

Florida Laws & Rules
Understand the Lawmaking Process
Review the Laws that Regulate Florida Electrologists

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This home study course is designed to touch on the more important areas that most Electrologists may need to know for operating their business, whether you are self-employed or an independent contractor.

Florida laws (and most other states) are made up of Statues and Rules. Statues exist due to legislative direction from the Florida Legislature, made up of state Senators and Representatives. Any change to a statue requires a legislative bill to be passed by both of these bodies.

Rules are best described as a way to elaborate and clarify how the statute is interpreted and carried out.

Our Florida Electrolysis Practice Act – or our statute – is 8 pages. It can be found here: http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0478/0478.html

'Rules' that are associated with statutes, are lengthier and are changed without legislative action. Electrolysis Rules – Chapters 64B8-50 through 64B8- 56 – can be found at the link below.

<https://www.flrules.org/gateway/Division.asp?DivID=331>

The logical place to start is with our Statute – Chapter 478. Here it is in its entirety. Areas that are of practical importance are highlighted in **red**. Comments and explanations are in *italics* and are the addition of this author.

CHAPTER 478 ELECTROLYSIS

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478.40 Short title.—This chapter may be cited as the “Electrolysis Practice Act.” History.—s. 1, ch. 92-172.

478.41 Purpose and intent.—The purpose of this chapter is to provide for the licensure of persons who deliver electrolysis services and to ensure that they meet certain requirements. It is the finding of the Legislature that the practice of electrology by unskilled or incompetent persons presents a danger to the public health and safety. Because it is difficult for the public to make informed choices related to electrolysis services and since the consequences of wrong choices can harm the public health and safety, it is the intent of the Legislature to prohibit the delivery of electrolysis services by persons who do not possess the necessary skills or who otherwise present a danger to the public. However, restrictions may be imposed only to the extent necessary to protect the public and in a manner that will not unreasonably affect the competitive market for the delivery of such services.

History.—s. 2, ch. 92-172.

478.42 Definitions.—As used in this chapter, the term:

- (1) “Board” means the Board of Medicine. (BOM)
- (2) “Council” means the Electrolysis Council.
- (3) “Department” means the Department of Health.
- (4) “Electrologist” means a person who engages in the practice of electrolysis.
- (5) “Electrolysis or electrology” means the permanent removal of hair by destroying the hair-producing cells of the skin and vascular system, using equipment and devices approved by the board which have been cleared by and registered with the United States Food and Drug Administration and that are used pursuant to protocols approved by the board.

History.—s. 3, ch. 92-172; s. 168, ch. 94-218; s. 144, ch. 97-264; s. 143, ch. 99-397.

478.43 Board of Medicine; powers and duties.—

- (1) The board, with the assistance of the Electrolysis Council, is authorized to establish minimum standards for the delivery of electrolysis services and to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.
- (2) The board may administer oaths, summon witnesses, and take testimony in all matters relating to its duties under this chapter.
- (3) The board may delegate such powers and duties to the council as it may deem proper.
- (4) The board, in consultation with the council, shall recommend proposed rules, and the board shall adopt rules for a code of ethics for electrologists and rules related to the curriculum and approval of electrolysis training programs, sanitary guidelines, the delivery of electrolysis services, continuing education requirements, and any other area related to the practice of electrology.

History.—s. 4, ch. 92-172; s. 150, ch. 98-200.

The BOM works with the Electrolysis Council to develop rules that regulate every aspect of how Electrologists operate their facility, establishes fees, and establishes discipline when we break any of the rules. The BOM has the final word on every rule that is developed.

478.44 Electrolysis Council; creation; function; powers and duties.—

- (1) There is created the Electrolysis Council under the supervision of the board.
- (2)(a) The council shall consist of five members, appointed by the board. Three members must be licensed electrologists who have been actively engaged in the delivery of electrolysis services in this state for at least 4 consecutive years prior to their appointment and who are not affiliated with an electrolysis school or manufacturer or supplier of electrolysis equipment or supplies. Two consumer members must be residents of this state who have never been licensed electrologists, have no financial interest in the practice of electrology, and are not affiliated with an electrolysis school or a manufacturer or supplier of electrolysis equipment or supplies.
- (b) Initial council members who are licensed electrologists must be eligible for licensure at the time of their appointment. Electrologist members appointed after October 1, 1996, must have been licensed in this state for at least 3 years prior to their appointment.
- (3) The term of office for each council member is 4 years. A member may not serve more than two consecutive terms. When a vacancy occurs on the council, any licensed electrologist may recommend one person to fill the vacancy, and any professional organization dealing with electrolysis, incorporated within the state as not for profit, which registers its interest with the board shall recommend at least twice as many persons to fill the vacancy as the number of vacancies to be filled, and the board, in its discretion, may appoint from the submitted names any of those persons so recommended. The board shall, when possible, appoint persons from different geographic areas.
- (4)(a) The council shall annually elect from among its members a chair and vice chair.

(b) **The council shall meet at least twice a year and shall hold such additional meetings as are considered necessary by the board.** Three members of the council constitute a quorum.

(c) Unless otherwise provided by law, a council member shall be compensated \$50 for each day the member attends an official meeting of the council or participates in official council business. A council member is also entitled to reimbursement for expenses pursuant to s. 112.061. Travel out of state requires the prior approval of the State Surgeon General.

History.—s. 5, ch. 92-172; s. 1, ch. 95-221; s. 406, ch. 97-103; s. 67, ch. 2000-158; s. 20, ch. 2000-305; s. 95, ch. 2008-6.

478.45 Requirements for licensure.—

(1) An applicant applying for licensure as an electrologist shall file a written application, accompanied by the application for licensure fee prescribed in s. 478.55, on a form provided by the board, showing to the satisfaction of the board that the applicant:

(a) **Is at least 18 years old.**

(b) **Is of good moral character.**

(c) **Possesses a high school diploma or a graduate equivalency diploma.**

(d) **Has not committed an act in any jurisdiction which would constitute grounds for disciplining an electrologist in this state.**

(e) **Has successfully completed the academic requirements of an electrolysis training program, not to exceed 120 hours, and the practical application thereof as approved by the board.**

The Council and the BOM added – by rule – an additional 200 hours of “practical application” as the hands-on portion of electrolysis training, making a total of 320 hours for training.

(2) **Each applicant for licensure shall successfully pass a written examination developed by the department or a national examination that has been approved by the board.** The examinations shall test the applicant’s knowledge relating to the practice of electrology, including the applicant’s professional skills and judgment in the use of electrolysis techniques and methods, and any other subjects which are useful to determine the applicant’s fitness to practice.

(3) The department, upon approval of the board, may adopt a national examination in lieu of any part of the examination required by this section. The board, with the assistance of the council, shall establish standards for acceptable performance.

(4) The department shall issue a license to practice electrology to any applicant who passes the examination, pays the licensure fee as set forth in s. 478.55, and otherwise meets the requirements of this chapter.

(5) The department shall conduct licensure examinations at least two times a year. The department shall give public notice of the time and place of each examination at least 60 days before it is administered and shall mail notice of such examination to each applicant whose application is timely filed, pursuant to board rule.

Applicants can now take their state board exams at pre-arranged testing facilities. They make an appointment and are given their test results at the testing facility.

(6) **The department may not issue a license to any applicant who is under investigation in another jurisdiction for an offense which would be a violation of this chapter, until such investigation is complete.** Upon completion of such investigation, if the applicant is found guilty of such offense, the board shall apply the applicable provisions of s. 478.52.

History.—s. 6, ch. 92-172; s. 2, ch. 95-221; s. 145, ch. 97-264.

478.46 Temporary permits.—

(1) If the department determines that an applicant is qualified to be licensed under s. 478.47, the department may issue the applicant a temporary permit to practice electrolysis until the next board meeting at which license applications are to be considered, but not for a longer period of time. Only one temporary permit shall be issued to an applicant, and it shall not be renewable.

(2)(a) If the executive director of the board determines that an applicant is qualified for licensure by examination except for passage of the examination and has applied for the next scheduled examination, the executive director may issue the applicant a nonrenewable temporary permit to practice electrology under the supervision of a licensed electrologist until notification of the results of the examination.

(b) The temporary permit of a person who fails such examination is automatically revoked upon notification of the examination results, and the applicant shall cease the practice of electrology immediately upon receipt of such notice.

(c) An applicant with a temporary permit who passes such examination may continue to practice under such temporary permit until the next meeting of the board at which license applications are to be considered.

(3) As used in subsection (2), “supervision” means responsible control by a licensed electrologist who provides the initial direction in developing a treatment plan and also periodically inspects the permittee’s implementation of such plan, which plan may not be altered by the permittee without the prior consultation and approval of the supervisor. A supervisor shall be available to consult with and direct a permittee in an emergency, although the supervisor does not have to be on the premises while the permittee is delivering electrolysis services.

History.—s. 7, ch. 92-172; s. 146, ch. 97-264.

With the change which allows applicants to take their state board exams independently at any time of the year, temporary permits are of less importance. This provision in the statute was designed to allow an applicant to work while waiting for the date to take their exam, which in the past could be as long as 6 months.

478.47 Licensure by endorsement.—The department shall issue a license by endorsement to any applicant who submits an application and the required fees as set forth in s. 478.55 **and who holds an active license or other authority to practice electrology in a jurisdiction whose licensure requirements are determined by the board to be equivalent to the requirements for licensure in this state.**

History.—s. 8, ch. 92-172; s. 147, ch. 97-264.

An applicant seeking endorsement must be coming from a state that licenses Electrology.

478.48 Assumption of title and use of abbreviations.— Only persons who are licensed under this chapter may use the title “Electrologist,” “Registered Electrologist,” or the abbreviation “RE.”

History.—s. 9, ch. 92-172.

478.49 License required.—

(1) No person may practice electrology or hold herself or himself out as an electrologist in this state unless the person has been issued a license by the department and holds an active license pursuant to the requirements of this chapter.

(2) A licensee shall display her or his license in a conspicuous location in her or his place of practice and provide it to the department or the board upon request.

History.—s. 10, ch. 92-172; s. 407, ch. 97-103.

478.50 Renewal of license; delinquent status; address notification; continuing education requirements.—

(1) The department shall provide, by rule, a method for biennial license renewal at fees set forth in s. 478.55.

(2) A license that is not renewed at the end of the biennium prescribed by the department automatically reverts to delinquent status. The board shall adopt rules establishing procedures, criteria, and fees as set forth in s. 478.55 for reactivation of an inactive license.

(3) A licensee shall file with the department the address of his or her primary place of practice within the state prior to engaging in practice and shall notify the department of any change in this address prior to the change.

(4)(a) An application for license renewal must be accompanied by proof of the successful completion of 20 hours of continuing education courses or proof of successfully passing a reexamination for licensure within the immediately preceding biennium which meets the criteria established by the board. Both the continuing education and reexamination shall contain education on blood-borne diseases.

(b) The board, with the assistance of the council, shall approve criteria for, and content of, electrolysis training programs and continuing education courses required for licensure and renewal as set forth in this chapter.

(c) Continuing education programs shall be approved by the board. Applications for approval shall be submitted to the board not less than 60 days nor more than 360 days before they are held.

History.—s. 11, ch. 92-172; s. 229, ch. 94-119; s. 408, ch. 97-103.

478.51 Electrology facilities; requisites; facility licensure; inspection.—

(1) No electrology facility shall be permitted to operate without a facility license issued by the department.

(2) The facility license shall be displayed in a conspicuous place within the facility and shall be made available upon request of the department or board.

- (3) The board shall adopt rules governing the licensure and operations of such facilities, personnel, safety and sanitary requirements, and the licensure application and granting process.
 - (4) Any person, firm, or corporation desiring to operate an electrology facility in the state shall submit to the department an application and the necessary application fee as set forth in s. 478.55.
 - (5) Upon receiving the application, the department may cause an investigation to be made of the proposed electrology facility.
 - (6) When an applicant fails to meet all the requirements provided in this section, the department shall deny the application in writing and shall list the specific requirements not met. No applicant denied licensure because of failure to meet the requirements shall be precluded from reapplying for licensure.
 - (7) When the department determines that the proposed electrology facility has met the requirements set forth in this section, the department shall grant the license upon payment of the initial licensure fee.
 - (8) **An initial inspection of a licensed facility shall be conducted within 60 days of initial licensure.**
 - (9) **A renewal inspection of a licensed facility shall be conducted not less than once per biennium or as deemed required by the department.**
 - (10) **No license for operation of an electrology facility may be transferred from the name of the original licensee to another. It may be transferred from one location to another only upon approval by the department, which approval shall not be unreasonably withheld.**
 - (11) Renewal of license registration for electrology facilities shall be accomplished pursuant to rules adopted by the board.
- History.—s. 12, ch. 92-172.

478.52 Disciplinary proceedings.—

- (1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):
 - (a) Obtaining or attempting to obtain a license by bribery, fraud, or knowing misrepresentation.
 - (b) Having a license or other authority to deliver electrolysis services revoked, suspended, or otherwise acted against, including denial of licensure, in another jurisdiction.
 - (c) **Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime, in any jurisdiction, which directly relates to the practice of electrology.**

This only applies to a crime that relates to Electrology. If you have a DUI or anything of that nature in your past, it will not constitute grounds for discipline. However for example, if you are found impaired in your clinical setting, it could be seen as grounds for discipline.

- (d) Willfully making or filing a false report or record, willfully failing to file a report or record required for electrologists, or willfully impeding or obstructing the filing of a report or record required by this act or inducing another person to do so.
- (e) **Circulating false, misleading, or deceptive advertising.**
- (f) Unprofessional conduct, including any departure from, or failure to conform to, acceptable standards related to the delivery of electrolysis services.
- (g) Engaging or attempting to engage in the illegal possession, sale, or distribution of any illegal or controlled substance.
- (h) Willfully failing to report any known violation of this chapter.
- (i) Willfully or repeatedly violating a rule adopted under this chapter, or an order of the board or department previously entered in a disciplinary hearing.
- (j) **Engaging in the delivery of electrolysis services without an active license.**
- (k) Employing an unlicensed person to practice electrology.
- (l) Failing to perform any statutory or legal obligation placed upon an electrologist.
- (m) Accepting and performing professional responsibilities which the licensee knows, or has reason to know, she or he is not competent to perform.
- (n) **Delegating professional responsibilities to a person the licensee knows, or has reason to know, is unqualified by training, experience, or licensure to perform.**
- (o) Gross or repeated malpractice or the inability to practice electrology with reasonable skill and safety.
- (p) Judicially determined mental incompetency.
- (q) **Practicing or attempting to practice electrology under a name other than her or his own.**
- (r) **Being unable to practice electrology with reasonable skill and safety because of a mental or physical condition or illness, or the use of alcohol, controlled substances, or any other substance which impairs one's ability to practice.**
 1. **The department may, upon probable cause, compel a licensee to submit to a mental or physical examination by physicians designated by the department.** The cost of an examination shall be borne by the licensee, and her or his failure to submit to such an examination constitutes an admission of the allegations against her or him, consequent upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond her or his control.
 2. A licensee who is disciplined under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that she or he can resume the practice of electrology with reasonable skill and safety.
 3. **In any proceeding under this paragraph, the record of proceedings or the orders entered by the board may not be used against a licensee in any other proceeding.**
- (s) **Disclosing the identity of or information about a patient without written permission,** except for information which does not identify a patient and which is used for training purposes in an approved electrolysis training program.
- (t) Practicing or attempting to practice any permanent hair removal except as described in s. 478.42(5).
- (u) **Operating any electrolysis facility unless it has been duly licensed** as provided in this chapter.

