

**OREGON HEALTH LICENSING AGENCY
ADVISORY COUNCIL FOR ELECTROLOGISTS, PERMANENT COLOR
TECHNICIAN AND TATTOO ARTISTS
MINUTES OF April 3, 2006**

MEMBERS PRESENT

Brenda Cox, Chairperson
Judith Culp, Vice-Chairperson
Marie Keyes, Public Member
Molly Ballew, Electrologist

STAFF PRESENT

Susan Wilson, Director
Larry Peck, Regulatory Operations Manager
Samantha Patnode, Board Liaison

AUDIENCE MEMBERS

Matthew Diestter, Tattoo Artist
Anne Morando, Tattoo Artist
Emanuel Stockton, Tattoo Artist
Shawn Dougherty, Tattoo Artist
Jason Graham, Tattoo Artist
Theresa Brunk, Tattoo Artist
Patrick Williams, Tattoo Artist
Jaimee Bloom, Tattoo Artist
Lindsay Fischer, Tattoo Artist
Wade Davidson, Tattoo Artist
Casey McCombie, Tattoo Artist
Kai Metzger, Tattoo Artist
Michelle Menning, Student Tattoo Artist
Rene Dougherty, Tattoo Artist
Sheila Ahern, Electrologist

CALL TO ORDER

Chairperson, Brenda Cox, called the meeting of the Advisory Council for Electrologists, Permanent Color Technicians and Tattoo Artists to order Monday, April 3, 2006, at 1:00 p.m. at the Oregon Health Licensing Agency (OHLA) in the Rhoades Conference Room, 700 Summer St NE, Suite 320, Salem, Oregon.

APPROVAL OF AGENDA

MOTION

Ms. Keyes made a motion and Ms. Culp seconded to approve the agenda. The motion passed with Ms. Keyes, Ms. Culp, Ms. Ballew, and Ms. Cox voting aye.

MINUTES

MOTION

Ms. Keyes made a motion and Ms. Ballew seconded to approve the minutes of November 1, 2005. The motion passed with Ms. Keyes, Ms. Culp, Ms. Ballew, and Ms. Cox voting aye.

Revenues & Expenditures

Mr. Riggs, OHLA Fiscal Services Division Manager, stated that allowable expenditures are limited to the approved budget for expense deemed necessary for successful operation for each program within the central agency. He explained the two main categories of interest. **Personal Services** are employee compensation and related benefits. **Services and Supplies** are non-personnel expenses for agency operations. Charges are divided into two types – direct and indirect – for each program. Indirect costs are for agency operation and include office supplies, rent, telephones, data processing hardware and software, etc. which are prorated

for each program. Direct charges include legal counsel, postage, rules, instate travel or investigative costs etc. and are distributed at actual rates.

As part of the 2007-09 budget development, Mr. Riggs reported OHLA is in the formative stages of establishing a uniform fee structure for OHLA regulated professions. The proposed fee structure will reduce the number of separate administrative rules and special rulemaking required. The OHLA is also proposing a policy package to increase the number of enforcement officers and support staff in the regulatory operations division.

Compliance

Mr. Tryon, OHLA Chief Enforcement Officer, provided the complaint report, which reflects the total number of licensees, total complaints received and the overall percentage of complaints for each board, council and program within OHLA. Mr. Tryon reported the 2004 and 2005 to date complaint percentages for the Advisory Council for Electrologists, Permanent Color Technicians and Tattoo Artists.

