

DIVISION 505

GENERAL ADMINISTRATION

331-505-0000

Definitions

The definitions of terms used in ORS 690.350 to 690.430 and 690.992 and the rules of OAR chapter 331, divisions 500 through 590, are:

(1) "Advisory Council" means, pursuant to ORS 690.425, the entity that advises the agency in matters relating to the practice of electrology, permanent coloring and tattooing in accordance with 690.430. The agency director controls the regulatory operations and has decision-making authority on all substantive matters.

(2) "Affidavit of Licensure" means an original document verifying licensing history and status, including information disclosing all unresolved or outstanding penalties and/or disciplinary actions. The document is issued and signed by the regulatory authority in the state which issued the license with an official seal or stamp affixed to the document; it is not the certificate or license form issued which authorizes the holder to practice. Refer to OAR 331-030-0040.

~~(2)~~ **(3)** "Agency" means the Oregon Health Licensing Agency. The agency is responsible for the budget, personnel, performance-based outcomes, consumer protection, fee collection, mediation, complaint resolution, discipline, rulemaking and record keeping.

~~(3)~~ **(4)** "Antiseptic" means product used to stop or inhibit the growth of bacteria.

(5) "Authorizations" as defined in OAR 331-010-0000.

(6) "Booth" means, as it pertains to event facility permits, is a 10 feet by 10 feet or 100 square feet of floor space.

~~(4)~~ **(7)** "Clean" means the absence of soil and dirt by washing, sweeping, clearing away, or any other appropriate method rendering a sanitary condition.

~~(5)~~ "Closed book" means without aid from or availability of written material.

~~(6)~~ **(8)** "Director" means the individual who is responsible for the performance of the agency under ORS 676.610. The director appoints all the subordinate officers and employees to carry out the duties of the agency.

~~(7) "Easily accessible" means unrestricted use or availability, easy to approach or enter.~~

~~(8)~~ **(9)** "Enclosed storage area" means separate room, closet, cupboard or cabinet.

~~(9)~~ **(10)** "Equivalent" means comparable but not identical, covering the same subject matter.

(10) "Facility" means an establishment in which a licensee(s) performs electrolysis, permanent coloring or tattooing, or any combination thereof.

~~(11) "Health Licensing Office" means agency.~~

~~(12)~~ **(11)** "High-level disinfectant" means a chemical agent, which has demonstrated tuberculocidal activity and is registered with the Environmental Protection Agency.

~~(13) "Incompetence" includes, but is not limited to, a demonstrated lack of ability or fitness to perform.~~

~~(14)~~ **(12)** "Linens" means cloths or towels used for such things as draping or protecting table.

~~(15)~~ **(13)** "Low-level disinfectant" means a chemical agent, which has demonstrated bactericidal, germicidal, fungicidal and limited virucidal activity and is registered with Environmental Protection Agency.

~~(16)~~ **(14)** **"Official transcript" means an original document certified by the career school indicating hours and types of course work, examinations and scores that the student has completed, which has been mailed by USPS or other recognized mail service provider directly to the agency by the career school in a sealed envelope, or authorized transcript transmitted directly to the agency in a manner approved by the agency. "Official transcript" means an original document certified by a licensed or accredited school indicating hours and types of course work, examinations and scores that the student completed. The transcript must be mailed or delivered directly from the school to the agency by one of the following methods:**

~~(a) Regular USPS mail service;~~

~~(b) Recognized mail service provider, such as UPS or FEDEX;~~

~~(c) Authorized courier;~~

~~(d) Electronic or facsimile transmission to specified agency email address and/or FAX number.~~

~~(17) "One year of work experience" means employment consisting of a 40-hour work week for a minimum of 50 consecutive weeks during a 12 month period or a cumulative total of 2,000 clock hours within a 24 month period.~~

~~(18)~~ **(15)** "Operatory" means isolated area where treatment or services are provided.

~~(19)~~ **(16)** "Part-time experience" means engaging in practice for a period of at least 24 weeks or 1,000 hours during a 12 month time period.

~~(20) "Photographic identification" means an official document issued by a recognized governmental agency or entity, including but not limited to a valid driver's license, passport, health identification card, or other document which contains personal information pertaining to the individual, a photograph and signature.~~

~~(21)~~ **(17)** "Place or places **Place** of business" means the physical location where services are performed or will be performed.

~~(22)~~ **(18)** "Premises" means the entire building or structure within which services are performed.

~~(23) "Probation" means continuation of licensure under conditions set by the agency.~~

~~(24)~~ **(19)** "Protective gloves" means gloves made of vinyl, latex or "Nitrile".

~~(25)~~ **(20)** "Public view" means open to view and easy for the public to see, located in the operatory/treatment area, or waiting/lobby area at the place of business.

~~(26)~~ **(21)** "Reactivate" means to change an expired license to an active license.

~~(27)~~ **(22)** "Reciprocity" means that an applicant, holding an active certificate or license in another state, meets the qualifications and requirements for licensure based on satisfactory completion of education, training, and/or work experience determined equivalent to Oregon standards, and further that the applicant has demonstrated competency by satisfactory completion of a national or state written and/or practical examination recognized or approved by the agency.

~~(28)~~ **(23)** "Renew" means to extend a current license for two years beyond expiration or to bring an expired license to current, active status.

~~(29) "Residence address or place(s) of business" means a street, route or location address, not a post office box.~~

~~(30)~~ **(24)** "Sharps" means any object that can penetrate the skin, including but not limited to needles, scalpel blades, lancets, glass tubes, or other instruments that could be broken during handling, and syringes that have been removed from their original sterile containers.

~~(31)~~ **(25)** "Sharps container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal. The container must be ~~red~~ and labeled with the "Biohazard" symbol.

~~(32)~~ **(26)** "Single Use" means products or items that are disposed of after each use, including but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings.

~~(33)~~ **(27)** "Sterilization" means destruction of all forms of microbotic life, including spores.

~~(34)~~ **(28)** "Suspend" refers to two distinct meanings defined by statute: ORS 690.385~~(2)~~ pertaining to voluntary license expiration, and ORS 676.612 pertaining to disciplinary action.

~~(35) "Under direct supervision of a physician" means employed by and working in the office of a physician, with treatment ordered by and reimbursed to the physician.~~

(29) "Work experience" means employment consisting of a 40-hour work week for a minimum of 50 consecutive weeks during a 12 month period or a cumulative total of 2,000 clock hours within a 24 month period.

Stat. Auth. : ORS 676.615 & 690.405(9)

Stats. Implemented: ORS 676.615 & 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0020; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04;

HLA 10-2008, f. 9-15-08 & cert. ef. 10-1-08

331-505-0010

Fees

(1) Applicants and licensees are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

- (A) Practitioner license -- Permanent color and tattoo: \$100.
- (B) Practitioner license -- Electrology: \$50.
- (C) Practitioner license by reciprocity -- Permanent color and tattoo: \$150.
- (D) Practitioner license by reciprocity -- Electrology: \$150.
- (E) Temporary practitioner permit – Permanent color and tattoo: \$50.**

~~(E)~~ **(F)** Facility license -- Permanent color and tattoo: \$150.

~~(F)~~ **(G)** Facility license -- Electrology: \$100.

(H) Event facility permit: \$100.

~~(G)~~ **(I)** Temporary facility license: \$100.

~~(H)~~ **(J)** Demonstration permit: \$100.

(b) Examination:

(A) Permanent color and tattoo -- Oregon laws & rules: \$50.

(B) Permanent color and tattoo -- Written: \$50.

(C) Permanent color and tattoo -- Skills assessment: \$100.

(D) Electrology -- Oregon laws & rules: \$50.

(E) Electrology -- Written: \$50.

(F) Electrology -- Practical: \$100.

(c) Original issuance of authorization to practice:

(A) Practitioner license -- Permanent color and tattoo (including by reciprocity): \$125.

(B) Practitioner license -- Electrology (including by reciprocity): \$50.

(C) Facility license -- Permanent color and tattoo: \$125.

(D) Facility license -- Electrology: \$100.

(d) Permits:

(A) Temporary facility: \$50.

(B) Temporary practitioner – Permanent color and tattoo: \$20.

~~(B)~~ **(C) Demonstration: \$50.**

(D) Event facility:

(i) Up to 100 booths (as defined in OAR 331-505-0000): \$725.

(ii) 101 to 200 booths: \$1450.

(iii) 201 to 300 booths: \$2175.

(iv) 301 to 400 booths: \$2900.

(v) 401 to 500 booths: \$3625.

(e) Renewal of authorization to practice:

(A) Practitioner license -- Permanent color and tattoo: \$100.

(B) Practitioner license -- Electrology: \$38.

(C) Facility license -- Permanent color and tattoo: \$100.

(D) Facility license -- Electrology: \$100.

(f) Other administrative fees:

(A) Delinquent (late) renewal of license: ~~\$25 for the first month in expired status, and \$10 each month thereafter while in an expired status.~~ **\$50 for each year in expired status up to two years.**

(B) Replacement of license, including name change: \$25.

(C) Duplicate license document: \$25 per copy with maximum of three.

(D) Affidavit of licensure: \$50.

(E) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

DIVISION 510

DEFINITIONS FOR THE PRACTICE OF ELECTROLOGY

331-510-0000

Electrology Definitions

In addition to definitions listed in OAR 331-505-0000, the following terms are specific to divisions 510 through 545.

~~(1) "Access" means unrestricted use or availability, easy to approach or enter; may be adjacent to or within a reasonable distance.~~

~~(2)~~ **(1)** "*Instruments*" means devices, tools and implements used in the practice of electrolysis, which includes but is not limited to needles, probes, forceps, hemostases, or tweezers.

(3) "*Modality*" means manner of mode in which electricity is used to produce a therapeutic effect (i.e. electrolysis, thermolysis, the blend).

~~(4)~~ **(2)** "*Needle*" means the conductor as referred to in ORS 690.350~~(5)~~ also called wires or probes.

Stat. Auth. : ORS 676.615, 690.405(9)

Stats. Implemented: ORS 676.615, 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0020; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

DIVISION 515

ELECTROLOGY: QUALIFICATIONS FOR LICENSURE

331-515-0000

Approval of Schools

The ~~Health Licensing Office shall~~ **agency must** recognize a school of electrolysis that has met the following requirements:

- (1) The facility has been approved and registered by the Department of Education, Private Career Schools, and meets provisions of ORS 345 and rules adopted by the Department for licensure as a career school;
- (2) A curriculum/course of study has been submitted to the agency which has been approved as meeting the curriculum objectives outlined under OAR 333-515-0010;
- (3) An initial inspection has been conducted by the Department of Education and agency and the facility satisfactorily passed requirements for compliance with instruction and sanitary rules.

Stat. Auth.: ORS 690.410

Stats. Implemented: ORS 690.410

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0025; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-515-0010

Approved Course of Study

To be approved by the agency, a course of study ~~shall~~ **must** include, at least 600 hours of training instruction. The course ~~shall~~ **must** include at least 235 hours of theory and at least 365 hours of practical experience in the following areas:

- (1) Laws and rules: 15 hours of training in theory.
- (2) Bacteriology: 20 hours of training in theory.
- (3) Infection control and sterilization: 20 hours of training in theory and 15 hours of practical training.
- (4) Anatomy and physiology: 20 hours of training in theory.
- (5) Endocrinology: 20 hours of training in theory.

(6) Structure, dynamics and diseases of skin and hair: 30 hours of training in theory.

(7) Circulatory and nervous system: 20 hours of training in theory.

(8) Electricity: 15 hours of training in theory.

(9) Electrolysis (galvanic): 20 hours of training in theory and 115 hours of practical training.

(10) Thermolysis: 20 hours of training in theory and 115 hours of practical training.

(11) Combinations of electrolysis and thermolysis (blend): 20 hours of training in theory and 110 hours of practical training.

(12) Draping and positioning: 5 hours of training in theory and 5 hours of practical training.

(13) Professional ethics and business practices: 10 hours of training in theory and 5 hours of practical training.

Stat. Auth : ORS 690.405, 690.410

Stats. Implemented: ORS 690.405, 690.410

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0030; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-515-0020

Equivalent Course of Study; Experience Equivalency Standards

An applicant ~~shall~~ **is not be** required to comply with the training requirements under OAR 331-515-0010 ~~to the extent~~ **if** the agency determines ~~that~~ training and/or work experience obtained is equivalent to minimum requirements based on documentation of two years full-time or four years part-time ~~active~~ work experience in the field of electrolysis.

Stat. Auth.: ORS 690.365, 690.405, 690.410

Stats. Implemented: ORS 690.365, 690.405, 690.410

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0045 & 333-305-0050; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-515-0030

Application for Licensure

(1) Individuals applying for licensure to practice electrology must meet the requirements of OAR 331-030-0000 in addition to the provisions of this rule.

(2) Applicants must submit a completed application form prescribed by the agency, which ~~shall~~ **must** contain the information listed in OAR 331-030-0000~~(5)~~ and be accompanied by payment of the application, examination and license fees.

(3) Applicants ~~shall~~ **must** be at least 18 years of age, and ~~shall~~ **must** provide documentation confirming date of birth, such as a copy of the birth certificate, driver's license, passport or school/military/governmental record.

(4) Applicants ~~shall~~ **must** have completed four years of standard high school education or the equivalent. ~~Acceptable documentation is a~~ **Acceptable documentation includes, but is not limited to:** high school diploma, letter from school or military records verifying completion, GED passing scores, ~~or proof of enrollment~~ **completion of an educational course or program** in a post-secondary educational institution, **or other agency approved documentation.**

(5) The completed application must include submission of satisfactory evidence of equivalency as required by the agency pursuant to OAR 331-515-0020, or by one of the following pathways for licensure:

(a) **OFFICIAL TRANSCRIPT:** The document ~~shall~~ **must** be mailed directly to the agency from a licensed or accredited school or an equivalent institution recognized by the agency, showing completion of the prescribed course of study, listed in OAR 331-515-0010 or its equivalent approved by the agency, and ~~shall~~ **must** be issued by:

(A) A school of electrolysis licensed by the Department of Education, Private Career Schools, under ORS 345;

(B) A licensed or accredited school of electrolysis located in another state where the practice of electrolysis is unregulated; or

(C) An institution recognized by the agency, such as a medical facility or other county, state, or federal agency or entity, where training and education is provided by means of a standardized course of study, adhering to prescribed curriculum objectives and criteria.

(D) The transcript must be mailed or transmitted directly to the agency or delivered in person in a sealed envelope by an authorized courier.

~~(b) **OUT OF STATE LICENSURE:** Applicants who hold an electrolysis license issued from another state shall submit an original Affidavit of Licensure form affixed with the state's seal or stamp, signed by the regulatory authority where the applicant is currently licensed, and mailed directly to the agency office by the regulatory authority.~~

An applicant who holds a current electrolysis license issued from another city, county, or state which meet or exceeds Oregon standards must provide an Affidavit of Licensure as defined in OAR 331-030-0040 to the agency. The applicant is responsible for payment of any service fee the originating state may assess for producing the affidavit.

(A) The form shall **must** indicate whether the applicant satisfactorily passed a national or state prepared written and practical examination.

(B) Additional documentation may be required substantiating completion of equivalent training requirements listed in OAR **331-515-0010 and 331-515-0020**.

Stat. Auth.: ORS 690.365, 690.405

Stats. Implemented: ORS 690.365, 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0035; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

DIVISION 520

ELECTROLOGY: EXAMINATIONS

331-520-0000

Examination Authorization

(1) The agency will conduct examinations for licensure. Applicants will not be approved for an examination until all documentation and fee requirements have been completed.

(2) The agency reserves the right to alter or adjust examination dates, times and locations as it deems necessary to meet emergency situations and will notify applicants and schools in advance whenever possible.

