBPR
Dana Ewaldt, Government Analyst, DBPR

Interested Parties Present

Dianna Garcia, Court Reporter
Yolando Cazares, Yula, Inc.
Michael Stahl, Continuing Education Provider
Kai Keach, Nails by Kai
Louise King, Daytona Beach Community College
Betty Nguyen, Regal Nails, L.L.C.
Canh Truong, Regal Nails, L.L.C.
Loan Nguyen, Regal Nails, L.L.C.
Charlie Ton, Regal Nails, L.L.C.
John Conley, The Hairwraps Company, Inc.
Dan Washburn, Springline Corp.

The meeting was opened with a roll call and a quorum was established. Chair Joseph Caetano excused Ms. Monica Smith's absence from the meeting.

Approval of Minutes: April 23, 2006

Mrs. Laura Brown moved to approve the minutes from the July 23, 2006, board meeting. Ms. Donna Osborne seconded the motion to approve the minutes and the motion passed unanimously.

Applications

Applications for Hair Braiding Courses

- Circuit Works
After review and discussion of the course application, Vice Chair Laurel Ritenbaugh moved to deny the application based on the incorrect reference to body wrapping, sanitation, and treatment of scalp diseases. Ms. Osborne seconded the motion and the motion passed unanimously.
- Graham Moore Hair Braiding
After review and discussion of the course application, Vice Chair Ritenbaugh noted that the wording of the course completion certificate could possibly be misinterpreted as being endorsed by the Board of Cosmetology. Vice Chair Ritenbaugh moved to approve the course application with a contingency of inserting the word "approved" after Board of Cosmetology. The correction must be submitted to the Executive Director within 30 days of the date of the order for her approval. Ms. Myra Jowers seconded the motion. The motion passed unanimously.
- Hair It Iz
After review and discussion of the course application, Vice Chair Ritenbaugh moved to deny the application based on the incorrect reference to The Department of Health and based on the numerous misspellings throughout the course material. Mrs. Brown seconded the motion. The motion passed unanimously.
- Universal Beauty Salon and Products
After review and discussion of the course application, Vice Chair Ritenbaugh moved to deny the application based on the incorrect reference to dandruff treatment as well as the numerous misspellings throughout the course material. Mrs. Brown seconded the motion. The motion to deny the application passed unanimously.

- Latin American Beauty School
After review and discussion of the course application, Vice Chair Ritenbaugh moved to approve the application. Ms. Osborne seconded the motion and the motion passed unanimously.
- CEUWorks.com
After review and discussion of the course application, Vice Chair Ritenbaugh moved to deny the application based on the reference to treatments of scalp disorders and based on the reference to disinfecting tools used in the practice of cosmetology. Usage of the referenced tools is beyond the scope of authority for a hair braider. Mrs. Brown seconded the motion and the motion passed unanimously.

Applications for Hair Wrapping Courses

- Circuit Works
After review and discussion of the course application, Vice Chair Ritenbaugh moved to deny the application based on the incorrect reference to body wrapping, sanitation, and treatment of scalp diseases. Ms. Osborne seconded the motion and the motion passed unanimously.
- Exotica Academy, Inc.
After review and discussion of the course application, Ms. Jowers moved to approve the application. Vice Chair Ritenbaugh seconded the motion and the motion passed unanimously.
- Hair It Iz
After review and discussion of the course application, Mrs. Brown moved to deny the application based on the incorrect reference to The Department of Health and based on the misspellings throughout the course material. Ms. Osborne seconded the motion. The motion passed unanimously.
- Latin American Beauty School
After review and discussion of the course application, Vice Chair Ritenbaugh moved to approve the application. Ms. Osborne seconded the motion and the motion passed unanimously.
- CEUWorks.com
After review and discussion of the course application, Vice Chair Ritenbaugh moved to deny the application based on the reference to treatments of scalp disorders and the reference to disinfecting tools used in the practice of cosmetology. Usage of the referenced tools is beyond the scope of authority for a hair wrapper. Mrs. Brown seconded the motion and the motion passed unanimously.