- (v) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.
- (2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).
- (3) The board may not issue or reinstate a license to a person it has deemed unqualified until it is satisfied that such person has complied with the terms and conditions of the final order and that the licensee can safely practice electrology.
- (4) The board, with the assistance of the council, may, by rule, establish guidelines for the disposition of disciplinary cases involving specific types of violations. The guidelines may include minimum and maximum fines, periods of supervision on probation, or conditions upon probation or reissuance of a license.
- History.—s. 13, ch. 92-172; s. 409, ch. 97-103; s. 148, ch. 97-264; s. 44, ch. 2001-277; s. 20, ch. 2005-240.

478.53 Penalty for violations.—It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, to:

- (1) Practice or attempt to practice electrology or hold oneself out to be an electrologist without holding an active license.
- (2) Practice or attempt to practice electrology under a name other than one's own.
- (3) Use or attempt to use a revoked or suspended license or the license of another.
- (4) Obtain or attempt to obtain a license by bribery, fraud, or knowing misrepresentation.
- (5) Employ an unlicensed person to practice electrology.
- (6) Practice or attempt to practice any permanent hair removal except as described in s. 478.42(5).

History.—s. 14, ch. 92-172.

478.54 Exemptions.—This chapter does not apply to the delivery of electrolysis services by:

- (1) A physician licensed under chapter 458 or an osteopathic physician licensed under chapter 459; or
- (2) A student delivering electrolysis services to another in an approved electrolysis training program.

History.—s. 15, ch. 92-172.

This statute means that any physician – MD or DO – can perform electrolysis without an electrolysis license, and any student learning to become an electrologist can perform hair removal treatments prior to obtaining their license. Note that other physicians, such as Dentists, Chiropractors, Podiatrists, etc., do not have this exemption.

478.55 Fees; facility; disposition.—

- (1) The board shall establish by rule the collection of fees for the following purposes:
 - (a) License application fee: a fee not to exceed \$100.
 - (b) Examination fee: a fee not to exceed \$300.

- (c) Initial licensure fee: a fee not to exceed \$100.
- (d) Renewal fee: a fee not to exceed \$100 biennially.
- (e) Reactivation fee: a fee not to exceed \$100.
- (f) Inspection fee for facility: a fee not to exceed \$100 biennially.
- (2) **In no case shall the department charge more than the actual cost incurred for the implementation of this chapter.**

History.—s. 16, ch. 92-172.

The Electrology profession in Florida is deeply in debt due to these fee caps. If our legislature would change this, we could get out of debt. But no legislator will sponsor a bill that could cause an increase in the costs of keeping a license.

Rules are developed as needed to clarify how the statute will be implemented. Look at this example.

(e) Has successfully completed the academic requirements of an electrolysis training program, not to exceed 120 hours, and the practical application thereof as approved by the board.

This statute says no more than 120 academic hours. But as we know, our electrolysis training requirements are 320 hours. The extra 200 hours were added by rule and are considered to be practical hours and not academic hours.

Rules can be changed to accommodate trends in the industry, as well as state laws that are enacted that pertain to a group of professions. Any change in the language is done by the regulating bodies for that profession. In Florida, all rules changes or additions, are first seen by the Electrolysis Council, and then by the Florida Board of Medicine.

All discussion regarding these changes must be noticed, and discussed only in scheduled agendas. The Florida “Sunshine Law” requires that Council and Board members do not discuss their opinions on current rule-making outside of the public meetings. Council and Board members *are* allowed to have discussions with interested parties, so long as they are not being provided with opinions of other Council and Board members.

All action involved in rule-making has to be ‘noticed’ with the “Florida Administrative Weekly” (FAW). That information is public record and there are time frames and deadlines that must be met for noticing any meeting.

It can take anywhere from a few months to years for rules to be changed. Interested parties can request rules workshops so opposing views can be exchanged if necessary. Each time a proposal is changed or sent back for more review/research, there is a significant time delay.

The following are the Florida Electrolysis Rules. Areas that are of practical importance are highlighted in red. Comments and explanations are in *italics* and are the addition of this author.

CHAPTER 64B8-50 ORGANIZATION, PROCEDURES, AND GENERAL PROVISIONS

- 64B8-50.002 Organization
- 64B8-50.003 Delegation of Powers and Duties to Electrolysis Council
- 64B8-50.005 Final Orders (Repealed)
- 64B8-50.006 Designation of Official Reporter (Repealed)
- 64B8-50.008 Address of Licensee
- 64B8-50.009 Certification of Public Records

64B8-50.002 Organization.

(1) Attendance at Council Meetings. Council members shall attend all regularly scheduled Council meetings unless prevented from doing so by reason of court order, subpoena, business with a court which has the sole prerogative of setting the date of such business, death of a family member, illness of the Council member, or hospitalization of the member's immediate family.

(a) No Council member may be absent from three consecutive regularly scheduled Council meetings unless the absence is excused for one of the reasons stated in subsection (2) of this rule. An absence for any reason other than the reasons stated in subsection (2) constitutes an unexcused absence for the purpose of declaring a vacancy on the Council. An otherwise excused absence is not excused if the Council member fails to notify the Board office of the impending absence prior to the regularly scheduled Council meeting at which the absence will occur or unless the failure to notify the Board office is the result of circumstances surrounding the reason for the absence which the Council itself excuses after the absence has occurred.

(b) "Family" consists of immediate family, nieces, nephews, cousins, and in-laws.

(c) "Immediate family" consists of spouse, child, parents, parent-in-law, siblings, grandchildren, and grandparents.

(2) Principal office, normal hours, service of process.

(a) The principal office of the Council is in Tallahassee.

(b) The office is open from 8:00 a.m. to 5:00 p.m. on weekdays, excluding holidays.

(c) The Executive Director of the Council, at the Council's address, is the Council's agent for service of process for all matters relating to the Council.

Specific Authority 456.011, 478.43(1) FS. Law Implemented 456.011 FS. History—New 5-31-93, Formerly 21M-75.002, Amended 11-16-93, Formerly 61F6-75.002, 59R-50.002, Amended 5-18-00, 9-26-01.

64B8-50.003 Delegation of Powers and Duties to Electrolysis Council.

(1) Pursuant to Section 478.43, F.S., the Board delegates to the Electrolysis Council the following powers and duties.

(a) Approval and denial of applicants for examination and applicants for endorsement.

(b) Approval and denial of continuing education providers and electrolysis training programs.

(c) The authority to accept non-disciplinary voluntary relinquishments.

(d) The authority to notice rules for development and to propose rules to the Board.

(2) Rulemaking proposals, petitions for declaratory statement and petitions to adopt, amend or repeal rules, which relate to the practice of electrology shall first be presented to the Council. The Council shall consider the matter and make recommendations to the Board as to the appropriate action to be taken.

Rulemaking Authority 478.43(1) FS. Law Implemented 478.43(3) FS. History–New 5-31-93, Formerly 21M-75.003, Amended 11-16-93, Formerly 61F6-75.003, 59R-50.003, Amended 2-11-08, 2-15-10.

64B8-50.005 Final Orders.

Specific Authority 478.43(1) FS. Law Implemented 456.013 FS. History–New 5-31-93, Formerly 21M-75.005, Amended 11-16-93, Formerly 61F6-75.005, 59R-50.005, Repealed 1-2-08.

64B8-50.006 Designation of Official Reporter.

Specific Authority 478.43(1) FS. Law Implemented 120.53(2) FS. History–New 5-31-93, Formerly 21M-75.006, 61F6-75.006, 59R-50.006, Repealed 1-2-08.

64B8-50.008 Address of Licensee.

Each person holding a license issued pursuant to Section 478.45, Florida Statutes, must maintain on file with the Council the current address at which any notice required by law may be served by the Department, the Board, the Council, or its agents. Prior to changing this address, whether or not within this state, the licensee shall notify the Department, by notifying the Council either in writing or electronically of the new address at which the licensee may be served with notices or other documents. If the licensee uses electronic notification, it is the responsibility of the licensee to ensure that the electronic notification was received by the Council.

Specific Authority 478.43(1) FS. Law Implemented 456.035 FS. History–New 5-31-93, Formerly 21M-75.008, Amended 11-16-93, Formerly 61F6-75.008, 59R-50.008, Amended 8-13-02.

64B8-50.009 Certification of Public Records.

Any person desiring certification of any Board or Council documents from the custodian of records as official public records shall submit that request along with a certification fee of \$25.

Specific Authority 478.43(1) FS. Law Implemented 456.025(11) FS. History–New 5-31-93, Formerly 21M-75.009, 61F6-75.009, 59R-50.009, Amended 2-11-08.

CHAPTER 64B8-51 LICENSURE OF ELECTROLOGISTS AND ELECTROLOGY FACILITIES

- 64B8-51.001 Manner of Application
- 64B8-51.002 Licensure by Examination
- 64B8-51.003 Documentation for Licensure
- 64B8-51.004 Licensure by Endorsement
- 64B8-51.005 Issuance of Temporary Permits (Repealed)
- 64B8-51.006 Rule Governing Licensure and Inspection of Electrology Facilities
- 64B8-51.007 Fees for Application, Examination, Examination Review and Initial Licensure
- 64B8-51.008 Additional Educational Requirements for Initial Licensure

64B8-51.001 Manner of Application.

(1) All persons applying for licensure as an electrologist shall submit a signed application to the Executive Director of the Council on forms provided by the Council and approved and incorporated herein by reference by the Board as Form DH-MQA 1164, (revised 6/14), Electrologist Application, which can be accessed through <http://www.flrules.org/Gateway/reference.asp?No=Ref-04744> or <http://www.floridahealth.gov/licensing-and-regulation/electrolysis/>. The initial application must be accompanied by the application fee, as set forth in Rule 64B8-51.007, F.A.C.

(2) All applications must include an official transcript from a school of electrology which identifies the credits taken by home study or correspondence courses and those taken in classroom settings.

(3) All applications for licensure by examination shall be filed with the Executive Director of the Council and shall be completed at least 75 days prior to the examination. Applications filed after the deadline may be considered at the next meeting of the Council.

Rulemaking Authority 478.43(1), (4) FS. Law Implemented 456.0635, 478.45, 478.46, 478.47, 478.53, 478.055 FS. History—New 5-31-93, Formerly 21M-76.001, Amended 11-10-93, Formerly 61F6-76.001, Amended 5-29-96, Formerly 59R-51.001, Amended 12-23-97, 5-28-00, 8-9-01, 2-15-04, 10-31-05, 2-11-08, 5-7-09, 5-13-10, 5-14-13, 11-27-14.

64B8-51.002 Licensure by Examination.

(1) Every applicant for licensure as an electrologist by examination shall demonstrate to the Council that the applicant:

- (a) Is at least 18 years old.
- (b) Is of good moral character.
- (c) Possesses a high school diploma, a graduate equivalency diploma, college diploma, university diploma, or technical school diploma if such college, university, or technical school required high school or graduate equivalency diploma for admission.
- (d) Has not committed an act in any jurisdiction which would constitute grounds for disciplining an electrologist in this state.
- (e) Has successfully completed the requirements of an electrolysis training program consisting of 120 hours academic training and a minimum of 200 hours of practical application.

(f) Is not otherwise disqualified by reason of a violation of Chapters 456 or 478, F.S., or the rules promulgated thereunder.

(g) Has passed the examination required by Section 478.45(2), F.S.

(2) The Electrolysis Licensure Examination shall be the International Board of Electrologist Certification (IBEC) national examination.

(3) The minimum passing score for the examination shall be set by the national examination provider.

(4) A candidate for licensure by examination who fails to pass the examination shall be required to retake the examination prior to issuance of a license. The application for re-examination of the licensure examination, as referenced in subsection (2) of this rule, shall be made on the Re-Examination Application form DH-MQA 1262 hereby adopted (6/14) and which can be accessed through

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04745> or

<http://www.floridahealth.gov/licensing-and-regulation/electrolysis/>. Upon notice from the testing vendor of an applicant's unsuccessful scores, the Council Office will send the re-examination form to affected applicants.

Rulemaking Authority 478.43(1), (4) FS. Law Implemented 456.017, 456.0635, 478.45 FS. History—New 5-31-93, Formerly 21M-76.002, 61F6-76.002, Amended 7-11-95, Formerly 59R-51.002, Amended 11-13-97, 2-17-00, 5-28-00, 11-27-14.

64B8-51.003 Documentation for Licensure.

(1) In order to establish that an applicant is at least 18 years old, a copy of one of the following shall be submitted:

- (a) Birth certificate,
- (b) Passport,
- (c) Driver's license.

(2) In order to establish that an applicant has a high school diploma or a graduate equivalency diploma, a copy of the diploma shall be submitted. An applicant from a foreign country who does not have a high school diploma or graduate equivalency diploma shall submit equivalent documentation from a credentialing agency.

Rulemaking Authority 478.43(1), (4) FS. Law Implemented 478.45 FS. History—New 5-31-93, Formerly 21M-76.003, 61F6-76.003, Amended 7-14-96, Formerly 59R-51.003, Amended 2-11-08.

64B8-51.004 Licensure by Endorsement.

Every applicant for licensure as an electrologist by endorsement shall demonstrate that the applicant:

Holds an active license or other authority to practice electrology in a jurisdiction whose licensure requirements are determined by the Council to be equivalent to the requirements for licensure by examination in this state.

Rulemaking Authority 478.43(1), (4), 478.45(1)(e) FS. Law Implemented 478.45(1)(e), 478.47 FS. History—New 5-31-93, Formerly 21M-76.004, Amended 3-20-94, Formerly 61F6-76.004, Amended 7-11-95, 7-14-96, Formerly 59R-51.004.

If an applicant is applying from a state that is not licensed, they will be required to obtain the 320 hours of training and pass the state board examination.

64B8-51.005 Issuance of Temporary Permits.

Rulemaking Authority 478.43(1), (4) FS. Law Implemented 478.46 FS. History—New 5-31-93, Formerly 21M-76.005, 61F6-76.005, 59R-51.005, Repealed 1-2-08.

64B8-51.006 Rule Governing Licensure and Inspection of Electrology Facilities.

(1) Definitions. **An electrology facility is that portion of any establishment or place wherein electrolysis is performed. An electrology facility may be part of a residence.**

(2) Electrology Facility Licensure.