(3) The agency will mail notice to each applicant approved for the practical examination by U.S. Postal Service, at least 15 calendar days prior to the examination. Notification will not be given by any other means.

(4) Applicants ~~shall be required to~~ **must provide approved identification, listed under OAR 331-030-0000** at the time of the examination. ~~present photographic identification such as a driver's license and their original Social Security card~~

Stat. Auth.: ORS 690.370, 690.405

Stats. Implemented: ORS 690.370, 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0075 & 333-305-0080; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-520-0010

Examination for Electrologist License

(1) The examination for an electrolysis license ~~shall~~ **must** consist of two sections: a written examination and a practical examination. Applicants ~~shall~~ **must** take all sections of both parts of the examination on the first attempt.

(2) The written examination ~~shall~~ **consists** of 200 multiple-choice questions. Questions ~~shall~~ **must** cover subjects required in an approved course of study in accordance with OAR 331-515-0010.

(3) The practical examination will consist of an actual demonstration of hair removal on a model provided by the applicant. Information on the practical examination procedures will be mailed to applicants with the examination notice. Refer to OAR 331-520-0000~~(3)~~.

(4) Graded criteria ~~shall~~ **must** include model preparation, safety, sterilization and infection control, technique, use of instruments, and aftercare.

(5) The examination ~~shall~~ **must** be "closed book" **without aid from or availability of written material**, ~~and shall be prepared or conducted in English.~~

(6) The examination is administered in English only, unless an agency approved testing contractor or vendor provides the examination in language(s) other than English. Examination candidates may be electronically monitored during the course of testing.

~~(6)~~ **(7)** The written and practical sections of the examination will be scored individually, not added or averaged together.

~~(7)~~ **(8)** A passing score of at least 75 percent on each section of the examination is required before a license will be issued.

~~(8)~~ **(9)** Applicants failing to successfully complete the examination process and attain licensure within two years from the date of the initial application or the most recent examination attempt, whichever is later, ~~shall~~ **must** be required to:

(a) Reapply for examination according to OAR 331-515-0030;

(b) Pay the appropriate fees; and

(c) Retake examination.

Stat. Auth.: ORS 690.370, 690.405, 690.430

Stats. Implemented: ORS 690.370, 690.405, 690.430

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0065; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-520-0030

Special Examination Accommodations

(1) Applicants who have a learning, psychological, physical, or other disability, which requires an accommodation to the regular testing environment may request a special examination.

(2) Requests for accommodation ~~shall~~ **must** be made on forms provided by the agency and ~~shall~~ **must** contain supporting documentation completed by a licensed professional holding appropriate credentials qualified to certify that the applicant's disabling condition requires the requested test accommodation.

(3) A "Request for Accommodation" form must be submitted to the agency at least 30 calendar days in advance of the scheduled examination date to make

appropriate arrangements contingent upon the type of accommodation requested.

(4) All special examinations are conducted at the agency. If the agency is unable to accommodate the disability on-site, special arrangements will be arranged for an adequate test site.

Stat. Auth.: ORS 690.370, 690.405

Stats. Implemented: ORS 690.370, 690.405

Hist.: HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-520-0040

Examination Conduct; Disqualification

(1) Examinations are conducted in a designated area with restricted access. Authorization must be provided by the agency before bringing any material or electronic equipment or devices into the examination. Receiving or attempting to receive assistance during the examination, including assistance from other individuals, from notes books or devices or taking unauthorized items into the examination area ~~shall~~ **must** invalidate the examination and result in forfeiture of the examination and fees.

(2) Examination Disqualification: A candidate may be immediately disqualified during or after the examination for conduct that interferes with the examination. Such conduct includes:

~~(a) Giving or receiving aid, directly or indirectly during the examination process;~~
Directly or indirectly giving, receiving, soliciting, attempting to give, receive or solicit aid during the examination process;

~~(b) Obtaining help or information from notes, books, or other individuals to answer questions;~~

~~(c) (b)~~ **(b)** Removing or attempting to remove any examination-related information, notes or materials from the examination site;

~~(d) (c)~~ **(c)** Failing to follow directions relative to the conduct of the examination; and

~~(e) (d)~~ **(d)** Exhibiting behavior which impedes the normal progress of the examination.

(3) Disqualification will invalidate the examination and result in forfeiture of the examination fees. The applicant will be required to reapply, submit additional examination fees and request in writing to schedule another examination. Reexamination will be scheduled at a date, time and place determined by the

Director following the date of disqualification. Re-examination will be conducted at the agency.

Stat. Auth.: ORS 690.410

Stats. Implemented: ORS 690.410

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0090; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-520-0060

Examination Review Procedures

~~(1) Opportunity to review failed sections of the written examination, conducted by use of the electronic touch screen computer testing system, are provided at the conclusion of each examination question/answer selection, or immediately following conclusion of the entire examination. Review of failed examination sections at a later time or date is prohibited.~~

~~(2) Applicants retaking the examination must present photographic identification such as a driver's license and their original Social Security card as required by OAR 331-520-0000.~~

Stat. Auth.: ORS 676.615, 690.405

Stats. Implemented: ORS 676.615, 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0100; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-520-0070

Retake of Examination Sections; Additional Training

~~(1) Failed sections of the examinations may be retaken **at a date and time determined by the agency.** at the next available examination date and time, as scheduling allows. Retaking a failed examination requires registration and payment of the examination fees~~

~~(2) Applicants who fail the examination three times (first attempt plus two retakes) must obtain an additional 100 hours of theory training within their scope of practice through an Oregon career school licensed under ORS 345.010 to 345.450 before they will be eligible to retake the examination.~~

(2) Applicants who fail to pass any section of the examination after three attempts (initial examination plus two retakes) are required to complete an additional 100 hours of instruction in theory, focused on the approved curriculum outlined in OAR 331-515-0010 before they may attempt any subsequent retakes of the examination. Additional instruction must be

obtained through an Oregon career school licensed under ORS 345.010 to 345.450.

(3) Prior to an applicant's fourth examination attempt, an official transcript must be received from an Oregon licensed career school which verifies that the applicant has satisfactorily completed the additional hours of instruction.

(4) Applicants failing to successfully complete the examination process to obtain a license within two years from the date of their most recent examination attempt will be required to:

(a) Reapply for examination according to OAR 331-515-0030;

(b) Pay the application, examination and original license fees; and

(c) Retake all examination sections qualified for, regardless of a previously passing score and completion and verification of an additional 100 hours of instruction in theory, outlined in OAR 331-515-0010 which is obtained through an Oregon career school licensed under ORS 345.

(5) Review of any examinations is prohibited.

Stat. Auth.: ORS 690.370, 690.405

Stats. Implemented: ORS 690.370, 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0105 & 333-305-0110; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

DIVISION 525

ELECTROLOGY: LICENSE ISSUANCE, RENEWAL AND REACTIVATION

331-525-0020

~~Display of License Posting Requirements~~

~~All practitioner and facility licenses must be posted in public view.~~

(1) Authorizations as defined in OAR 331-010-0000 are subject to the requirements of OAR 331-030-0020.

(2) The following must be posted in public view:

(a) Facility licenses.

(b) Practitioner licenses. The practitioner's address printed on the certificate may be blocked from public view.

(c) Demonstration and temporary permits or authorizations.

(d) The most recent inspection certificate.

Stat. Auth.: ORS 676.615, 690.380

Stats. Implemented: ORS 676.615, 690.380

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0140; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-525-0035

Facility License Issuance and Renewal; Cooperation in Inspections

Beginning on October 1, 2004, all facilities must be licensed to provide electrolysis services prior to operating electrology facilities.

(1) The agency will issue a facility license to qualified persons, as provided in OAR 331-030-0010, if the applicant:

(a) Is at least 18 years of age, if the applicant is a natural person, as required in ORS 690.365(2). If the applicant is an entity other than a natural person, the entity must be formed and operated in accordance with Oregon law;

~~(b) Has registered with the Corporations Division and designated an assumed business name prior to applying for a facility license (unless doing business under the full name of the owner);~~

(b) Has registered as required by Secretary of State, Corporations Division pursuant to ORS 648.007, an “Assumed Business Name” (ABN) defined under ORS 648.005 prior to applying for a facility license, and submits with facility application a current copy of the ABN filing;

NOTE: ABN is not required if business includes the real and true name of each owner. Refer to ORS 648.005 through 648.990.

(c) Applies on a form prescribed by the agency and pays the required application and license fees;

(d) Complies with all applicable rules and regulations;

(e) Certifies that application information is correct; and

(f) Meets the specifications for building, fire and plumbing codes as specified in OAR 565-535-0000 and complies with exit and fire standards established by the Building Codes Agency and Office of the State Fire Marshal.

(2) Facility license applicant must provide a map or direction to the business premises if the facility is located in a rural or isolated area, and submit a copy of the spore test results from applicant's autoclave, or submit a signed attestation requesting an exemption under OAR 331-540-0020~~(2)~~ based on exclusive use of prepackaged sterile electrolgy equipment, including needles.

(3) A facility license holder must comply with the provisions of OAR 331-030-0010 regarding issuance and renewal of a facility license.

(4) Each facility license holder must:

(a) Allow the agency's enforcement officer to inspect the facility when it is open for business;

(b) Ensure employees cooperate with agency enforcement officers and refrain from impeding an inspection in any way;

(c) Contact the agency in writing to make arrangements for an inspection if the agency has been unable to perform an annual inspection because the facility was closed.

Stat. Auth.: ORS 676.615, 690.360(6), 690.405(12)
Stats. Implemented: ORS 676.615, 690.360(6), 690.405(12)
Hist.: HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-525-0038

Facility Located in Residence

A facility located in a residence must comply with the provisions of OAR 331-525-0035 in addition to:

- (1) Have an identifying house number or a sign, which is easily visible from the street and indicates the location of the facility;
- (2) Be equipped with the structures, accommodations, and equipment which the agency requires for all facilities;
- (3) Have an entry that is separate from the entry to the living area of the home. The living area of the home ~~shall~~ **must** be separated from the facility by solid walls extending from floor to ceiling, with any connecting doors kept closed while the facility is in actual operation.
- (4) Licensed electrologists operating in their residence prior to July 1, 2004, will not be subject to the requirements listed in subsection (3) of this rule, until such time as a change in the business location is made.

Stat. Auth.: ORS 676.615, 690.360(6), 690.405(12)
Stats. Implemented: ORS 676.615, 690.360(6), 690.405(12)
Hist.: HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-525-0040

Practicing at Location Other Than Named Place(s) of Business

- (1) Licensees ~~shall~~ **must** not practice at any location other than the place ~~or~~ ~~places~~ of business listed with the agency. However, licensees may provide services outside the premises of a licensed facility on persons residing in a health care facility or persons confined to their residence through medical disability or restriction.
- (2) All licensees who perform services at locations listed ~~in subsections (1) of this rule~~ **in this rule** or at more than one business location ~~shall~~ **must** carry their license with them and post it while working.

Stat. Auth.: ORS 676.615, 690.390, 690.405(9)
Stats. Implemented: ORS 676.615, 690.390, 690.405(9)
Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0185; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-525-0055

Facility License Requirements

~~(1) A facility shall meet the requirements for a new facility (refer to OAR 331-525-0035) and submit a new facility application and required fees when any of the following conditions exist:~~

~~(a) A facility is purchased from the current or previous owner, partnership or corporation. Facility licenses are not transferable from person-to-person or from business-to-business;~~

~~(b) There is a change in the legal ownership, partnership or holding of a facility regulated under ORS 690 and OAR 331, such as:~~

~~(A) A partner(s) or co-owner(s) is added; or~~

~~(B) A partner(s) or co-owner(s) is removed due to the death of a facility owner(s).~~

~~(c) An existing facility moves or relocates to a new physical address. Facility licenses are not transferable from location-to-location.~~

~~(2) Facility owners closing their facilities shall:~~

~~(a) Submit written notice to the agency within five business days of a facility closure, indicating whether the closure is permanent or of a temporary duration. Notice of temporary facility closure shall specify the anticipated date of resuming business operations;~~

~~(b) If notice of a permanent facility closure was submitted, and the license holder (same owner) reopens the facility while the license is still in active current status, the facility owner shall submit notice to the agency prior to reopening the facility and resuming business operations/services.~~

(1) The facility license is issued to a designated owner or legal entity for the specific physical location where business is conducted. The license is not transferable from person-to-person or from business-to-business.

(2) A facility owner or license holder must meet the requirements of a new facility and submit a new facility application and required fees when any of the following conditions exist:

(a) A facility is purchased from the current or previous owner, partnership or corporation;

(b) There is a change in the legal ownership, partnership or holding of a facility regulated under ORS 690 and OAR 331, such as a partner or co-owner being added or removed from the existing facility license. This includes a change in the ownership status due to death or divorce of facility owner or a spouse listed as a co-owner on the agency's records. :

(c) An existing facility moves or relocates to a new physical address.

(3) Facility license holders who close a business regulated under ORS Chapter 690 and OAR Chapter 331 must inform the agency in writing within 30 calendar days of the closure of the facility and before reopening the facility while the license is still current.

Stat. Auth.: ORS 690.405
Stats. Implemented: ORS 690.405
Hist: HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-525-0060

Demonstration Permit

(1) ~~"Demonstration permit"~~ **Demonstration permit** is an authorization pursuant to ORS 690.405 to practice on a limited basis for a maximum of 30 consecutive calendar days.

(2) A person not licensed under ORS 690.365, who intends to demonstrate, teach or perform electrolysis services temporarily for educational purposes, where services are not performed upon the public, **not for specific compensation for electrology services**, must first obtain a demonstration permit from the agency.

(3) To be granted a demonstration permit, a person must meet the following requirements:

(a) Submit an application on a form prescribed by the agency;

(b) Provide satisfactory evidence of holding a valid license in their state or country--;

(c) Describes the purpose for which the permit is sought; and

(d) Pay the required application and permit fees.

(4) The demonstration permit ~~shall~~ **must** specify the period during which the person is permitted to demonstrate, teach or perform services.

331-525-0065

Temporary Facility Permit

(1) ~~"Temporary facility permit"~~ **Temporary facility permit** is an authorization pursuant to ORS 690.405 to operate a **single** facility on a limited basis, not to exceed 30 consecutive calendar days, at **settings** ~~locations away from the primary facility,~~ such as fairs, carnivals or bazaars.

(2) A person who intends to operate a facility on a limited basis away from a primary licensed facility must first obtain a temporary facility permit from the agency.

(3) To be granted a temporary facility permit, a person must meet the following requirements:

(a) Be 18 years of age or older, if the applicant is a natural person. If the applicant is an entity other than a natural person, the entity must be formed and operated in accordance with Oregon law;

(b) Apply on forms prescribed by the agency and provide the required information and application fees.

(4) A temporary facility must:

(a) Receive the permit and post the authorization in public view before opening for business;

(b) Comply with the rules of the agency concerning health, safety and infection control;

(c) Comply with the applicable health and safety laws and rules of the agency and any other state agencies;

(d) Pay the required permit fees.

(5) The temporary facility permit shall specify the period during which the permit is valid.

DIVISION 530

ELECTROLOGY: CONTINUING EDUCATION

331-530-0000

Continuing Education for License Renewal

To maintain licensure in the field in which they are licensed to practice, electrologists must comply with the following continuing education requirements:

(1) Complete 15 clock hours of satisfactory continuing education courses either as one unit or combination of units, ~~not less than one hour each~~, every two years.

