



# Oregon

John A. Kitzhaber, MD, Governor

## *Health Licensing Agency*

700 Summer St. NE, Suite 320

Salem, Oregon 97301-1287

Telephone (503) 378-8667

FAX (503) 585-9114

TTY (503) 373-2114

E-mail: [ohla.info@state.or.us](mailto:ohla.info@state.or.us)

Website: [www.Oregon.gov/OHLA](http://www.Oregon.gov/OHLA)

**To:** Oregon Educational Institutions

**From:** Cerynthia Murphy, Qualification Analyst

**Date:** 05-04-2011

**Re:** Permanent Administrative Rules Effective May 5, 2011

The Oregon Health Licensing Agency (OHLA) continues to work with Oregon educational institutions to ensure you have the most up-to-date information.

The OHLA and the Board of Cosmetology will file permanent administrative rules on May 5, 2011.

The Oregon Laws and Rules examination has been updated to reflect changes to the permanent administrative rules.

Included in this correspondence is a complete set of the permanent administrative rules, in addition to a "highlights" page summarizing changes within each rule division.

Please pay close attention to the following divisions listed within the permanent administrative rules *enclosed*:

- **817-005-0005 - Definitions**
- **817-030-0005 - Application Requirements**
- **817-030-0030 - General Examination Information**
- **817-030-0065 - Written Examination Retake Requirements**
- **817-030-0071 - Practical Examination Evaluation**

The permanent administrative rules can also be located on the website at:

[http://www.oregon.gov/ohla/cos/coslaws\\_rules.shtml](http://www.oregon.gov/ohla/cos/coslaws_rules.shtml).

In addition to distributing this correspondence in paper format, the agency also sent this correspondence via e-mail. If you have not received this correspondence via e-mail, please contact me at [cerynthia.murphy@state.or.us](mailto:cerynthia.murphy@state.or.us) to have the correspondence sent to you in e-mail format.

## **“Rule Highlights”**

**817-005-0005 Definitions** - Revise to align definitions with statutory requirements, reduce to avoid duplication and modify for readability including defining educational institutions and revising definition of official transcript. Number of definitions reduced from 65 to 49.

**817-010-0065 Safety and Infection Control Rules; Facility Standards** – Revise to align with statutory changes made during the 2009 Legislative Session by revising the name of Certificate of Identification to “Freelance Authorization” and adopt by reference the most current American National Standards for Safe Use of Lasers (ANSI).

**817-020-0006 Facility Licensing and Operational Requirements** - Revise to require, at time of initial application, proof of current registration of business name or Assumed Business Name (ABN) as filed with the Secretary of State, Corporations Division.

**817-030-0005 Qualification for Certification** - Revise to provide clarity on application requirements including pathways to certification. *Pathway 1 Graduate from an Educational Institution* - including a high school, career school, or community college, *Pathway 2 Reciprocity* - if the applicant has a active certification in another state. Requires that all applicants take all pertinent field of practice written examinations and the Oregon laws and rules examination.

Delete *Pathway 3 Non-Credentialed* - Because the agency and the board do not have statutory authority to send non-credentialed candidates to a school for additional training or a practical examination. Upon request from the board the Department of Education Private Career Schools may refer the candidate to a career school if documentation listed under ORS 345.400 is not available.

**817-030-0030 General Examination Information** - Merge several rules to make one fluent administrative rule related to examinations including scheduling, languages, computer-based testing, monitoring, prohibitions and consequences.

**817-030-0065 Written Retake Examination Requirements** - Revise to make one section relating to retake examinations including scheduling, and number of failed examinations allowed and procedures for retaking. Also indicates the documentation necessary to take a fourth and seventh examination.

**817-030-0071 Practical Examination Evaluation** - Adopt rule which explains requirements and procedures for having a specific educational institution’s practical examination approved as the Board’s certifying examination.

**817-035-0010 Issuance and Renewal of Certificates, Licenses, Registrations or Freelance Authorizations** - Revise to align renewal with agency standards and protocols. Protocol for practitioner certificate and facility license holder include renew, renew late up to three years, and after three years reapply.

Revise to implement new protocols for independent contractors and freelance authorization holders to allow them to enter dormant status. No limit would be applied to the dormancy; however, a fee would be required to renew.

## **“Rule Highlights,” Continued**

Revise renewal requirements related to notification of changes to business name or ABN for facility licenses, independent contractor registrations and freelance authorizations.

**817-035-0050 Application and Criteria for Freelance Authorization** - Align with statutory changes made during the 2009 Legislative Session by revising the name of Certificate of Identification to “Freelance Authorization”. Moved renewal requirements to OAR 817-035-0010. Repealed subsection (7) due to lack of statutory authority to limit where a freelance authorization holder may work.

Revise to require, at time of initial application, proof of current registration of business name or ABN as filed with the Secretary of State, Corporations Division if the freelance authorization holder is operating as a business and not as an individual.

**817-035-0070 Independent Contractor Registration Eligibility** - Revise to require, at time of initial application, proof of current registration of business name or ABN as filed with the Secretary of State Corporation Division if the independent contractor registration holder is operating as a business and not as an individual.

**817-035-0110 Posting Requirements** – Revise to align with statutory changes made during the 2009 Legislative Session by revising the name of Certificate of Identification to “Freelance Authorization”. Allow practitioners, independent contractors and freelance authorization holders to cover address posted on their authorization with removable covering. Requires facility owners and independent contractors to post the most recent inspection certificate in public view.

**817-040-0003 Fees** – Revise length of time a specific authorization may be inactive (up to three years). Revise to align with statutory changes made during the 2009 Legislative Session by revising the name of Certificate of Identification to “Freelance Authorization.”

**817-060-0050 Use of Formaldehyde Products** - Adopt permanently by reference the requirement of Oregon OSHA related to the use of formaldehyde.

**Division 90 Civil Penalties** - All rules related to civil penalties have been revised for consistency and accuracy.