(a) No one may operate an electrology facility without a license to do so from the Department of Health.

(b) To obtain the license, the applicant shall provide information to the Department as required by this rule on a form provided by the Department and approved and incorporated herein by reference by the Board as Form DH-MQA 1213, entitled "Application for Electrolysis Facility Licensure," effective 3/13, which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-02754> or the Department at The Florida Department of Health, Electrolysis Council, Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256. The applicant must pay a \$100 application fee, which is nonrefundable, \$100 inspection fee, \$100 licensure fee and a \$5.00 unlicensed activity fee.

(3) Electrology Facility Safety and Sanitary Requirements.

Electrolysis Facility inspections are based the the following rules:

(a) An electrology facility shall be clean, sanitary, and well-lit. It shall also allow for circulation of air sufficient to eliminate odors.

1. Any room wherein electrolysis is performed **shall have four fixed, permanent walls at least six feet tall from the floor and shall have doors capable of being locked.** Permanent walls means a vertical continuous structure of wood, plaster, masonry, or other similar building material, which is physically connected to the electrology facility floor. This requirement shall not apply to electrology facilities which are located in an electrolysis training facility so long as the unwallled area where electrolysis is performed is used for instructional purposes only.

2. There **shall be a sink with hot and cold running water within the electrology facility.** This sink may also serve as the sink in the toilet and lavatory facilities required under paragraph (3)(c) of this rule.

(b) The following **documents shall be displayed in an area that is visible to the general public entering the facility:**

1. The electrology facility license.
2. The current license of the electrologist.
3. The most recent inspection sheet from the Department of Health.
4. A current copy of Rule 64B8-51.006, F.A.C.

(c) Toilet and Lavatory Requirements. Each electrology facility shall provide, on the premises or in the same building, a separate room containing toilet and lavatory facilities which shall have at least one toilet and one sink with running water, and shall

be equipped with toilet tissue, soap dispenser with soap or other hand cleaning material, disposable towels or wall-mounted electric blow dryer and a waste receptacle. The toilet and lavatory facilities and all fixtures and components shall be clean, in good repair, well-lighted and adequately ventilated to remove objectionable odors.

(d) No animals shall be allowed to enter or be in the room wherein electrolysis is performed except those trained to assist the hearing impaired, visually impaired, or the physically impaired.

(e) The electrology facility shall have the following equipment:

1. An FDA registered needle-type epilation device in working order;
2. Clean and sterile needles/probes and forceps/tweezers;
3. Needle holder tips;
4. A treatment table or treatment chair with a non-porous surface capable of being disinfected;
5. Disposable paper drapes or sanitary cloth drapes stored in a closed container or compartment;
6. Sanitary waste receptacles for the disposal of used gloves, paper supplies, cotton balls, and other noninfectious items;
7. Single use, disposable towels;
8. A sharps container for disposal of used needles/probes;
9. A treatment lamp or magnifier lamp capable of being cleaned with disinfectant;
10. A magnifying device which shall be a magnifier lamp, optical loupe or microscope capable of being cleaned and disinfected;
11. Tuberculocidal hospital grade disinfectant registered by the Environmental Protection Agency, household bleach or wiping cloths pre-saturated with disinfectant for wiping non-porous surfaces;
12. If eye shields are used, eye shields capable of being cleaned with disinfectant;
13. Covered containers for needles/probes and forceps/tweezers which containers are capable of being cleaned and sterilized;
14. Betadine, 3% U.S. Pharmaceutical grade hydrogen peroxide, or 70% isopropyl alcohol, or wrapped single use wipes saturated with 70% isopropyl alcohol;
15. Clean, non-sterile materials such as cotton balls, cotton strips, cotton swabs, gauze pads, and gauze strips;
16. If cloth towels are used, they shall be laundered and sanitized, which are stored in a closed container or compartment, and there shall be a covered sanitary container for holding used cloth towels;
17. A sterilizer which shall be either an autoclave or a dry heat sterilizer, and color change indicators for use with either sterilizer. The endodontic dry heat "glass bead sterilizer" shall not be used for instrument sterilization;
18. Unless the facility is new, monthly records of sterilizer biological test monitoring which shall be made available to the Department upon request;
19. A holding container for soaking and cleaning contaminated instruments; and
20. Non-sterile disposable examination gloves.

(f) An appointment book shall be maintained and kept on the electrology facility premises which lists the name of each person who has received electrolysis treatment.

For facilities using lasers, these are the requirements that are listed on the facility inspection.

(g) In electrology facilities wherein laser equipment is used for hair removal, the following shall be provided:

1. Proof of certification of **30 hours of continuing education in laser hair removal** for all electrologists using laser equipment in the facility.

2. Proof of **certification as Certified Medical Electrologist** for all electrologists using laser equipment in the facility.

3. For devices required to be registered, proof of registration for each laser or light-based device in use at the facility as required by Section 501.122, F.S.

4. Written designation of **laser safety officer**.

5. Appropriate **sign** on door of laser room.

6. **Lock** on door of laser room.

7. Protective **eyewear** for all persons in laser room during operation of laser.

8. **Fire extinguisher** in vicinity of laser room.

9. **Cold water and ice**.

10. The written **protocols** required by paragraph 64B8-56.002(4)(a), F.A.C.

(4) Inspections. The Department shall inspect all electrology facilities in the following manner:

(a) All licensed facilities shall be **inspected once per biennium**.

(b) **All facilities applying for initial licensure shall be inspected prior to licensure**.

(5) Transfer of Ownership or Location of the Electrology Facility.

(a) **No license for an electrology facility may be transferred from the name of the original licensee to another**.

(b) An electrology facility license may be transferred from one location to another only upon approval by the Department which approval shall be granted upon compliance with all requirements set out below in subparagraphs 1. through 3. Only the licenses for electrology facilities which have passed inspection at the original location are eligible for transfer to another location. In order to begin practice at the new location, the electrology facility license holder must first perform all of the following procedures:

1. **File a completed application for transfer prior to the date of the transfer** on forms prescribed by the Department, as referenced in paragraph (2)(b) of this rule, which application must be processed by the Council office;

2. **Surrender the current license with the application**; and

You must make a copy of this facility license prior to mailing it in with your application for transfer. You will use this copy as proof that you are operating in a licensed facility until your new location is inspected and your new license is sent to you.

3. Pay \$100 to have the new location inspected to determine compliance with Rule 64B8-51.006, F.A.C. The electrology facility license holder transferring the license shall be permitted to perform electrolysis in the new facility, only after the application has been processed by the Council office and notification provided to the licensee, prior to inspection for a period of 60 days commencing with the first day electrolysis is performed in the new facility. The required inspection must be performed within the 60

day period or electrolysis services must cease until the inspection is performed.

(6) Renewal of Facility Licensure. Facility licensure shall be renewed at the end of each biennium prescribed by the Department. The licensee shall receive ninety (90) days notice of the need to renew the facility license. The notice shall be sent to the licensee at the last known address of the facility. **Failure to receive the notice will not excuse the licensee from the requirement to renew the facility license, and failure to renew shall result in the license becoming delinquent.** If the delinquent licensee does not apply for renewal of the license within six months of the license becoming delinquent, the license shall become null and any subsequent licensure shall be as a result of applying and meeting all requirements for new licensure. **A facility may not operate without a license.** To timely renew the facility license, including the six month “grace period” provided for, the licensee must pay the renewal fee of \$100 and the inspection fee of \$100.

(7) No license for operation of an electrology facility may be transferred from the name of the licensee to the name of another person. **If a facility is sold, the new owner must apply to the Department for licensure and no electrolysis services may be performed in the facility after the sale until the new owner has received the required license from the Department.** A person purchasing an electrology facility may apply to the Department for licensure prior to the date of purchase.

Rulemaking Authority 456.037, 478.43(1), (4), 478.51(3) FS. Law Implemented 456.037(2), (3), (5), 456.0635, 478.49, 478.51 FS. History—New 11-16-93, Formerly 61F6-76.006, Amended 5-11-95, 6-26-96, Formerly 59R-51.006, Amended 12-23-97, 12-22-98, 2-17-00, 3-25-01, 4-8-02, 6-16-03, 7-29-10, 6-19-13, 12-25-14.

64B8-51.007 Fees for Application, Examination, Examination Review and Initial Licensure.

(1) License application fee is \$100.

(2) License application fee for facility license is \$100.

(3) Examination fee is as listed in Rule 64B-1.016, F.A.C., and to be paid directly to the testing vendor.

(4) Initial licensure fee is \$100 and a \$5 special fee to fund efforts to combat unlicensed practice.

(5) Inspection fee for facility is \$100 biennially.

Rulemaking Authority 478.55(1) FS. Law Implemented 456.017, 478.55 FS. History—New 5-31-93, Formerly 21M-76.007, 61F6-76.007, Amended 7-11-95, Formerly 59R-51.007, Amended 4-18-06, 2-23-10, 3-26-12.

64B8-51.008 Additional Educational Requirements for Initial Licensure.

Before licensure, each applicant shall comply with the requirements of Section 456.013(7), F.S., regarding instruction on prevention of medical errors.

Rulemaking Authority 478.43, 456.013(7) FS. Law Implemented 456.013(7) FS. History—New 7-22-02.

A student must take a course on the “Prevention of Medical Errors” prior to becoming licensed. They must take this course again prior to renewal.

CHAPTER 64B8-52 ELECTROLYSIS COUNCIL – CONTINUING EDUCATION

64B8-52.001 Continuing Education Requirements

64B8-52.002 Definitions

64B8-52.003 Procedure for Approval of Attendance at Continuing Education Courses

64B8-52.004 Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction

64B8-52.005 Continuing Education on Prevention of Medical Errors

64B8-52.001 Continuing Education Requirements.

(1) The Legislature and the Council have determined that competency in delivery of electrolysis services is enhanced by continuous updating of knowledge and skills. To this end, continuing education is required as a condition for renewal of licensure of all electrologists without regard to the avenue taken to licensure.

(2) Each licensed electrologist shall submit proof satisfactory to the Council of participation in appropriate continuing education. During each biennium, as established by the Department, each licensee must earn **20 contact hours** of continuing education except as provided in subsection (3) of this rule.

(3) **Those persons certified for licensure during the second year of a biennium are exempt from the continuing education requirements for their first renewal except for the two hour prevention of medical errors course required by Section 456.013, F.S., and subsection 64B8-52.003(4), F.A.C., and the two hour blood-borne disease course including one hour on HIV/AIDS education as required by subsection 64B8-52.003(3), F.A.C.** Continuing education requirements must be met for each biennium thereafter.

Rulemaking Authority 478.43(4), 478.50(2), (4)(a), (b) FS. Law Implemented 478.50(4)(a), (b) FS. History—New 6-1-93, Formerly 21M-77.001, 61F6-77.001, Amended 5-11-95, Formerly 59R-52.001, Amended 5-10-04.

64B8-52.002 Definitions.

(1) “Appropriate continuing education” means planned offerings designed to enhance learning and **promote the continued development of knowledge, skills, and attitudes consistent with contemporary standards for the individual’s electrolysis practice.**

(2) “Approved” means acceptable to the Council.

(3) “Biennium” means a time period of two (2) calendar years, as designated by the Agency.

(4) **“One (1) contact hour” equals a minimum of fifty (50) minutes. One-half (1/2 or .5) contact hour equals a minimum of twenty-five (25) minutes.**

(5) “Offering” means a planned educational experience dealing with a specific content based on the stated learner objectives.

(6) “Orientation.” – Standard Agency Operation is the means by which electrologists are introduced to the philosophy, goals, policies, procedures, role expectations, physical facilities and special services in a specific work setting. Orientation does not meet the continuing education requirement for the purpose of these rules.

(7) “Participation” means sharing in the learning experience in order to achieve the

stated learner objectives.

Rulemaking Authority 478.43(4), 478.50(2), (4)(a), (b) FS. Law Implemented 478.50(2), (4)(a), (b) FS. History—New 6-1-93, Formerly 21M-77.002, 61F6-77.002, Formerly 59R-52.002.

64B8-52.003 Procedure for Approval of Attendance at Continuing Education Courses.

(1) During the license renewal period of each biennium, an application for renewal will be mailed to each licensee at the last address provided to the Board. **Failure to receive any notification during this period does not relieve the licensee of responsibility of meeting the continuing education requirements.** The application for renewal shall include a form on which the licensee shall state whether the licensee has completed the required continuing education and what number of hours were completed in the relevant biennium or year. **The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the appropriate continuing education offerings listed on the renewal form for a period of not less than 4 years from the date the offering was taken.** The Council will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met. Failure to document compliance with the continuing education requirements or the furnishing of false or misleading information regarding compliance shall be grounds for disciplinary action pursuant to Section 478.52(1)(a), F.S.

You should always keep records of the continuing education courses that you take. Even though they are required to be entered into the state data base – CEBroker – you need to keep your own records in case there are discrepancies.

(2) **All licensees shall be awarded contact hours for attendance at all offerings that are approved by the Electrolysis Society of Florida (ESF), or the Electrolysis Association of Florida (EAF), or the American Electrology Association, or the Society of Clinical and Medical Hair Removal, and all offerings from other states which are approved by the states' licensing agency or professional electrology organization which offerings have been approved by the American Electrology Association, or the Society of Clinical and Medical Hair Removal, or any technical school, college or university course taken and successfully completed for the first time by the licensee in a subject area relevant to electrolysis.** The licensee shall provide verification upon request of the Department.

Any course that you take that is approved by the organizations above will automatically count towards your state license renewal – no questions asked. You can also take courses from any technical school, college or university, but it is up to you to determine if the course(s) relates to hair removal. Be prepared to defend the content as well as the presenter/lecturer in case you are audited.

(3) HIV/AIDS and blood-borne disease continuing education requirements.

(a) Each licensee is required to complete no later than upon first renewal an approved course on HIV/AIDS education. **Approved offerings in HIV/AIDS are those that meet the requirements of Section 465.033, F.S. Courses approved by any Board within**

the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.033, F.S., are approved by this council.

Any HIV/AIDS course that is approved by any other profession licensed under the Dept. of Health will be counted for your Electrolysis renewal. Cosmetology/skin care is licensed under DPR, so it does not count for your renewal.

(b) One hour of each biennium must be obtained by each licensee in an approved course on blood-borne diseases.

(4) Two (2) hours each biennium must be obtained by each licensee in approved offerings on prevention of medical errors, including a study of root-cause analysis, error reduction and prevention, and patient safety.

(5) Up to ten hours per biennium of the continuing education required for license renewal may be in the form of approved home study courses.

(6) Up to 2 hours each biennium may be obtained in the area of risk management by a licensee by attending a Board meeting in which another licensee is being disciplined, or by serving as volunteer expert witness in a disciplinary case.

(7)(a) A maximum of 6 contact hours shall be awarded per biennium for each of the following or a combination of the following:

(b) The presentation of an electrology related course or program as either the lecturer of the course or program or as the author of the course materials. Each licensee who is participating as either a lecturer or author of an electrology related course or program shall receive credit for the portion of the offering he/she presented or authored up to the total hours awarded for the offering.