(2) Satisfactory continuing education courses ~~shall~~ **must** fit into the approved curriculum objectives listed in ORS 690.410(1) and the courses of study outlined in OAR 331-515-0010 and must be obtained by:

(a) Participation or attendance at an instructional program presented, recognized, or under the auspices of any permanently organized institution, agency, association or completion and certification by an approved national home study organization; or

(b) Self-study, participation, or attendance not covered by ~~subsection (a) of~~ **in** this rule may comprise up to eight hours of the total requirement. Self-study may include continuing education obtained by means of the following:

(A) Correspondence courses;

(B) Review of publications, textbooks, printed material, or audio cassette(s);

(C) Viewing of films, videos, or slides; or

(c) Attendance at meetings of the Advisory Council for Electrologists and Permanent Color Technicians and Tattoo Artists may be credited for a maximum of three hours per meeting, totaling no more than four hours per two year period.

(3) Licensees ~~shall~~ **must** report compliance with the continuing education requirement through attestation on the license renewal document. Licensees ~~shall~~ **must** be subject to the provisions of OAR 331-530-0020 pertaining to periodic audit of continuing education.

(4) Continuing education requirements apply whether the applicant renewing a license is living or working within Oregon or outside of the state, if Oregon licensure is maintained.

(5) Hours of continuing education, in excess of the requirement for renewal every two years, will not be carried forward.

(6) Continuing education is required for renewal, every two years, even if the license has been inactive or suspended during that period.

(7) To ensure adequate evidence of attainment of required continuing education is available for audit or investigation by the agency, records of attendance must be maintained by licensees for two years following the two-year continuing education cycle and renewal of the electrologist license.

(8) Licensees failing to obtain 15 clock hours of continuing education every two years must reapply and qualify according to the requirements of OAR 331-515-0030 and successfully pass a written and practical examination.

Stat. Auth.: ORS 676.605, 676.615 & 690.385

Stats. Implemented: ORS 676.605, 676.615 & 690.385

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0125 & 333-305-0130; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04, Renumbered from 331-530-0010; HLA 10-2008, f. 9-15-08 & cert. ef. 10-1-08

331-530-0020

Continuing Education: Audit, Required Documentation and Sanctions

(1) The ~~Health Licensing Office~~ **Oregon Health Licensing Agency** will audit a select percentage of licenses determined by the Council to verify compliance with continuing education requirements.

(2) Practitioners notified of selection for audit of continuing education attestation ~~shall~~ **must** submit to the agency, within 30 calendar days from the date of notification, satisfactory evidence of participation in required continuing education in accordance with OAR 331-530-0000.

(3) Documentation of attendance at a program or course provided by the sponsor must include:

(a) Name of sponsoring institution/association or organization;

(b) Title of presentation and description of content;

(c) Name of instructor or presenter;

(d) Date of attendance and duration in hours;

(e) Course agenda;

(f) Official transcript, diploma, certificate, statement or affidavit from the sponsor, attesting to attendance.

(4) Documentation substantiating completion of continuing education through self-study, must show a direct relation to the subjects outlined in OAR 331-515-0010, be submitted on forms provided by the agency and include the following:

(a) Name of sponsor or source, type of study, description of content, date of completion and duration in clock hours;

(b) Name of approved correspondence courses or national home study issues;

(c) Name of publications, textbooks, printed material or audio-recorded material, including date of publication, publisher, and ISBN issued.

(d) Name of films, videos, or slides, including date of production, name of sponsor or producer and catalog number.

(5) If documentation of continuing education is invalid or incomplete, the licensee must correct the deficiency within 30 calendar days from the date of notice. Failure to correct the deficiency within the prescribed time ~~shall~~ **must** constitute grounds for disciplinary action.

(6) Misrepresentation of continuing education, or failing to meet continuing education requirements or documentation may result in disciplinary action, which may include, but is not limited to, assessment of a civil penalty and suspension or revocation of the license.

Stat. Auth.: ORS 676.605, 676.615, 690.385, 690.405
Stats. Implemented: ORS 676.605, 676.615, 690.385, 690.405
Hist: HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

DIVISION 535

ELECTROLOGY: PRACTICE STANDARDS

331-535-0000

Compliance with all Applicable Regulations

(1) Electrologists ~~shall~~ **must** observe all applicable state regulations pertaining to public health and safety. Compliance with state building, fire, plumbing, and electrical regulations is required.

(2) In addition, when an employee/employer relationship exists, practitioners ~~shall~~ **must** comply with ORS 654 the Oregon Safe Employment Act.

(3) Electrologist ~~shall~~ **must** observe and adhere to all Oregon Occupational Safety & Health Codes (OR-OSHA), OAR 437, 29 CFR 1910.1030 Bloodborne Pathogens.

(4) Every electrologist ~~shall~~ **must** have a written Exposure Control Plan. All procedures developed for the facility's exposure control plan ~~shall~~ **must** be in compliance with OSHA state and federal regulations and with current Centers for Disease Control (CDC) standard for public service workers.

(5) Only authorized equipment or products may be utilized, and in addition, must only be used in a manner approved by manufacturers and appropriate regulatory agencies.

Stat. Auth.: ORS 654, 676.605, 676.615, 690.390, 690.405

Stats. Implemented: ORS 654, 676.605, 676.615, 690.390, 690.405

Hist.: HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-535-0010

Electrologist Practice Standards: Restrictions

(1) Electrologists may provide clients with written information on electrolysis procedures, the purpose for asking specific questions regarding the client's general health, and that any recommendation for medical attention is not to be construed as a medical referral or diagnosis of a physical disease or ailment.

(2) Licensees ~~shall~~ **must** keep an individual record of each client. That record ~~shall~~ **must** include: name and address of client; type of treatment required/requested; type of hair or skin; date and duration of each treatment; special instructions or notations relating to the treatment precautions or needs, ~~such as including but not limited to allergies, and pacemakers, etc.; and, and~~ **and** name and telephone of referring doctor, if applicable.

(3) Electrologists are prohibited from performing services under the following conditions or circumstances (for blood borne diseases only, refer to OAR 331-535-0020):

(a) Licensee or client has a disease or condition which has been diagnosed by a physician to be in a communicable or transmittable form during treatment;

(b) Licensee determines by direct observation or communication with client, that client has or may have a suspected communicable disease or condition;

(c) Licensee knows or should have reasonably known from the state of his/her own physical condition, a communicable disease or condition may exist; or

(d) Treatment in areas with high propensity towards bacterial colonization, such as nostrils and ear canals.

(4) Electrologists must first obtain written authorization from a physician when any of the following exists:

(a) Request for hair removal from moles or birthmarks;

(b) Removal of eyelashes;

(c) Clients with diabetes; or

(d) Clients with heart problems or pacemaker.

Stat. Auth.: ORS 690.390

Stats. Implemented: ORS 690.390

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0245; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-535-0020

Communicable and Blood Borne Diseases

A licensee providing service or working in a facility while diagnosed with having acquired an immunodeficiency virus and related immunodeficiency conditions or Hepatitis viruses (B, C and/or D) ~~shall~~ **must** observe and follow all current Centers for Disease Control (CDC) standards for public service workers regarding personal protection equipment and disposal of blood or bodily fluid contaminated articles, tools and equipment. This includes practitioners or employees providing services to clients who have been diagnosed with having an immunodeficiency virus, related conditions or the Hepatitis viruses (B, C and/or D).

NOTE: It is the position of the agency that human immunodeficiency virus (HIV) is the cause of acquired immunodeficiency syndrome (AIDS) and related

immunodeficiency conditions. This virus, as well as Hepatitis B virus (HBV), Hepatitis C virus (HCV) and Hepatitis virus (HVD) may be transmitted by sharp instruments contaminated by blood or other body fluids, if standard precautions are not followed. As the carriers of these viruses may have no symptoms, the most prudent course to follow is to treat body fluids from all persons with the same high standards of caution and to rigorously follow established safety and infection control practices as required by the law and rules of the agency. There is no published evidence to support casual transmission of HIV, by sneezing or touching, even in close household settings involving AIDS patients and family members caring for them at home. Because HIV is not spread by casual means and because of the inadequacies of the HIV antibody test, there is no reason for the agency to require blood tests prior to certification and/or licensure. Good hand washing after glove removal and between each client is imperative and the most important procedure for prevention of all infections, including HIV. Uniform body fluid precautions are ample to prevent transmission of HIV, HBV, HCV and/or HDV in a facility setting.

Stat. Auth.: ORS 676.605, 676.615, 690.390
Stats. Implemented: ORS 676.605, 676.615, 690.390
Hist.: HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-535-0030

Handwashing/Protective Gloves; Handling Disposable Materials

(1) **HAND WASHING:** Electrologists ~~shall~~ **must** observe and adhere to the following hand washing standards when serving clients:

(a) Hands must be washed before and after treatment of each client, and before putting on gloves and immediately after gloves are removed;

(b) Thorough hand washing ~~shall~~ **must** be by use of soap and water or other alternative hand washing product, such as jell, aerosol spray, foam, or pre-packaged hand wipes, immediately before and after serving each client as needed. Use of bar soap is prohibited.

(2) **PROTECTIVE GLOVES:** Electrologists ~~shall~~ **must** observe and adhere to the following protective glove standards when serving clients:

(a) A new pair of disposable gloves must be worn during the treatment of each client;

(b) Hands must be washed in accordance with the hand washing standards stated in ~~subsection (1)~~ of this rule before putting on gloves and immediately after gloves are removed;

(c) If an electrologist uses low-powered gloves, the excess exterior powder must be removed to prevent powder contact with the client's skin during treatment;

(d) When a treatment session is interrupted:

(A) A protective covering must be used over the gloved hand/hands; or

(B) Gloves must be removed and discarded.

(e) When gloves are removed during a treatment session, hands must be washed and a fresh pair of gloves used;

(f) Gloves must be worn during the procedures of mechanical pre-cleaning, cleaning, rinsing, and drying of needles/probes and forceps/tweezers;

(g) Torn or perforated gloves must be removed immediately, and hands must be washed after gloves are removed.

(3) **DISPOSABLE MATERIALS:** Electrologists ~~shall~~ **must** observe and adhere to the following disposable material standards when serving clients:

(a) All waste materials related to treatment ~~shall~~ **must** be disposed of in a covered container after each client service;

(b) Disposable materials in contact with blood and/or body fluids ~~shall~~ **must** be placed in a sealable plastic bag, separate from sealable trash or garbage liners, and then disposed of in a covered container;

(c) Disposable sharp objects in contact with blood and/or body fluids ~~shall~~ **must** be disposed of in an appropriate "sharps container" as defined in OAR 331-505-0000~~(31)~~;

(d) Electrologists ~~shall~~ **must** have both sealable plastic bags and sealable rigid containers available at the facility.

(4) The client's skin ~~shall~~ **must** be cleansed by applying an antiseptic or antibacterial solution prior to and following treatment.

Stat. Auth.: ORS 676.605, 676.615, 690.390, 690.405

Stats. Implemented: ORS 676.605, 676.615, 690.390, 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0210, 333-305-0215 & 333-305-0235; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-535-0040

Linens

- (1) Clean linens ~~shall~~ **must** be used for each client.
- (2) A common towel is prohibited.
- (3) Air blowers can be substituted for hand towels.
- (4) Clean linens, tissues or single-use paper products ~~shall~~ **must** be stored in a clean, storage area until needed for immediate use.
- (5) Used linens ~~shall~~ **must** be disposed of or stored in a closed or covered container until laundered.
- (6) Used linens ~~shall~~ **must** be laundered either by a regular commercial laundering or by a noncommercial laundering process which includes use of commercial laundry detergent manufactured for the specific purpose of cleaning clothes, linens or other washable fabric, and immersion in hot water during the wash and rinse cycle.

Stat. Auth.: ORS 690.390

Stats. Implemented: ORS 690.390

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99 [Renumbered from 333-305-0220]

331-535-0050

Required Equipment

- (1) All facilities ~~shall~~ **must** have a treatment area or operatory that is separate, private, or screened from the entrance, waiting area, and/or other treatment areas.
- (2) Facilities ~~shall~~ **must** be kept clean and orderly, and equipment ~~shall~~ **must** be maintained in good repair
- (3) All surfaces (counters, tables, equipment, client chairs or recliners) in treatment and sterilization areas ~~shall~~ **must** be made of smooth, non-absorbent and non-porous material.
- (4) All floors and walls ~~shall~~ **must** be easily cleanable. Concrete blocks or other masonry used in wall construction ~~shall~~ **must** be covered or made smooth and sealed for a washable surface.
- (5) A high-level disinfectant or bleach solution, used according to the manufacturer's instructions, ~~shall~~ **must** be used to disinfect surfaces contaminated by blood or bodily fluids.

~~(6) Pets or other animals shall not be permitted in the business facility. This prohibition does not apply to therapy animals, trained guide animals for the disabled, sightless or hearing impaired or to fish in aquariums.~~

(6) Pets and other animals are not permitted in a facility or business premises at any time. The prohibition does not apply to fish in an aquarium and service animals that are trained to perform tasks for people with disabilities as referenced in the Americans with Disabilities Act.

(7) Electrologists ~~shall~~ **must** maintain at the place of business an adequate supply of approved disinfecting or sterilizing equipment, tools/implements, articles and materials for usage requirements and volume of business. The following equipment ~~shall~~ **must** be maintained at the place of business:

- (a) A Federal Communications Commission (FCC) approved epilator;
- (b) Sufficient supply of needles and tweezers to supply sterile instruments for each client treated;
- (c) A treatment light;
- (d) Choice of hemostat, forceps, or tweezers to transfer sterilized instruments;
- (e) Protective gloves;
- (f) Sealable plastic bags and sharps container.

Stat. Auth.: ORS 676.605, 676.615, 690.390, 690.405(9)
Stats. Implemented: ORS 676.605, 676.615, 690.390, 690.405(9)
Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94;
HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0165, 333-305-0175, 333-305-0180 & 333-305-0190; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-535-0060

Water Supply Requirements and Standards

- (1) The quality and construction of facility water supplies ~~shall~~ **must** meet the requirements of ORS Chapter 448 and the State Plumbing Code, OAR 918, Division 750.
- (2) Facility water supplies ~~shall~~ **must** have a minimum of 20 pounds pressure per square inch in accordance with the State Plumbing code.
- (3) All facilities ~~shall~~ **must** have easy and adequate supply of both hot and cold running water and wash basins on the facility premises or as part of surrounding premises or adjacent to the facility but separate from a public restroom.

(4) Waste from toilets or lavatories ~~shall~~ **must** be discharged directly into a public sewer or by a method meeting the requirements of ORS 454.

(5) Hand washing accommodations ~~shall~~ **must** be provided in work areas where employees are exposed to hazardous materials, which will have a harmful effect on or be absorbed through the skin if the contamination is not removed.

(6) Washing accommodations ~~shall~~ **must** be maintained in a clean and sanitary condition.

Stat. Auth.: ORS 448, 454, 676.605, 676.615, 690.390 & 690.405(9)

Stats. Implemented: ORS 448, 454, 676.605, 676.615, 690.390 & 690.405(9)

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0165; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-535-0070

Compliance with Indoor Clean Air Act

Any public place in a facility ~~shall be governed under the~~ **is subject to the** Oregon Indoor Clean Air Act as it appears in ORS 433.835 through 433.875.

Stat. Auth.: ORS 676.615, 690.390, 690.405(9)

Stats. Implemented: ORS 433.835 - 433.875, 676.615, 690.390, 690.405(9)

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0170; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-535-0080

Waste Receptacles

(1) All waste material related to treatment ~~shall~~ **must** be deposited in a covered container following service for each client.

(2) Waste disposed of in receptacles located in reception and/or restroom areas is limited to materials, which are not practice-related or used in the performance of any client services. Waste receptacles located in these areas are exempt from the covered container requirements listed in subsection (1) of this rule.

