



WHO: Health Licensing Office
Board of Cosmetology

WHEN: October 12, 2015 at 10 a.m.

WHERE: Health Licensing Office
Rhoades Conference Room
700 Summer St. NE, Suite 320
Salem, Oregon

What is the purpose of the meeting?

The purpose of the meeting is to conduct board business. A working lunch may be served for board members and designated staff in attendance. A copy of the agenda is printed with this notice. Please visit <http://www.oregon.gov/OHLA/COS/Pages/meetings.aspx> for current meeting information.

May the public attend the meeting?

Members of the public and interested parties are invited to attend all board/council meetings. All audience members are asked to sign in on the attendance roster before the meeting. Public and interested parties' feedback will be heard during that part of the meeting.

May the public attend a teleconference meeting?

Members of the public and interested parties may attend a teleconference board meeting **in person** at the Health Licensing Office at 700 Summer St. NE, Suite 320, Salem, OR. All audience members are asked to sign in on the attendance roster before the meeting. Public and interested parties' feedback will be heard during that part of the meeting.

What if the board/council enters into executive session?

Prior to entering into executive session the board/council chairperson will announce the nature of and the authority for holding executive session, at which time all audience members are asked to leave the room with the exception of news media and designated staff. Executive session would be held according to ORS 192.660.

No final actions or final decisions will be made in executive session. The board/council will return to open session before taking any final action or making any final decisions.

Who do I contact if I have questions or need special accommodations?

The meeting location is accessible to persons with disabilities. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting. For questions or requests contact a board specialist at (503) 373-2049.

Approval of Agenda

REVISED

1:05 pm, Oct 06, 2015



Health Licensing Office
Board of Cosmetology



October 12, 2015 at 10 a.m.
700 Summer St. NE, Suite 320
Salem, Oregon

1. Call to Order

2. Items for Board Action

- ◆ Approval of agenda
- ◆ Approval of minutes – August 17, 2015
- ◆ Approval of 2016 meeting dates
- ◆ Approval of 2016 chair and vice chairperson
- ◆ Determine additional training requirements for retake exam
 - Applicant #095997 LR
 - Applicant #070915 HA
- ◆ Approval of Examination revisions
- ◆ Approve civil penalty based on previous violations during inspection
 - Inspection #203937

Working Lunch

3. Reports

- ◆ Director Report
- ◆ Licensing and Fiscal Statistical Reports
- ◆ Policy Report
 - Communications
- ◆ Regulatory Report

4. Public/Interest Parties Feedback

5. Executive Session – Pursuant to ORS 192.660(2)(f) for the purpose of considering information or records exempt from public inspection. (Investigation Files) Case number 13-7337 and 15-7855

6. Board Action Item/ Investigative Files – case number 13-7337, and 15-7855

7. Other Board Business

Agenda is subject to change.

For the most up to date information visit www.oregon.gov/OHHA

Approve Minutes

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August 17, 2015



Health Licensing Office
Board of Cosmetology



August 17, 2015
700 Summer Street NE, Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

Heidi Zuniga, chair
Peggy Zepp, vice-chair
Mike Nurre
Roger Wert

MEMBERS ABSENT

Frank Whatley
Lisa Bonner Brown
Amber Starks

STAFF PRESENT

Holly Mercer, Director
Sylvie Donaldson, fiscal services and licensing manager
Samie Patnode, policy analyst
Maria Gutierrez, board specialist
Cerynthia Murphy, qualification analyst
Sarah Kelber, communications coordinator
Trampus Schuck, investigator/ inspector
Janet Bartel, investigator/ inspector
Joanna Tucker Davis, assistant attorney general, Oregon
department of justice

GUESTS PRESENT

Karen Dieckman
Judith Culp
Cynthia Shaw
Alene Tamerius

Call to Order

Heidi Zuniga called the meeting of the Board of Cosmetology to order at 10:04 a.m. Roll was called.