1. Continuing education credit shall be awarded to a lecturer or author for the initial presentation of each electrology related course or program only; repeat presentations of the same course or program shall not be granted credit.

2. In order for a continuing education credit to be awarded to each licensee participating as either lecturer or author, the format of the electrology related course or program must conform with all applicable sections of this rule chapter.

3. The number of contact hours to be awarded to each licensee who participates in an electrology related course or program as either a lecturer or author is based on the 50 minute contact hour employed within this rule chapter.

Rulemaking Authority 478.43(1), (4), 478.50(2), (4)(a), (b) FS. Law Implemented 456.013, 456.033, 478.43(4), 478.50(2), (4)(a), (b) FS. History—New 6-1-93, Formerly 21M-77.003, 61F6-77.003, Amended 5-11-95, Formerly 59R-52.003, Amended 2-9-98, 2-16-99, 2-17-00, 9-21-00, 8-13-02, 4-26-09.

64B8-52.004 Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction.

The Electrolysis Council will approve laser and light-based hair removal or reduction continuing education training courses upon application if the following requirements are met:

(1) Continuing education providers seeking initial approval by the Council shall pay a fee of \$250, and shall apply through the Department of Health's contracted continuing education system, CE broker, at www.cebroke.com. Continuing education providers

seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Council approval, a continuing education program:

(a) Shall be submitted for the Council's approval not less than 60 days nor more than 360 days prior to the date the offering is scheduled;

(b) Shall have its sponsor submit to the Council at least the following:

1. A statement of the educational goals and objectives of the program;

2. A detailed course outline or syllabus, including such items as method of instruction, testing materials, if any;

3. A current curriculum vitae of the course instructor(s);

4. The procedure to be used for recording attendance of those attendees seeking to apply for continuing education credit and the procedure for certification by the course's registrar of attendance;

5. A sample certificate of completion; and

6. A copy of the electrology facility license and the most recent Department of Health inspection sheet from the location where the continuing education training course is offered demonstrating compliance with paragraph 64B8-51.006(3)(g), F.A.C.

(2) **The course consists of thirty (30) hours of instruction, which may include 15 hours of home-study** didactic training, in the use of laser and light-based hair removal or reduction devices, including:

(a) Biology of hair;

(b) Laser and light-based device terminology;

(c) Basic electricity;

(d) Laser and light-based hair removal physics, including:

1. The theory of traditional light.

2. The theory of coherent light.

3. The electromagnetic spectrum.

4. The different types of laser and light-based hair removal devices.

5. The history of laser and light-based device development.

6. The history of medical laser and light-based device development.

7. Understanding photonic principles and how a laser and light-based device works.

8. Hair removal laser and light-based device delivery systems.

(e) Safety and precautions, including:

1. Federal and quasi-federal regulatory agencies and their roles in safety.

2. Treatment room considerations.

3. Eye safety for the operator and the patient.

4. Fire safety.

(f) Laser and light based tissue interaction, including:

1. Grothus draper law.

2. Reflection, transmission, scatter and absorption.

3. The melanin and hemoglobin absorption curve at various hair removal device wavelengths.

4. Depth of penetration and wavelength.

5. Possible effects of absorption of light energy.

6. Selective photothermolysis, including:

a. Wavelength.

b. Pulse duration.

- c. Energy fluence.
 - d. Spot size.
 - (g) Sanitation;
 - (h) Fitzpatrick skin typing;
 - (i) The patient intake form;
 - (j) The consultation;
 - (k) Proper documentation of patient case history and consent forms;
 - (l) Pre-treatment patient preparation including test spot considerations and the Nikolski sign;
 - (m) Treatment contra-indications including the recognition of disease conditions of the skin;
 - (n) Handpiece and spot size considerations;
 - (o) Fluence setting;
 - (p) Stretch technique;
 - (q) Use of grid stamp;
 - (r) Post-treatment procedures, including:
 1. Application of ice and medication.
 2. Instructions to patients.
 - (s) Expected outcomes including erythema and edema;
 - (t) Possible adverse outcomes;
 - (u) Follow-up care;
 - (v) The concept of using needle-type epilators to complement laser and light-based hair removal or reduction devices; and
 - (w) At least five (5) hours of hands-on experience with laser and light-based devices to include hair removal or reduction from all areas of the body.
- (3) **The instructors of each laser and light-based hair removal course have one year of post-certification experience.** Verifiable documentation of this experience must be submitted to the Council with the application.

Instructors must have a CME credential and have 1 year of verifiable experience after they have received their CME credential.

Rulemaking Authority 456.025(7), 478.43 FS. Law Implemented 456.025(7), 478.42(5), 478.43(3), 478.50 FS. History—New 10-3-00, Amended 12-24-01, 12-26-02, 8-17-04, 7-3-06, 2-18-09, 12-21-14.

64B8-52.005 Continuing Education on Prevention of Medical Errors.

Two (2) hour prevention of medical error courses as required in Section 456.013(7), F.S., approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Chapter 456, F.S., are recommended by the Council and approved by the Board.

Rulemaking Authority 456.013(7), 478.50(4)(c) FS. Law Implemented 456.013(7) FS. History—New 2-3-04.

CHAPTER 64B8-53 ELECTROLYSIS TRAINING PROGRAMS

64B8-53.001 Requirements for Electrolysis Training Programs Approved by the Board

64B8-53.002 Curriculum Standards for Electrolysis Training Programs

64B8-53.003 Required Equipment for Electrolysis Training Programs

64B8-53.001 Requirements for Electrolysis Training Programs Approved by the Board.

An electrolysis training program shall be approved by the Board for pre-licensure training if the following requirements are met:

(1) **The electrolysis training program is licensed by the Commission for Independent Education** and the license is a current, unencumbered provisional, regular or biennial license issued pursuant to Sections 1005.31-.38, F.S.

(a) Electrolysis training programs intended to train individuals to practice in Florida must provide the Electrolysis Council copies of all documents submitted to the Department of Education for initial approval and renewal by the Commission for Independent Education. Failure to provide these materials to the Council shall result in a denial or revocation of program approval by the Council.

(b) No home study or correspondence school or course will be considered in assessing an applicant's qualifications for licensure.

(2) Applicants shall complete and submit to the Council the application entitled "New Facility or New Ownership Application for Electrology Facility Licensure", form DOH/MQA/EP APP/REV-9/99, which is hereby incorporated by reference, copies of which may be obtained from the Council Office at 4052 Bald Cypress Way, BIN C05, Tallahassee, FL 32399. Approval by the Council is necessary before students are admitted.

(3) The facility where initial training is offered shall submit to the Council at least the following:

(a) A statement of the educational goals and objectives of the program;

(b) A detailed course outline or syllabus, including method of instruction, and testing materials;

(c) A current curriculum vitae of the course instructor(s);

(d) A sample certificate or diploma which includes the following which shall be filled in by the facility at the time of graduation:

Academic Hours Per subsection 64B8-53.002(1), F.A.C. Successfully Completed	Traditional Classroom _____ Traditional Classroom	Non-Traditional Classroom _____ Non-Traditional Classroom
Clinical Hours Per subsection 64B8-53.002(2), F.A.C. Successfully Completed	_____ Traditional Classroom	_____ Non-Traditional Classroom

(e) A copy of the electrology facility license and the most recent Department of Health inspection sheet from the location where the training courses are to be offered demonstrating compliance with Rule 64B8-51.006, F.A.C.

(f) Proof of current, unencumbered licensure by the Commission for Independent Education, pursuant to Chapter 1005, F.S. Failure to maintain that license in good standing shall result in the loss of Council approval of the Program.

(g) Provide a copy of the application form submitted by students which shall include the following Notice in bold type no smaller than 14 points:

“Notice from the Florida Electrolysis Council Applicants for an Electrolysis License in the State of Florida are required to have completed a specifically outlined course of academic and clinical studies. Those studies must have been taken in a classroom setting in the physical presence of the instructor. Only such classroom education will be considered adequate for licensure. No credit shall be awarded applicants for home study, correspondence, or other distance education.

I confirm that I have read and understand the foregoing notice.

Student Signature Date”

(4) The content of the program must include the curriculum standards set forth in subsections 64B8-53.002(1) and (2), F.A.C. All curricula must harmonize with and not be contrary to the following statements:

(a) The procedures to be used for electrolysis involve the insertion of a sterile needle electrode into the hair follicle(s) of prepared skin. After the application of the selected current, the treated hair(s) is (are) removed with sterile forceps. After treatment is complete, the treated area of the skin is given post-treatment care.

(b) Electrolysis training programs shall be limited to training in the universally accepted procedures of electrolysis and shall not include extemporaneous procedures licensed by any other Florida Board. One example of such an extemporaneous procedure would be waxing the treated area after electrolysis. A Cosmetology license is required for certain types of waxing. A second example would be the intentional treatment of telangiectasis (spider veins) with the epilator. This type of vascular surgery may only be performed by a Florida licensed physician.

(5) **Only needle-type epilators shall be used in electrolysis training programs.**

(6) All students in the clinical application phase of an electrolysis training program shall have access to a full work station consisting of an epilator, treatment table, stool, and supplies. During the clinical application phase of instruction in an electrolysis training program, there shall be only one student assigned to each work station.

(7) Each facility where electrolysis training programs are offered must meet the curriculum standards in Rule 64B8-53.002, F.A.C., and have the equipment required by Rule 64B8-53.003, F.A.C.

(8) Each facility where electrolysis training programs are offered must be licensed as an electrology facility pursuant to Rule 64B8-51.006, F.A.C.

(9) An electrolysis training program in another state or jurisdiction which does not license the practice of electrolysis shall be an approved electrolysis training program if it meets requirements substantially equivalent to those in subsections 64B8-53.001(1) and (2), F.A.C.

Specific Authority 478.43(4), 478.50(4)(b) FS. Law Implemented 478.43(4), 478.45(1)(e), 478.50(4)(b) FS. History—New 9-29-93, Formerly 61F6-78.001, Amended 6-19-96, Formerly 59R-53.001, Amended 11-13-97, 2-15-07.

64B8-53.002 Curriculum Standards for Electrolysis Training Programs.

In order to be approved by the Board, an electrolysis training program must meet the following curriculum standards:

	Hours
(1) Academic instruction to be set out in school catalog.	
(a) Introduction to electrolysis techniques through Galvanic, Thermolysis and Blend, history of permanent hair removal, general treatment procedures	15
(b) Principles of electricity, epilator functions, and adjustments.	5
(c) Integumentary System (skin and appendages).	10
(d) Circulatory (blood and lymph) and nervous system.	10
(e) Endocrine system, including related diseases.	10
(f) Biology of hair growth.	10
(g) Skin assessment, including types, effects of specific current, effects of temporary removal.	15
(h) Study of blood-borne pathogens with emphasis on hepatitis (all types), and HIV/AIDS.	10
(i) Microbiology of the skin (flora and fauna), sanitation and safety procedures including demonstrations in accordance with Rule 64B8-56.001, F.A.C.	10
(j) Clinic and office management, communications, professional ethics, bookkeeping, and patient management.	10
(k) Study of Chapter 64B8, F.A.C., as it relates to electrolysis, Chapter 478, F.S., and Chapter 456, Part II, F.S.	10
(l) Consultations.	5
Subtotal	120 hours

	Hours
(2) Clinical Application	
(a) Coordination skills with probe holder and forceps.	5
(b) Insertions	15
(c) Sanitation/Sterilization Procedures	10
(d) Hands on Equipment Instruction (Electrolysis)	5
(e) Hands on Equipment Instruction (Thermolysis)	5
(f) Hands on Equipment Instruction (Blend)	5
(g) Client Pre/Post Treatment	5
(h) Client Assessment	10
(i) General Treatment Procedures	105
(j) Consultations	15
(k) Visuals/Library	10
(l) Review/Exam Preparation	10
Subtotal	200

Total **320 hrs**

Specific Authority 478.43(4), 478.50(4)(b) FS. Law Implemented 478.43(4), 478.45(1)(e), 478.50(4)(b) FS. History—New 9-29-93, Formerly 61F6-78.002, 59R-53.002, Amended 11-13-97.

64B8-53.003 Required Equipment for Electrolysis Training Programs.

(1) An electrolysis training program shall have the following equipment in good working condition, in sufficient numbers, and supplies in sufficient amount to enable students to meet their learning objectives:

- (a) U.S. FDA registered short wave epilator,
- (b) U.S. FDA registered blend epilator,
- (c) U.S. FDA registered galvanic epilator with multiple needle apparatus,
- (d) Magnifying device or treatment lamp,
- (e) Treatment table or treatment chair,
- (f) Operator stool or chair,
- (g) Autoclave with chemical biological indicators,
- (h) Dry heat sterilizer with chemical biological indicators,
- (i) Needles (e.g. probes) of various sizes,
- (j) Forceps (e.g. tweezers),
- (k) Needle holder tips,
- (l) Ultrasonic cleaner with enzyme dissolving detergent,
- (m) Covered holding containers for contaminated instruments,
- (n) Sharps containers for disposal of used needles and other sharp instruments in accordance with the biomedical waste disposal requirements of Rule Chapter 64E-16, F.A.C.,
- (o) Non-sterile disposable examination gloves,
- (p) Waste receptacles,
- (q) Soaps,
- (r) Paper towels,
- (s) Paper table coverings,
- (t) Tuberculocidal hospital grade disinfectant detergent,
- (u) Betadine, 3% U.S. Pharmaceutical grade hydrogen peroxide and 70% isopropyl alcohol or wrapped, single use wipes saturated with 70% isopropyl alcohol,
- (v) Clean non-sterile materials such as cotton balls, cotton strips, cotton swabs, gauze pads, and gauze strips,
- (w) Clean, covered containers for creams, lotions and ointments with single use spatulas or containers which are pump or tube type dispensers,
- (x) Magnifying device which shall be a magnifying lamp, optical loupe or microscope.
- (y) Reference books/textbooks in the following areas:
 - 1. Electrolysis;
 - 2. Dermatology;
 - 3. Anatomy; and
 - 4. Medical dictionary.

(2) Endodontic dry heat sterilizers, also known as glass bead sterilizers, shall not be used in place of an autoclave or dry heat sterilizer in paragraphs 64B8-53.003(1)(g) and (h), F.A.C.

Specific Authority 478.43(4), 478.50(4)(b) FS. Law Implemented 456.033, 478.43(4), 478.45(1)(e), 478.50(4)(b) FS. History—New 11-16-93, Formerly 61F6-78.003, 59R-53.003, Amended 11-13-97, 10-12-98.

CHAPTER 64B8-54 LICENSURE

64B8-54.001	Renewal of Electrologist License; Delinquent Renewal
64B8-54.002	Request for Inactive or Retired Status License
64B8-54.0021	Exemption of Spouse of Armed Forces Member from License Renewal Requirements
64B8-54.0022	Reactivation of Inactive or Retired Status License
64B8-54.004	Fees
64B8-54.0041	Special Assessment Fee

64B8-54.001 Renewal of Electrologist License; Delinquent Renewal.