(3) Outer surface of waste disposal containers ~~shall~~ **must** be kept clean.

Stat. Auth.: ORS 676.615, 690.390, 690.405(9)

Stats. Implemented: ORS 676.615, 690.390, 690.405(9)

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0240; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

DIVISION 540

ELECTROLOGY: SAFETY AND STERILIZATION STANDARDS

331-540-0000

Cleaning Requirements and Standards

- (1) All items in direct contact with the client's skin that do not require disinfecting ~~shall~~ **must** be clean.
- (2) All items in direct contact with the client's skin that cannot be cleaned or disinfected ~~shall~~ **must** be disposed of in a covered waste receptacle immediately after use.
- (3) All substances used in the practice of electrolysis ~~shall~~ **must** be dispensed from containers in a manner to prevent contamination of the unused portion.
- (4) All disinfecting solutions and/or agents ~~shall~~ **must** be kept at adequate strengths to maintain effectiveness, be free of foreign material and be available for immediate use at all times the facility is open for business.
- (5) The agency ~~shall~~ **must** authorize the use of disinfecting agents provided those agents meet the criteria set forth in OAR 331-505-0000~~(12) and (15)~~.

Stat. Auth.: ORS 676.605, 676.615, 690.390, 690.405

Stats. Implemented: ORS 676.605, 676.615, 690.390, 690.405

Hist.: HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-540-0010

Instrument Cleaning; Sterilization Standards

- (1) Prior to sterilizing, instruments ~~shall~~ **must** be brushed and/or swabbed to remove foreign material or debris, rinsed and then cleaned by one of the following approved methods:
 - (a) Immersing in detergent and water in an ultra sonic unit that operates at 40 to 60 hertz, followed by a thorough rinsing and wiping; or
 - (b) Submerging and soaking in a protein dissolving detergent/enzyme cleaner, followed by a thorough rinsing and wiping.

(2) Instruments or other equipment which are "heat-sensitive" ~~shall~~ **must** be disinfected by complete immersion of the object(s) or portion(s) thereof to be disinfected, in a high-level disinfectant which has demonstrated tuberculocidal activity, and used according to the manufacturer's instructions.

(3) The removable tip of an epilator needle or probe holder ~~shall~~ **must** be removed after each treatment, cleaned and then soaked for in a commercial sporicide solution according to manufacturers' instructions.

(4) Cleaned instruments used in the practice of electrolysis ~~shall~~ **must** be placed in sterile bags or containers with color strip indicators, sterilized by exposure to one cycle of an approved sterilizer listed in OAR 331-540-0020.

Stat.: Auth. ORS 676.605, 676.615, 690.390, 690.405

Stats. Implemented: ORS 676.605, 676.615, 690.390, 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0200 & 333-305-0205; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-540-0020

Approved Sterilization Modes

(1) Electrologists must sterilize instruments used in the practice of electrology by means of an approved sterilizing device registered and listed with the U.S. Food and Drug Administration, used, cleaned and maintained in accordance with the manufacturer's instructions. Approved sterilizing devices include an autoclave (steam or chemical) or dry heat unit.

(2) In lieu of sterilization methods listed in (1) above, a licensee may use single-use, prepackaged, sterilized equipment, obtained from commercial suppliers or manufacturers.

(3) Sterilizing devices ~~shall~~ **must** be tested during each sterilizing cycle by means of a commercial test mechanism, such as but not limited to color strip indicators to measure temperature control and general functioning of the equipment.

(4) Sterilizing devices ~~shall~~ **must** be tested at least quarterly for functionality and thorough sterilization by using a commercial biological monitoring (spore) system to assure all microorganisms, including spores, have been destroyed.

(5) Biological test results must be on laboratory letterhead and must contain the test date, and the name, model and serial number of the unit tested. Biological test results ~~shall~~ **must** be retained for a two-year period and must be available for inspection at all times.

Stat. Auth.: ORS 676.605, 676.615, 690.390, 690.405

Stats. Implemented: ORS 676.605, 676.615, 690.390, 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94;
HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0195; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-540-0030

Clean Instruments; Products Storage

- (1) Before use, disposable products that come in contact with the areas to be treated ~~shall~~ **must** be stored in clean containers that can be closed between treatments.
- (2) Clean, sterilized re-usable instruments that come in contact with the areas to be treated, ~~shall~~ **must** be individually stored in clean, sterilized containers to maintain effective sterilization of the instrument until removed from the container.
- (3) Clean, sterilized re-usable transfer instruments ~~shall~~ **must** be stored in a clean, dry, sterilized container.
- (4) Chemicals ~~shall~~ **must** be stored in labeled, closed containers in an enclosed storage area.

Stat. Auth.: ORS 690.390

Stats. Implemented: ORS 690.390

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99 [Renumbered from 333-305-0225 & 333-305-0230]

DIVISION 545

COMPLIANCE

331-545-0000

Investigative Authority

The Health Licensing Office **Oregon Health Licensing Agency** may initiate and conduct investigations of matters relating to the practice of electrolysis, permanent coloring or tattooing, pursuant to ORS 676.608 and 676.618, and may take appropriate disciplinary action in accordance with the provisions of 676.612 and 690.407.

Stat. Auth.: ORS 676.608, 676.618, 690.405, 690.405

Stats. Implemented: ORS 676.608, 676.618, 690.405, 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0255; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-545-0020

Schedule of Penalties for Licensing Violations; Violation of Standards

The agency has adopted the following presumptive penalty schedule for the first and second violations of the following laws and rules. The following schedule ~~shall apply~~ **applies** except as the agency otherwise determines in consideration of the factors referenced in OAR 331-020-0060. For subsequent violations the provisions of 331-020-0060 ~~will apply~~ **applies**.

(1) Operating or purporting to operate a electrology facility without first obtaining a current valid facility license is a violation of ORS 690.355 and OAR 331-030-0020 and may incur a penalty of \$500 per violation

~~(1) Practicing or holding one's self out as available to practice, or using the title electrologist, without first receiving a current, valid license is a violation of ORS 690.355 and OAR 331-030-0020(1)(f) and may incur a penalty of \$1,000.~~

(2) Practicing or purporting to practice or using the title electrologist without first obtaining a current, valid practitioner license is a violation of ORS 690.355 and OAR 331-030-0020 and may incur a penalty of \$2,500 per violation.

(3) Allowing an unlicensed person to practice is a violation of ORS 676.612 and OAR 331-580-0000 and may incur a penalty of \$500.

~~(2)~~ **(4) Practicing or holding one's self out as available to practice, or using the title electrologist, with an expired or suspended license is a violation of ORS**

676.612(4), 690.355, OAR 331-030-0010(4) and/or 331-030-0020(4)(f) and may incur a penalty of ~~\$1,000~~ **\$500**.

~~(3)~~ **(5)** Failing to post a current, valid license **issued by the agency** in public view is a violation of ORS 690.038(4) and OAR 331-525-0020 and may incur a penalty of ~~\$200~~ **\$100**.

~~(4)~~ **(6)** Failing to provide appropriate photographic identification upon request by the agency is a violation of ORS 676.612(4)(e) and OAR 331-030-0020(4) and may incur a penalty of ~~\$1,000~~ **\$500**.

~~(5)~~ **(7)** Failing to submit changes of required licensing information within the time frame set in rule is a violation of OAR 331-010-0040(1) and/or (2) and may incur a penalty of ~~\$50~~ **\$100**.

~~(6)~~ **(8)** Practicing at location other than places of businesses designated to the agency, except as permitted by rule is a violation of OAR 331-525-0040(1) and may incur a penalty of ~~\$500~~ **\$200**.

~~(7)~~ **(9)** Using a reproduction of **Materially altering** a license in place of an original is a violation of ~~OAR 331-030-0020(3)~~ **ORS 690.360** and may incur a penalty of ~~\$50~~ **\$1500**.

~~(8)~~ **(10)** ~~Failing to allow inspection of the premises by the agency~~ **Failing to allow the Agency to inspect the premises when the facility is open or obstructing or hindering the normal progress of the inspection, threatening or exerting physical harm, or enabling another individual to impede the inspection progress** is a violation of ORS 676.612(4)(e), OAR 331-020-0070(2)(d) and/or 331-525-0035(4) and may incur a penalty of ~~\$1,000~~ **\$1500**.

~~(9)~~ **(11)** Failing to meet ~~the~~ a facility or practice standards adopted by the agency is a violation of OAR 331-535-0000(4), 331-535-0010, ORS 676.612(4)(j) and 690.390 and may incur a penalty of \$500 **and may result in suspension or revocation**.

~~(10)~~ **(12)** Failing to provide a private or separate treatment area for clients is a violation of OAR 331-535-0050(4) and may incur a penalty of ~~\$400~~ **\$300**.

~~(11)~~ **(13)** Except as provided by rule, allowing animals in the facility is a violation of OAR 331-535-0050(6) and may incur a penalty of ~~\$400~~ **\$300**.

~~(12)~~ **(14)** Failing to ~~maintain~~ **have** the required equipment or have approved test indicators at facility is a violation of ORS 690.390(1) and/or (2) and OAR 331-535-0050(7) and may incur a penalty of \$500 ~~and/or~~ **and may result in suspension or revocation**.

~~(13)~~ **(15)** Failing to use approved test indicators, ~~or mechanism~~ **commercial test mechanism, or maintain biological test results** as required to ensure proper sterilization is a violation of OAR 331-540-0020~~(3), (4) and/or (5)~~ and may incur a penalty of \$500.

~~(14)~~ **(16)** Failing to sterilize instruments using an approved mode **or to use single-use, prepackaged, sterilized equipment is** a violation of ORS 690.390~~(1) and/or (2)~~ and OAR 331-540-0020~~(1) and/or (2)~~ and may incur a penalty of \$1,000.

~~(15)~~ **(17)** Failing to meet sterilization standards is a violation of ORS 690.390~~(1), (2)~~ and OAR 331-540-0010~~(2), (3) and/or (4)~~ and may incur a penalty of \$1,000.

~~(16)~~ **(18)** Failing to clean instruments prior to sterilization is a violation of ORS 690.390~~(1)~~ and OAR 331-540-0010~~(1)~~ and may incur a penalty of \$1,000.

~~(17)~~ **(19)** Failing to wash hands before and after treatment ~~and/or to wear protective gloves~~ is a violation of OAR 331-535-0030~~(1) and/or (2)~~ and may incur a penalty of \$500.

~~(18)~~ **(20)** Failing to prepare treatment area on a client in accordance with agency standards is a violation of OAR 331-535-0030~~(4)~~ and may incur a penalty of \$500.

~~(19)~~ **(21)** Failing to meet cleanliness and/or storage standards for linens is a violation of 331-535-0040 and may incur a penalty of \$500.

~~(20)~~ **(22)** Failing to meet storage requirements for instruments, products or chemicals is a violation of 331-540-0030 and may incur a penalty of \$500.

~~(21)~~ **(23)** Failing to dispose of materials contaminated with blood or bodily fluids in a sealable container or appropriate sharps container, ~~or failing to have appropriate containers available~~ is a violation of OAR 331-535-0030~~(3)~~ and may incur a penalty of \$1,000.

~~(22)~~ **(24)** Failing to have required covered waste receptacles is a violation of ORS 690.390~~(2)~~ and OAR 331-535-0080~~(1)~~ and may incur a penalty of ~~\$400~~ **\$300**.

~~(23)~~ **(25)** Performing a ~~restricted treatment(s)~~ **prohibited service** is a violation of ORS 676.612~~(1)(j)~~ and OAR 331-535-0010~~(3) and/or (4)~~ and may **result in one or more of the following:**

(a) A penalty of \$1000;

(b) Suspension or revocation of license, permit, or registration.

~~(24)~~ **(26)** Failing to have and maintain client case history records is a violation of ORS 690.390~~(3)~~ and OAR 331-535-0010~~(2)~~ and may incur a penalty of \$500.

Stat. Auth.: ORS 676.605, 676.615, 690.407

Stats. Implemented: ORS 676.605, 676.615, 690.407

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0265; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

DIVISION 550

DEFINITIONS FOR THE PRACTICE OF PERMANENT COLOR TECHNICIANS AND TATTOO ARTISTS

331-550-0000

Permanent Coloring and Tattooing Definitions

In addition to definitions listed in OAR 331-505-0000, the following terms apply as used in OAR 331, divisions 550 through 590.

~~(1) "Access" means immediate unrestricted use or availability, easy to approach or enter.~~

~~(2) "Completed procedure" means, for the purposes of determining qualification for licensure under OAR 331-555-0010; a tattoo which has been finished on a live human being, including any touchups or additional work following initial healing, and the client is released from service, as follows:~~

~~(a) Figurative tattooing includes outlining and shading, use of different size/configuration of needles, a new design on a live human being;~~

~~(b) Cosmetic tattooing includes eyeliner, eyebrows, lip liner, full lip color, repigmentation or camouflage but does not include beauty marks.~~

~~(3) (1) "Direct supervision" means the teacher is present and actively involved in direct oversight and training of students who are completing the training requirements of OAR 331-555-0010.~~

~~(4) (2) "Instruments" means devices, tools and implements used in permanent coloring and tattooing services.~~

~~(5) (3) "Needle" means the implement used to insert dyes or pigments into the dermis of the skin during permanent coloring or tattooing procedures.~~

~~(6) "Needle bar" means the metal or plastic device used to attach the needle to a tattoo machine.~~

~~(7) "Practical" means one-on-one training under the direct supervision of a teacher in the application of permanent coloring or tattooing.~~

~~(8) (4) "Repigmentation" means recoloration of the skin:~~

- (a) After dermabrasion, chemical peels, removal or resolution of birthmarks, vitiligo or other skin conditions which result in the loss of melanin to the skin;
- (b) Scarring caused by surgical procedures, such as face lifts, mole or wart removal, cauterization, etc.;
- (c) Burn grafts and other skin irregularities caused by burns or photo damage;
- (d) Mastectomy, i.e. recreation of an areola or nipple; or
- (e) Blotchy pigmentation requiring camouflage.

~~(9)~~ **(5)** "Theory" means all forms of relevant study, which do not involve the application of permanent makeup or tattoos on human skin. Theory may include but is not limited to review of videos or written matter, attendance at lectures, or application of tattoos or permanent makeup on materials other than human skin.

Stat. Auth : ORS 676.615 & 690.405(9)

Stats. Implemented: ORS 676.615 & 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0020; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 2-2007, f. & cert. ef. 3-30-07, cert. ef. 4-1-07

DIVISION 555

PERMANENT COLOR TECHNICIANS AND TATTOO ARTISTS:

QUALIFICATIONS FOR LICENSURE

331-555-0010

Approved Course of Study

(1) To be approved by the Oregon Health Licensing Agency, a course of study shall **must** include at least 360 hours of instruction. The course shall **must** include at least 210 hours of theory and at least 150 hours of practical work. ~~This practical work must include as a minimum 50 completed procedures.~~

(2) Practical work must include a minimum of 50 completed procedures, for the purposes of determining qualification for licensure under this rule. Completed procedure means a tattoo which has been finished on a live human being, including any touchups or additional work following initial healing, and the client is released from service, as follows:

(a) Figurative tattooing includes outlining and shading, use of different size/configuration of needles, a new design on a live human being;

(b) Cosmetic tattooing includes eyeliner, eyebrows, lip liner, full lip color, repigmentation or camouflage but does not include beauty marks.

~~(2)~~ **(3)** All practical applications performed during training in the subject areas listed in subsection ~~(3)~~ **(4)** of this rule shall ~~be~~ **are** counted toward meeting the minimum 150 hours of practical tattooing experience.

