

February 13, 1992

through laser printing, staff has been able to duplicate the wall certificates at a lower cost to the Board. The laser-printed certificates are of good quality, and can include the President's and Secretary's signatures. Staff will continue to explore this option.

#### IMPAIRED PHYSICIAN'S COMMITTEE

Mr. Albert stated that the Committee met earlier that morning and reviewed the application to be completed by treatment providers, the notices to physicians that will govern their treatment, and a notice to the person referring physicians to treatment facilities. Copies of these documents were distributed to members for their review. Mr. Albert stated that other things will be mailed to members as they are completed. He asked that he or Mr. Schmidt be contacted with any questions or suggestions. Mr. Albert stated that the Committee hopes to meet prior to the March meeting, and hopes to bring a finished product to the Board at that time.

At this time Mr. Schmidt reviewed the documents distributed to the Board and asked that he be contacted for any suggested revisions or questions.

Dr. Heidt asked whether other regulatory boards in the state are approving treatment providers. Mr. Schmidt stated that there are other agencies with similar requirements to approve programs. Dr. Heidt stated that there should be a combined effort so that all agencies are doing the same thing. Mr. Schmidt agreed, stating that copies of the Board's rules have been forwarded to the Dental Board and the Pharmacy Board, and he has met with representatives of both Boards.

Dr. Heidt asked whether there is any Committee of members of the various boards. Mr. Bumgarner stated that there is not. He added that there are very different viewpoints among the Boards. The Pharmacy Board may take a stronger line than the Nursing Board or the Medical Board. Mr. Bumgarner stated that the Medical Board is willing to work with and share in any way it can with other Boards. He added that he believes both the Dental Board and the Nursing Board may find the Medical Board's rules useful. The Pharmacy Board does not seem interested in the Medical Board's direction.

Mr. Schmidt added that Mr. Wickham of the Pharmacy Board has agreed that there should be some consistencies.

Mr. Albert stated that the Board has worked for quite a few years on the rules. He added that the Board has always tried to share its knowledge with other Boards, but sometimes there are turf problems. The current rules are a culmination of hard work by Board members, Board staff, and the O.S.M.A. Physicians Effectiveness Program.

Mr. Albert again asked that members take the various documents home with them and study them for final approval in March.

#### LIMITED BRANCH COMMITTEE

Mr. Jost advised that the Committee met to discuss the application form to be completed by massage schools for Board approval. A similar form was developed for out-of-state schools.

Mr. Jost continued that the Committee also briefly discussed the issue of electrolysis. He advised that H.B. 322 has returned the regulation of electrologists to the Medical Board. Those who currently hold electrology licenses with the Cosmetology Board will have to become licensed as cosmetic therapists by the Medical Board within a year in order to continue performing electrolysis. The Committee discussed ways in which this could be done, and considered requiring those holding electrology licenses to sit for the cosmetic therapy examination. The Committee also considered the possibility of grandfathering those applicants so that they wouldn't have to take another examination after having already passed one. The Board might also require additional continuing education for those wishing to be grandfathered. Mr. Jost noted that the scope of practice for electrologists and cosmetic therapists is basically the same, but cosmetic therapists do perform additional duties, such as certain facial manipulations.

Dr. Kaplansky stated that electrologists should have to meet the minimum requirements for becoming cosmetic therapists.

Mr. Jost stated that should the Board approve a method of grandfathering electrologists, any new applicant would have to take the cosmetic therapy examination.

Mr. Jost stated that the Committee wishes to proceed expeditiously, and may propose emergency rules.

The third issue the Committee discussed was a massage advisory committee. The Committee has received a proposal from the associations that such a committee be comprised of two representatives from each of the associations. Such a committee would exist to advise the Board on examinations, ethical issues, and regulation. Mr. Jost stated that this issue was only discussed briefly and will be discussed in

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Limited Branch Committee for further review and discussion.

Mr. Bumgarner asked whether the only issue of concern had to do with the drawing of body fluids. Mr. Dilling stated that that is correct. Mr. Dilling stated that in H.B. 454 the mechanotherapists got their scope of practice put into statute form. However, the portion from our rule concerning withdrawal of body fluids was left out. Essentially they took the Board's rule, put it in the statute and added some things from the chiropractors' language. It is Mr. Dilling's belief that this language was inadvertently omitted. He noted that H.B. 454 was emergency legislation. Mr. Dilling added the omission didn't harm anyone because the language was already in the rule and remains in the rule. Even if this rule doesn't pass, the language would remain in the prior rule. He stated that he made those points to JCARR, and they were very receptive.

Concerning the other rules, mild objections were raised at the JCARR hearing on the school rules and eliminating the word "mechanotherapy." He noted that the Board is in litigation about this matter already. JCARR didn't seem convinced by the arguments against the rule and passed the rules through.

Mr. Dilling referred to the rule dealing with cosmetic therapy, which would grandfather in electrologists and permit them to become cosmetic therapists with a limitation on what they can do. These individuals need to be licensed by February 1, 1993 under the current law. There was no substantial discussion concerning this issue at the Board meeting. Mr. Dilling suggested that the fine details could be worked out in Committee, and he doesn't believe there will be any problem.

Mr. Dilling stated that the real problem with the Cosmetic Therapy rules involves the continuing education rule. There were many good suggestions made, such as certain nursing courses and home study courses.

Dr. Heidt stated that electrologists have been under the Cosmetology Board, which required 150 hours of training. The Medical Board requires 600 hours of training for licensure as a cosmetic therapist. Dr. Heidt stated that 600 hours is not needed to train individuals in the use of electrolysis machines or head massage. This is a very limited field. Dr. Heidt stated that there are very few electrologists and cosmetic therapists. There are only two schools in Ohio teaching these types of courses. Dr. Heidt stated that he would prefer that the Board not pass any of the rules until the Committee can get squared away about what should be required.