Complaints Report from January 1, 2005 - December 31, 2005

Electrologists

Total Number of Licensees – 158
Total Number of Complaints – 1 – (Safety/Infection Control)
Total Percent of Complaints – 0%

Permanent Color and Tattoo Artists

Total Number of Licensees – 567
Total Number of Complaints – 29 (24 were licensing complaints, 3 safety/Infection Control, 2 service complaints)
Total Percent of Complaints – 11%

Complaints Report from January 1, 2006 – February 28, 2006

Electrologists

Total Number of Licensees – 162
Total Number of Complaints – 2 (1 safety/infection control and 1 service complaint)
Total Percent of Complaints – 7%

Permanent Color and Tattoo

Total Number of Licensees – 585
Total Number of Complaints – 3 (3 licensing issues)
Total Percent of Complaints – 11%

Mr. Tryon presented a breakdown of complaints received, and the ratio of complaints per licensee base per month for 2005.

Mr. Tryon reviewed a comparison of enforcement matters for 2002 through 2006 for each field of practice. He clarified questions from the Council.

Mr. Tryon stated that eleven complaints had been closed and provided the Council with an overview of the closed investigations. Ms. Bloom asked why individuals are counted twice, because most individuals work independently. Mr. Bohot stated that both the facility and the individual are separate licenses. Ms. Bloom stated that if somebody has a complaint and there is no action taken on the complaint, is it still counted as a

complaint. Mr. Tryon stated if the evidence reflects nothing occurred as a violation, the allegation does not count against the individual and/or facility, but the complaint would still be counted as a complaint received.

Ms. Wilson stated that all cases issued a final order will be posted on the Web site, so consumers will be able to access licensee information online.

Licensing

Ms. Murphy, OHLA Licensing Supervisor, provided an active status count report.

Electrology – 96 Active

Electrology Facility – 66 Active

Permanent Color Technician/Tattoo Artist- 401 Active

Permanent Color Technician/Tattoo Artist Facility – 183 Active

Permanent Color Technician & Tattoo Artist

Practitioner Licensure Comparison 2004 - 2005

Decrease Original Licenses Issued -13

Increase of Certificates Renewed – 59

Increase late Renewals – 5

Facility Licensure for 2004 - 2005

Increase of Original Licenses Issued – 18

Increase of Licenses Renewed – 1

Decrease of Late Renewals -9

Permits for 2004 – 2005

Increase of Original Temporary Issued – 13

Increase of Original Demonstration Issued – 1

Ms. Murphy provided the Council with a transaction report that shows the activity within a given month for January 1, 2005 through December 31, 2005, and January 1, 2006 to current for Electrologists, Permanent Color Technicians & Tattoo Artists.

Electrologists – Full Year Comparison 2004 - 2005

Practitioner Licensure

Decrease Original Licenses Issued: -2

Decrease Licenses Renewed: -5

Increase Late Renewals: 4

Facility Licensure

Decrease Original Licenses Issued: -50

Increase Licenses Renewed: 51

Increase Late Renewals: 3

Examination

Permanent Color Technicians Comparison Report – 2006

2006

Written Examination – 17 Pass
3 Fail

20 Number Conducted

85% passing rate

2006

Practical Examination – 13 Pass

16 Fail

29 Number Conducted

45% passing rate

Ms. Culp commented on the 45% passing rate, stating schools are not getting the correct information to students. Ms. Murphy stated a biennial report is being prepared to reflect pass/fail ratios and schools will be provided the report. An audience member addressed the current school curriculum and not being notified when curriculum changes are made, and noted an inconsistency in what schools are teaching. Ms. Murphy reported OHLA conducts outreach with the schools. Ms. Culp stated that the basic Cosmetology textbook contains material that students will be tested on and that all of her students get a basic Cosmetology textbook if they're not estheticians. An audience member asked if schools could obtain information regarding the types of questions on the test.

Electrologists Examination Comparison Report – 2006

2005

Written Examination – 8 Pass

1 Fail

9 Number conducted

89% passing rate

2005

Practical Examination – 9 Pass

0 Fail

9 Number Conducted

100% passing rate

Outreach and Communication

Piercing Thoughts: *Think Before You Ink*

Mr. Bohot, OHLA Communications Officer, stated the agency will be asking teens and others to "Think Before You Ink," and such a public education campaign requires serious planning and analysis, therefore the campaign was delayed--from Spring break 2005 to Spring break 2006—to allow for further work and research.