~~(3)~~ **(4) A** ~~The agency's approved~~ course of study shall **must** include, but is not limited to, the following areas:

(a) Needles and needle bars which means the metal or plastic device used to attach the needle to a tattoo machine: 20 hours of theory;

(b) Tattoo machines and equivalent equipment: 20 hours of theory;

(c) Equipment/Supplies: 20 hours of theory;

(d) Safety, Infection Control and Sterilization: 40 hours of theory;

(e) Basic color theory and pigments: 10 hours of theory;

(f) Design, art and placement: 10 hours of theory;

(g) Skin: 20 hours of theory;

(h) Client services 20 hours of theory;

(i) Business operations, including exposure control plan and federal regulations: 40 hours of theory;

(j) Oregon Laws and Rules: 10 hours of theory training.

~~(4)~~ **(5)** As part of the approved course of study, all hours of theory must be completed prior to practical work being performed on the general public.

~~(5)~~ **(6)** Training ~~shall~~ **must** meet minimum objectives listed in OAR 331-555-0010 and ~~shall~~ **must** be conducted under the direct supervision and authority of an Oregon licensed permanent coloring technician and tattoo artist, registered as a teacher by the Department of Education, Private Career Schools.

~~(6)~~ **(7)** A registered teacher ~~shall~~ **must** provide direct supervision of practical training on a one-to-one student/teacher ratio as defined in OAR 331-550-0000 for students performing practical training while the student is working on the general public. The Department of Education, Private Career Schools may waive the one-to-one student/teacher ratio in certain circumstances.

~~(7)~~ **(8)** Arrangements for the time, place and cost of education and training ~~shall~~ **must** be arranged between the applicant and the school providing the training.

Stat. Auth. : ORS 690.405 & 690.410

Stats. Implemented: ORS 690.405 & 690.410

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0030; HDLP 2-1999, f. & cert. ef. 7-1-99; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04, Renumbered from 331-555-0020; HLA 2-2007, f. & cert. ef. 3-30-07, cert. ef. 4-1-07

331-555-0020 [Renumbered to **331-555-0010**]

331-555-0030

Experience Equivalency Standards

An applicant ~~shall~~ **is** not be required to comply with the training requirements under OAR 331-515-0010 ~~to the extent~~ **if** the agency determines that training and/or work experience obtained is equivalent to minimum requirements based on documentation of two years full-time or four years part-time ~~active~~ work experience in the field of permanent coloring or tattooing.

Stat. Auth.: ORS 690.365, 690.405, 690.410

Stats. Implemented: ORS 690.365, 690.405, 690.410

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0045 & 333-305-0050; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-555-0040

Application Requirements

(1) Individuals applying for licensure to practice permanent coloring or tattooing must meet the requirements of OAR 331-030-0000 **division 30**, in addition to the provisions of this rule.

(2) Applicants must submit a completed application form prescribed by the agency, which ~~shall~~ **must** contain the information listed in OAR 331-030-0000~~(5)~~ and be accompanied by payment of the application, examination and license fees.

(3) Applicants ~~shall~~ **must** be at least 18 years of age, and ~~shall~~ **must** provide documentation, confirming date of birth, such as a copy of the birth certificate, driver's license, passport or school/military/governmental record.

(4) Applicants ~~shall~~ **must** have completed four years of standard high school education or the equivalent. ~~Acceptable documentation is a~~ **Acceptable documentation includes, but is not limited to:** high school diploma, letter from school or military records verifying completion, GED passing scores, ~~or proof of enrollment~~ **completion of an educational course or program** in a post-secondary educational institution, **or other agency approved documentation.**

(5) The completed application must include submission of satisfactory evidence of required training under OAR 331-555-0010 by one of the following education and training pathways for licensure:

(a) **OFFICIAL TRANSCRIPT:** The document ~~shall~~ **must** be mailed directly to the agency from a licensed or accredited school or an equivalent institution recognized by the agency, showing completion of the prescribed course of study, listed in OAR 331-555-0010 or its equivalent, approved by the agency, and ~~shall~~ **must** be issued by:

(A) A school of tattooing licensed by the Department of Education, Private Career Schools, under ORS 345;

(B) A licensed or accredited school of tattooing located in another state where the practice is unregulated;

(C) An institution recognized by the agency, such as a medical facility or other county, state, or federal agency or entity, where training and education is provided by means of a standardized course of study, adhering to prescribed curriculum objectives and criteria.

(D) The transcript must be mailed or transmitted directly to the agency or delivered in a sealed envelope by an authorized courier.

(b) **OUT OF STATE LICENSURE:** ~~A professional practicing under a valid permanent color or tattoo license issued by a city, state, or county which meets or exceeds Oregon standards must provide verification by the mailing of an original Affidavit of Licensure form affixed with the applicable state, county or city seal or stamp, signed by the regulatory authority where the application is currently licensed, and mailed directly to the agency by the regulatory authority.~~

Applicants who hold a current permanent color or tattoo license issued from another city, county, or state which meet or exceeds Oregon standards must provide an Affidavit of Licensure as defined in OAR 331-030-0040 to the agency. The applicant is responsible for payment of any service fee the originating state may assess for producing the affidavit.

(c) **EXPERIENCE EQUIVALENCY:** All other permanent color or tattoo professionals working in a city, county, state or country where the practice of permanent coloring and tattooing is unregulated, must provide documentation in the form of tax returns, authenticated by the federal Internal Revenue Service, verifying that the tax returns have been filed. Personal tax returns must substantiate that the individual acquired work experience through two years of active full-time practice in the field of permanent coloring or tattooing. **NOTE:** The ~~Division~~ **agency** may request additional information to substantiate qualifications if the tax returns ~~does not~~ **adequately** verify ~~that the individual~~ **applicant** has been practicing permanent color or tattooing in an unregulated state.

Stat. Auth.: ORS 690.365, 690.405

Stats. Implemented: ORS 690.365, 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0035; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

DIVISION 560

PERMANENT COLOR TECHNICIANS AND TATTOO ARTISTS: EXAMINATIONS

331-560-0000

Examination Authorization

(1) The ~~Health Licensing Office~~ **Oregon Health Licensing Agency** will conduct examinations for licensure. A schedule of examination dates and times is available at the agency upon request. Applicants will not be eligible for an examination until all documentation and fee requirements have been completed.

(2) The agency reserves the right to alter or adjust examination dates, times and locations as it deems necessary to meet emergency situations and will notify applicants and schools in advance whenever possible.

(3) Applicants ~~shall be required to~~ **must provide approved identification listed under OAR 331-030-0000** at the time of the examination. ~~present photographic identification such as a driver's license and their original Social Security card~~

Stat. Auth.: ORS 690.370, 690.405

Stats. Implemented: ORS 690.370, 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0075 & 333-305-0080; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-560-0010

Examination for Licensure

(1) Applicants for licensure must satisfactorily pass the written examination(s) that tests the applicant's knowledge of:

- (a) Basic principles of safety, infection control and sterilization;
- (b) Oregon laws and rules (including licensure requirements and regulations);
- (c) Chemical use and storage;
- (d) Diseases/disorders (skin, HIV, Hepatitis B, C and D viruses, communicable/transmittable);
- (e) Equipment, supplies, tools and implements;
- (f) Practice standards;
- (g) Facility standards;

(h) Definitions.

(2) The examination shall consist of two sections as follows:

(a) 100 written multiple choice questions not to exceed one hour in duration; and

(b) 50 written skill assessment questions not to exceed one hour in duration.

(3) Examination candidates must achieve a 75 percent or higher score on each section to pass the written examination.

~~(4) The examination will be conducted in English.~~

(4) The examination is administered in English only, unless an agency approved testing contractor or vendor provides the examination in language(s) other than English. Examination candidates may be electronically monitored during the course of testing.

(5) Applicants failing to successfully complete the examination **application** process and attain licensure within two years from the date of the initial application ~~or the most recent examination attempt, whichever is later, shall~~ **are** be required to:

(a) Reapply ~~for examination~~ according to OAR 331-555-0040;

(b) Pay the appropriate fees; and

~~(c) Retake examination.~~

(c) Completion and verification of an additional 100 hours of instruction in theory, outlined in OAR 331-555-0010(3) which is obtained through an Oregon career school licensed under ORS 345.

Stat. Auth.: ORS 690.405, 690.410(3)(b))

Stats. Implemented: ORS 690.405, 690.410(3)(b))

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0070; HDLP 2-1999, f. & cert. ef. 7-1-99; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-560-0020

Special Examination Accommodations

(1) Applicants who have a learning, psychological, physical, or other disability, which requires an accommodation to the regular testing environment may request a special examination.

(2) Requests for accommodation ~~shall~~ **must** be made on forms provided by the agency and ~~shall~~ **must** contain supporting documentation completed by a licensed professional holding appropriate credentials qualified to certify that the applicant's disabling condition requires the requested test accommodation.

(3) A "Request for Accommodation" form must be submitted to the agency in advance of the scheduled examination date to make appropriate arrangements contingent upon the type of accommodation requested.

(4) All special examinations are conducted at the agency. If the agency is unable to accommodate the disability on-site special arrangements will be arranged for an adequate test site.

Stat. Auth.: ORS 690.370, 690.405

Stats. Implemented: ORS 690.370, 690.405

Hist.: HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-560-0030

Examination Conduct; Disqualification

~~(1) Examinations are conducted in a designated area with restricted access. Authorization must be provided by the agency before bringing any material or electronic equipment or devices into the examination. Receiving or attempting to receive assistance during the examination, including assistance from other individuals, from notes books or devices or taking unauthorized items into the examination area shall invalidate the examination and result in forfeiture of the examination and fees.~~

(1) Examinations are conducted in a designated area with restricted access. Authorization must be provided by the agency before bringing any material or electronic equipment or devices into the examination. Receiving or attempting to receive assistance during the examination, including assistance from other individuals, notes, books, devices, or taking unauthorized items into the examination area will invalidate the examination and result in forfeiture of the examination and fees.

(2) Examination Disqualification: A candidate may be immediately disqualified during or after the examination for conduct that interferes with the examination. Such conduct includes:

~~(a) Giving or receiving aid, directly or indirectly during the examination process;~~
Directly or indirectly giving, receiving, soliciting, attempting to give, receive or solicit aid during the examination process;

~~(b) Obtaining help or information from notes, books, or other individuals to answer questions;~~

~~(c) (b)~~ Removing or attempting to remove any examination-related information, notes or materials from the examination site;

~~(d) (c)~~ Failing to follow directions relative to the conduct of the examination; and

~~(e) (d)~~ Exhibiting behavior that impedes the normal progress of the examination.

(3) Disqualification will invalidate the examination and result in forfeiture of the examination fees. The applicant will be required to reapply, submit additional examination fees and request in writing to schedule another examination. Reexamination will be scheduled at a date, time and place determined by the Director following the date of disqualification. Re-examination will be conducted at the agency.

Stat. Auth.: ORS 690.410

Stats. Implemented: ORS 690.410

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0090; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-560-0050

Examination Review

~~(1) Opportunity to review failed sections of the examination, conducted by use of the electronic touch screen computer testing system, are provided at the conclusion of each examination question/answer selection, or immediately following conclusion of the entire examination. Review of failed examination sections at a later time or date is prohibited.~~

~~(2) Applicants retaking the examination must present photographic identification such as a driver's license and their original Social Security card, as required by OAR 331-560-0000.~~

Stat. Auth.: ORS 676.615, 690.405

Stats. Implemented: ORS 676.615, 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0100; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-560-0060

Retake of Examination Sections; Additional Training

(1) Failed sections of the examinations may be retaken **at a date and time determined by the agency.** ~~at the next available examination date and time, as scheduling allows.~~ Retaking a failed examination requires registration and payment of the examination fees.

(2) Applicants who fail to pass any section of the written examination after three attempts (initial examination plus two retakes) ~~shall be~~ **are** required to complete an additional 100 hours of instruction in theory, focused on the approved curriculum outlined in OAR 331-555-0010(3) **before they may attempt any subsequent retakes of the examination.** ~~, with emphasis on safety, infection control and sterilization, needles, machines, and equipment.~~ Additional instruction must be obtained ~~through~~ **through** an Oregon career school licensed under ORS 345.010 to 345.450.

(3) Prior to an applicant's fourth examination attempt, an official transcript must be received from an Oregon licensed career school which verifies that the applicant has satisfactorily completed the additional required hours of instruction.

(4) Applicants failing to successfully complete the examination process to obtain a license within two years from the date of their most recent examination attempt will be required to:

(a) Reapply for examination according to OAR 331-555-0040;

(b) Pay the application, examination and original license fees; and

(c) Retake all examination sections qualified for, regardless of a previously passing score and completion and verification of an additional 100 hours of instruction in theory, as outlined in OAR 331-555-0010(3) and obtained through an Oregon career school licensed under ORS Chapter 345.

(5) Review of any examinations is prohibited.

Stat. Auth.: ORS 690.370, 690.405

Stats. Implemented: ORS 690.370, 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0105 & 333-305-0110; HDLP 2-1999, f. & cert. ef. 7-1-99; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

DIVISION 565

PERMANENT COLOR TECHNICIANS AND TATTOO ARTISTS: LICENSE ISSUANCE, RENEWAL AND REACTIVATION

331-565-0000

License Issuance; Renewal

(1) Licensees are subject to the provisions of OAR 331-~~030-0010~~ **division 30**, regarding issuance and renewal of a license, and to the provisions of 331-030-0020 regarding the authorization to practice, identification, and the requirements for issuance of a replacement or duplicate authorization.

(2) Renewal payments received by the agency, or postmarked, after the expiration date but within three years of expiration, will be assessed delinquency (late) fees in addition to the renewal fee.

(3) Failure to meet continuing education requirements listed in OAR 331-570-0000 will require reapplication, submission of an application fee, examination fees and ~~one-year licensee~~ **license** fee, and successfully passing all sections of the examination before a license will be reissued.

(4) Failure to renew or reactivate a license within three years from the date of expiration will require **the following before a license will be reissued:** ~~reapplication, submission required fees, and successfully passing all sections of the examination before a license will be reissued.~~

(a) Reapply according to OAR 331-555-0040;

(b) Pay the appropriate fees; and

(c) Completion and verification of an additional 100 hours of instruction in theory, as outlined in OAR 331-555-0010(3) and is obtained through an Oregon career school licensed under ORS Chapter 345.

Stat. Auth.: ORS 690.385 & 690.405

Stats. Implemented: ORS 690.385 & 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0115; HDLP 2-1999, f. & cert. ef. 7-1-99; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 10-2008, f. 9-15-08 & cert. ef. 10-1-08

331-565-0020

Facility License Issuance and Renewal; Cooperation in Inspections

All facilities must be licensed to provide permanent color and tattoo services prior to operating permanent color and tattoo facilities.

(1) The agency will issue a facility license to a qualified person, as provided in OAR 331-030-0010, if the applicant:

(a) Is at least 18 years of age, if the applicant is a natural person, as required in ORS 690.365(2). If the applicant is an entity other than a natural person, the entity must be formed and operated in accordance with Oregon law;

~~(b) Has registered with the Corporations Division and received an assumed business name prior to applying for a facility license (unless doing business under the full name of the owner);~~

(b) Has registered as required by Secretary of State, Corporations Division pursuant to ORS 648.007, an “Assumed Business Name” (ABN) defined under ORS 648.005 prior to applying for a certificate of identification, and submits with certificate of identification application a current copy of the ABN filing.

NOTE: ABN is not required if business includes the real and true name of each owner. Refer to ORS 648.005 through 648.990.

(c) Applies on a form and with the information prescribed by the agency and pays the required application and license fees;

(d) Complies with all applicable rules and regulations;

(e) Certifies that application information is correct; and

(f) Meets the specifications for building, fire and plumbing codes as specified in OAR 331-580-0000 and complies with exit and fire standards established by the Building Codes Agency and Office of the State Fire Marshal.