Applications for Body Wrapping Courses

- Exotica Academy, Inc.
After review and discussion of the course material, Ms. Osborne moved to approve the course application with a contingency of removing the “inch-loss” claim from the course outline. The correction must be submitted to the Executive Director within 30 days of the date of the order for her approval. Vice Chair Ritenbaugh seconded the contingency motion. The motion passed unanimously.
- Slender Solutions, LLC
After review and discussion of the course application, Vice Chair Ritenbaugh moved to approve the application. Mrs. Brown seconded the motion and the motion passed unanimously.
- ASM Beauty World Academy, Inc.
After review and discussion of the course material, Vice Chair Ritenbaugh moved that the board deny the application based on weight-loss claims. Mrs. Brown seconded the motion and the motion passed unanimously.
- Hollywood Institute of Beauty Careers
After review and discussion of the course application, Mrs. Brown moved to deny the application based on the course outline specifying “continuing education” instead of “initial education” and based on weight-loss and cellulite reduction claims. Ms. Jowers seconded the motion. The motion passed unanimously.
- Professional Hand Institute
Vice Chair Ritenbaugh moved to approve the course application. Mrs. Brown seconded the motion and the motion passed unanimously. Vice Chair Ritenbaugh suggested board staff contact this provider to request correction of the spelling errors.
- Latin American Beauty School
Vice Chair Ritenbaugh moved to approve the course application. Mrs. Brown seconded the motion and the motion passed unanimously.
- CEUWorks.com
After review and discussion of the course application, Vice Chair Ritenbaugh moved to deny the application based on the reference to treatments of scalp disorders, wart removal and the reference to disinfecting tools used in the practice of cosmetology. Usage of the referenced tools is beyond the scope of authority for a body wrapper. Mrs. Brown seconded the motion and the motion passed unanimously.

Initial HIV/AIDS Course Applications

- Angel's Nails & Skincare Academy, Inc.
Vice Chair Ritenbaugh moved to approve the application. Ms. Osborne seconded the motion. The motion passed unanimously.
- Hair It Iz
After review and discussion of the course application Mrs. Brown moved that the board approve the application with a contingency that the course completion certificate be amended to include a line indicating the date of completion and that the provider signature space be corrected to read "signed" instead of "singed". The amended completion certificate must be submitted to the Executive Director for approval within 30 days of the date of the order. Ms. Jowers seconded the motion and the motion passed unanimously.
- Eureka Institute of Health & Beauty
Mrs. Brown moved to approve the application. Ms. Osborne seconded the motion. The motion passed unanimously.
- Exotica Academy, Inc.
Vice Chair Ritenbaugh moved to approve the application. Ms. Osborne seconded the motion. The motion passed unanimously.
- Michael L. Stahl
Mr. Michael Stahl was present for the meeting. After review and discussion of the course application, Ms. Osborne moved to approve the application. Mrs. Brown seconded the motion. The motion passed unanimously.
- Latin American Beauty School
Vice Chair Ritenbaugh moved to approve the course application. Mrs. Brown seconded the motion and the motion passed unanimously.

Continuing Education Course Applications

- Nature Synergy, Inc. – Nature Synergy Rejuvenating Face Lift Massage 12 Hours (Live & Home Study)
After review and discussion, Mrs. Brown moved to deny the application as the references to massage and face lifts are beyond the scope of authority for a registered Facial Specialist in the State of Florida. Ms. Osborne seconded the motion and the motion passed unanimously.
- Continuing Education Concepts – State & Federal Laws and Rules (2 Hours Live)
After review and discussion, Vice Chair Ritenbaugh moved to deny the application based on the course outline requires further clarification and based on the reference to federal laws. Ms. Osborne seconded the motion.

The motion passed unanimously.