(1) Licensure shall be renewed at the end of each biennium prescribed by the Department in accordance with the rules of the Department.

(2) Ninety (90) days prior to the end of the biennium and automatic reversion of licensure to delinquent status, the Department shall mail a notice of renewal and possible reversion to the last known address of the license holder.

(3) Every license holder shall file with the Department the address of his primary place of service delivery within the state prior to engaging in same. Prior to changing such address, he shall notify the Department of the address of his new primary place of service delivery, whether or not within the state.

(4) In order to timely renew the licensure, the licensee shall provide the Department with the following before the expiration date of the license:

(a) Completed renewal application form specified in subsection 64B8-52.003(1), F.A.C., and

(b) The biennial license renewal fee.

(5) Failure to renew the license by the expiration date will result in the license becoming delinquent. A licensee holding a delinquent license cannot practice electrolysis until renewal of the delinquent license to active status is completed. In order to renew a delinquent license, the licensee must submit the required renewal fee, the delinquency fee, and proof of completion of the required continuing education.

(6) Failure to comply with the continuing education requirement shall prohibit renewal of licensure and result in the license being placed on delinquent status. Licensure may be renewed in accordance with the provisions of this chapter only upon completion of the 20 hour continuing education requirement. Hours earned to complete the 20 hour continuing education requirement for renewal of delinquent licensure may not be used toward the 20 hour requirement for the next biennium.

(7) If renewal of the delinquent license is requested more than one year following the expiration date of the last active license, the licensee must submit a total of thirty (30) hours of continuing education as required by subsection 64B8-54.002(3), F.A.C. If renewal of the delinquent license is requested during the ninety (90) day renewal period prior to the rendering of the license null and void, the licensee must submit forty (40) hours of continuing education as required by subsection 64B8-54.002(3), F.A.C.

(8) Failure to renew the delinquent license to either active or inactive status by the expiration date of the current renewal period shall render the license null and void without further action of the Council or Department.

Rulemaking Authority 456.036, 478.43(1), (4), 478.50 FS. Law Implemented 456.036, 478.50 FS. History—New 9-29-93, Formerly 61F6-79.001, 59R-54.001, Amended 2-10-98.

64B8-54.002 Request for Inactive or Retired Status License.

(1) Any person holding an active license may change the license to inactive status upon submission of a letter to the Electrolysis Council, stating the licensee's intention to change the license to inactive status. If the change is made at the time of license renewal, the licensee must pay the inactive status renewal fee, the delinquency fee if applicable, and the fee to change licensure status, in the amounts indicated in Rule 64B8-54.004, F.A.C. Active status licensees choosing inactive status at any other time than at the time of license renewal must pay the fee to change licensure status.

(2) A licensee with an active or inactive license wishing to change to retired licensure status during the renewal period must pay the retired license fee. If changing to retired licensure status outside the renewal period, the change of status fee shall also be paid.

Rulemaking Authority 456.036(16), 478.43(1), (4) FS. Law Implemented 456.036(2), (4)(b) FS. History—New 9-29-93, Formerly 61F6-79.002, 59R-54.002, Amended 4-2-98, 9-26-01, 4-25-06, 12-22-13.

64B8-54.0021 Exemption of Spouse of Armed Forces Member from License Renewal Requirements.

A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board.

Rulemaking Authority 456.024 FS. Law Implemented 456.024 FS. History—New 4-4-00.

64B8-54.0022 Reactivation of Inactive or Retired Status Licenses.

(1) Any person applying for an active status license, who has been in inactive status shall, as a condition of licensure, demonstrate that he or she is able to practice with the care and skill sufficient to protect the health, safety and welfare of the public by:

(a) Submitting a written reactivation request to the Department;

(b) Paying the biennial renewal fee and reactivation fee set out in Rule 64B8-54.004, F.A.C., and compliance with subparagraphs 1. and 2., below:

1. If the license has been inactive for less than one year after the expiration date of the last active license, the licensee shall submit proof of completion of 30 hours of the continuing education requirements pursuant to Sections 478.50(4)(a), (b), F.S., and Rule Chapter 64B8-52, F.A.C.; or

2. If the license has been inactive for more than one year after the expiration date of the last active license, the licensee shall submit proof of completion of 10 hours of continuing education for each year the license has been inactive and the 20 hours of continuing education for the last active biennium. All continuing education must comply with the requirements of Sections 478.50(4)(a), (b), F.S., and Rule Chapter 64B8-52, F.A.C.

(2) In addition, a licensee who has maintained an inactive license for more than 2 bienniums shall, in addition to complying with subparagraph (1)(b)2., above, take two hours of CE in HIV and Blood Borne Disease and two hours in Medical Errors.

(3) Any person who has maintained a retired status license, or who has not been actively employed as an electrologist shall, as a condition of licensure, demonstrate that he or she is able to practice with the care and skill sufficient to protect the health, safety and welfare of the public by:

(a) Submitting a written reactivation request to the Department;

(b) Paying the biennial renewal fees for an active license, set out in Rule 64B8-54.004, F.A.C., for all biennial licensure periods during which the license was in retired status;

(c) Paying the reactivation fee set out in Rule 64B8-54.004, F.A.C., and compliance with subparagraphs 1. and 2. below:

1. If the license has been in retired status for less than 2 bienniums, the applicant shall:

a. Complete two hours of CE in HIV and Blood Borne Disease and two hours in Medical Errors; and

b. Submit proof that the licensee has obtained 20 hours of continuing education for each biennial licensure period in which the license was in retired status and for the last full biennial period in which the license was in active status.

2. If the license has been in retired status for more than 2 bienniums, comply with subparagraph (3)(c)1., above, and retake the examination.

Rulemaking Authority 456.036(1), (10), (11), (12), (15) FS. Law Implemented 456.036(10), 478.45(1)(e), 478.47 FS. History—New 11-2-06, Amended 4-6-10.

64B8-54.004 Fees.

(1) The biennial renewal fee for licensure shall be \$100.

(2) The reactivation fee for reactivating an inactive license shall be \$100.

(3) The inactive license fee shall be \$100.

(4) The renewal of inactive license fee shall be \$100.

(5) The initial retired license fee shall be \$50.

(6) The delinquent renewal fee shall be \$100.

(7) The change of status fee shall be \$100.

(8) If a licensee wishes to request the Board or the Department to provide a duplicate license for replacement of a lost or destroyed license, the Board will issue the duplicate if the request is in writing and accompanied by a payment of \$25.

Rulemaking Authority 456.013(2), 456.036(15), 478.43(1), (4), 478.50, 478.55 FS. Law Implemented 456.013, 456.025(2), 456.036(4)(b), 478.50, 478.55 FS. History—New 9-29-93, Formerly 61F6-79.004, Amended 6-29-95, Formerly 59R-54.004, Amended 2-17-00, 4-25-06.

64B8-54.0041 Special Assessment Fee.

(1) In an effort to eliminate the current cash deficit of the Electrolysis Council, each active status licensee and each inactive status licensee shall pay a special one time assessment fee of one thousand three hundred and six dollars (\$1,306.00). The fee may be paid in two equal installments of six hundred fifty three dollars (\$653.00), with the first installment due no later than May 31, 2006. The entire fee must be paid to and received by the Department no later than May 31, 2008.

(2) Failure to comply with this rule and pay the required fee shall constitute a citation violation as set forth in Section 456.077, F.S.

Rulemaking Authority 456.025(5) FS. Law Implemented 456.025(5) FS. History—New 5-16-06.

**CHAPTER 64B8-55
DISCIPLINE AND LICENSURE RESTRICTIONS**

- 64B8-55.001 Disciplinary Guidelines
- 64B8-55.002 Citations
- 64B8-55.0021 Discipline of Electrolysis Facilities
- 64B8-55.003 Terms of Probation
- 64B8-55.004 Mediation

64B8-55.001 Disciplinary Guidelines.

(1) Purpose. Pursuant to Section 478.52(4), F.S., the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 478, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Sexual misconduct in the delivery of electrolysis services is sexual behavior or involvement as defined in Section 456.063(1), F.S.

(3) Violations and Range of Penalties. In imposing discipline upon applicants and licensees in proceedings pursuant to Sections 120.57(1) and 120.57(2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty as provided in Section 456.072(2), F.S., within the range corresponding to the violations set forth below. The identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION	RECOMMENDED RANGE OF PENALTY
(a) Attempting to obtain a license by bribery, fraud, misrepresentation, or through error of the department or the council. (478.52(1)(a), 456.072(1)(h), F.S.)	
(a)1. Attempting to obtain an initial licensure by bribery or fraud.	(a)1. Denial of application and \$10,000 fine.
(a)2. Attempting to renew a license by bribery or fraud.	(a)2. For the first offense, from revocation of the license with ability to reapply upon payment of a \$10,000 fine to permanent

(a)3. Obtaining or renewing a license by fraud.

(a)4. Obtaining or renewing a license through error of the department or the council.

(a)5. Obtaining or renewing a license through negligent misrepresentation.

(b) Action taken against license by another jurisdiction.

(478.52(1)(b), F.S.)

(c) Guilt of crime directly relating to practice.
(478.52(1)(c), F.S.)

(d) Filing a false report or failing to file a report as required.

(478.52(1)(d), F.S.)

(d)1. Negligently filing a false report or failing to file a report as required.

(d)2. Fraudulently filing a false report or failing to file a report as required.

revocation.

After the first offense, permanent revocation and a \$10,000 fine.

(a)3. For the first offense, from revocation of the license with ability

to reapply upon payment of a \$10,000 fine to permanent revocation.

After the first offense, permanent revocation and a \$10,000 fine.

(a)4. Revocation.

(a)5. For the first offense, from a \$250 fine and 3 hours of continuing

education on ethics to suspension and a reprimand and a \$1,000

administrative fine.

(b)1. From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to suspension or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine ranging from \$250 to \$5,000. Impaired practitioners working in this state shall be evaluated to determine the need for referral to PRN.

(b)2. After the first offense, from imposition of discipline comparable to that which would have been imposed if a second or higher substantive violation had occurred in Florida to suspension or denial of license until it is unencumbered in the other jurisdiction, and an administrative fine from \$1,000 to \$5,000.

(c)1. From probation to revocation or denial of license, and an administrative fine ranging from \$250 to \$5,000.

(c)2. After the first offense, from a three-year probation with conditions to revocation or denial of the license, and an administrative fine ranging from \$350 to \$5,000.

(d)1. For the first offense, from a letter of concern or denial of application to one (1) year probation and an administrative fine from

\$500 to \$5,000. After the first offense, from one (1) year probation to

revocation, and an administrative fine from \$1,000 to \$5,000.

(d)2. For the first offense, from one (1) year probation to revocation

or denial of application, and a \$10,000 fine. After the first

(e) False, deceptive or misleading advertising.
(478.52(1)(e), F.S.)

(e)1. Negligent false, deceptive, or misleading advertising.

(e)2. Fraudulent false, deceptive, or misleading advertising.

(f) Unprofessional conduct, failure to conform to acceptable standards.

(478.52(1)(f), F.S.)
(456.072(3)(b), F.S.)

(g) Possession, sale or distribution of illegal or controlled substance.

(478.52(1)(g), F.S.)

(h) Failure to report any known violation of Chapter 478, F.S.

(478.52(1)(h), F.S.)

(i) Repeated or willful violation of rule or order.

(478.52(1)(i), F.S.)

(j) Delivery of electrolysis services without an active license.

(478.52(1)(j), F.S.)

(k) Employing unlicensed person to practice electrology.

(478.52(1)(k), F.S.)

offense,
from suspension to revocation and a \$10,000 fine.

(e)1. For the first offense, from a letter of concern to one (1) year suspension or denial or application, and an administrative fine from \$500 to \$2,500.

(e)2. For the first offense, from reprimand to up to one (1) year suspension or denial of application, and an administrative fine of \$10,000. After the first offense, from suspension up to revocation and a fine of \$10,000.

(f)1. For first-time violation where no actual patient harm occurred, citation and \$250 fine. For first-time violation where actual patient harm occurred from six months probation to revocation or denial, and an administrative fine from \$1,000 to \$2,500.

(f)2. After the first offense, from one year probation to revocation or denial, and an administrative fine from \$1,000 to \$5,000.

(g)1. From six months suspension to revocation or denial, and an administrative fine from \$1,000 to \$5,000.

(g)2. After the first offense, from one year suspension to revocation, and an administrative fine from \$1,500 to \$5,000.

(h)1. From a reprimand to probation or denial, and an administrative fine from \$250 to \$5,000.

(h)2. After the first offense, from one year probation to revocation or denial, and an administrative fine from \$350 to \$5,000.

(i)1. From six months suspension to revocation or denial, and an administrative fine from \$1,000 to \$2,500.

(i)2. After the first offense, from one year suspension to revocation or denial, and an administrative fine from \$1,500 to \$5,000.

(j)1. From probation to revocation or denial, and an administrative fine from \$250 to \$5,000.

(j)2. After the first offense, from one year suspension to revocation or denial, and an administrative fine from \$1,000 to \$5,000.

(k)1. From one year probation to denial or five years suspension followed by probation, and an administrative fine from \$250 to \$5,000.

(k)2. After the first offense, from one year suspension to denial or five years suspension followed by probation, and an administrative fine

(l) Failure to perform legal obligation.
(478.52(1)(l), F.S.)

(m) Accepting and performing responsibilities for which licensee knows, or has reason to know, he or she is not competent to perform.
(478.52(1)(m), F.S.)

(n) Delegating professional responsibilities to unqualified person.
(478.52(1)(n), F.S.)

(o) Malpractice.
(478.52(1)(o), F.S.)

(p) Judicially determined mental incompetency.
(478.52(1)(p), F.S.)

(q) Practicing under a name other than that of licensee.
(478.52(1)(q), F.S.)

(q)1. Negligently practicing under a name other than that of the licensee.

(q)2. Fraudulently practicing under a name other than that of the licensee.

(r) Inability to practice because of mental or physical condition or use of alcohol or controlled substances.
(478.52(1)(r), F.S.)
(456.072(1)(v), F.S.)

from \$1,000 to \$5,000.

(l)1. From a reprimand to probation up to one year or denial, and an administrative fine from \$250 to \$1,500.

(l)2. After the first offense, from probation to suspension or denial, and an administrative fine from \$1,000 to \$5,000.

(m)1. From six months probation to revocation or denial, and an administrative fine from \$500 to \$2,500.

(m)2. After the first offense, from one year probation to revocation or denial, and an administrative fine from \$1,000 to \$5,000.

(n)1. From probation to denial or two years suspension followed by probation, and an administrative fine from \$250 to \$5,000.

(n)2. After the first offense, from six months suspension followed by probation to revocation, and an administrative fine from \$1,000 to \$5,000.