~~(2) Facility license applicant must provide a map or direction to the business premises if the facility is located in a rural or isolated area, and submit a copy of the spore test results from applicant's autoclave, or submit a signed attestation requesting an exemption under OAR 331-585-0020(2) based on the exclusive use of prepackaged sterile tattooing equipment, including needles.~~

(2) Facility license applicant must provide a map or direction to the business premises if the facility is located in a rural or isolated area.

(3) Facility must submit a copy of the spore test results from applicant's autoclave, or submit a signed attestation requesting an exemption under OAR 331-585-0020 based on the exclusive use of prepackaged sterile tattooing equipment, including needles.

~~(3)~~ **(4)** A facility license holder must comply with the provisions of OAR 331-030-0010 regarding issuance and renewal of a facility license.

~~(4)~~ **(5)** Each facility license holder must:

(a) Allow the agency's enforcement officer to inspect the facility when it is open for business;

(b) Ensure employees cooperate with agency enforcement officers and refrain from impeding an inspection in any way;

(c) Contact the agency in writing to make arrangements for an inspection if the agency has been unable to perform an annual inspection because the facility was closed.

Stat. Auth.: ORS 676.615, 690.360, 690.405

Stats. Implemented: ORS 676.615, 690.360, 690.405

Hist.: HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0062; HDLP 2-1999, f. & cert. ef. 7-1-99; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-565-0025

Facility Located in Residence

A facility located in a residence must comply with the provisions of OAR 331-565-0020 in addition to the following criteria:

(1) Have an identifying house number or a sign, which is easily visible from the street and indicates the location of the facility;

(2) Be equipped with the structures, accommodations, and equipment which the agency requires for all facilities; and

(3) Have an entry that is separate from the entry to the living area of the home. The living area of the home ~~shall~~ **must** be separated from the facility by solid walls extending from floor to ceiling, with any connecting doors kept closed while the facility is in actual operation.

Stat. Auth.: ORS 676.615, 690.360, 690.405

Stats. Implemented: ORS 690.390 & ORS 690.405

Hist: HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-565-0030

Facility License Requirements

~~(1) A facility shall meet the requirements for a new facility (refer to OAR 331-565-0020) and submit a new facility application and required fees when any of the following conditions exist:~~

~~(a) A facility is purchased from the current or previous owner, partnership or corporation. Facility licenses are not transferable from person-to-person or from business-to-business;~~

~~(b) There is a change in the legal ownership, partnership or holding of a facility regulated under ORS 690 and OAR 331, such as:~~

~~(A) A partner(s) or co-owner(s) is added; or~~

~~(B) A partner(s) or co-owner(s) is removed, including change in ownership status due to death of facility owner(s).~~

~~(c) An existing facility moves or relocates to a new physical address. Facility licenses are not transferable from location-to-location unless the facility is licensed as a mobile facility under OAR 331-565-0085.~~

~~(2) Facility owners closing their facilities shall:~~

~~(a) Submit written notice to the agency within five business days of a facility closure, indicating whether the closure is permanent or of a temporary duration. Notice of temporary facility closure shall specify the anticipated date of resuming business operations;~~

~~(b) If notice of a permanent facility closure was submitted, and the license holder (same owner) reopens the facility while the license is still in renewable or active status, the facility owner shall submit notice to the agency prior to reopening the facility and resuming business operations/services.~~

(1) The facility license is issued to a designated owner or legal entity for the specific physical location where business is conducted. The license is not transferable from person-to-person or from business-to-business.

(2) A facility owner or license holder must meet the requirements of a new facility and submit a new facility application and required fees when any of the following conditions exist:

(a) A facility is purchased from the current or previous owner, partnership or corporation;

(b) There is a change in the legal ownership, partnership or holding of a facility regulated under ORS Chapter 690 and OAR Chapter 331, such as a partner or co-owner being added or removed from the existing facility license. This includes a change in the ownership status due to death or divorce of facility owner or a spouse listed as a co-owner on the agency's records.

(c) An existing facility moves or relocates to a new physical address.

(3) Facility license holders who close a business regulated under ORS Chapter 690 and OAR Chapter 331 must inform the agency in writing within 30 calendar days of the closure of the facility and before reopening the facility while the license is still current.

Stat. Auth.: ORS 676.615, 690.360 & 690.405

Stats. Implemented: ORS 676.615, 690.360 & 690.405

Hist.: HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0062; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 2-2007, f. & cert. ef. 3-30-07, cert. ef. 4-1-07

331-565-0040

~~Display of License Posting Requirements~~

~~All practitioner and facility licenses must be posted in public view.~~

(1) Authorizations as defined in OAR 331-010-0000 are subject to the requirements of OAR 331-030-0020.

(2) The following must be posted in public view:

(a) Facility licenses.

(b) Practitioner licenses. The practitioner's address printed on the certificate may be blocked from public view.

(c) Temporary permits.

(d) The most recent inspection certificate.

Stat. Auth.: ORS 690.380

Stats. Implemented: ORS 690.380

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0140; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-565-0050

~~Duplicate Licenses Replacement Authorizations~~

(1) The ~~Division~~ agency will issue a replacement authorization duplicate license provided the request is made in writing, certifying the original license authorization has been lost or destroyed and the appropriate fee is enclosed.

(2) The posting of a reproduction of any license authorization is prohibited unless the ~~Division~~ agency issued and marked it "Duplicate."

(3) The posting of a pocket identification card in lieu of a license **authorization** is prohibited.

Stat. Auth.: ORS 690.405 & 690.415
Stats. Implemented: ORS 690.405 & 690.415
Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3

331-565-0060

Practicing at Location Other Than Named Place(s) of Business

(1) Licensees ~~shall~~ **are prohibited from practicing** ~~not practice~~ at any location other than ~~the place or places~~ **a place** of business listed with the agency. However, licensees may provide services outside the premises of a licensed facility on persons residing in a health care facility or persons confined to their residence through medical disability or restriction.

(2) All licensees who perform services at locations listed in ~~subsections (1) of this rule~~ **in this rule** or at more than one business location ~~shall~~ **must** carry their license with them and post it while working.

(3) Licensees working in a mobile facility in accordance with OAR 331-565-0085 must comply with provisions of this rule.

Stat. Auth.: ORS 676.615, 690.390 & 690.405(9)
Stats. Implemented: ORS 676.615, 690.390 & 690.405(9)
Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0185; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 2-2007, f. & cert. ef. 3-30-07, cert. ef. 4-1-07

331-565-0075

Demonstration Permit

(1) ~~"Demonstration permit" is an authorization pursuant to ORS 690.405 to practice on a limited basis for a maximum of 30 consecutive days.~~

(2) ~~A person not licensed under ORS 690.365, who intends to demonstrate, teach or perform permanent coloring or tattooing services, temporarily for educational purposes or at artistic competitions, where services are not performed upon the public, must first obtain a demonstration permit from the agency.~~

~~(3) To be granted a demonstration permit a person must meet the following requirements:~~

~~(a) Submit an application on a form prescribed by the agency;~~

~~(b) Provide satisfactory evidence of holding a valid license in their city, state, or country;~~

~~(c) Describe the purpose for which the permit is sought; and~~

~~(d) Pay the required application and permit fees.~~

~~(4) The demonstration permit will specify the period during which the person is permitted to demonstrate, teach or perform services.~~

Stat. Auth.: ORS 676.615 & 690.405
Stats. Implemented: ORS 676.615 & 690.405
Hist.: HLO 5-2004, f. 6-29-04, cert. of. 7-1-04

331-565-0080

Temporary Facility Permit

(1) ~~"Temporary facility permit"~~ **Temporary facility permit** is an authorization pursuant to ORS 690.405 to operate a **single** facility on a limited basis, not to exceed ~~30~~ **15** consecutive calendar days, at **settings** ~~locations away from the primary,~~ such as fairs, carnivals or bazaars.

(2) A temporary facility permit is not an event facility permit which is comprised of individual booths where permanent color and tattoo services are provided.

~~(2)~~ **(3)** A person who intends to operate a facility on a limited basis away from a primary licensed facility must first obtain a temporary facility permit from the agency.

~~(3)~~ **(4)** To be granted a temporary facility permit, a person must meet the following requirements:

(a) Be 18 years of age or older, if the applicant is a natural person. If the applicant is an entity other than a natural person, the entity must be formed and operated in accordance with Oregon law;

(b) Apply on forms prescribed by the agency and provide the required information and application fees.

~~(4)~~ **(5)** A temporary facility must:

(a) Receive the permit and post the authorization in public view before opening for business;

(b) Comply with the rules of the agency concerning health, safety and infection control;

(c) Comply with the applicable health and safety laws and rules of the agency and any other state agencies;

(d) Pay the required permit fees.

~~(5)~~ **(6)** The temporary facility permit ~~shall~~ **must** specify the period during which the permit is valid.

Stat. Auth.: ORS 676.615 & 690.405
Stats. Implemented: ORS 676.615 & 690.405
Hist.: HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-565-0085

Mobile Facility License

(1) ~~"Mobile Facility License"~~ **Mobile facility license** means an authorization issued under ORS 690.380 to operate a facility outside of or away from a permanent physical location within an approved enclosed transportable vehicle, such as recreational vehicles or trailers, which has the ability to transport the business operation to multiple locations in the State of Oregon during specific approved periods of time.

(2) A mobile facility license holder is subject to and must comply with all requirements of OAR 331, divisions 565, 575, 580 and 585, unless otherwise specified in subsection (6) of this rule.

(3) To be granted a mobile facility license, a person must submit a mobile facility application to the agency, on an approved form prescribed by the agency, pay the required application and license fees, and meet requirements of OAR 331-565-0020. Applicants must provide satisfactory evidence of the following information:

(a) The make, model, year and license plate number of the vehicle that will be designated as the mobile facility;

(b) A permanent mailing address for the mobile facility license applicant or license holder;

(4) A mobile facility license holder must comply with the following requirements:

(a) Submit written notification to the agency on a prescribed Mobile Facility Service Location form for each new physical location where services will be provided. The notification form must be received by the agency ~~before the first~~

~~day of operation at the~~ **24 hours before services are performed at the new physical location;**

(b) The Mobile Facility Service Location form will be provided by the agency and may be submitted by regular United States Postal Service or by electronic mail to ~~OHLA.info@state.or.us~~ or in person at the office;

(c) The mobile facility must remain stationary while services are being provided to clients;

(d) The mobile facility ~~shall~~ **may** not operate at any physical location for more than 15 consecutive days in one calendar month.

(5) To be eligible to renew a mobile facility license, the license holder must comply with provision of OAR 331-565-0020 and 331-030-0010, and must submit to the agency a minimum of one physical location change on a Mobile Facility Service Location form during the previous year where services were provided.

(6) The mobile facility license is not subject to the provisions of OAR 331-565-0030(1)(c) or 331-565-0060(1).

Stat. Auth.: ORS 676.615, 690.360, 690.380, 690.410, 690.415
Stats. Implemented: PRS 676.605, 676.615, 690.380
Hist.: HLA 2-2007, f. & cert. ef. 3-30-07, cert. ef. 4-1-07

331-565-0090

Temporary Practitioner Permit

(1) Temporary practitioner permit is an authorization pursuant to ORS 690.365 to perform permanent color and tattoo services on a limited basis, not to exceed 15 consecutive calendar days. For the purpose of this rule licensed facility means a permanent color or tattoo facility which holds a current valid facility license, mobile facility license, temporary facility permit or event facility permit.

(2) All applications must be received 15 days before permanent color and tattoo services are provided.

(3) A temporary practitioner permit can be reactivated up to four times in a 12 month period from the date the agency processes the initial application. Applicants must reapply every 12 months and meet the qualifications of subsection 9 or 10 of this rule.

(4) All requests to reactivate must be received 15 days before permanent color and tattoo services are provided unless otherwise approved by the agency.

(5) A temporary practitioner must be attached to an authorized or licensed facility.

(6) A temporary practitioner must notify the agency within 24 hours before services are performed at a new licensed facility during a 15 day active period, unless otherwise approved by the agency.

(7) The applicant and the authorized facility may be held responsible for failure to comply with regulations set forth by ORS 676.612, 690.390, OAR 331, divisions 565, 575, 580 and 585.

(8) To be granted a temporary practitioner permit an applicant must submit an application to the agency, on a form approved by the agency, meet the requirements of OAR 331-030-0000, and pay the required fees. The following information must be provided at the time of application:

(a) Dates when permanent color and tattoo services will be provided;

(b) Name, address, phone number and license number of the licensed facility where permanent color and tattoo services will be provided.

(9) To be granted a temporary practitioner permit an applicant must provide satisfactory evidence of meeting requirements, which includes qualifying criteria listed in one of the following pathways:

(a) Non Credentialed: Applicant must provide satisfactory evidence of successful completion of the following training and experience:

(A) Basic First Aid;

(B) Blood borne pathogens; and

(C) Six months of training or experience, within the last two years, in performing tattoo or permanent color services, including but not limited to notarized letter from employer, or transcript from an educational institution or agency;

(b) Out of State Licensure: Applicant meets the requirements set forth in OAR 331-555-0040.

(10) For the purpose of this rule training includes attendance or participation at an instructional program presented, recognized, or under the sponsorship of any permanently organized institution, agency, or professional organization or association recognized by the agency.

(11) All applicants must be 18 years of age or older.

331-565-0095

Event Facility Permit

(1) Event facility permit means authorization issued under ORS 690.380 to operate a facility for specific approved period of time not to exceed 15 consecutive calendar days, for convention, educational, demonstration and exhibition purposes. Event facilities are made up of individual booths as defined in OAR 331-505-0000 where tattoo and permanent color services will be provided.

(2) Be 18 years of age or older, if the applicant is a natural person. If the applicant is an entity other than a natural person, the entity must be formed and operated in accordance with Oregon law;

(3) An event facility permit holder is subject to and must comply with all requirements of OAR 331, divisions 565, 575, 580 and 585, unless otherwise in this rule.

(a) A representative of the event facility must be available at all times when services are being provided.

(b) The event facility must be inspected by the agency prior to the performance of any permanent color or tattoo services.

(c) The applicant may be held responsible for unlicensed activity and the actions of licensees who do not comply with regulations.

(4) To be granted an event facility permit an individual must submit application to the agency, on an approved form prescribed by the agency, pay the required application and permit fees, and meet requirements of OAR 331-030-0000 and 331-565-0020. Applicants must submit the following:

(a) Application and application fee 30 days before the event;

(b) Permit fee 10 days before the start of the event;

(c) A list which includes Oregon licensed practitioners and temporary practitioner permit holders providing permanent color and tattoo services 10 days before the start of the event; and

(d) Diagram of the venue layout which includes but is not limited to water supply sources, booths where permanent color and tattoo services are

provided, vendors, restrooms, exits and square footage for the entire venue 10 days before the start of the event.

(5) The event facility must post the following in public view:

(a) All licenses and permits in accordance with OAR 331-565-0040;

(b) All inspection certificates provided by the agency; and

(c) Each booth must post agency approved signage, other agency rules pertaining to public safety, and indicate no person under the age of 18 may receive tattoo and permanent color services.

(6) A minimum of fifty (50) square feet of floor space is required for each service area where tattoo and permanent color services are provided.

