

**OREGON HEALTH LICENSING AGENCY
ADVISORY COUNCIL FOR ELECTROLOGISTS, PERMANENT COLOR
TECHNICIANS AND TATTOO ARTISTS
MINUTES OF November 17, 2008**

MEMBERS PRESENT

Brenda Cox, Chairperson
Judith Culp, Vice-Chairperson
Molly Ballew, Electrologist

STAFF PRESENT

Susan Wilson, Director
Dixie Bryant, Policy Analyst
Lisa Murphy, Board Specialist

AUDIENCE MEMBERS

Charity Bray	Anji Marth
Erica Perez	Splatter
Royce Davis	Monica Cooper
Nate Laird	Joshua
Ryan Scranton	Leon A. Higley
Bob Platt	Daniel Anthony
Alan Freestad	Ami Perry
Danielle B	Meg Henningsen
Greg Toliver	Tyler Johnson
Neil E. Mills	Chad Williams
Cynthia Davis	Eric Laseter
Reyjon Keeton	Ian McKay
Sheila Ahern	Emanuel Stockton
Jaimee Bloom	Brad Barnes
Emeralda Canela	

CALL TO ORDER

Brenda Cox, Chairperson, called the meeting of the Advisory Council for Electrologists, Permanent Color Technicians and Tattoo Artists (EPT) to order at 1:02 p.m., Monday, November 17, 2008, at the Rhoades Conference Room, located in the Oregon Veteran's Affairs Building, 700 Summer St NE, Salem, Oregon.

APPROVAL OF AGENDA

MOTION

Ms. Culp made a motion with a second by Ms. Ballew to approve the agenda for November 17, 2008. Aye: Ms. Culp, Ms. Ballew and Ms. Cox. Nay: none. The motion passed.

APPROVAL OF MINUTES

MOTION

Ms. Culp made a motion with a second by Ms. Ballew to approve the minutes of August 15, 2008 and April 7, 2008. Aye: Ms. Culp, Ms. Ballew and Ms. Cox. Nay: none. The motion passed.

REPORTS

DIRECTOR'S MESSAGE

Ms. Wilson, Director, provided an overview of the agency-wide legislation LC 831. LC 831 continues to conform and streamline agency standards, regulation and requirements for programs and professions regulated by the agency. The legislation makes program changes, technical adjustments and corrections, maximizes the benefits of economies of scale, regulatory consistency and accountability to continue to achieve solutions and outcomes for consumer protection. The legislation establishes consistent term limits (two consecutive four year terms) and stipulates at least one public member be appointed to all boards. The legislation proposes professional development through prescribed education or training and identifies practice standards, testing and oversight as determined by agency rule.

Ms. Wilson stated that the Oregon Health Licensing Agency's proposed legislation encompasses some of the topics reviewed by the Interim Committee on Health Care chaired by Representative Greenlick. Representative Mitch Greenlick's legislative interim committee revealed board membership and the appointment process are not uniform nor is the number of public members serving on these boards. Representative Greenlick's interim study may recommend to the 2009 Legislature an increase in public members on boards to 50%. The recommendation may also include other improvements and changes in board specific areas.

Ms. Wilson stated there was general opposition among professional association representatives at the interim committee public hearing to the proposal to increase the number of public members on boards to 50%. Ms. Wilson stated since the role of boards is public protection, it is logical at least one public member serve. She stated board members will have an opportunity to review both agency legislation and any other legislation after the bills are drafted by legislative counsel. The Legislature begins Monday, January 12, 2009.

Ms. Wilson noted the summary of the legislative concepts from representative Greenlick. She referenced the Oregon Health Care Workforce Institute PowerPoint presentation noting the legislature is considering a committee to review scope of practice issues. Governor Kulongoski has requested a study of Oregon's preparedness for a shortage in health care providers during the next decade. The study will identify areas with projected shortfalls and recommend solutions.

Ms. Wilson explained new fees and two year license renewal cycle which was implemented October 1, 2008, and will be ratified by the legislature in 2009. She stated the budget presents justification for the fee changes, noting that extensive outreach was conducted to stakeholders.

