

MINUTES

FLORIDA BOARD OF COSMETOLOGY TELEPHONE CONFERENCE CALL MEETING

Monday, October 24, 2022

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

Board Members Present

Adrienne Harvey, Chair
Robin Tabano, Vice Chair
Stephania Streit
Jennifer Macku
Marisol Marin

Board Members Absent

Trena Giddens – (unexcused)

Other Persons Present

Krista Woodard, Executive Director, Department of Business and Professional Regulation (DBPR)
Julie Rowland, Government Analyst, DBPR
Larry Harris, Assistant Attorney General, Office of the Attorney General
Andrea Osorio, Assistant General Counsel, Office of the General Counsel, DBPR
Roy Convery, Court Reporter
Aubria Greno
Xylina Robles
Carah Yawn
Kathy Oldham
Michael LeDoyen
Anny Chauncer

The meeting was opened with a roll call and a quorum was established.

APPROVAL OF MINUTES

The Board approved the minutes of the September 12, 2022, Board meeting.

APPLICATIONS

Licensure Applications

Initial Review

Aubria Greno

Ms. Greno was present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

Xylina Robles / Virginia

Ms. Robles was present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

Carah Yawn

Ms. Yawn was present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

Thi Kim Oanh Pham / New York

Ms. Pham was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation.

Anny Chauncer

Ms. Chauncer was present for the meeting. After review, the Board moved to approve the application.

Johana Stephania Quintana Campos

Ms. Campos was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation.

Rosangela Leal Vasallo

Ms. Vasallo was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation.

Jenifer Karelys Rodriguez Rivera

Ms. Rivera was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation.

Willy Randy Fuentes Arias

Mr. Arias was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation.

Krisztina Andrea Varga / New York

Ms. Varga was not present for the meeting. After review, the Board moved to approve the application.

Continuing Education Courses

Informal Hearing

Makeover Pro – A Health Crisis is Happening and You Need to Know Why 1 Hour Classroom

Ms. Woodard informed the Board that the application was denied at the July 18, 2022, board meeting, based on the course based on the course content being outside the scope of practice of Florida Board of Cosmetology licensees. After discussion, the Board moved to vacate the Notice of Intent to Deny and to approve the application.

Makeover Pro – Bundle #1 A Health Crisis is Happening and You Need to Know Why 10 Hour Internet

Ms. Woodard informed the Board that the application was denied at the July 18, 2022, board meeting, based on the course based the course content being product driven, incorrect references, and outdated references. After discussion, the Board moved to vacate the Notice of Intent to Deny and to approve the application.

Makeover Pro – Bundle #2 We Will Stand Together Against Human Trafficking 10 Hour Internet

Ms. Woodard informed the Board that the application was denied at the July 18, 2022, board meeting, based on the course based the course content being product driven, incorrect references, and outdated references. After discussion, the Board moved to vacate the Notice of Intent to Deny and to approve the application.

Makeover Pro – Bundle #3 What Everyone Needs to Know About Abusive Relationships 10 Hour Internet

Ms. Woodard informed the Board that the application was denied at the July 18, 2022, board meeting, based on the course based the course content being product driven, incorrect references, and outdated references. After discussion, the Board moved to vacate the Notice of Intent to Deny and to approve the application.

Makeover Pro – Bundle #4 Master Client Consultation 10 Hour Internet

Ms. Woodard informed the Board that the application was denied at the July 18, 2022, board meeting, based on the course based the course content being product driven, incorrect references, and outdated references. After discussion, the Board moved to vacate the Notice of Intent to Deny and to approve the application.

Makeover Pro – Bundle #5 Gray Hair – The New Trend 10 Hour Internet

Ms. Woodard informed the Board that the application was denied at the July 18, 2022, board meeting, based on the course based the course content being product driven, incorrect references, and outdated references. After discussion, the Board moved to vacate the Notice of Intent to Deny and to approve the application.

Initial Review

Jumozzy – Wet Body Treatments: Vichy Shower 2.5 Hour Internet

Ms. Kathy Oldham was present for the meeting. After review, the Board moved to approve the course.

Global Skin Solutions – Chemical Peel Fundamentals for Global Skins 2 Hour Internet

After review, the Board moved to deny the course based on outdated course content, and product driven.

#1 Premiere CE Advanced Associates – OSHA and the Safe Workplace for Cosmetologists 1 Hour Internet

After review, the Board moved to deny the course based on the course content being product driven, incorrect references, and outdated references.

Colibri Healthcare – CE Update for Nail Specialist 10 Hour Internet

Mr. Michael LeDoyen was present for the meeting. After review, the Board moved to approve the course.

Colibri Healthcare – CE Update for Salon Professional Specialist 10 Hour Correspondence

Mr. LeDoyen was present for the meeting. After review, the Board moved to approve the course.

Colibri Healthcare – CE Update for Salon Professional Specialist 10 Hour Internet

Mr. LeDoyen was present for the meeting. After review, the Board moved to approve the course.