DIVISION 570

PERMANENT COLOR TECHNICIANS AND TATTOO ARTISTS:

CONTINUING EDUCATION

331-570-0000

Continuing Education for License Renewal

To maintain licensure all permanent color technicians and tattoo artists must comply with the following continuing education requirements:

- (1) Complete ~~15~~ **10** clock hours of satisfactory continuing education, either as one unit or combination of units, ~~not less than one hour each,~~ every ~~three~~ **two** years.
- (2) Satisfactory continuing education courses must fit into the approved course of study outlined in OAR 331-555-0010, and must be obtained as follows:
 - (a) Participation or attendance at an instructional program presented, recognized, or under the auspices of any permanently organized institution, agency, or completion and certification by an approved national home study organization; or
 - (b) Self-study, participation, or attendance not covered ~~by subsection (a) of in~~ this rule may comprise up to eight hours of the total requirement. Self-study may include continuing education obtained by means of the following:
 - (A) Correspondence courses;
 - (B) Review of publications, textbooks, printed material, or audio cassette(s);
 - (C) Viewing of films, videos, or slides;
 - (c) Attendance at meetings of the Advisory Council for Electrologists and Permanent Color Technicians and Tattoo Artists may be credited for a maximum of three hours per meeting, totaling no more than six hours per three year reporting period.
- (3) Licensees must report compliance with the continuing education requirement through attestation on the license renewal document. Licensees will be subject to the provisions of OAR 331-570-0020 pertaining to periodic audit of continuing education.

- (4) Continuing education requirements apply whether the applicant renewing a license is living or working within Oregon or outside of the state as long as Oregon licensure is maintained.
- (5) Hours of continuing education, in excess of the requirement for renewal every ~~three~~ **two** years, will not be carried forward.
- (6) Continuing education is required for renewal, every ~~three~~ **two** years, even if the license has been inactive or suspended during that period.
- (7) To ensure adequate evidence of attainment of required continuing education is available for audit or investigation by the agency, records of attendance must be maintained for two years following the ~~three-year~~ **two-year** continuing education cycle and renewal of the permanent coloring and tattooing license.
- (8) Licensees failing to obtain ~~15~~ **10** clock hours of continuing education every ~~three~~ **two** years must reapply and qualify according to the requirements of OAR 331-555-0040 and successfully pass a written examination.

Stat. Auth.: ORS 676.605, 676.615, 690.385
Stats. Implemented: ORS 676.605, 676.615, 690.385
Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0125 & 333-305-0130; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04, Renumbered from 331-570-0010

331-570-0010 [Renumbered to **331-570-0000**]

331-570-0020

Continuing Education: Audit, Required Documentation and Sanctions

- (1) The ~~Health Licensing Office~~ **Oregon Health Licensing Agency** will audit a select percentage of licenses determined by the Council to verify compliance with continuing education requirements.
- (2) Licensees notified of selection for audit of continuing education attestation must submit to the agency, within 30 calendar days from the date of notification, satisfactory evidence of participation in required continuing education in accordance with OAR 331-570-0000.
- (3) Documentation of attendance at a program or course provided by the sponsor must include:
- (a) Name of sponsoring institution/association or organization;
 - (b) Title of presentation and description of content;
 - (c) Name of instructor or presenter;

(d) Date of attendance and duration in hours;

(e) Course agenda;

(f) Official transcript, diploma, certificate, statement or affidavit from the sponsor, attesting to attendance.

(4) Documentation substantiating the completion of continuing education through self-study must show a direct relation to subjects outlined in OAR 331-555-0010, be submitted on forms provided by the agency and include the following:

(a) Name of sponsor or source, type of study, description of content, date of completion and duration in clock hours;

(b) Name of approved correspondence courses or national home study issues;

(c) Name of publications, textbooks, printed material or audiocassette's, including date of publication, publisher, and ISBN issued.

(d) Name of films, videos, or slides, including date of production, name of sponsor or producer and catalog number.

(5) If documentation of continuing education is invalid or incomplete, the licensee must correct the deficiency within 30 calendar days from the date of notice. Failure to correct the deficiency within the prescribed time shall constitutes grounds for disciplinary action.

(6) Misrepresentation of continuing education, or failing to meet continuing education requirements or documentation may result in disciplinary action, which may include, but is not limited to assessment of a civil penalty and suspension or revocation of the license.

Stat. Auth.: ORS 676.615, 690.405
Stats. Implemented: ORS 676.615, 690.405
Hist.: HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

DIVISION 575

PERMANENT COLOR TECHNICIANS AND TATTOO ARTISTS: PRACTICE STANDARDS

331-575-0000

Required Equipment; Articles and Materials

(1) Permanent color technicians and tattoo artists ~~shall~~ **must** provide and maintain at the place of business an adequate supply of disinfecting or sterilizing equipment, tools/implements, and other necessary materials for his/her own practice needs, taking into account volume of business.

(2) The following equipment ~~shall~~ **must** be maintained at the place of business:

(a) Tattoo machine or hand pieces, of non-porous material which can be sanitized;

(b) Stainless steel or carbon needles and needle bars;

(c) Tubes, stainless steel, brass, or lexan which can be sterilized;

(d) Stencils, plastic acetate or single use disposable carbon paper;

(e) Sterilization bags with color strip indicator;

(f) Protective disposable gloves;

(g) Single use or disposable plastic tubes, razors or straight razor;

(h) Single use towels, tissues or paper products;

(i) Sharps container;

(j) Commercially purchased inks, dyes and pigments.

(2) Approved equipment for cleaning and sterilizing instruments ~~shall~~ **must** be maintained at the place of business.

Stat. Auth.: ORS 690.390

Stats. Implemented: ORS 690.390

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99 [Renumbered from 333-305-0190]

331-575-0010

Practice Standards; Restrictions Practice Standards, Client Records and Prohibitions

(1) Licensees shall **must** keep an individual record of each client. That record shall **must** include the name, date of birth and address of the client, and the date and duration of each service, type of service, special instructions, and medical history or client conditions, including **but not limited to**:

- (a) Diabetes;
- (b) Client sensitivities;
- (c) Cold sores and fever blisters;
- (d) Epilepsy;
- (e) Heart conditions, **including pacemakers and hypertension**;
- (f) Hemophilia;
- (g) Hepatitis;
- (h) Use of blood thinners;
- (i) Moles or freckles at the site of service;
- (j) Psoriasis or eczema;
- (k) Pregnancy or breast-feeding/nursing;
- (l) Scarring (keloid);
- (m) Other medical or skin conditions.

(2) Licensees may obtain advice from physicians regarding medical information needed to safeguard client and technician or artist.

(3) Records shall **must** be kept for a minimum of two years.

(4) Pre-service information in written form shall **must** be given to client to advise of possible reactions, **permanency of the permanent color or tattoo**, side effects and potential complications of the tattooing process. Aftercare instructions shall **must** be given to the client both verbally and in writing after every service.

(5) Before and after photographs ~~shall~~ **must** be taken for medical tattooing procedures, and records maintained.

(6) Inks, dyes, or pigments ~~shall~~ **must** be purchased from a commercial supplier or manufacturer. Products banned or restricted by the Food and Drug Administration ~~shall~~ **must** not be used.

(7) Tattooing is prohibited:

(a) On a person who is inebriated or appears to be incapacitated by the use of alcohol or drugs;

(b) On persons who show signs of intravenous drug use;

(c) On persons with sunburn or other skin diseases or disorders such as open lesions, rashes, wounds, puncture marks in areas of treatment;

(d) On persons under 18 years of age, regardless of parental or legal guardian consent, except when authorized or prescribed by a physician's statement exclusively for medical repigmentation as defined in OAR 331-550-0000~~(8)~~.

(8) Proof of age must be documented in the client's record by one of the following:

~~(A)~~ **(a) Copy of current government issued photographic identification listed under OAR 331-030-0000 or and**

~~(B) Notation of the type of current government issued photographic identification presented with the identification number.~~

(b) Documentation of the number and type of photographic identification as listed under OAR 331-030-0000 and date of birth.

Stat. Auth.: ORS 676.605, 676.615, 690.390, 690.405(9)

Stats. Implemented: ORS 676.605, 676.615, 690.390, 690.405(9)

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0150; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-575-0020

Permanent Color and Tattoo Procedures; Preparation and Aftercare

(1) During preparation, performance of service, and aftercare phases all substances ~~shall~~ **must** be dispensed from containers in a manner to prevent contamination of the unused portion (refer to OAR 331-585-0000). Use of spray bottle to apply liquid to skin is acceptable. Single use tubes or containers and applicators ~~shall~~ **must** be discarded following tattoo service.

(2) The client's skin ~~shall~~ **must** be cleansed, excluding the areas surrounding the eyes, by washing with a Food and Drug Administration (FDA) germicidal solution applied with a clean single-use paper product before placing the design on the client's skin or beginning tattooing work.

(3) If the area is to be shaved, the licensee ~~shall~~ **must** use a single use disposable safety razor or sterilized straight-edged razor, and then rewash client's skin.

(4) Substances applied to client's skin to transfer design from stencil or paper ~~shall~~ **must** be single use. Paper stencils and skin scribes ~~shall~~ **must** be single-use and disposed of immediately following service.

(5) Body pencils used during a tattoo service ~~shall~~ **must** have the tip removed, the body and tip of pen disinfected, and the tip sharpened to remove exposed edge after use on a client and prior to use on another client.

(6) The plastic or acetate stencil used to transfer the design to the client's skin ~~shall~~ **must** be thoroughly cleansed and rinsed in an Environmental Protection Agency (EPA) approved high-level disinfectant according to the manufacturers instructions and then dried with a clean single-use paper product.

(7) Individual portions of inks, dyes, or pigments in clean single-use containers ~~shall~~ **must** be used for each client. Any remaining unused dye or pigments ~~shall~~ **must** be discarded immediately following service.

(8) Excess ink, dye, or pigment applied to the client's skin ~~shall~~ **must** be removed with clean single-use paper product obtained from a self-dispensing container.

(9) Use of styptic pencils or alum solids to check any blood flow is prohibited.

(10) Upon completion of ~~tattooing~~ **a permanent color or tattoo service, the following aftercare procedures are required:**

(a) The skin ~~shall~~ **must** be cleansed, excluding the area surrounding the eyes, with a clean single-use paper product saturated with an (FDA) approved germicidal solution-;

~~(11)~~ **(b)** A ~~sanitary~~ **clean** covering ~~shall~~ **must** be placed ~~if appropriate or over large designs and adhered to the skin with suitable skin tape. The use of any clear plastic wrap for covering tattoos is prohibited.;~~ **and**

(c) **An absorbent material must be incorporated into the covering to prevent the spread of bodily fluids and cross contamination.**

(12) Aftercare ~~shall~~ **must** consist of both verbal and written instructions concerning proper care of the tattooed skin. Instructions ~~shall~~ **must** specify:

- (a) Care following service;
- (b) Possible side affects; and
- (c) Restrictions.

Stat. Auth.: ORS 676.605, 676.615, 690.390

Stats. Implemented: ORS 676.605, 676.615, 690.390

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0252; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-575-0030

Handwashing/Protective Gloves; Handling Disposable Materials

(1) **HAND WASHING:** Permanent color technicians and tattoo artists ~~shall~~ **must** observe and adhere to the following hand washing standards when serving clients:

- (a) Hands must be washed before and after treatment of each client and before putting on gloves and immediately after gloves are removed;
- (b) Thorough hand washing ~~shall~~ **must** be by use of soap and water or other alternative hand washing product, such as jell, aerosol spray, foam, or pre-packaged hand wipes, immediately before and after serving each client as needed. Use of bar soap is prohibited;

(2) **PROTECTIVE GLOVES:** Permanent color technicians and tattoo artists ~~shall~~ **must** observe and adhere to the following protective glove standards when serving clients:

- (a) A new pair of disposable gloves must be worn during the treatment of each client;
- (b) Hands must be washed in accordance with the hand washing standards stated in ~~subsection (1)~~ of this rule before putting on gloves and immediately after gloves are removed;
- (c) If a practitioner uses low-powdered gloves, the excess exterior powder must be removed to prevent powder contact with the client's skin during treatment;
- (d) When a treatment session is interrupted:
 - (A) A protective covering must be used over the gloved hand/ hands; or

(B) Gloves must be removed and discarded.

(e) When gloves are removed during a treatment session, hands must be washed and a fresh pair of gloves used;

(f) Torn or perforated gloves must be removed immediately, and hands must be washed after gloves are removed.

(3) **DISPOSABLE MATERIALS:** Permanent color technicians and tattoo artists ~~shall~~ **must** observe and adhere to the following disposable material standards when serving clients:

(a) All waste materials related to treatment ~~shall~~ **must** be disposed of in a covered container after each client service;

(b) Disposable materials in contact with blood and/or body fluids ~~shall~~ **must** be placed in a sealable plastic bag, separate from sealable trash or garbage liners, and then disposed of in a covered container;

(c) Disposable sharp objects in contact with blood and/or body fluids ~~shall~~ **must** be disposed of in an appropriate "sharps container" as defined in OAR 331-505-0000~~(32)~~;

(d) Permanent color technicians or tattoo artists ~~shall~~ **must** have both sealable plastic bags and sealable rigid containers available at the facility.

(4) The client's skin ~~shall~~ **must** be cleansed by applying an antiseptic or antibacterial solution prior to and following treatment.

Stat. Auth.: ORS 676.605, 676.615, 690.390, 690.405

Stats. Implemented: ORS 676.605, 676.615, 690.390, 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0210, 333-305-0215 & 333-305-0235; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-575-0050

Linens

(1) Clean linens ~~shall~~ **must** be used for each client.

(2) A common towel is prohibited.

(3) Air blowers can be substituted for hand towels.

(4) Clean linens, tissues or single-use paper products ~~shall~~ **must** be stored in a clean, enclosed storage area until needed for immediate use.

(5) Used linens ~~shall~~ **must** be disposed of or stored in a closed or covered container until laundered.

(6) Used linens ~~shall~~ **must** be laundered either by a regular commercial laundering or by a noncommercial laundering process which includes use of commercial laundry detergent manufactured for the specific purpose of cleaning clothes, linens or other washable fabric, and immersion in hot water during the wash/rinse operation.

Stat. Auth.: ORS 690.390

Stats. Implemented: ORS 690.390

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99 [Renumbered from 333-305-0220]

DIVISION 580

PERMANENT COLOR TECHNICIANS AND TATTOO ARTISTS: FACILITY STANDARDS

331-580-0000

Compliance with all Applicable Regulations

(1) Licensees and facility owners ~~shall~~ **must** observe all applicable state regulations pertaining to public health and safety. Compliance with building, state fire, plumbing, and electrical regulations is required.

(2) In addition, when an employee/employer relationship exists, practitioners shall comply with ORS 654 and the Oregon Safe Employment Act.

(3) Permanent color technicians and tattoo artists ~~shall~~ **must** observe and adhere with all Oregon Occupational Safety & Health Codes (OR-OSHA), OAR 437 and 29 CFR 1910.1030 Bloodborne Pathogens.

(4) Every permanent color and tattoo facility ~~shall~~ **must** have a written Exposure Control Plan. All procedures developed for the facility's exposure control plan ~~shall~~ **must** be in compliance with OSHA state and federal regulations and with current Centers for Disease Control (CDC) standards for public service workers.

(5) Only authorized equipment or products may be utilized, and in addition, must only be used in a manner approved by manufacturers and appropriate regulatory agencies.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 654, 676.605, 676.615, 690.390

Stats. Implemented: ORS 654, 676.605, 676.615, 690.390

Hist.: HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-580-0010

Criteria for Facilities

(1) All facilities ~~shall~~ **must** have a treatment area/operator that is separate, private, or screened from the entrance, waiting area, and/or other treatment areas.

(2) Facilities ~~shall~~ **must** be kept clean and orderly, and equipment ~~shall~~ **must** be maintained in good repair.

(3) All surfaces (counters, tables, equipment, client chairs or recliners) in treatment and sterilization areas shall **must** be made of smooth, non-absorbent and non-porous material.