ADMINISTRATIVE SERVICES REPORTS

Mr. Simpson, Quality and Statistical Analyst, reported the administrative statistics. Statistics are used for budget and legislation purposes.

Electrologist licensing statistics for of the biennium through September 2008:

- Licenses issued: 13
- Renewals over the counter or by mail: 152
- Online renewals: 44

- Average number of active licenses held: 158

Permanent color technician and tattoo artists licensing statistics for of the biennium through September 2008:

- Licenses issued: 277
- Renewals over the counter or by mail: 513
- Online renewals: 244
- Average number of active licenses held: 754

Electrologist enforcement statistics of the biennium through September 2008:

- Complaints received: 1
- Inspections completed: 33
- Proposed Orders: 0
- Final Orders: 0

Permanent color technician and tattoo artist enforcement statistics of the biennium through September 2008:

- Complaints received: 57
- Facility complains: 22
- Inspections completed: 237
- Proposed Orders: 25
- Final Orders: 27

Electrologist examination statistics of the biennium through September 2008:

- Practical examinations, passed: 3
- Practical examinations, failed: 0
- Written examinations, passed: 3
- Written examinations, failed: 0

Permanent color technician and tattoo artist examination statistics of the biennium through September 2008:

- Tattoo written examinations, passed: 156
- Tattoo written examinations, failed: 36
- Tattoo skills assessment examinations, passed: 153
- Tattoo skills assessment examinations, failed: 76

Web site statistics for August 2008:

- Successful hits: 7,099
- Average number of hits per day: 229
- Visitors to the Web site: 919
- Top three pages viewed: home, how to get licensed and moving to Oregon

REGULATORY OPERATIONS

Mr. Molloy, Regulatory Operation Division Manager, reported the audit completed this year resulted in an increase in the statistics relating to enforcement. He noted the self inspection sheet for tattoo

artists and perm color technicians is available on the Web site and the electrology self inspection will be online by the end of the year. The Council asked to review the electrology self inspection sheet prior to posting to the Web site. He reviewed the complaint flow chart, stating emergency suspensions must be approved by the Assistant Attorney General (AAG) before issued.

Mr. Molloy reported on a current enforcement case of a tattoo facility where a minor received a tattoo. The facility was issued three citations, which included an emergency suspension on the facility and the practitioner.

The audience discussed inspections in the Portland area. Mr. Molloy said the inspectors will be working in Portland area throughout the winter.

The audience discussed involvement with the Council. Ms. Wilson stated there are current positions available on the board and two more will be available in January. She said proposed legislation lists "practitioners" for council positions and does not differentiate between electrologist or tattoo artist.

PROGRAM OPERATIONS DIVISION

ADMINISTRATIVE RULES

Ms. Allbritton, Senior Policy & Strategic Analyst, drew the council's attention to the permanent rule filing regarding fees and continuing education reporting periods that went into effect October 1, 2008.

Ms. Allbritton explained that within Legislative Concept 001 the agency is proposing a dormant license, which would allow OHLA licensees to place license in a dormant status if certain qualifications are met. The concept includes the option of up to three multiple copies of a license. Upon passage of the bill the details will be outlined within administrative rule.

CONTINUING EDUCATION ROLLOUT

Ms. Murphy, Board Specialist, stated that the Continuing Education (CE) Rollout chart is posted on the Council's Web site showing each licensee for electrologists and tattoo artists/permanent color technicians. Ms. Murphy explained for electrologists if your license expires in 2008 and your current continuing education (CE) reporting period ends in 2009, you will have a one-year extended reporting period to 2010. Upon renewal of your two-year license in 2010, you will attest to completing 27.5 CE hours (20 hours for the original CE reporting period ending in 2009 and 7.5 hours for 2010). If your license expires in 2009 and your current CE reporting period ends in 2010, you will have a one-year extended reporting period to 2011. Upon renewal of your two-year license in 2011, you will attest to completing 27.5 CE hours (20 hours for the original CE reporting period ending in 2010 and 7.5 hours for 2011).

If the CE reporting period for electrologists does not need adjustments the licensee will complete the current reporting period and attest to 20 hours. The next reporting cycle will be two years and 15 hours.