- Dudley Products, Inc. – Developing the Winner In You (2 Hours Conference/Trade Show)
After review and discussion, Ms. Osborne moved to deny the application based on the course outline referencing North Carolina State Board of Cosmetic Arts and that the course is product driven. Ms. Jowers seconded the motion. The motion passed unanimously.
- Dudley Products, Inc. – Packaging Your Products for Profit (2 Hours Conference/Trade Show)
After review and discussion, Ms. Osborne moved to deny the application based on the course outline referencing North Carolina State Board of Cosmetic Arts and that the course is product driven. Ms. Jowers seconded the motion. The motion passed unanimously.
- Dudley Products, Inc. – Trend Analysis (2 Hours Conference/Trade Show)
After review and discussion, Ms. Osborne moved to deny the application based on the course outline referencing North Carolina State Board of Cosmetic Arts and that the course is product driven. Ms. Jowers seconded the motion. The motion passed unanimously.
- Dudley Products, Inc. – Trichology (2 Hours Conference/Trade Show)
After review and discussion, Ms. Osborne moved to deny the application based on the course outline referencing North Carolina State Board of Cosmetic Arts and that the course is product driven. Ms. Jowers seconded the motion. The motion passed unanimously.
- Dudley Products, Inc. – Shear Factor (2 Hours Conference/Trade Show)
After review and discussion Ms. Osborne moved to deny the application based on the course outline referencing North Carolina State Board of Cosmetic Arts and that the course is product driven. Ms. Jowers seconded the motion. The motion passed unanimously.
- Dudley Products, Inc. – Masterpieces (2 Hours Conference/Trade Show)
After review and discussion Ms. Osborne moved to deny the application based on the course outline referencing North Carolina State Board of Cosmetic Arts and that the course is product driven. Ms. Jowers seconded the motion. The motion passed unanimously.
- Dudley Products, Inc. – Natural Hair Care (2 Hours Conference/Trade Show)
After review and discussion, Ms. Osborne moved to deny the application based on the course outline referencing North Carolina State Board of Cosmetic Arts and that the course is product driven. Ms. Jowers seconded the motion. The motion passed unanimously.

- Dudley Products, Inc. – Express Yourself (2 Hours Conference/Trade Show)
 After review and discussion, Ms. Osborne moved to deny the application based on the course outline referencing North Carolina State Board of Cosmetic Arts and that the course is product driven. Ms. Jowers seconded the motion. The motion passed unanimously.
- Dudley Products, Inc. – Color Creations (2 Hours Conference/Trade Show)
 After review and discussion, Ms. Osborne moved to deny the application based on the course outline referencing North Carolina State Board of Cosmetic Arts and that the course is product driven. Ms. Jowers seconded the motion. The motion passed unanimously.
- Dudley Products, Inc. – Leading Your Salon to Success (2 Hours Conference/Trade Show)
 After review and discussion, Ms. Osborne moved to deny the application based on the course outline referencing North Carolina State Board of Cosmetic Arts and that the course is product driven. Ms. Jowers seconded the motion. The motion passed unanimously.
- Dudley Products, Inc. – Skin Care Solutions (2 Hours Conference/Trade Show)
 After review and discussion, Ms. Osborne moved to deny the application based on the course outline referencing North Carolina State Board of Cosmetic Arts and that the course is product driven. Ms. Jowers seconded the motion. The motion passed unanimously.
- Dudley Products, Inc. – Party Pleasures (2 Hours Conference/Trade Show)
 After review and discussion, Ms. Osborne moved to deny the application based on the course outline referencing North Carolina State Board of Cosmetic Arts and that the course is product driven. Ms. Jowers seconded the motion. The motion passed unanimously.
- Dudley Products, Inc. – Elevate Your Income with Parties (2 Hours Conference/Trade Show)
 After review and discussion, Ms. Osborne moved to deny the application based on the course outline referencing North Carolina State Board of Cosmetic Arts and that the course is product driven. Ms. Jowers seconded the motion. The motion passed unanimously.
- Dudley Products, Inc. – Retailing Your Way to the Bank (2 Hours Conference/Trade Show)
 After review and discussion, Ms. Osborne moved to deny the application based on the course outline referencing North Carolina State Board of Cosmetic Arts and that the course is product driven. Ms. Jowers seconded the motion. The motion passed unanimously.