Dr. Stephens stated that he accompanied staff in an on-site inspection of one of these schools the previous day, and 150 hours of training is nothing. He agreed that the matter needs more discussion and study.

Dr. Heidt stated that the Board does need to grandfather electrologists who have only 150 hours of training.

Mr. Dilling stated that the number of course hours is not the subject of the current rule proposal.

Mr. Dilling continued that the rules on mechanotherapy schools that went through JCARR and the grandfathering rules for cosmetic therapists are ready for the Board to move an effective date.

Dr. Gretter stated that the rules will be on the December agenda for that purpose.

Dr. Gretter added that the Limited Branch Committee will look at the continuing education requirements and come back to the Board.

Dr. O'Day left the meeting at this time.

#### **COSMETIC THERAPY GRANDFATHERING**

Mr. Bumgarner advised that the staff is awaiting feedback from the office of the Attorney General concerning what the Board can do about cosmetic therapists who let their cosmetic therapy licenses lapse when regulation of electrolysis was switched to the Cosmetology Board. He stated that there is a question as to whether or not the Board must require them to pay back fees.

Dr. Gretter stated that the Assistant Attorney General is still reviewing this matter, but will come back to the Board with a response soon.

Mr. Albert stated that he would not like to have to charge these people back fees.

Mr. Schmidt left the meeting at this time.

#### **REVISION OF PROBATIONARY APPEARANCES**

Dr. Gretter stated that in the last couple of months he has had the sense that Board members are uncomfortable during the probationary appearances. He stated that part of the problem has resulted from the number of individuals making initial

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Ms. Thompson asked whether it would be necessary to testify at the hearing.

Dr. Gretter suggested that testimony is in order since the rule does affect the Board.

Dr. Stienecker suggested that the Board write a letter instead of testifying.

Mr. Bumgarner stated that that would be acceptable.

It was the consensus of the Board that staff would prepare a letter to be sent to the Pharmacy Board concerning the proposed rules.

#### COSMETIC THERAPY GRANDFATHERING

Mr. Bumgarner advised that the Board previously asked for input from the Attorney General's office concerning the reabsorption of Cosmetic Therapists into the list of Medical Board licensees.

Ms. Berry stated that the Board previously licensed cosmetic therapists, but their licensure was ultimately transferred to the Cosmetology Board, who also licensed electrologists. There are currently three groups with which this Board must deal: 1. those who maintained their cosmetic therapy certificates with the Medical Board and also became licensed as electrologists while under the Cosmetology Board's jurisdiction; 2. those who were licensed as cosmetic therapists by the Medical Board, but let their licenses lapse following licensure as electrologists by the Cosmetology Board; and 3. those only licensed as electrologists by the Cosmetology Board. Ms. Berry explained that those who have merely obtained licenses in electrology do not have the same amount of training as do cosmetic therapists.

Ms. Berry stated that dealing with the first group of individuals does not create a problem for the Board. The second group, involving licenses that have lapsed, does create somewhat of a problem. Ms. Thompson has proposed, and Ms. Berry concurs, that the Board notify those in the first group of the law change. She further proposed that those in the second group be permitted to reinstate their cosmetic therapy certificates by submitting current and delinquent fees but waive the penalty fee of \$25.00 since they allowed their licenses to lapse due to a change in the law. Those in the third group who have never been licensed by the Medical Board would be issued a limited cosmetic therapy certificate until they meet all educational requirements to be licensed as a cosmetic therapist. They would be permitted to perform electrology, but would not be permitted to do other things permitted cosmetic therapists.

Dr. Stienecker asked what the fees were for these individuals.

Ms. Thompson stated that they must pay a \$10.00 preliminary education fee, and a \$100.00 licensure fee. There are approximately 440 licensed electrologists, 208 licensed cosmetic therapists, and around 30 to 35 cosmetic therapists who allowed their cosmetic therapy licenses to lapse. Ms. Thompson stated that Debbie Jones, Chief of Records, has gone through the files to determine the individual fees that will be charged to those whose licenses have lapsed. There are approximately 200 individuals who have never been licensed by the State Medical Board who would have to apply for initial licensure.

Mr. Bumgarner noted that rules concerning this matter are to be considered by the Board later in the meeting. He suggested that the Board withhold any motion until after the rules consideration.

#### LICENSURE AND LIMITED BRANCH RULES

Mr. Bumgarner stated that it is his understanding that what has been distributed to Board members are the Findings and Orders on rules other than those relating to mechanotherapy prohibitions and cosmetic therapy education.

Mr. Dilling stated that he took the liberty of drawing up the Findings and Order, based on the Board's discussion in November.

DR. HEIDT MOVED THAT THE FINDINGS AND ORDER IN THE MATTER OF THE ADOPTION OF CERTAIN PROPOSED RULES PERTAINING TO THE LIMITED PRACTICE OF MEDICINE AND SURGERY, AS CONSIDERED BY AND INCORPORATED INTO THE JOURNAL OF THE STATE MEDICAL BOARD OF OHIO FOR THIS 2ND DAY OF DECEMBER, 1992, BE ADOPTED AS THE FINDINGS AND ORDER OF THE BOARD IN RELATION TO THE PROPOSED RULES CITED THEREIN, AND THAT THE STAFF PROCEED TO FILE THE RULES IN ACCORDANCE WITH THE PROVISIONS OF SAID FINDINGS AND ORDER, TO BE EFFECTIVE DECEMBER 24, 1992. DR. STIENECKER SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- aye
	Ms. Noble	- aye
	Dr. Kaplansky	- aye