Ms. Murphy explained for tattoo artists and permanent color technicians if your license expires in 2008 and your current continuing education (CE) reporting period ends in 2009, you will have a one-

year extended reporting period to 2010. Upon renewal of your two-year license in 2010, you will attest to completing 20 CE hours (15 hours for the original CE reporting period ending in 2009 and 5 hours for 2010). If your license expires in 2009 and your current CE reporting period ends in 2010, you will have a one-year extended reporting period to 2011. Upon renewal of your two-year license in 2011, you will attest to completing 20 CE hours (15 hours for the original CE reporting period ending in 2010 and 5 hours for 2011).

If the CE reporting period does not need adjustments for tattoo artists and permanent color technicians the licensee will complete the current reporting period and attest to 15 hours and the next reporting cycle will be two years and 10 hours.

Ms. Murphy noted the extension is designed to align the CE reporting period with the new two-year licensing period effective October 1, 2008, for all OHLA-regulated professions. Ms. Murphy pointed out a fact sheet is on the Council's Web site explaining the process of audits and pre-approval of CE classes.

NATIONAL INTERSTATE COUNCIL EXAMINATION IMPLEMENTATION

Ms. Wilson explained the Agency reviewed the use of a national examination for permanent color technicians and tattoo artists in Oregon. This would allow a tattoo artist or permanent color technician more mobility and would provide the public with a standard of qualifications. She noted the examination content, source materials, references and estimated cost are all factors under review. The Agency will investigate the National Environmental Health Association (NEHA) as an alternative source for the examination. Once a national examination is approved the Agency will send notification to career schools to allow adequate time for curriculums to be updated. Oregon laws and rules will be included as part of the examination.

Audience members asked how practitioners can provide feedback regarding the national examination. Ms. Wilson said to contact NIC and for further information or concerns contact Ms. Patnode.

OUTREACH AND COMMUNICATION

Mr. Bohot, Communications Coordinator, discussed the press release sent out regarding the reduced fees and renewal cycles, along with a new brochure about compliance, which is now available on our Web site. He drew the Council's attention to the biographies page and our recruiting efforts to assist the Governor's Office on Executive appointments. Currently, the physician and public member positions are vacant.

In response to feedback on aftercare resources the agency is planning to feature a new Web page with links to aftercare information. Audience members requested that the information remain general with a statement telling clients to refer to the directions given by the practitioner for specific aftercare requirements.

Ms. Culp will provide information for standard aftercare for permanent color. The Council requested a link to wordlingo.com be added for practitioners to print forms in other languages.

Mr. Bohot reviewed the Licensing Line on the Web site. He said to receive a copy by email register online. Mr. Bohot noted the Nursing Home Administrators board will move to OHLA to benefit from the agency's economies of scale and fiscal sustainability. He presented a position statement from the Cosmetology Board that states estheticians, tattoo artists and permanent color technicians cannot remove tattoos with lasers or by any other means.

COMMITTEES AND REPORTS

None.

ITEMS FOR COUNCIL ACTION

2009 SUBCOMMITTEES

Subcommittees provide review and discussion of specific issues, which usually require more in-depth fact-finding and deliberation than can be scheduled at periodic board meetings. The Council shall nominate committee members.

2008 Subcommittees	
Legislation / Rules:	Brenda Cox, Judith Culp
Enforcement:	Molly Ballew, Judith Culp
Examinations:	Molly Ballew, Brenda Cox
Licensing:	Molly Ballew, Judith Culp
Public Protection/Safety	Brenda Cox, Judith Culp
Customer Contact	Brenda Cox

MOTION

Ms. Ballew made a motion with a second by Ms. Culp to approve the subcommittee appointments for 2009. Aye: Ms. Ballew, Ms. Culp and Ms. Cox. Nay: None. The motion passed.

2009 BOARD MEETING DATES

The Advisory Council of Electrologists, Tattoo Artists and Permanent Color Technicians meets on a biannual basis with all meetings scheduled for 1 pm. The proposed dates are Wednesdays, May 6, 2009 and November 18, 2009. The council suggested changing the dates to Mondays, May 18, 2009 and November 23, 2009 and Friday, November 20, 2009.