Committee Reports

Continuing Education Committee – Laura Brown, Chair

Mrs. Brown had no additional report at this time.

Rules Committee – Donna Osborne, Chair

Ms. Osborne had no additional report at this time.

Legislative Committee – Donna Osborne, Chair

Ms. Osborne stated that she has concerns with the language of HB771 regarding the public school programs. It is her feeling that the public school program should be at least 90 minutes a day for a period of two years. Vice Chair Rittenbaugh suggested the bill language present a 'bridge' program through the public school system. Ms. Osborne will contact Ms. Mary Crew with the Florida Department of Education to discuss the matter further. Chair Caetano suggested that Ms. Osborne consider contacting the newly formed state cosmetology association, Florida Association of Beauty Professionals (FAB), as they have expressed an interest in supporting and endorsing proposed cosmetology legislation.

Old Business

Proposed Sanitation Flyer for Salons

The board reviewed the proposed salon flyer prepared by Vice Chair Ritenbaugh. The flyer includes information relating to sanitation tips for licensees and the customers, information relating to the proposed rule for sanitizing and sterilizing pedibaths and information encouraging individuals to file unlicensed activity complaints. The board would like to require salons to post this flyer and have the inspectors distribute the flyer to the salons for posting. Mr. Biggins will open the salon requirements rule, 61G5-20.002, F.A.C., for discussion at the January 2007, board meeting. Ms. Barineau added that she would ask the department's Communications Office and the Division of Regulation to comment on the flyer and provide their comments at the January 2007, board meeting.

New Business

Petition for Declaratory Statement – Regal Nails Salon & Spa, L.L.C.

Present for the meeting representing Regal Nails Salon & Spa, L.L.C., were Ms. Loan Nguyen, Ms. Betty Nguyen, Mr. Charlie Ton and Mr. Canh Truong. All representatives were sworn in by the Court Reporter. Ms. Loan Nguyen thanked the board for the opportunity to appear before them. Ms. Nguyen stated that Regal Nails Salon & Spa, L.L.C., owned and operated over 800 salons throughout the United States

which are primarily located in stores such as Walmart and K-Mart. Ms. Nguyen noted eyelash extensions are not currently mentioned in the Board of Cosmetology laws and rules, and they request the board consider allowing Florida registered manicure/pedicure/nail extension specialists employed by Regal Nails Salon & Spa, L.L.C. to apply eyelash extensions. Ms. Nguyen continued by saying that eyelash extensions are a single use product that nothing directly touches the eye or eyelid. She added that it is considered to be a safe procedure. Ms. Nguyen ensured the board that all manicure/pedicure/nail extension specialists employed by Regal Nails Salon & Spa, L.L.C., would be required to complete a one-day, 8-hour training course which would be conducted by a representative of the franchise. Regal Nails Salon & Spa, L.L.C., also requested the board consider establishing minimum regulation regarding the application of eyelash extensions. After discussion, Ms. Osborne moved that board issue a declaratory statement to specify that a Florida registered manicure/pedicure/nail extension specialist can not apply false eyelash extensions and that the eyelash extension application can only be performed by a licensed cosmetologist, a registered facial specialist or a registered full specialist. Ms. Jowers seconded the motion. The motion passed unanimously.

Cosmetology Fee Increases

Ms. Barineau reminded the board of their responsibility to remain fiscally sound. Additionally, Ms. Jowers informed the board that one of the reasons that the 2006 legislation failed was due to the fact that statutory fee cap increases were requested in the legislation but the current fees have not been capped to their statutory limits. Ms. Barineau provided a matrix of the cosmetology fees as of September 30, 2006, which reflected the current fee as assessed by rule and the statutory cap. After review and discussion of the matrix, Ms. Osborne moved to increase the current fee cap and amend the rules accordingly. Ms. Jowers seconded the motion. Mrs. Brown opposed the fee increase motion. By majority vote, the motion passed to increase the fees. The increased fees are as follows:

- Initial registration as a specialist – from \$25 to \$50
- Salon application fee – from \$45 to \$50
- Biennial renewal fee for specialists – from \$30 to \$50
- Delinquent renewal fee for specialists – from \$30 to \$50
- Inactive renewal fee for registrants – from \$20 to \$50
- Inactive renewal fee for cosmetologists – from \$25 to \$50

Other Business

Executive Director's Report

Financial Report, June 30, 2006 - Operating Account

Financial Report, June 30, 2006 - Unlicensed Activity Account

Ms. Barineau reported that as of March 31, 2006, the cash balance in the board's operating account was in a deficit over \$1.7 million and that the unlicensed activity account balance was \$685,947. Ms. Barineau noted that the assessment has already begun to reduce the negative operating account balance, and it is projected that the

assessment will generate \$2.9 million by June 30, 2007, and an additional \$2.5 million by June 30, 2008.

Complaints and Investigative Statistics Report July 2006–September 2006

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

DBPR Newsletter

Ms. Barineau noted that the DBPR Cosmetology Newsletter was included in the agenda for informational purposes.

It was recommend that Ms. Barineau include information in the next newsletter reminding licensees that they can request material safety data sheets from product suppliers which should list the materials used in the product and the dangers of the materials. The board agreed this would be helpful especially for those individuals purchasing nail products to ensure no methyl methacrylate (MMA) is contained in the product.

Disinfectant Products

The board agreed that the products “Let’s Touch” and “Let’s Dance” can be used independently for sanitation purposes by salons.

National Commission of Cosmetology Arts & Sciences, Inc. (NACCAS) Newsletter - Volume 2 No. 4

Ms. Barineau informed the board that the NACCAS Newsletter was included in the agenda for informational purposes.

National Commission of Cosmetology Arts & Sciences, Inc. (NACCAS) Newsletter - Volume 2 No. 5

Ms. Barineau informed the board that the NACCAS Newsletter was included in the agenda for informational purposes.

National Interstate Council of State Boards of Cosmetology, Inc. (NIC) Newsletter Volume 62 No. 3

Ms. Barineau informed the board that the NIC Newsletter was included in the agenda for informational purposes.

Continuing Education Compliance

Ms. Barineau reported that as of November 16, 2006, 79 percent of licensees whose licenses were due for renewal on October 31,2006, had complied with all their continuing education requirements.

Board Membership

Ms. Barineau advised the board that the department is still attempting to address the board member vacancy situation and is seeking assistance from all boards to assist with locating qualified applicants to fill vacancies on all its boards and commissions. She suggested that interested applicants contact the department or the Governor’s

Board Attorney's Report

Rule 61G5-20.004, F.A.C. – Display of Documents

Mr. Biggins reported that the rule requiring licensees to laminate their licenses with a current picture for posting at their workstations should be effective soon. Salons and licensees will have until July 1, 2007, to comply with this new requirement.

Rule 61G5-32.001(6)(e), F.A.C. – Continuing Education

Mr. Biggins reported that the rule to change the number of days a continuing education provider has to transmit course completion information to the department from 5 days to 30 days, or prior to the licensee's renewal date, whichever occurs sooner, should be effective soon.

Proposed Draft for Rule 61G5-20-002(2), F.A.C. – Pedicure Equipment Sterilization and Disinfection

To eliminate some industry concerns and questions regarding chelating soap, Mr. Biggins provided the board with draft language changing "chelating soap" to "low foaming soap". The proposed amendment will read as follows:

(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 spas, and whirlpool spas:

1. After each client, all pedicure units must be cleaned with a low-foaming ~~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 low-foaming ~~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 manufacturers instructions. The screen, jet, or foot plate must be replaced after disinfection is completed and the system flushed with warm water and low-foaming ~~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 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.

