



**Oregon Health Licensing Agency
BOARD OF COSMETOLOGY
TELEPHONIC MEETING**



9:00 am Monday, September 21, 2009
700 Summer Street NE, Suite 320
Salem, Oregon

Minutes

MEMBERS PRESENT:

Mike Snook, Chair

MEMBERS BY TELEPHONE:

Sharon Wisner, Practitioner
Linda Bergmann, Practitioner
Shelley Couch, Practitioner
Herb Hirst, Public Member

MEMBERS ABSENT:

Patricia Hall, Practitioner
Debora Masten, Vice-chair

STAFF PRESENT:

Randy Everitt, Director
Samantha Patnode, Policy Analyst
Sinnamon Harris, Board Specialist
Debby Daniels, Administrative Specialist
Mike Simpson, Quality and Statistical Analyst
Tim Molloy, Regulatory Operations Manager
Larry Peck, Licensing Manager

Call to Order

Mike Snook, Chair, called to order the meeting of the Board of Cosmetology at 9:17 am September 21, 2009, in the Directors Office of the Oregon Health Licensing Agency. The meeting was held by telephone. A roll call of present board members was taken.

Samantha Patnode, Policy Analyst for the Oregon Health Licensing Agency (OHLA) filed Temporary Administrative Rules with the Secretary of State to increase fees in an effort to avoid revenue shortfall on July 1, 2009. The Temporary Rules will expire on December 25, 2009. Simultaneously, the agency filed Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact with the Secretary of State to increase fees permanently. The proposed rule was published on August 1, 2009, in the Oregon Bulletin. Public hearing was held on August 31, 2009, with Bert Krages, Hearings Officer. Written and oral testimony was received during the hearing, and public comment was extended through the close of business on August 31, 2009. All written comments, including email, received by the agency were provided to the hearings officer for consideration and inclusion in the official rule record.

The hearings officer's recommendations were received on September 9, 2009. Krages stated that the agency and board should continue to review the allocation of fees between prospective and current certification holders and solicit feedback from those individuals. Recommendations were also made to consider capping late fees, waiving late fees for extraordinary circumstances and allow for an inactive certification status.

Snook referenced the Temporary Rules outlining each fee. He stated that had been involved with several discussions with agency staff concerning the increased fee structures and the impact it would have on students entering the cosmetology industry. Snook referred to a spreadsheet compiled by Mike Simpson, Quality and Statistical Analyst, that entails two phases. The first phase proposed effective date would be December 15, 2009, and the 2nd phase effective date would be October 1, 2010.

Highlights of Phase 1: Phase 1 target date is December 15, 2010.

- \$20 application fee per field of practice (FOP)
- \$75 application by reciprocity per FOP
- \$35 all exams, including Oregon laws & rules
- \$40 practitioner certificate per FOP
- \$35 online renewal practitioner certificate per FOP
- \$125 facility license and temporary facility license
- \$125 independent contractor
- \$125 and certificate of identification

Board members discussed increasing the facility licenses to \$150. Patnode stated the business fees had not been increased for almost a decade. The Board agreed to increase the facility and temporary facility license fee to \$150 for two years. Patnode said the agency would re-file proposed administrative to allow for public comment due to the increase to business licenses which was not originally proposed. The Board of Cosmetology will meet by telephone on December 7th, 2009, at 9am to review/respond to public comment and approve permanent administrative rules.

The Board discussed current delinquent fees, noting that administratively the formula is very difficult. Board members agreed to change \$50 per year up to two years.

Highlights of Phase 2: Phase 2 target date is October 1, 2010.

- \$10 application fee per FOP
- \$20 all exams, including Oregon laws & rules

Snook asked for the fees to be reviewed at each board meeting for a possible earlier Phase 2 implementation if the budget allows.

MOTION:

Herb Hirst made a motion and Linda Bergmann seconded to make the changes to the proposed fees and file proposed administrative rules for further public comment due to increase in business licenses. A conference call will be held on December 7, 2009 to approve permanent administrative rules. A roll call was taken with Shelly Couch, Sharon Wiser, Mike Snook, Herb Hirst, and Linda Bergmann all affirming the motion. The motion was unanimous.

Prepared by: Sinnamon Harris, Board Specialist