

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form..

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on July 1, 2009 by the
Date prior to or same as filing date

Oregon Health Licensing Agency / Board of Cosmetology OAR 817, division 040
Agency and Division Administrative Rules Chapter Number

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Rules Coordinator Address Telephone

to become effective July 1, 2009 through December 25, 2009
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Increase Board of Cosmetology fees to avoiding revenue shortfall.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.
Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT:

AMEND: 817-040-0003

SUSPEND:

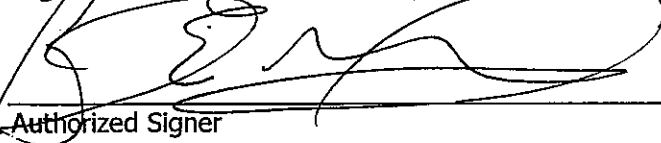
Stat. Auth.: 676.605, 676.606, 676.615, 690.235

Other Auth.:

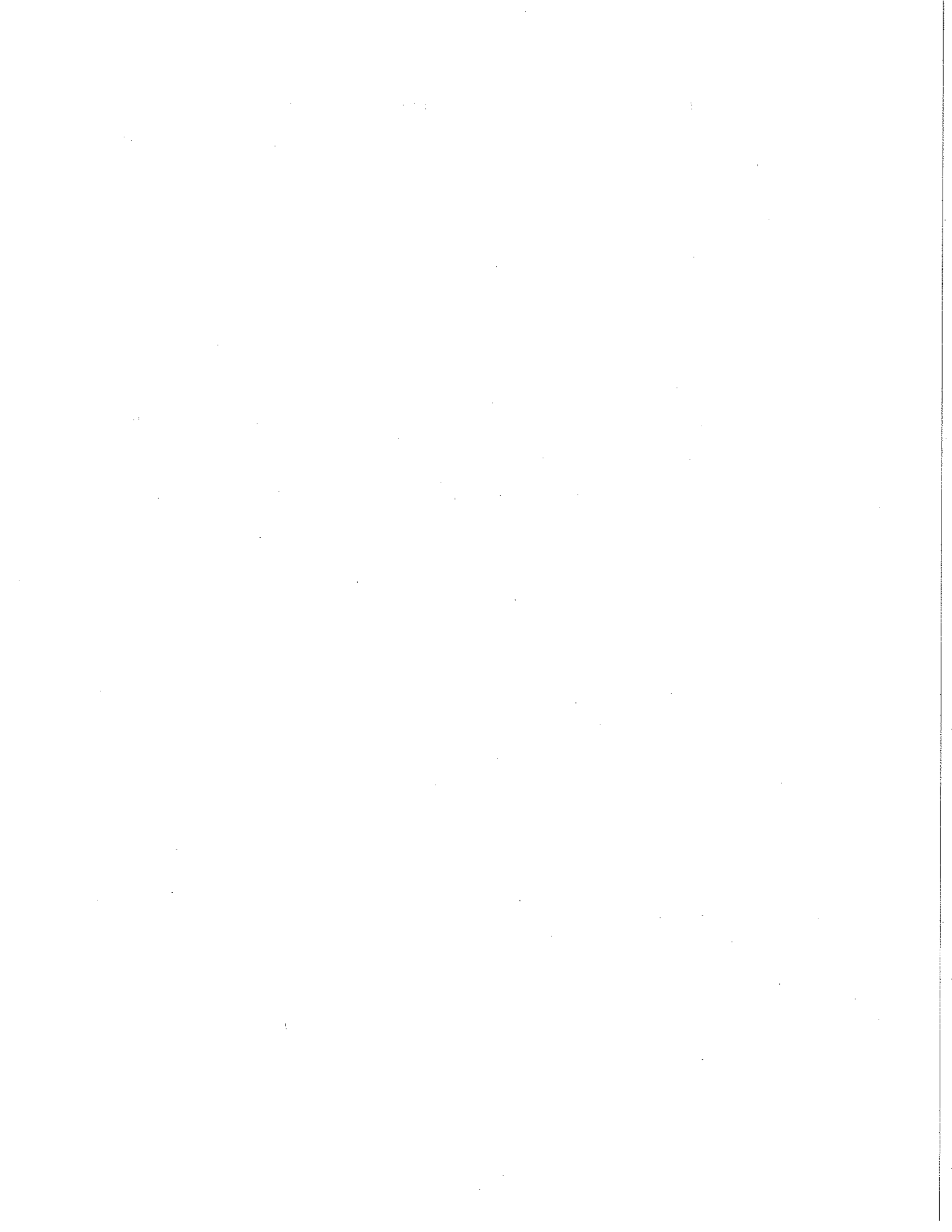
Stats. Implemented: ORS 676.605, 676.606, 676.615, 690.235

RULE SUMMARY

The Board of Cosmetology is amending OAR 817-040-0003 to increase fees that were changed during the 2009 Legislative Session under SB 5525, which become effective July 1, 2009 to prevent further revenue shortfall.


Authorized Signer Brian DeForest, Acting Director 07/01/09
Printed name Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.
ARC 940-2005



STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Health Licensing Agency / Board of Cosmetology
Agency and Division

OAR chapter 817, division 040
Administrative Rules Chapter Number

In the Matter of: Amendment of 817-040-0003

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Increase Board of Cosmetology fees to prevent loss of revenue.

Statutory Authority: 676.605, 676.606, 676.615, 690.235

Other Authority:

Stats. Implemented: ORS 676.606, 690.235

Need for the Temporary Rule(s):

The temporary rule is necessary to continue the operations and sustain the Board of Cosmetology without utilizing funds from other Oregon Health Licensing Agency (OHLA) programs. The Board of Cosmetology will be facing a revenue shortfall if fees are not increased.