Ms. Osborne moved that the board accept the proposed language for Rule 61G5-20.002(2), F.A.C., as provided by Board Counsel. Ms. Jowers seconded the motion and the motion passed unanimously. Mr. Biggins will amend and proceed with filing Rule 61G5-20.002(2), F.A.C.

Proposed Draft for Rule 61G5-18.0055, F.A.C., - Supervised Cosmetology Practice Exception

As an attempt to further clarify the point at which a Florida student can go to work after completing their education and examination, Mr. Biggins provided the board with a proposed draft for their Rule 61G5-18.0055, F.A.C., Supervised Practice Exception, establishing defined parameters for the practice exception. The proposed amendment will read as follows:

~~“(1) Following the completion of the first licensing examination by a graduate of licensed cosmetology school or cosmetology program offered in a public school system, which school or program is certified by the Department of Education, and pending the results of that examination and the issuance of a license to practice cosmetology by the Department, an applicant for licensure as a cosmetologist by examination is shall be eligible to practice temporarily in a current, actively licensed cosmetology salon practice cosmetology subject to under the following conditions:~~

- (a) In the event an applicant obtains passing scores on the first attempt of both the written and clinical examinations, the applicant shall be eligible, prior to having their application acted on by the Board, to practice cosmetology in a licensed salon, provided that they post their examination results for both examinations at their work station with a recent photograph affixed thereto.
- (b) In the event that the applicant fails to obtain a passing score on either the written or clinical examination on the first attempt, the applicant shall not be eligible to practice cosmetology under this rule until the applicant:
 - 1. Applies to the Department for authorization to reexamine the failed portion(s) of the examination; and
 - 2. Presents the salon owner a copy of both the reexamination application and the examination scheduling authorization letter from the testing vendor.
 - 3. Upon completion of these conditions, the applicant is eligible to practice cosmetology in a licensed cosmetology salon subject to the provisions of paragraph (c) referenced below, provided that the applicant posts the examination results for both examinations at their work station with a recent photograph affixed thereto, which practice may extend for a period of no more than 60 days from the date of the reexamination application. The applicant must discontinue practicing when 180 days have passed from the date the original examinations were taken if

reexamination has not yet been completed. Under no circumstances shall the applicant be eligible to practice prior to having applied for reexamination and having obtained the examination scheduling authorization letter from the testing vendor.

- (c) All cosmetology services performed by the applicant under this exception shall be performed under the supervision of a licensed cosmetologist. "Under the supervision of a licensed cosmetologist" shall mean that an individual who then holds a current, active Florida license as a cosmetologist shall be physically present at all times when the applicant is performing cosmetology services.

(2) In the event an applicant, who previously failed either or both of the examinations on the first attempt, fails to obtain a passing score on either or both of the second licensure examination(s), the applicant is no longer eligible to practice cosmetology under this exception and must immediately discontinue practicing cosmetology until the applicant has been issued a license to practice by the Department.

~~(a) All cosmetology services to be performed by the applicant under this exception shall be performed under the supervision of a licensed cosmetologist. "Under the supervision of a licensed cosmetologist" shall mean that an individual who then holds a current, active Florida license as a cosmetologist shall be physically present at all times when the applicant is performing cosmetology services.~~

~~(b) All cosmetology services performed by the applicant under this exception shall be performed in a licensed cosmetology salon. For all times during which the applicant is practicing in the cosmetology salon, the license for the cosmetology salon shall be in a current and active status.~~

~~(2) Prior to beginning the practice of cosmetology or performance of cosmetology services under this exception, all applicants shall provide to the cosmetology salon license holder or his or her representative a copy of the completed application for licensure by examination submitted to the Department by the applicant, and a copy of the notification by the Department that the applicant has been scheduled to take the licensure examination. All applicants shall also provide to the cosmetology salon license holder or his or her representative a copy of the results of all licensure examinations taken by the applicant immediately upon receipt of those results by the applicant. If the applicant is required to apply for reexamination in order to continue practicing cosmetology or performing cosmetology services under this exception, the applicant shall also provide to the cosmetology salon license holder or his or her representative a copy of the completed application for reexamination submitted to the Department by the applicant.~~