(o)1. From two years probation to revocation or denial, and an administrative fine from \$250 to \$5,000.

(o)2. After the first offense, from one year suspension followed by probation to revocation or denial, and an administrative fine from \$1,000 to \$5,000.

(p) From probation to denial or indefinite suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation.

(q)1. For the first offense, form one (1) year suspension to revocation or denial of application, and an administrative fine from \$250 to \$5,000. After the first offense, revocation and an administrative fine from \$1,000 to \$5,000.

(q)2. For the first offense, revocation or denial of application, and an administrative fine of \$10,000.

(r)1. From probation to denial or indefinite suspension until licensee is able to demonstrate the ability to practice with reasonable skill and safety followed by probation, and an administrative fine from \$250 to \$5,000.

(r)2. For a second offense, from indefinite suspension until licensee is able to demonstrate the

(s) Being terminated from or failing to successfully complete an impaired practitioners treatment program.

(t) Disclosing identity of or information about a patient.
(478.52(1)(s), F.S.)

(u) Practicing permanent hair removal except as described in Section 478.52(5), F.S.
(478.52(1)(t), F.S.)

(v) Providing electrolysis or allowing electrolysis to be performed in an unlicensed facility.
(478.51(1), F.S.)

(w) Transferring an electrology facility license from the name of the original licensee to another.
(478.51(1), F.S.)

(x) Sexual Misconduct.
(456.063, F.S.)

(y) Failure to comply with continuing education requirements.
(478.50(4) and 478.52(1)(f), F.S.)

ability to practice with reasonable skill and safety followed by probation to revocation, and an administrative fine from \$1,000 to \$5,000.

(s)1. First Offense - Minimum stayed Suspension and Probation for a period of 1 year with a fine of \$500. to a Maximum of Suspension or denial of license until successful completion or receipt of a Written Confirmation from the program that further treatment is neither required nor indicated followed by a 1 year probation and a fine of \$1,000.

(s)2. Subsequent Offenses - Minimum Suspension for 3 years or until licensee is able to demonstrate to the Board the ability to practice with reasonable skill and safety, whichever is longer and a fine of \$1,000. to a Maximum of revocation or denial of license and a \$2,000. fine.

(t)1. From one year suspension to revocation or denial, and an administrative fine from \$250 to \$5,000.

(t)2. For a second offense, revocation, and an administrative fine from \$1,000 to \$5,000.

(u)1. From two years probation to revocation or denial, and an administrative fine from \$250 to \$5,000.

(u)2. After the first offense, from one year suspension followed by probation to revocation or denial, and an administrative fine from \$1,000 to \$5,000.

(v) For second and subsequent offenses: from two years probation to revocation or denial and an administrative fine from \$250 to \$5,000.

(w) Denial of application as an electrologist and denial of application for facility license. Revocation of facility license to electrologist who accepts or transfers facility license. Revocation of electrology license.

(x) Denial of licensure, or if licensed, six months suspension to revocation and an administrative fine of \$500 to \$10,000.

(y) Second and subsequent violations: from probation up to one year to suspension up to one year and an administrative fine from \$1,000 to \$2,500; and completion of all incomplete continuing education credits.

(z) Failure to keep an electrology facility clean, sanitary, and well lit; allowing for circulation of air sufficient to eliminate objectionable odors. (478.51(3), F.S.)

(aa) Failure to have four fixed, permanent walls physically connected to the electrology facility floor at least six feet tall from the floor. (478.51(3), F.S.)

(bb) Failure to have required locking doors. (478.51(3), F.S.)

(cc) Failure to have a sink with hot and cold running water within the electrology facility. (478.51(3), F.S.)

(dd) Failure to provide, on the premises or in the same building, a separate room containing toilet and lavatory facilities. (478.51(3), F.S.)

(ee) Allowing animals in the room wherein electrolysis is performed except those trained to assist the hearing impaired, visually impaired or physically impaired. (478.51(3), F.S.)

(ff) Failure to have any one of the following items/equipment in the facility (the failure to have any one of the items/equipment shall constitute a separate offense):

1. An FDA registered needle type epilation device in working order;
2. Clean and sterile needles (e.g., probes) and forceps (e.g., tweezers);
3. Sanitary waste receptacles for the disposal of used gloves, paper supplies, cotton balls, and other non infectious items;
4. A sharps container for disposal of used needles;
5. A sterilizer which shall be either an autoclave or a dry heat sterilizer and color change indicators for use with either sterilizer;
6. Monthly records of sterilizer biological test monitoring which shall be made available to the Department upon request;
7. A holding container for soaking and cleaning contaminated instruments.

(gg) Failure to maintain an appointment book. (478.51(3), F.S.)

(hh) Failure to display any one of the following documents in an area that is visible to the general public entering the facility (the failure to display

(z) Third and subsequent offenses: from reprimand to suspension until compliance and an administrative fine of \$500.

(aa) Third and subsequent offenses: from reprimand to suspension until compliance and an administrative fine of \$500.

(bb) Third and subsequent offenses: from reprimand to suspension until compliance and an administrative fine of \$500.

(cc) Third and subsequent offenses: from reprimand to suspension until compliance and an administrative fine of \$500.

(dd) Third and subsequent offenses: from reprimand to suspension until compliance and an administrative fine of \$500.

(ee) Third and subsequent offenses: from reprimand to one month suspension and until compliance, and an administrative fine of \$500.

(ff) Third and subsequent offenses: from reprimand to one month suspension and until compliance, and an administrative fine of \$500.

(gg) Third and subsequent offenses: from reprimand to suspension until compliance and an administrative fine of \$500.

(hh) Fourth and subsequent offenses: from reprimand to suspension until compliance and an administrative fine of \$350.

any one of the documents shall constitute a separate offense):

1. The electrology facility license;
2. The current license of the electrologist;
3. The most recent inspection sheet from the Department of Health;
4. A current copy of Rule 64B8-51.006, F.A.C.

(ii) Failure to have any one of the following items/equipment (the failure to have any one of the items/equipment shall constitute a separate offense):

1. Needle holder tips;
2. A treatment table or chair with a nonporous surface capable of being disinfected;
3. Disposable paper drapes or sanitary cloth drapes stored in a closed container or compartment;
4. Single use disposable towels;
5. A treatment lamp or magnifier lamp capable of being cleaned with disinfectant;
6. A magnifying device which shall be a magnifier lamp, optical loupe or microscope capable of being cleaned and disinfected;
7. Tuberculocidal hospital grade disinfectant detergent registered by the Environmental Protection Agency, household bleach or wiping cloths presaturated with disinfectant for wiping nonporous surfaces;
8. If eye shields are used, eye shields capable of being cleaned with disinfectant;
9. Covered containers for needles and forceps which containers are capable of being cleaned and sterilized;
10. Betadine, 3% U.S. pharmaceutical grade hydrogen peroxide or 70% isopropyl alcohol or mapped single use wipes saturated with 70% isopropyl alcohol;
11. Clean, non-sterile materials such as cotton balls, cotton strips, cotton swabs, gauze pads, and gauze strips;
12. Laundered and sanitized cloth towels stored in a closed container or compartment;
13. A covered sanitary container for holding used cloth towels;
14. Non-sterile disposable examination gloves.

(jj) Operating an unlicensed electrolysis facility. (478.52(1)(u), F.S.)

(kk) Failure to report, within 30 days a conviction, finding of guilt, or plea

(ii) Fourth and subsequent offenses: from reprimand to suspension until compliance and an administrative fine of \$350.

(jj) From denial of licensure if committed prior to licensure, or suspension until compliance to revocation, and a fine from \$250 to \$2,500.

(kk) 1. 3 months probation to 2 years suspension, and a fine of \$500 to \$5,000.

of nolo contendere, regardless of adjudication, to a crime, to the Board. (456.072(1)(w), F.S.)

(ll) Using information from accident reports, or from news sources that use such information for the solicitation of people involved in such accidents. (456.072(1)(x), F.S.)

(mm) Testing positive for a drug on employment drug screening (456.072(1)(z), F.S.)

(nn) Violating any provision of Chapter 478 or 456,

F.S., or any rule of the Board or Department. (478.52(1)(v), F.S.)

(oo) Performing or attempting to perform electrolysis on

the wrong patient, a wrong-site procedure, a wrong

procedure, an unauthorized procedure, or a procedure that is medically unnecessary or otherwise

unrelated to the patient's diagnosis or medical condition. (456.072(1)(aa), F.S.)

(kk)2. After the first offense, from 1 year probation to revocation, and a fine from \$1000 to \$5,000.

(ll)1. Up to six months probation and/or a fine of up to \$500.

(ll)2. After the first offense, from one year probation to one year suspension, and a fine from \$1,000 to \$5,000.

(mm)1. Probation to revocation or denial licensure, and administrative fine from \$250 to \$2,500.

(ll)2. After the first offense, probation to revocation, and administrative fine from \$2,500 to \$5,000.

(nn) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation and a fine of \$250 to \$1,000.

(oo)1. For the first offense, from one year probation with conditions and a \$1,000 fine to one year suspension, two years probation and a \$5,000 fine.

(oo)2. For the second offense, from one year suspension, two years probation with conditions and a \$5,000 fine to revocation and a \$10,000 fine.

(4) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended above. The Board shall consider as aggravating or mitigating factors the following:

(a) Exposure of patient or public to injury or potential injury, physical or otherwise: none, slight, severe, or death;

(b) Legal status at the time of the offense: no restraints, or legal constraints;

(c) The number of counts or separate offenses established;

(d) The disciplinary history of the applicant or licensee in any jurisdiction and the length of practice;

(e) Pecuniary benefit or self-gain inuring to the applicant or licensee;

(f) Any other relevant mitigating or aggravating factors.

(5) Stipulations or Settlements. The provisions of this rule are not intended and shall not be construed to limit the ability of the Board to dispose informally of disciplinary actions by stipulation, agreed settlement, or consent order pursuant to Section 120.57(4), F.S.

(6) Letters of Guidance. The provisions of this rule cannot and shall not be construed to limit the authority of the probable cause panel of the Board to direct the Department to send a letter of guidance pursuant to Section 456.073(3), F.S., in any case for which it finds such action appropriate. However, the Department shall not recommend a letter of guidance in lieu of finding probable cause if the subject has already been issued a letter of guidance for a related offense.

(7) Other Action. The provisions of this rule are not intended to and shall not be construed to limit the ability of the Board to pursue or recommend that the Department pursue collateral civil or criminal actions when appropriate.

Rulemaking Authority 456.072, 456.079, 478.52(4) FS. Law Implemented 456.072, 456.073, 456.079, 478.52(4) FS. History–New 11-16-93, Formerly 61F6-80.001, Amended 1-2-95, Formerly 59R-55.001, Amended 2-9-98, 10-12-98, 3-1-00, 9-28-00, 5-30-01, 8-8-01, 10-8-02, 7-8-03, 7-18-06.

64B8-55.002 Citations.

(1) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., which is served upon a licensee for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in Section 456.073, F.S., the Department may issue a citation to the subject within six months after the filing of the complaint which is the basis for the citation.

(3) All citations include a requirement that the subject correct the violation, if remediable, within a specified period of time not to exceed 60 days, and impose whatever obligations necessary to remedy the offense.

(4) The Board designates the following as citation violations:

- | | |
|---|--|
| (a) Failure to provide satisfaction including the costs incurred within 45 days of receipt of the Department's notification of a check dishonored for insufficient funds. | (a) A \$100.00 fine. |
| (b) Failure to notify the Department of a change of address within sixty days. | (b) A \$100.00 fine. |
| (c) Failure to keep an electrology facility clean, sanitary, and well lit; allowing for circulation of air sufficient to eliminate objectionable odors.
(64B8-51.006(3)(a), F.A.C.) | (c) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine. |
| (d) Failure to have four fixed, permanent walls physically connected to the electrology facility floor at least six feet tall from the floor.
(64B8-51.006(3)(a)1., F.A.C.) | (d) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine. |
| (e) Failure to have required locking doors.

(64B8-51.006(3)(a)1., F.A.C.) | (e) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine. |
| (f) Failure to have a sink with hot and cold running water within the electrology facility.
(64B8-51.006(3)(a)2., F.A.C.) | (f) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine. |
| (g) Failure to provide, on the premises or in the same building, a separate room containing toilet and lavatory facilities.
(64B8-51.006(3)(c), F.A.C.) | (g) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine. |
| (h) Animals in the room wherein electrolysis is performed except those trained to assist the hearing impaired, visually impaired or physically impaired.
(64B8-51.006(3)(d), F.A.C.) | (h) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine. |
| (i) Failure to have any one of the following | (i) First time violation – a \$150.00 fine, |

items/equipment in the facility (the failure to have any one of the items/equipment shall constitute a separate citation):

1. An FDA registered needle type epilation device in working order.
(64B8-51.006(3)(e)1., F.A.C.)
2. Clean and sterile needles (e.g. probes) and forceps (e.g. tweezers).
(64B8-51.006(3)(e)2., F.A.C.)
3. Sanitary waste receptacles for the disposal of used gloves, paper supplies, cotton balls, and other non infectious items.
(64B8-51.006(3)(e)6., F.A.C.)
4. A sharps container for disposal of used needles.
(64B8-51.006(3)(e)8., F.A.C.)
5. A sterilizer which shall be either an autoclave or a dry heat sterilizer and color change indicators for use with either sterilizer.
(64B8-51.006(3)(e)17., F.A.C.)
6. Monthly records of sterilizer biological test monitoring which shall be made available to the Department upon request.
(64B8-51.006(3)(e)18., F.A.C.)
7. A holding container for soaking and cleaning contaminated instruments.
(64B8-51.006(3)(e)19., F.A.C.)

(j) Failure to maintain an appointment book.

(64B8-51.006(3)(f), F.A.C.)

(k) Failure to display any one of the following

documents in an area that is visible to the general public entering the facility (the failure to display any one of the documents shall constitute a separate citation):

1. The electrology facility license.
(64B8-51.006(3)(b)1., F.A.C.)
2. The current license of the electrologist.
(64B8-51.006(3)(b)2., F.A.C.)
3. The most recent inspection sheet from the Department of Health.
(64B8-51.006(3)(b)3., F.A.C.)
4. A current copy of Rule 64B8-51.006, F.A.C.
(64B8-51.006(3)(b)4., F.A.C.)

(l) Failure to have any one of the following

items/equipment (the failure to have any one of the items/equipment shall constitute a separate

second
time violation – a \$300.00 fine.

(j) First time violation – a \$150.00 fine,
second
time violation – a \$300.00 fine.

(k) First time violation – a \$50.00 fine,
second
time violation – a \$100.00 fine, third time
violation – \$200.00 fine.