(4) All floors and walls shall **must** be easily cleanable. Floors and walls in the treatment area shall **must** be made of smooth, non-absorbent and non-porous material. Concrete blocks or other masonry used in wall construction shall **must** be covered or made smooth and sealed for a washable surface.

(5) A high-level disinfectant or bleach solution, used according to the manufacturer's instructions, shall **must** be used to disinfect surfaces contaminated by blood or bodily fluids.

~~(6) Pets or other animals shall not be permitted in the business facility. This prohibition does not apply to therapy animals, trained guide animals for the disabled, sightless or hearing impaired, fish in aquariums or to nonpoisonous reptiles in terrariums.~~

(6) Pets and other animals are not permitted in a facility or business premises at any time. The prohibition does not apply to fish in an aquarium and service animals that are trained to perform tasks for people with disabilities as referenced in the Americans with Disabilities Act.

(7) Tattoo services provided in beauty facilities shall **must** be separated by a permanent, solid barrier from hair design and nail technology services in such a manner as to prevent contact with irritants including but not limited to hair spray and nail dust.

Stat. Auth.: ORS 676.605, 676.615, 690.390, 690.405(9)

Stats. Implemented: ORS 676.605, 676.615, 690.390, 690.405(9)

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0165, 333-305-0175 & 333-305-0180; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-580-0020

Water Supply Requirements and Standards

(1) The quality and construction of facility water supplies shall **must** meet the requirements of ORS Chapter 448, the State Plumbing Code, OAR 437 and 918, division 750.

(2) Facility water supplies shall **must** have a minimum of 20 pounds pressure per square inch in accordance with the State Plumbing code.

(3) All facilities shall **must** have immediate access to an adequate supply of both hot and cold running water and wash basins on the facility premises or as part of

surrounding premises or adjacent to the facility. Sinks located in the restroom do not qualify as a water source for the facility premises.

(4) Waste from toilets or lavatories discharged directly into a public sewer or by a method meeting the requirements of ORS 454.

(5) Hand washing accommodations ~~shall~~ **must** be provided in work areas where employees are exposed to hazardous materials, which may have a harmful effect on or be absorbed through the skin.

(6) Washing accommodations ~~shall~~ **must** be maintained in a clean and sanitary condition.

Stat. Auth.: ORS 448, 654, 676.605, 676.615, 690.390, 690.405(9)

Stats. Implemented: ORS 448, 654, 676.605, 676.615, 690.390, 690.405(9)

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0165; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-580-0030

Compliance with Indoor Clean Air Act

Any public place in a facility ~~shall be governed under the~~ **is subject to the Oregon Indoor Clean Air Act as it appears in ORS 433.835 through 433.875.**

Stat. Auth.: ORS 676.615, 690.390 & ORS 690.405(9)

Stats. Implemented: ORS 433.835 - 433.875, 676.615, 690.390, 690.405(9)

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0170; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

DIVISION 585

PERMANENT COLOR TECHNICIANS AND TATTOO ARTISTS: SAFETY AND STERILIZATION STANDARDS

331-585-0000

Cleaning Requirements and Standards

- (1) All items that come in direct contact with the client's skin that do not require disinfecting shall **must** be clean.
- (2) All items that come in direct contact with the client's skin that cannot be cleaned or disinfected shall **must** be disposed of in a covered waste receptacle immediately after use.
- (3) All substances used in the practice of permanent color technicians and tattoo artists shall **must** be dispensed from containers in a manner to prevent contamination of the unused portion.
- (4) All disinfecting solutions and/or agents shall **must** be kept at adequate strengths to maintain effectiveness, be free of foreign material and be available for immediate use at all times the facility is open for business.
- (5) ~~The agency shall authorize the use of disinfecting agents provided those agents are EPA registered and meet the criteria set forth in OAR 331-505-0000 (12) and (15).~~ **Disinfecting agents must meet the criteria set forth in OAR 331-505-0000 to be authorized by the agency for use in a facility.**

Stat. Auth.: ORS 676.605, 676.615, 690.390, 690.405
Stats. Implemented: ORS 676.605, 676.615, 690.390, 690.405
Hist.: HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-585-0010

Instrument Cleaning; Sterilization Standards

- (1) Prior to sterilizing, instruments shall **must** be brushed and/or swabbed to remove foreign material or debris, rinsed and then cleaned by one of the following approved methods:
 - (a) Immersing in detergent and water in an ultra sonic unit that operates at 40 to 60 hertz, followed by a thorough rinsing and wiping; or
 - (b) Submerging and soaking in a protein dissolving detergent/enzyme cleaner, followed by a thorough rinsing and wiping.

(2) Instruments or other equipment which are "heat-sensitive" ~~shall~~ **must** be disinfected by complete immersion of the object(s) or portion(s) thereof to be disinfected, in an high-level disinfectant which has demonstrated tuberculocidal activity, and used according to the manufacturer's instructions.

(3) Cleaned instruments used in the practice of permanent coloring and tattooing ~~shall~~ **must** be placed in sterile bags or containers with color strip indicators, sterilized by exposure to one cycle of an approved sterilizer listed in OAR 331-585-0020, and handled with sterile transfer equipment during placement into sterile bags or containers.

Stat.: Auth. ORS 676.605, 676.615, 690.390, 690.405

Stats. Implemented: ORS 676.605, 676.615, 690.390, 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0200 & 333-305-0205; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-585-0020

Approved Sterilization Modes

(1) Licensees must sterilize instruments used in the practice of permanent coloring or tattooing by means of an approved sterilizing device registered and listed with the U.S. Food and Drug Administration, used, cleaned and maintained in accordance with the manufacturer's instructions. Approved sterilizing devices include an autoclave (steam or chemical) or dry heat unit.

(2) In lieu of sterilization methods listed in (1) above, a licensee may use single-use, prepackaged, sterilized equipment, obtained from commercial suppliers or manufacturers.

(3) Sterilizing devices ~~shall~~ **must** be tested during each sterilizing cycle by means of a commercial test mechanism, such as but not limited to color strip indicators to measure temperature control and general functioning of the equipment.

(4) Sterilizing devices ~~shall~~ **must** be tested at least quarterly for functionality and thorough sterilization by using a commercial biological monitoring (spore) system to assure all microorganisms, including spores, have been destroyed.

(5) Biological test results must be on laboratory letterhead and must contain the test date, and the name, model and serial number of the unit tested. Biological test results ~~shall~~ **must** be retained for a two-year period and must be available for inspection at all times.

Stat. Auth.: ORS 676.605, 676.615, 690.390, 690.405

Stats. Implemented: ORS 676.605, 676.615, 690.390, 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0195; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-585-0030

Clean Instruments; Products Storage

(1) Before use, disposable products that come in contact with the areas to be treated shall **must** be stored in clean containers that can be closed between treatments.

(2) Clean, sterilized re-usable instruments that come in contact with the areas to be treated, shall **must** be stored in clean, sterilized sealed bags or containers to maintain effective sterilization of the instrument until removed from the container.

(3) Clean, sterilized re-usable transfer instruments shall **must** be stored in a clean, dry, sterilized container.

(4) Chemicals shall **must** be stored in labeled, closed containers in an enclosed storage area.

Stat. Auth.: ORS 690.390

Stats. Implemented: ORS 690.390

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99 [Renumbered from 333-305-0225 & 333-305-0230]

331-585-0040

Waste Receptacles

(1) All waste material related to treatment shall **must** be deposited in a covered container following service for each client.

(2) Waste disposed in receptacles located in reception and/or restroom areas is limited to materials which are not practice-related or used in the performance of any client services. Waste receptacles located in these areas are exempt from the covered container requirement listed in subsection (1) of this rule.

(3) Outer surface of waste disposal containers shall **must** be kept clean.

Stat. Auth.: ORS 690.390

Stats. Implemented: ORS 690.390

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99 [Renumbered from 333-305-0240]

DIVISION 590

COMPLIANCE

331-590-0000

Investigative Authority

The ~~Health Licensing Office~~ **Oregon Health Licensing Agency** may initiate and conduct investigations of matters relating to the practice of electrolysis, permanent coloring or tattooing, pursuant to ORS 676.608 and 676.618, and may take appropriate disciplinary action in accordance with the provisions of 676.612 and 690.407.

Stat. Auth.: ORS 676.608, 676.618, 690.405, 690.407

Stats. Implemented: ORS 676.608, 676.618, 690.405, 690.407

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0255; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

331-590-0020

Schedule of Penalties for Licensing Violations; Violation of Standards

The ~~Health Licensing Office~~ **Oregon Health Licensing Agency** has adopted the following presumptive penalty schedule for the first and second violations of the following laws and rules. The following schedule ~~shall apply~~ **applies** except as the agency otherwise determines in consideration of the factors referenced in OAR 331-020-0060. For subsequent violations the provisions of 331-020-0060 ~~will apply~~ **applies**.

(1) Operating or purporting to operate a permanent color or tattoo facility without first obtaining a current valid facility license is a violation of ORS 690.355 and OAR 331-030-0020 and may incur a penalty of \$500 per violation

~~(1) Practicing or holding one's self out as available to practice, or using the title permanent color technician or tattoo artist without first receiving a current, valid practitioner and/or facility license is a violation of ORS 690.355 and OAR 331-030-0020(1)(f) and may incur a penalty of \$1,000.~~

(2) Practicing or purporting to practice or using the title permanent color technician or tattoo artist without first obtaining a current, valid practitioner license is a violation of ORS 690.355 and OAR 331-030-0020 and may incur a penalty of \$2,500 per violation.

(3) Allowing an unlicensed person to practice is a violation of ORS 676.612 and OAR 331-580-0000 and may incur a penalty of \$500.

~~(2)~~ **(4)** Practicing or holding one's self out as available to practice, or using the title permanent color technician or tattoo artist with an expired or suspended practitioner and/or facility license is a violation of ORS 676.612~~(4)~~ or 690.355 and may incur a penalty of ~~\$1,000~~ **\$500**.

~~(3)~~ **(5)** Failing to post a current, valid license **issued by the agency** in public view is a violation of OAR ~~331-525-0020~~ **331-565-0040** and may incur a penalty of ~~\$200~~ **\$100**.

~~(4)~~ **(6)** Failing to provide appropriate photographic identification upon request by the agency is a violation of ORS 676.612~~(4)(e)~~ and OAR 332-030-0020~~(4)~~ and may incur a penalty of ~~\$1,000~~ **\$500**.

~~(5)~~ **(7)** Failing to submit changes of required licensing information within time frame set in rule is a violation of OAR 331-010-0040~~(1)~~ and ~~(2)~~ and may incur a penalty of ~~\$50~~ **\$100**.

~~(6)~~ **(8)** Practicing at location other than places of businesses designated to the agency, except as permitted by rule is a violation of OAR 331-565-0060~~(1)~~ and may incur a penalty of ~~\$500~~ **\$200**.

~~(7)~~ **(9)** Using a reproduction of **Materially altering** a license in place of an original is a violation of OAR ~~331-030-0020(3)~~ **ORS 690.360** and may incur a penalty of ~~\$50~~ **\$1500**.

~~(8)~~ **(10)** ~~Failing to allow inspection of the premises by the agency upon request~~ **Failing to allow the agency to inspect the premises when the facility is open, obstructing or hindering the normal progress of the inspection, threatening or exerting physical harm, or enabling another individual to impede the inspection progress** is a violation of ORS 676.612~~(1)(e)~~, OAR 331-020-0070~~(2)(d)~~ and/or 331-565-0020~~(4)~~ and may incur a penalty of ~~\$1,000~~ **\$1500**.

~~(9)~~ **(11)** Failing to meet the a facility or practice standards adopted by the agency is a violation of ORS 676.612~~(4)(j)~~, 690.390~~(4)~~ and OAR 331-580-0000~~(4)~~ and may incur a penalty of \$500 **and may result in suspension or revocation**.

~~(10)~~ **(12)** Failing to provide a private or separate treatment area for clients is a violation of OAR 331-580-0010~~(4)~~ and may incur a penalty of ~~\$400~~ **\$300**.

~~(11)~~ **(13)** Except as provided by rule, allowing animals in the facility is a violation of OAR 331-580-0010~~(6)~~ and may incur a penalty of ~~\$400~~ **\$300**.

~~(12)~~ **(14)** Failing to ~~maintain~~ **have** the required equipment or ~~have~~ approved test indicators at facility is a violation of ORS 690.390~~(2)~~ and OAR 331-575-0000 and may incur a penalty of: \$500 ~~and/or~~ **and may result in suspension or revocation**.

~~(13)~~ **(15)** Failing to use approved test indicators, ~~or mechanism~~ **commercial test mechanism, or maintain biological test results** as required to ensure proper sterilization is a violation of ORS 690.390~~(1)~~ and OAR 331-585-0020~~(3), (4)~~ and/or ~~(5)~~ and may incur a penalty of \$500.

~~(14)~~ **(16)** Failing to sterilize instruments using an approved mode **or to use single-use, prepackaged, sterilized equipment is** a violation of ORS 690.390~~(1)~~ and ~~(2)~~, OAR 331-585-0020~~(1)~~ and/or ~~(2)~~ and may incur a penalty of \$1,000.

~~(15)~~ **(17)** Failing to meet sterilization standards is a violation of ORS 690.390~~(1)~~ and ~~(2)~~ and OAR 331-585-0010~~(2)~~ and/or ~~(3)~~ and may incur a penalty of \$1,000.

~~(16)~~ **(18)** Failing to clean instruments prior to sterilization is a violation of OAR 331-585-0010~~(1)~~ and may incur a penalty of \$1,000.

~~(17)~~ **(19)** Failing to wash hands before and after **service treatment and/ or to** wear protective gloves is a violation of OAR 331-575-0030~~(1)~~ and/or ~~(2)~~ and may incur a penalty of \$500.

~~(18)~~ **(20)** Failing to prepare treatment area on a client in accordance with agency standards is a violation of OAR 331-575-0030~~(4)~~ and may incur a penalty of \$500.

~~(19)~~ **(21)** Failing to meet cleanliness and/or storage standards for linens is a violation of OAR 331-575-0050 and may incur a penalty of \$500.

~~(20)~~ **(22)** Failing to meet storage requirements for instruments, products or chemicals is a violation of OAR 331-585-0030 and may incur a penalty of \$500.

~~(21)~~ **(23)** Failing to dispose of materials contaminated with blood or bodily fluids in a sealable container or appropriate sharps container, ~~or failing to have appropriate containers available~~ is a violation of OAR 331-575-0030~~(3)~~ and may incur a penalty of \$1,000.

~~(22)~~ **(24)** Failing to have required covered waste receptacles is a violation of ORS 690.390~~(3)~~ and OAR 331-585-0040~~(1)~~ and may incur a penalty of \$400 **\$300**.

~~(23)~~ ~~Performing a restricted treatment is a violation of ORS 676.612(1)(j) and OAR 331-575-0010(7) and may incur a penalty of \$1,000.~~

(25) Performing a prohibited service is a violation of ORS 676.612 and OAR 331-575-0010 and may result in one or both of the following:

(a) A penalty of \$1000

(b) Suspension or revocation of license, permit, or registration.

~~(24)~~ **(26)** Failing to have and maintain client ~~case history~~ records is a violation of ORS 690.390~~(3)~~ and OAR 331-575-0010~~(1), (2), (3), (4) and/or (5)~~ and may incur a penalty of \$500.

(27) Operating or purporting to operate a permanent color or tattoo event facility without first obtaining a current valid event facility permit is a violation of ORS 690.380 and OAR 331-565-0090 and may incur a penalty of \$5000 per violation.

Stat. Auth.: ORS 676.605, 676.615, 690.407

Stats. Implemented: ORS 676.605, 676.615, 690.407

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0265; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04

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