Colibri Healthcare – CE Update for Cosmetologists 10 Hour Correspondence

Mr. LeDoyen was present for the meeting. After review, the Board moved to approve the course with the following contingencies: strike references to “Brazilian Blowout” and replace with generic name, and updated reference to MMA is illegal to use in Florida. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Colibri Healthcare – CE Update for Cosmetologists 10 Hour Internet

Mr. LeDoyen was present for the meeting. After review, the Board moved to approve the course with the following contingencies: strike references to “Brazilian Blowout” and replace with generic name, and updated reference to MMA is illegal to use in Florida. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Colibri Healthcare – CE Update for Facial/Full Specialist 10 Hour Correspondence

Mr. LeDoyen was present for the meeting. After review, the Board moved to approve the course with the following contingency: strike section “The Building Blocks: How to Create a Nutrition Plan” from the course. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Colibri Healthcare – CE Update for Facial/Full Specialist 10 Hour Internet

Mr. LeDoyen was present for the meeting. After review, the Board moved to approve the course with the following contingency: strike section “The Building Blocks: How to Create a Nutrition Plan” from the course.

The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Colibri Healthcare – CE Update for Nail Specialist 10 Hour Correspondence

Mr. LeDoyen was present for the meeting. After review, the Board moved to approve the course.

NEW BUSINESS

Criminal History Guidelines

After discussion, Mr. Harris will update the criminal history guidelines for the Board to review at the January 2023, Board meeting.

OTHER BUSINESS

Board Attorney Report

Rule 61G5-29.001 – Definitions

The Board approved to open the rule for development. They approved the following language and agreed that there would be no negative impact on small business nor would there likely be any increase in regulatory costs in excess of \$200,000 in the aggregate within one year after implementation. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation, and that this rule should not have a sunset provision.

- (1) “Specialty Registration” means a registration to practice one or more of the following specialties: manicuring/pedicuring/ nail extension, facials (skin care and hair removal).
- (2) “Certificate of Completion” means a certificate confirming completion of a training program from one of the following:
 - (a) A school licensed pursuant to Chapter 1005, F.S., or the equivalent licensing authority of another state.
 - (b) A specialty program within the public school system.
 - (c) A specialty division within the Cosmetology Division of the Florida School for the Deaf and the Blind, provided the training programs comply with minimum curriculum requirements established by the board.
- (3) – (6) No Change

Rule 61G5-29.011 – Endorsement of Specialty Registration

The Board approved to open the rule for development. They approved the following language and agreed that there would be no negative impact on small business nor would there likely be any increase in regulatory costs in excess of \$200,000 in the aggregate within one year after implementation. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation, and that this rule should not have a sunset provision.

The Department of Business and Professional Regulation shall issue a registration to a person who:

- (1) Makes application, including submission of evidence of completion of a training program, and pays to the Department the fee specified in Rule 61G5-24.002, F.A.C.;
- (2) Is currently registered or licensed to practice and is currently practicing one of the specialties as defined in Sections 477.013(6) and (7), F.S., under the law of another state;
- (3) Demonstrates that the other state’s qualifications and requirements are comparable to or more stringent than those required by Florida Law (Chapter 477, F.S.) and Rule 61G5-22.015, F.A.C.

Rule 61G5-29.004 – Supervised Specialty Practice Exception

The Board approved to open the rule for development. They approved the following language and agreed that there would be no negative impact on small business nor would there likely be any increase in regulatory costs in excess of \$200,000 in the aggregate within one year after implementation. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation, and that this rule should not have a sunset provision.

(1) Following the submission of a complete application for registration as a specialist which included proof of the successful completion of all educational requirements for the specialty applied for and the payment of all applicable application and registration fees, and pending the issuance by the Department of a registration as a specialist under Chapter 477, F.S., an applicant for registration as a specialist shall be eligible to perform specialty services in the specialty for which the applicant has applied for registration subject to the following conditions:

(a) All specialty services to be performed by the applicant under this exception shall be performed under the supervision of a registered specialist. "Under the supervision of a registered specialist" shall mean that an individual who then holds a current, active Florida registration as a specialist in the same specialty for which the applicant has applied, or 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 specialty services.

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

(2) Prior to beginning the performance of specialty services under this exception, all applicants shall provide to the cosmetology or specialty salon license holder or his or her representative a copy of the completed application for registration as a specialist submitted to the Department by the applicant including a copy of the Certificate of Completion provided to the applicant by the applicant's training program.

(3) Upon being notified by the Department that his or her application is incomplete, or that he or she has been determined to be not qualified for registration as a specialist, an applicant shall immediately inform the cosmetology or specialty salon license holder or his or her representative of the notification; and shall immediately cease performing specialty services under this exception until the applicant shall have corrected any deficiencies in their earlier application as noted by the Department, or shall have submitted a new application which demonstrates that the applicant is qualified for registration as a specialist, and shall have paid all applicable application and registration fees.

Executive Director Report

Financial Report for Period Ending June 2022

Ms. Woodard reported that the balance in the Board's operating account as of June 30, 2022, was over \$994,000 and the balance in the unlicensed activity account was over \$2.8 million for the same period.

Correspondence

Complaints and Investigative Statistics – July 2022 – August 2022

Ms. Woodard informed the Board that the Complaints and Investigative Statistics Report was included in the agenda for informational purposes.

Cosmetology Examination Summary – January 2022 – August 2022

Ms. Woodard informed the Board that the Cosmetology Examination Summary was included in the agenda for informational purposes.

Dates and Locations of Future Meetings

December 12, 2022 – Telephone Conference Call to be determined

January 9-10, 2023 – Pensacola

April 17-18, 2023 – Fernandina Beach

July 17-18, 2023 – Daytona Beach

October 16-17, 2023 – LOCATION TO BE DETERMINED

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 12:20 p.m.