(l) First time violation – a \$50.00 fine,
second
time violation – a \$100.00 fine, third time
violation – \$200.00 fine.

violation):

1. Needle holder tips.
(64B8-51.006(3)(e)3., F.A.C.)
 2. A treatment table or chair with a nonporous surface capable of being disinfected.
(64B8-51.006(3)(e)4., F.A.C.)
 3. Disposable paper drapes or sanitary cloth drapes stored in a closed container or compartment.
(64B8-51.006(3)(e)5., F.A.C.)
 4. Single use disposable towels.
(64B8-51.006(3)(e)7., F.A.C.)
 5. A treatment lamp or magnifier lamp capable of being cleaned with disinfectant.
(64B8-51.006(3)(e)9., F.A.C.)
 6. A magnifying device which shall be a magnifier lamp, optical loupe or microscope capable of being cleaned and disinfected.
(64B8-51.006(3)(e)10., F.A.C.)
 7. Tuberculocidal hospital grade disinfectant detergent registered by the Environmental Protection Agency, household bleach or wiping cloths presaturated with disinfectant for wiping nonporous surfaces.
(64B8-51.006(3)(e)11., F.A.C.)
 8. If eye shields are used, eye shields capable of being cleaned with disinfectant.
(64B8-51.006(3)(e)12., F.A.C.)
 9. Covered containers for needles and forceps which containers are capable of being cleaned and Sterilized.
(64B8-51.006(3)(e)13., F.A.C.)
 10. Betadine, 3% U.S. pharmaceutical grade hydrogen peroxide or 70% isopropyl alcohol or mapped single use wipes saturated with 70% isopropyl alcohol.
(64B8-51.006(3)(e)14., F.A.C.)
 11. Clean, non-sterile materials such as cotton balls, cotton strips, cotton swabs, gauze pads, and gauze strips.
(64B8-51.006(3)(e)15., F.A.C.)
 12. Laundered and sanitized cloth towels stored in a closed container or compartment.
(64B8-51.006(3)(e)16., F.A.C.)
 13. A covered sanitary container for holding used cloth towels.
(64B8-51.006(3)(e)16., F.A.C.)
 14. Non-sterile disposable examination gloves.
(64B8-51.006(3)(e)20., F.A.C.)
- (m) Failure to comply with continuing

(m) First time violation – \$500 fine; and

education requirements.

(64B8-52.002, F.A.C.)

(n) Providing electrolysis services in an unlicensed facility.

(o) Permitting an unlicensed person to provide electrolysis services.

(p) Providing electrolysis services with a delinquent license or null/void license.

(q) Unprofessional conduct, failure to conform to acceptable standards.

(r) Failure to timely pay required fees and fines.

(s) Advertising any discounted or free service without including the required statement, Section 456.062, F.S.

completion of all incomplete continuing education credits.

(n) First time violation – \$250 fine.

(o) First time violation – \$250 fine.

(p) First time violation – \$250 fine.

(q) First time violation where no actual patient harm occurred – \$250 fine.

(r) For first time violation, a \$250 fine.

(s) A \$100.00 fine.

(5) The Board designates the following as electrology citations violations in laser or light based hair removal. Failure to have:

(a) Written designation of laser safety officer.

(64B8-51.006(3), (g), 4., F.A.C.)

First time violation \$150, Subsequent violations \$300

(b) Appropriate sign on door of laser room as required by ANSI Standard Z136.1-2000, in effect on June 1, 2006, available from American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, N.Y. 10036.

(64B8-51.006(3)(g)5., F.A.C.)

First time violation \$150, Subsequent violations \$300.

(c) Cold water and ice.

(64B8-51.006(3)(g), 9., F.A.C.)

First time violation \$150, Subsequent violation \$300.

(d) Lock on door of laser room.

(64B8-51.006(3)(g), 6., F.A.C.)

First time violation \$150, Subsequent violation \$300.

(e) Fire extinguisher in vicinity of laser room.

(64B8-51.006(3)(g), 8., F.A.C.)

First time violation \$150, Subsequent violation \$300.

(f) Written protocols that are signed, dated,

and maintained in a readily available location on the premises where the electrologist practices.

(64B8-56.002(4)(a), F.A.C.)

First time violation \$200, Subsequent violation \$400.

(g) Copy of protocols filed with the Department of Health.

(64B8-56.002(4)(a), F.A.C.)

First time violation \$200, Subsequent violation \$400.

(h) Professional liability coverage that includes coverage for incidents arising from laser usage in an amount not less than \$100,000.

(64B8-56.006(4)(c), F.A.C.)

First time violation \$250, Subsequent violation \$500

(i) At least one piece of properly registered laser

equipment located within the electrology facility.

(64B8-51.006 (3)(g), 3., F.A.C.)

First time violation \$300, Subsequent violation \$600.

(j) Protective eyewear for all persons in laser room during operation of laser. First time violation \$300, Subsequent violation \$600.

(64B8-51.006(3)(g), 7., F.A.C.)

(k) Proof of completion of 30 hours of post-licensure education in laser hair removal for all electrologists using laser equipment in the facility. First time violation \$500, Subsequent violation \$1,000.

(64B8-52.004 F.A.C.)

(l) Proof of certification as Certified Medical Electrologist for all persons who use laser equipment in the facility, who are not exempt and are licensed electrologists. First time violation \$500, Subsequent violation \$1,000.

(64B8-56.002(2)(b), F.A.C.)

(6) In addition to the penalties established in this rule, the Department shall recover the costs of investigation. The penalty specified in the citation shall be the sum of the penalty established by this rule plus the Department's cost of investigation.

(7) If the subject disputed any matter contained in the citation, within thirty days after service, the Department shall follow the procedure set forth in Section 456.073, F.S. Otherwise, the citation shall become a final order of the Board.

Rulemaking Authority 456.077(1), (2) FS. Law Implemented 456.072(3)(b), 456.077(1), (2), 478.51, 478.52 FS. History—New 11-16-93, Formerly 61F6-80.002, Amended 1-2-95, Formerly 59R-55.002, Amended 11-13-97, 10-12-98, 2-11-01, 2-20-02, 11-12-02, 7-16-03, 2-12-07.

64B8-55.0021 Discipline of Electrolysis Facilities.

Any business establishment that provides electrolysis services must have an active status license in order to provide such services. Failure to obtain and maintain an active status license as a licensed electrolysis facility pursuant to Rule 64B8-51.006, F.A.C., shall be subject to discipline as follows:

(1) A business establishment offering electrolysis services without an active status license shall:

(a) Cease and desist offering such services;

(b) Make application for a current status license pursuant to Rule 64B8-51.006, F.A.C., if the business establishment wishes to offer electrolysis services;

(c) Pay a fine equal to all licensure and renewal fees that would have been due for the time of operation without an active status license up to a maximum of \$5,000 or denial of license.

(2) Any electrolysis facility with an active status license that employs or permits an unlicensed person to deliver electrolysis services shall be subject to discipline as follows:

(a) Cause the unlicensed person to cease and desist from the delivery of electrolysis services;

(b) The facility licensure shall be suspended or revoked;

(c) The facility shall be subject to a fine of up to \$1,000.

Rulemaking Authority 456.037, 478.43(1) FS. Law Implemented 456.072(2)(b), (c), (d) 456.037, 478.52(1)(k), (2) FS. History—New 3-1-00, Amended 3-26-12.

64B8-55.003 Terms of Probation.

Any licensee determined to have violated the provisions of Chapter 478, F.S., may be ordered to serve probationary terms including any or all of the following:

(1) Probationer's license is suspended for a period of time set by the Board, said suspension to be stayed so long as the licensee complies with the terms of probation set forth below.

(2) The licensee is placed on probation for a period of time set by the Board. Any deviation from the requirements of the probation without prior written consent of the Board shall constitute a violation of this probation. Upon a finding of probable cause that a violation of this probation has occurred, the licensee's license to practice shall be subject to immediate and automatic suspension upon the recommendation of the Probable Cause Panel pending the Licensee's appearance before the next Board meeting. The

licensee will be given notice of the hearing and an opportunity to defend. The probationary periods shall automatically terminate at the end of a prescribed time, but only if all terms and conditions have been met. Otherwise, the probation shall be terminated only by order of the Board upon proper petition of the licensee, supported by evidence of compliance with this Final Order.

(3) The licensee's probation shall be subject to the following terms and conditions:

(a) Probationer shall comply with all state statutes and rules pertaining to the practice of electrology in Chapters 456, Part II; and 478, F.S., and the rules promulgated pursuant there to.

(b) Probationer shall appear before the Board at the first meeting after said probation commences, at the last meeting of the Board preceding termination of probation, and at such other times as requested by the Board.

(c) In the event Probationer leaves the State of Florida for a period of thirty days or more, or otherwise does not engage in a practice in Florida, Probationer's probation shall be tolled and shall remain in a tolled status until Probationer returns to active practice in the State of Florida, at which time the probationary status shall resume. Probationer must keep current residence and business addresses on file with the Board. Probationer shall notify the Board within ten (10) days of any changes of said addresses.

(d) Probationer shall practice only under the supervision of an electrologist fully licensed under Chapter 478, F.S., to be approved by the Board or its designee. Probationer shall have the supervising electrologist with the Probationer at the Probationer's first probation appearance before the Board. Prior to approval of the supervising electrologist by the Board or its designee, the Probationer shall provide to the supervising electrologist a copy of the administrative complaint filed in this case. A failure of the Probationer or the supervising electrologist to appear at the scheduled Board meeting shall constitute a violation of the Board's Final Order. Prior to the approval of the supervising electrologist by the Board or its designee, Probationer shall submit to the Board or its designee a current curriculum vitae and description of the current practice from the proposed supervising electrologist. Said materials shall be received in the Board office no later than fourteen (14) days before Probationer's first scheduled probation appearance. Probationer shall be responsible for ensuring that the supervising electrologist submits the required reports. The responsibilities of the supervising electrologist shall include:

1. Submit quarterly reports, which shall include:
 - a. Brief statement of why Probationer is on probation.
 - b. Description of Probationer's practice.
 - c. Brief statement of Probationer compliance with terms of probation.
 - d. Brief statement of Probationer's relationship with supervising electrologist.
 - e. Detail any problems which may have arisen with Probationer.
2. Review a percentage of Probationer's patient records selected on a random basis at least once every two (2) weeks.
3. Review all patient records treated for/which certain constitutions.
4. Consult with Probationer on all cases involving specified conditions.
5. Review Probationer's use of pharmaceutical agents.
6. Report to the Board any violations by the Probationer of Chapters 456, Part II and 478, F.S., and the rules promulgated pursuant thereto.

(e) Probationer shall submit quarterly reports to the Board. The reports shall include:

1. Brief statement of why Probationer is on probation.
2. Practice location.
3. Description of current practice stating type and composition.
4. Brief statement of compliance with probationary terms.
5. Description of relationship with the supervising electrologist.
6. Description of any problems.
7. Notarized copies of a number of patient records of patients examined or treated by the Probationer

within the previous sixty (60) days with all identification of patient suitably obliterated.

(f) Probationer shall obtain a number of Continuing Education credits in specific areas, within a number of months/year(s), in addition to those hours required for renewal of licensure.

(g) Probationer shall see a psychiatrist, psychologist or psychotherapist approved by the Board or its designee at least the specified number of visits for evaluation and treatment.

(h) Probationer shall not consume, inject or ingest any controlled substance unless proscribed or administered by a practitioner authorized by law to prescribe or dispense controlled substances. However, the drugs shall only be consumed, injected or ingested for a medically justifiable purpose.

(i) Probationer shall not consume alcohol.

(j) Probationer shall attend AA or NA meetings on a frequency of at least one meeting per week.

(k) Probationer shall submit to random blood and/or urine testing for the purpose of ascertaining probationers compliance with probation.

(l) Probationer shall pay all reasonable costs of obtaining random urine and/or blood screens.

(m) During a specified number of months, the Probationer shall perform a number of hours of community service at a specified location or organization. Community service shall consist of electrology without fee or cost to the patient for the good of the people of the State of Florida. Affidavits detailing the community service performed shall be filed with the Board.

(4) Probationer shall pay an administrative fine in the amount set by the Board, said fine to be paid to the Board within a certain number of days of the effective date of the Final Order.

Rulemaking Authority 456.079, 478.52(4) FS. Law Implemented 456.079, 478.52 FS. History—New 11-16-93, Formerly 61F6-80.003, 59R-55.003.

64B8-55.004 Mediation.

(1) "Mediation" means a process whereby a mediator appointed by the Department acts to encourage and facilitate resolution of a legally sufficient complaint. It is an informal and nonadversarial process with the objective of assisting the parties to reach a mutually acceptable agreement.

(2) For purposes of Section 456.078, F.S., the Board designates the following as being appropriate for mediation.

(a) Failure to respond timely to a continuing education audit;

(b) Failure to comply with advertising requirements, where there has been no harm to any patients;

(c) Permitting a license to become delinquent for fewer than 30 days, provided the licensee has not practiced, attempted to practice, or offered to practice the profession during the delinquency period;

(d) Offering discounted or free professional services without providing the statement required by Section 456.062, F.S., where there has been no harm to any patients.

Rulemaking Authority 456.078, 478.43 FS. Law Implemented 456.078 FS. History—New 12-17-01, Amended 6-3-03.

CHAPTER 64B8-56 STANDARDS

- 64B8-56.001 Sanitation and Safety Requirements for the Delivery of Electrolysis
64B8-56.002 Equipment and Devices; Protocols for Laser and Light-Based Devices

64B8-56.001 Sanitation and Safety Requirements for the Delivery of Electrolysis.

(1) Handwashing. Proper handwashing is the single most effective means of infection control. Before and after the delivery of electrolysis services, the electrologist shall wash her hands. In washing her hands, the electrologist shall use soap and warm water according to the requirements of paragraphs (a)-(d) of this subsection. The electrologist shall:

- (a) Vigorously rub together all surfaces of lathered hands, especially between fingers and fingernail areas, for at least ten (10) seconds;
- (b) Thoroughly rinse her hands under a stream of warm water;
- (c) Thoroughly dry her hands with a clean, disposable paper towel; and,
- (d) Turn off the faucets without allowing her hands to come in contact with the faucets.

(2) Use of Gloves.

(a) An electrologist shall use non-sterile disposable latex or vinyl examination gloves in the delivery of electrolysis. A fresh pair of gloves shall be worn for each client. Examination gloves are not general purpose gloves.

(b) If, during the course of treatment, the electrologist's gloved hand comes in contact with any inanimate object that is not sanitary, the electrologist shall remove and dispose of the gloves she is wearing, wash her hands, and use a fresh pair of gloves.

(c) The electrologist may not reuse examination gloves and shall dispose of them in the regular trash after each single use.

(d) The examination gloves must fit the electrologist's hands properly so as to allow the careful manipulation of instruments. Loose-fitting gloves may not be used because they can cause accidental needle-stick injuries.

(e) After a treatment is completed, the electrologist may not remove her examination gloves until after she has performed the post-treatment procedures set out in subsection (5) of this rule.

(3) Electrologists who have weeping dermatitis or draining lesions on their hands or forearms may not render electrolysis services until the condition has cleared.

