

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION

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

Oregon Health Licensing Agency (OHLA), Board of Cosmetology
Agency and Division

OAR Chapter 817
Administrative Rules Chapter Number

In the Matter of: Amendment of 817-090-0025, 817-090-0035, 817-090-0045, 817-090-0105, 817-120-0005

Rule Caption:

Amend civil penalties and requirements for practice of or on individuals with communicable diseases.

Stat. Auth.: ORS 676.607, 676.615, 676.992, 690.165, 690.167, 690.205

Other Auth.:

Stats. Implemented: ORS 676.992, 690.015

Need for the Temporary Rule(s):

It is necessary to amend OAR 817-090-0025, 817-090-0035, and 817-090-0045 to align administrative rules with the statutory authority of OHLA and the Board of Cosmetology for administration of cosmetology regulation and setting of civil penalty amounts for violations of cosmetology rules.

It is necessary to amend OAR 817-090-0105 and 817-120-0005 to bring the administrative rules into compliance with the Americans with Disabilities Act.

Documents Relied Upon, and where they are available:

Oregon Revised Statutes Chapters 676, 690 and 28 CFR parts 35 and 36.

All documents except information exempt from public disclosure 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 temporary administrative rule is justified because the agency and the Board of Cosmetology are required to act within their statutory authority and may not adopting or enforcing rules that are inconsistent with the requirements of the ADA.

Authorized Signer	Randall Everitt, Director Printed name	September 13, 2011 Date
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Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 945-2005