~~(3) Upon receipt of the results of the first licensure examination taken by the applicant which indicate that the applicant has failed to achieve a passing grade on the licensure examination, the applicant shall immediately cease the practice of cosmetology or performing cosmetology services under this exception unless and until the applicant applies to retake the licensure examination at the next available licensure examination immediately following the licensure examination which the applicant failed. Once the applicant shall have submitted a complete application for reexamination and shall have paid~~

~~all applicable reexamination fees, the applicant shall be eligible to resume the practice of cosmetology subject to the same conditions as stated above.~~
~~(4) Upon receipt of the results of the second licensure examination taken by the applicant which indicate that the applicant has failed to achieve a passing grade on the licensure examination, the applicant shall immediately cease the practice of cosmetology or performing cosmetology services under this exception; and shall not be eligible to resume the practice of cosmetology until after the applicant shall have taken and passed the licensure examination and been issued a license to practice cosmetology by the Department.”~~

Mrs. Brown moved that the board accept the proposed language for Rule 61G5-18.0055, F.A.C., as provided by Board Counsel. Ms. Jowers seconded the motion and the motion passed unanimously. Mr. Biggins will amend and proceed with filing Rule 61G5-18.0055, F.A.C.

Proposed Draft for Rule 61G5-20.001, F.A.C. - Salon Defined

Mr. Biggins provided the board with an amendment to Rule 61G5-20.001, F.A.C., allowing barbers to operate in cosmetology salons so long as there is a cosmetologist employed in the salon. A similar rule is currently in the Florida Barbers' Board rules. The proposed amendment will read as follows:

“Salon means any establishment or place of business wherein cosmetology as defined in Section 477.013(4), F.S., or any specialty as defined in Section 477.013(6), F.S., is practiced for compensation, however this does not prevent the practice of cosmetology in a licensed barbershop, or the practice of barbering in a licensed cosmetology salon, provided the salon employs a licensed cosmetologist. Except as provided in Rule 61G5-20.010, F.A.C., a salon must be at a fixed location.”

After review, Mrs. Brown moved that the board accept the proposed language for Rule 61G5-20.001, F.A.C., as provided by Board Counsel. Ms. Osborne seconded the motion and the motion passed unanimously. Mr. Biggins will amend and proceed with filing Rule 61G5-20.001, F.A.C.

Bureau of Education and Testing

The board extended an invitation to the department's Bureau of Education and Testing to attend the January 2007, board meeting to give the testing presentation previously provided to Ms. Osborne. The board requested a pass/fail rate report be provided at the January meeting since the new examinations were launched.

Board Member Comments

Ms. Osborne expressed she would like to consider a reciprocity agreement with other states or consider amending their endorsement rule to allow years of experience to qualify an individual for licensure by endorsement.

Chairperson Comments

Chair Caetano had no additional comments.

Public Comments

Letter from Academy of Healing Arts Massage & Facial Skin Care, Inc. Regarding Body Wrapping Restrictions

Based on a letter provided to the board from Ms. Angela Artemik and Ms. Catherine A. Parramore of the Academy of Healing Arts Massage & Facial Skin Care, Inc., and the questions contained within their letter regarding body wrapping restrictions, the board asked Ms. Barineau to extend an invitation to Ms. Artemik and Ms. Parramore to attend the January 2007, board meeting so that they can address their concerns and questions in person.

Letter from Paul Mitchell The School Orlando Regarding Scope of Authority for a Facial Specialist

Mr. Biggins will prepare a response to the letter submitted by Ms. Tara of Paul Mitchell The School Orlando regarding the scope of authority for a facial specialist.

Dates and Locations of Future Board Meetings

The board agreed that an additional day would be required for the January 2007 board meeting. The next meeting is scheduled for January 20 - 21, 2007, in Fernandina Beach.

Board Member Training

Mr. Biggins and Mr. Charles Tunnicliff, Assistant General Counsel, assisted Ms. Barineau with board member training.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 2:30 p.m.