(4) Pre-Treatment Procedures.

(a) Before beginning treatment, the electrologist shall determine that the client is free from any visible skin abnormalities (e.g., herpes, blisters, rashes). If there are visible skin abnormalities, the electrologist may not perform electrolysis in the area of the abnormality.

(b) The electrologist shall clean the skin area to be treated, wiping it with a fresh, non-sterile cotton ball saturated with either soap and water, or a germicidal skin preparation such as an iodophor or 3% United States pharmaceutical grade hydrogen peroxide or 70% isopropyl alcohol, after ascertaining from the client that there are no known allergies to the product to be used.

(5) Post-Treatment Procedures.

(a) After treatment, but before removing her gloves, the electrologist shall:

1. Wipe the treatment site with a fresh, non-sterile cotton ball saturated with an antiseptic product such as 3% United States pharmaceutical grade hydrogen peroxide, witch hazel or 70% isopropyl alcohol. The electrologist may follow with a soothing emollient cream or lotion on the treated area at her discretion;

2. Dispose of disposable instruments used on the client in a puncture resistant sharps container consistent with Chapter 64E-16, F.A.C., governing the disposal of biohazardous/biomedical waste. When the container is full, the electrologist shall dispose of it consistent with Chapter 64E-16, F.A.C., and

Section 381.0098, F.S., governing the disposal and transport of biohazardous/ biomedical waste;

3. If the instruments are nondisposable, the electrologist shall rinse and wipe them with a non-sterile cotton ball saturated with a solution of cool water and a protein dissolving enzyme detergent or low-residue detergent or place them in a covered holding container filled with a solution of cool water and a protein dissolving enzyme detergent or a low residue detergent. A rust-inhibitor product may be added to the solution in the holding container at the discretion of the electrologist;

4. Clean non-removable needle holder tips with a non-sterile cotton ball saturated with a solution of cool water and a protein dissolving enzyme detergent or low-residue detergent. If the needle holder tip is removable, the electrologist shall place it in a covered holding container for disinfection of the needle holder tip. The holding container shall be filled with disinfecting solution used in accordance with manufacturer's instructions. The holding container shall be emptied daily or sooner if it is visibly contaminated then cleaned, dried and refilled;

5. Wipe the needle holder, needle holder cord, and inactive electrode, if used, with a disinfectant.

(b) The electrologist shall remove and dispose of her gloves in the regular trash only after completing the tasks set forth in subparagraphs (a)1.-5. of this subsection. Then she shall wash and dry her hands as set forth in subsection (1) of this rule.

(6) Cleaning and Sterilizing Instruments.

(a) After cleaning and drying nondisposable instruments the electrologist shall sterilize them before using them again.

(b) When cleaning and drying instruments in anticipation of sterilization, the electrologist shall wear latex or vinyl gloves, and shall use water, detergents, and mechanical or manual action in the cleaning process. When drying the instruments, the electrologist may use any drying method such as air drying, blow drying or hand drying.

1. If the electrologist cleans manually, she shall scrub each instrument individually by hand, using a small brush, water and detergent, and thoroughly rinse each instrument with water to remove any deposits left on the instrument.

2. If the electrologist uses a mechanical cleaning device, such as an ultrasonic cleaner, the electrologist shall follow the manufacturer's instructions if there are specific instructions for use of the mechanical cleaning device in the practice of electrology. If no such specific instructions exist then the electrologist shall use a solution of cool water and a protein dissolving enzyme detergent in the mechanical cleaning device and allow five (5) minutes mechanical cleaning time for the instruments in the solution. Thereafter, the electrologist shall pour out the solution and rinse the instruments with water to remove any residue or debris.

3. Holding solutions and cleaning solutions must be changed daily.

(c) After cleaning and drying the instruments, the electrologist shall sterilize them using either an autoclave sterilizer or a dry-heat sterilizer. The endodontic dry heat "glass bead sterilizer" may not be used for instrument sterilization. In sterilizing the instruments, the electrologist shall comply with the following:

1. If using an autoclave sterilizer, the electrologist shall sterilize the instruments at 121 degrees C (250 degrees F) at 15 pounds per square inch for 15 minutes if the instruments are unpackaged or 30 minutes if they are packaged.

2. If using a dry-heat sterilizer, the electrologist shall sterilize the instruments at 170 degrees C (340 degrees F) for one hour or at 160 degrees C (320 degrees F) for two hours.

3. Sterilization times shall not include heat-up lag time.

4. The sterilizers shall be spore tested at least once a month, or more often if recommended by the manufacturer, and the electrologist shall record the results of each spore test. The results of each test shall be maintained by the electrologist for at least three (3) years, and the results shall be made available for inspection upon request. An electrologist may not use a defective sterilizer.

5. If instruments are not packaged in materials already including chemical color-change indicators,

the electrologist shall include a chemical color-change indicator in the load being sterilized so that she may be able to differentiate between processed and unprocessed loads. This chemical color-change indicator does not indicate sterility, but its use will alert the electrologist of equipment malfunction.

6. Pre-sterilized needles/probes shall be stored so as to maintain sterility and shall not be used after the manufacturer's expiration date on the package.

a. Packaged reusable instruments which have been sterilized shall be stored in a closed container so as to maintain sterility.

b. Unwrapped instruments which have been sterilized shall be stored in a covered, sterile container.

7. In removing instruments from their sterile containers, an electrologist shall maintain sterility.

8. Should sterility of instruments be compromised, the electrologist shall sterilize them again before using them for an electrolysis treatment.

(7) Miscellaneous.

(a) The electrologist shall maintain the room in which electrolysis is performed in a sanitary condition. "Sanitary condition" means that, before a treatment day begins, all hair, dust and dirt is removed from the floors and surfaces, the waste baskets are emptied, and the sinks, treatment tables/chairs, treatment lamps, magnifier lamps, magnifying devices (optical loupes, microscopes), external surfaces of epilator machines, needle-holder tips, and eyeshields are disinfected by scrubbing method. In disinfecting these items, the electrologist shall use a tuberculocidal hospital grade disinfectant detergent registered by the Environmental Protection Agency, or a solution of 1-100 combination of water and household bleach or wiping cloths pre-saturated with disinfectant for wiping non-porous surfaces.

(b) The electrologist shall use gloves for the chores described in this section and for instrument cleaning and sterilization procedures.

(c) The electrologist shall ensure that soiled towels/linens are handled as little as possible. If the towels/linens are not immediately taken to the washing machine, the electrologist shall ensure that they are bagged at the location where they are used, that they are rolled for bagging so that the driest portions are on the outside, and that they are sorted, rinsed, and laundered in an area away from the room in which electrolysis is performed.

(d) Soiled towels/linens shall be washed with detergent and bleach in hot water for at least 5 minutes on the wash cycle of a washing machine.

(e) The electrologist shall use fresh disposable paper towels or clean towels/linen on the treatment table for each client. If necessary prior to treatment, the electrologist shall also drape the client using fresh disposable paper drapes or clean towels/linens.

(f) The electrologist shall store clean towels/linens in a closed container or compartment.

(g) The electrologist shall ensure that all antiseptic or other products used for pre-treatment or post-treatment shall be in the manufacturer's containers or in a clearly marked container. The container must be designed to prevent the product from becoming contaminated, and the electrologist must maintain the cleanliness and sanitation of the container. Should the container or the product become dirty or contaminated, the electrologist shall clean the container and replace the product.

(8) For the purpose of this rule, the word "instruments" means needles/probes and tweezers/forceps.

(9) For the purpose of this rule, the pronoun "she" also refers to the masculine.

Rulemaking Authority 478.43(1) FS. Law Implemented 478.43(4), 478.51(3) FS. History--New 1-5-95, Formerly 59R-56.001, Amended 12-23-97.

64B8-56.002 Equipment and Devices; Protocols for Laser and Light-Based Devices.

(1) The Board of Medicine approves the following equipment and devices for the permanent removal of hair by licensed electrologists if they are used pursuant to requirements established by the Board.

(a) Needle type epilators.

(b) Laser and light-based hair removal or reduction devices cleared by the United States Food and Drug Administration (FDA) for hair removal or reduction.

(2) An electrologist may not use laser or light-based devices for hair removal or reduction unless they:
(a) Have completed training in laser and light-based hair removal and reduction that meets the requirements set forth in subsections 64B8-52.004(2) and (3), F.A.C.;

(b) Have been certified in the use of laser and light-based devices for the removal or reduction of hair by a national certification organization approved by the Council and the Board;

The Florida Board of Medicine has issued a declaratory statement that interprets this rule to mean that the Electrologist must pass the CME exam, but is not required to keep it renewed every 5 years.

(c) Are using only the laser and light-based hair removal or reduction devices upon which they have been trained; and

(d) Are operating under the direct supervision and responsibility of a physician properly trained in hair removal and licensed pursuant to the provisions of Chapter 458 or 459, F.S.

This rule states that only M.D.'s (Chapter 458) and D.O.'s (Chapter 459) are eligible to supervise electrologists. This excludes Dentists, Chiropractors, Podiatrists, ARNP's, PA's, and any other licensed health care professional.

This rule has been interpreted to mean that the supervising physician must be on the premises while the Electrologist is operating the laser or light-based device.

(3)(a) The supervising physician, initially upon assuming duties as the supervisor and semiannually thereafter, shall review and inspect the techniques, procedures, and equipment utilized by the electrologist in the performance of laser and light-based hair removal or reduction.

(b) The supervising physician shall ensure that the electrologist has received semi-annual training in the areas of infection control, sterilization, and emergency procedures.

(4)(a) The supervising physician and the electrologist shall develop jointly written protocols regarding the medical condition for individuals to receive laser and light-based hair removal or reduction treatment; specific conditions and the procedure for identifying conditions that require direct evaluation or specific consultation by the physician; treatment of routine minor problems resulting during or from laser and light-based hair removal or reduction; and detailed procedures to be followed in the event of emergency situations developing during the performance of or as a result of laser and light-based hair removal or reduction. These written protocols must be signed, dated, and maintained in a readily available location on the premises where the electrologist practices. One copy shall be maintained by the supervising physician and one copy must be filed with the Department of Health. The written protocols which are kept on the premises of the electrologist will be readily available for inspection and review by agents of the Department of Health. The parties to a protocol must notify the Department within 30 days of the termination of their professional relationship.

(b) The written protocol shall include and require that the initial consultation with each patient must include an examination and assessment by a physician licensed pursuant to Chapter 458 or 459, F.S.

(5) Pursuant to Section 456.072(1)(i), F.S., any physician who knows that any electrologist is engaged in unsafe practice must report that electrologist to the Department of Health immediately.

(6) Any physician who provides supervision to an electrologist must keep the Board informed of the number of electrologists the physician is supervising. **No physician is authorized to supervise more than four (4) electrologists at any one time.**

Rulemaking Authority 478.43 FS. Law Implemented 458.331(1)(v), 458.348(3), 478.42(5), 478.43(4) FS. History—New 9-12-01, Amended 2-28-02, 7-23-06, 3-12-08, 11-4-14.

EXAMINATION

Laws & Rules

You may select your exam answers now, before you take the exam on line.

You must complete eleven (11) out of fifteen (15) questions correctly.

This home study unit is worth 3 credit hours.

- 1.) A license that is not renewed at the end of the biennium prescribed by the department automatically reverts to delinquent status. How long can your license be delinquent before it becomes null and void?
 - a. 6 months
 - b. 2 years
 - c. 3 years
 - d. 4 years

- 2.) How long is a licensee required to keep records/certificates that prove that they have taken their required continuing education courses?
 - a. 4 years
 - b. 7 years
 - c. 10 years
 - d. Until they retire

- 3.) Disclosing the identity of or information about a patient can incur an administrative fine of:
 - a. \$50 to \$500
 - b. \$250 to \$5,000
 - c. \$500 to \$7500
 - d. \$8000

- 4.) Failure to comply with continuing education requirements can incur an administration fine of:
 - a. \$50 to \$500
 - b. \$500 to \$1800
 - c. \$1000 to \$2500
 - d. \$3000

- 5.) For Electrolysis facilities that offer laser hair removal services, the licensee is required to keep malpractice insurance in the amount of:
 - a. \$100,000
 - b. \$300,000
 - c. \$1,000,000
 - d. There is no malpractice insurance requirement

- 6.) Sterilizers shall be spore tested at least once a month, or more often if recommended by the manufacturer, and the electrologist shall record the results of each spore test. The results of each test shall be maintained by the electrologist for
 - a. 3 years
 - b. 7 years
 - c. 10 years
 - d. Until you retire

- 7.) All citations include a requirement that the subject correct the violation, if remediable, and impose whatever obligations necessary to remedy the offense. The time frame given to remedy the violation cannot exceed:
- 30 days
 - 60 days
 - 180 days
 - 1 year
- 8.) The Electrolysis Council operates under the supervision of the Board of Medicine.
- True
 - False
- 9.) No electrology facility shall be permitted to operate without a facility license issued by the department. The facility license shall be displayed in a conspicuous place within the facility.
- True
 - False
- 10.) Licensees are not required to display their license in a conspicuous location in their place of practice
- True
 - False
- 11.) The department may, upon probable cause, compel a licensee to submit to a mental or physical examination by physicians designated by the department.
- True
 - False
- 12.) An electrology facility is that portion of any establishment or place where electrolysis is performed. An electrology facility may not be part of a personal residence.
- True
 - False
- 13.) "HIV/AIDS" and "Prevention of Medical Errors" courses approved by *any* Board within the Division of Medical Quality Assurance of the Department of Health, are approved by the Electrolysis Council.
- True
 - False
- 14.) Florida Electrolysis rules state that Electrologists who operate lasers or light based devices must comply with the rule that states that they "Have been certified in the use of laser and light-based devices for the removal or reduction of hair by a national certification organization approved by the Council and the Board". This means that the Electrologist must become a CME, but is not required to keep the credential renewed every 5 years.
- True
 - False
- 15.) Dentists and Chiropractors are allowed to supervise Electrologists who operate laser and light-based devices.
- True
 - False

INSTRUCTIONS FOR SUBMITTING EXAMINATION ANSWERS

- You can only take the final exam on line!
- Use the same link that took you to the page that was emailed to you to access the course. You can also use the “back” arrow (←) on the top left corner of the PDF page to go back to the ‘home’ page to take the exam.
- At the bottom of that page is a “start exam now” button for you to click for taking the exam on the www.TrainingCenterOfAmerica.com.
- When prompted, be sure to spell your name *exactly* the way you want it to appear on your certificate of completion.
- When prompted, enter your EO license number correctly to ensure that your credits are entered properly into CEBroker.
- As soon as you have completed the exam, you will be sent an email with a link to a PDF file so you can print your certificate. You can also save that PDF file for your reference. You can also forward your email with this certificate to the SCMHR for credit towards your CME renewal.
- “Judy Adams Training Center of America” will enter your hours into the mandatory CEBroker system.

Thank you!