MOTION

Ms. Ballew made a motion with a second by Ms. Culp to approve Monday, May 18, 2009 and Friday, November 20, 2009 for the board meeting dates with each meeting starting at 1:00 pm. Aye: Ms. Ballew, Ms. Culp and Ms. Cox. Nay: None. The motion passed.

2009 CHAIR AND VICE CHAIR

The Advisory Council of Electrologists, Tattoo Artists and Permanent Color Technicians shall elect a chairperson and vice-chairperson for 2009. A discussion was held by the Council.

MOTION

Ms. Ballew motioned with a second by Ms. Culp to approve Ms. Ballew as chairperson and Ms. Culp as vice-chairperson. Aye: Ms. Ballew, Ms. Culp and Ms. Cox. Nay: None. The motion passed.

2009 ELECTROLOGY EXAMINATION DATES

The Advisory Council of Electrologists, Tattoo Artists and Permanent Color Technicians has traditionally scheduled examination dates for twice a year to be held at Oregon Health Sciences University in Portland, Oregon.

MOTION

Ms. Culp made a motion with a second by Ms. Ballew to approve June 3, 2009 and December 2, 2009 for the electrology examination dates. Aye: Ms. Ballew, Ms. Culp and Ms. Cox. Nay: None. The motion passed.

EXECUTIVE SESSION

Council did not enter Executive Session.

OTHER COUNCIL BUSINESS

Ms. Allbritton reviewed the discussion with Bonnie Jean McVay and other audience members held on August 15, 2008 after the teleconference. Ms. McVay discussed distinguishing the differences between permanent color technicians and tattoo artists by licensing, training and qualification. Many of the audience members agreed with separate licensure and training for each field of practice.

Ms. Wilson said there were several things to consider:

- One category for tattooing and call it body art and one category for permanent color technicians
- Transition period to adjust training in the schools and adjust current licensing
- Grandfathering qualifications and reciprocity qualifications
- Examination changes
- Changes in the statutes during 2011 Legislative Session
- Changes in Oregon Administrative Rules

Ms. Wilson said that the Agency would support a grassroots effort, which would take time and work by the constituents.

PUBLIC COMMENT

Charity Bray from Addictions Two tattoo facility and Empire Tattoo School spoke on the concerns of selling tattoo needles and equipment to the public, including minors, without regulations or standards. She provided handouts to the Council members. Key points were:

- minors buying tattoo kits to use at tattoo parties
- unlicensed practitioners providing tattoo services

- diseases that can be contracted by allowing the public to purchase and use this equipment.

Ms. Bray requested regulations preventing the sale of sharps, body modification equipment, inks, supplies, etc. to the general public, especially minors. She suggested:

1. Require licensure to monitor sales and list address of each facility.
2. Require files be kept on each sale for two years.
3. Ban the sale of these items to the public or at least to minors (18 years of age and younger).
4. Increase regulation efforts from OHLA to prevent unlicensed tattooing in the state.

Ms. Wilson said this would be discussed with the AAG since OHLA regulates the practitioners, not the sale of equipment. Mr. Molloy said an outreach could be conducted where tattoo equipment is sold, concentrating on middle and high schools.

Greg Toliver, from Redmond, asked how complaints against tattoo schools were handled. Mr. Molloy stated OHLA has no jurisdiction, that schools are regulated under the Oregon Department of Education (ODE), Private Career Schools. Ms. Bray suggested contacting Lynn Fleming from ODE.

MISCELLANEOUS

Ms. Cox discussed issues regarding serving clients with medical conditions such as: pacemakers, heart conditions, diabetes and metal in the body. She requested the Rules Advisory subcommittee meet to review and discuss specific rules pertaining to medical conditions that do not meet current medical standards stated by the manufacturers. She said the rules are outdated and too broad. Ms. Wilson stated medical evidence must show the standard has change to make revisions. There must be medical justification to change the administrative rule. Ms. Cox said she would provide this information.

Members of the audience requested opportunity to serve on subcommittees or have the opportunity to provide feedback to committees. A sign up sheet was passed out to sign up to participate in subcommittees and receive notice of meetings.

Ms. Culp made a motion with a second by Ms. Ballew to adjourn the meeting.
The meeting adjourned at 4: 34 p.m.

Prepared by: Lisa A. Murphy, Board Specialist