Mr. Bohot presented the council with the new brochure on *Piercing & Tattoo Safety*. He stated that OHLA is looking for comments from practitioners on safety and infection control standards.

Mr. Bohot provided an overview of *OHLA Agency Overview & Service* brochure. He provided a draft of the board member orientation handbook and script for a video and announced both will be reviewed by the OHLA Customer Connection Committee. An audience member stated that the underage paragraph is hard to find in the brochure and suggested it be in its own box to stand out more from the other information.

Mr. Bohot explained that the uniform fee structure for all OHLA professions is to create a licensing fee "pool" that would prevent unexpected revenue fluctuations.

Public Comment

An audience member stated that in the *Piercing Thoughts Brochure* under tattooing that the first bullet should be clarified to say for single use. Ms. Culp stated that (OSHA) Oregon Occupational Safety & Health sent out a letter saying that all sharps must be single use. Ms. Wilson stated that OHLA follows standards developed by the Center for Disease Control. Mr. Prince commented on the picture used in the agency brochure and recommended that the picture be changed because the person isn't wearing gloves. Ms. Jamie Bloom suggested that an electrologist picture be added to the agency brochure.

Mr. Bohot provided the Council with the Oregon Association of Licensed Electrologists (OALE) newsletter, *Keeping Current*. The article talks about Inspection Certificates and OHLA proposal of Uniform Licensing Fees for all Regulated Professions.

Ms. Patnode reported that OHLA Enforcement Officers, Tim Molloy, David Box and she attended the Ink Travelers Convention on February 17-19, 2006. She reported that the convention went well and that OHLA may conduct a special training session next year.

JLCIMT Interim Report

Ms. Wilson stated she appeared before the Joint Legislative Committee on Information Technology (JLCIMT) to report progress of the conversion and assure the electronic data provided to the public from OHLA through the Oregon.gov portal is consistent and secure. She noted the agency may need to appear before the Emergency Board at a later date if additional funding is required in the current biennium.

ITEMS FOR BOARD ACTION

2006 Subcommittees

Legislation / Rules: Brenda Cox, Judith Culp

Enforcement: Molly Ballew, Judith Culp

Examinations: Molly Ballew, Brenda Cox

Licensing: Molly Ballew, Judith Culp

Public Protection and Safety: Marie Keyes

MOTION

Ms. Culp made a motion and Ms. Keyes seconded to approve the preceding subcommittees with changes. The motion passed with Ms. Keyes, Ms. Cox, Ms. Culp, and Ms. Ballew voting aye

EXECUTIVE SESSION – None

MISCELLANEOUS/PUBLIC COMMENT

Council Interest File

Ms. Patnode stated the Council Interest File is available for review.

Public Comment

An audience member inquired on adding one public member to the council. Ms. Wilson stated that such a change would take legislative action.

Ms. Jaimee Bloom asked if agency investigators can come into a business and open drawers when they conduct an inspection. Ms. Wilson stated that regulatory enforcement officers are authorized to conduct inspections in OHLA licensed facilities. Regulatory Enforcement Officers are trained to conduct inspections and investigations in a prescribed manner and as courteous as possible. Inspection brochures will be more specific in informing licensees about the process.

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Mark Grosser from MPG Tattoo stated that there is an independent contractor registration for cosmetology and that he would like the same for tattoo artists. Ms. Wilson stated that the Department of Revenue defines Independent Contractor for employment purposes and for assigning tax liability. She stated that currently that currently the Advisory Council for Electrologists, Permanent Color Technicians & Tattoo Artists statutes do not allow for an independent contractor registration to be issued. Staff stated the industry could go to the legislature to have the statute changed. An overview of the legislative process was provided and the audience was given lobbyist information.

Meeting adjourned at 3:31 p.m.

Susan K. Wilson, Director