To avoid harm to consumers and licensees that would occur during the time to conduct permanent rulemaking, this temporary rule is necessary to correct the unintended consequence described above.

A new fee structure was implemented in October 1, 2008, for all agency programs. The new fee structure reflected an increase for the Board of Cosmetology. However, during the implementation process agency stakeholders requested the postponement of the fee increase due to economic difficulties to students and graduates from private cosmetology career schools. The agency agreed to defer the increase until July 1, 2009.

The agency's 2009-11 budget anticipated increased fees for cosmetology practitioner applications, initial certifications, certification renewals, examinations and practitioner late fees. These fees were approved by the 2009 Legislative Assembly, with an emergency passage of July 1, 2009.

Documents Relied Upon, and Where They Are Available:

Agency and board fiscal reports and records, analysis findings/documentation and allocation methodology criteria provided to board/council members and Department of Administrative Services, Budget & Management/Budget Analyst. Board of Cosmetology meeting minutes from 2007, 2008 and 2009. Special outreach event handouts and related materials "Change is the Solution: Today's Vision, and Tomorrow's Reality" held on April 18, 2008 (board members) and June 4, 2008 (stakeholders) in addition to the OHLA Customer Connection Committee held on February 11, 2008 (agency advisors). 2009-01 Legislatively Adopted Budget for the Oregon Health Licensing Agency and SB 5525.

All documents are available at the Oregon Health Licensing Agency 700 Summer Street NE, Suite 320, Salem, OR 97301-1287. To obtain information or copies of information please contact Samantha Patnode, Policy Analyst, at 503-373-1917, during normal business hours Monday Through Friday between 7:30am to 4:30pm. Email: samie.patnode@state.or.us

Justification of Temporary Rule(s):

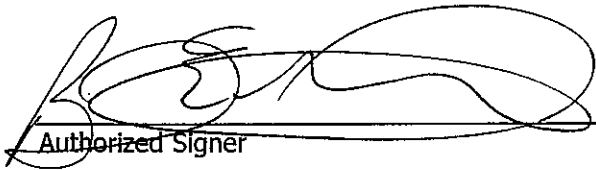
The agency finds that following the permanent rulemaking process, rather than taking temporary rulemaking action, will result in serious prejudice to the public, consumers and licensees because it will cause the following consequences:

Failure to increase fees would result in being unable to begin collection of amended fees until October 1, 2009, and thus the board would not have sufficient revenue to operate during the 2009-11 biennium, as set forth by the 2009 Legislative Assembly.

Failure to increase fees will result in utilizing funds from other agency programs.

Failure to increase fees will result in the board's inability to carry out the primary mission of the agency, which is to protect Oregon consumers.

This temporary rulemaking action will avoid or mitigate these consequences.



Brian DeForest, Acting Director

07/01/09

Authorized Signer

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 945-2005

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OREGON HEALTH LICENSING AGENCY, BOARD OF COSMETOLOGY

**DIVISION 40
FEES**

817-040-0003
Fees

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

(2) Fees established by the Oregon Health Licensing Agency, in consultation with the Board, are as follows:

(a) Application:

(A) Practitioner certificate: ~~\$15~~ **\$25 per field of practice.**

(B) Practitioner certificate by reciprocity: **\$50 per field of practice.**

(C) Independent contractor registration: \$50.

(D) Certificate of identification: \$25.

(E) Facility license: \$100.

(F) Temporary facility permit: \$50.

(G) Demonstration permit: \$25.

(b) Examination:

(A) Oregon laws & rules: ~~\$25~~ **\$50.**

(B) Barbering: ~~\$25~~ **\$50.**

(C) Hair design: ~~\$25~~ **\$50.**

(D) Esthetics: ~~\$25~~ **\$50.**

(E) Nail technology: ~~\$25~~ **\$50.**

(F) Certificate of identification: \$25

(c) Original issuance of authorization to practice:

(A) Practitioner certificate (including by reciprocity): ~~\$33~~ **\$40.**

(B) Independent contractor registration: \$75.

(C) Certificate of identification: \$100.

(D) Facility license: \$100.

(d) Permits:

(A) Temporary facility: \$100.

(B) Demonstration: \$50.

(e) Renewal of authorization to practice:

(A) Practitioner certificate: ~~\$33~~ **\$40**.

(B) Practitioner certificate -- on line payment: ~~\$33~~ **\$35**.

(C) Independent contractor registration: \$100.

(D) Facility license: \$100.

(f) Other administrative fees:

(A) Delinquent (late) renewal of certificate: ~~\$25 for each year in expired status for the first month in expired status and \$10 for each month after, up to two years.~~

(B) Delinquent (late) renewal of license or registration: \$25 for the first month in expired status, and \$10 each month thereafter while in an expired status.

(C) Replacement of certificate, license or registration, including name change: \$25.

(D) Duplicate certificate, license or registration document: \$25 per copy with maximum of three.

(E) Affidavit of licensure: \$50.

(F) 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.

Stat. Auth.: ORS 676.605, 676.615 & 690.235

Stats. Implemented: ORS 676.605, 676.615, 690.235 & 30.701

Hist.: BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 1-1990(Temp), f. 4-20-90 & cert. ef. 6-1-90; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2005, f. 6-17-05, cert. ef. 7-1-05; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2008, f. 9-15-08 cert. ef. 10-1-08