Approval of Agenda:

MOTION:

Roger Wert made a motion with a second by Mike Nurre to approve the agenda. Motion passed unanimously.

Approval of Minutes:

MOTION

Roger Wert mad a motion with a second by Mike Nurre to approve the minutes for April 6, 2015. Motion passed unanimously.

Determine additional training requirements for retake examination:

Applicant number 092725

Sylvie Donaldson, fiscal services and licensing manager, reported that it is necessary for member of the Board to determine addition training requirements for applicant number 092725 prior to the individual taking the Nail Technology Examination for the ninth attempt. Information related to the applicant's examination history was provided.

Donaldson explained that due to applicant number 092725 failing the examination on the eight attempt with an average failure rate of 33% the office recommended that the applicant complete 33% or 115.5 hours of the initial 350 hours of training in Nail Technology as follows.

- 5% or 17.5 hours related to chemicals
- 1% or 3.5 hours related to standards
- 0% or 0 hours related to diseases
- 4% or 14 hours related to definitions
- 10% or 35 hours related to equipment
- 13% or 45.5 hours related to general

MOTION:

Roger Wert made a motion with a second by Peggy Zepp to adopt the recommendations as outlined for application number 092725. Motion passed unanimously.

Applicant number 092725

It was explained that due to applicant number 092725 failing the examination for the seventh attempt with an average failure rate of 54% on the applicant's last attempt, the office recommends the applicant complete 27% or 81 hours of the initial 150 hours of training in Oregon Laws and Rules as follows.

- 8% or 12 hours related to chemicals
- 10% or 15 hours related to definitions
- 1% or 2 hours related to examinations
- 4% or 6 hours related to facility operations
- 24% or 36 hours related to facility standards
- 3% or 5 hours related to licensing/ certification
- 3% or 5 hours related to practice standards

MOTION:

Roger Wert made a motion with a second by Mike Nurre to adopt the recommendation as outlined for application number 092725. Motion passed unanimously.

Application number 75200

It was explained that due to applicant number 75200 failing the examination for the ninth attempt with an average failure rate of 26% on the applicant's last attempt, the office recommends the applicant complete 26% or 39 hour of the initial 150 hours of training in Oregon Laws and Rules as follows.

- 5% or 7.5 hours related to chemicals
- 2% or 3 hours related to definitions
- 1% or 1.5 hours related to examinations
- 3% or 4.5 hours related to facility operations

- 14% or 21 hours related to facility standards
- 1% or 1.5 hours related to licensing / certification
- 0% or 0 hours related to practice standards

MOTION:

Roger Wert made a motion with a second by Mike Nurre to adopt the recommendations as outlined for applicant number 75200. Motion passed unanimously.

Applicant number 106733

It was explained that due to applicant number 106733 failing the examination for the ninth attempt with an average failure rate of 27% on the applicants last attempt, the office recommends applicant complete 27% or 40.5 hours of the initial 150 hours of training in Oregon Laws and Rules as follows.

- 3% or 4.5 hours related to chemicals
- 5% or 7.5 hours related to definitions
- 2% or 3 hours related to examinations
- 2% or 3 hours related to facility operations
- 11% or 16.5 hours related to facility standards
- 3% or 4.5 hours related to licensing/ certification
- 1% or 1.5 hours related to practice standards

MOTION:

Roger Wert made a motion with a second by Peggy Zepp to adopt the recommendations as outlined for applicant number 106733. Motion passed unanimously.

Applicant number 082185

It was explained that due to applicant number 082185 failing the examination for the ninth attempt with an average failure rate of 26% on the applicants last examination, the office recommends applicant complete 26% or 39 hours of the initial 150 hours of training in Oregon Laws and Rules as follows.

- 3% or 4.5 hours related to chemicals
- 3% or 4.5 hours related to definitions
- 2% or 3 hours related to examinations
- 2% or 3 hours related to facility operations
- 11% or 16.5 hours related to facility standards
- 3% or 4.5 hours related to licensing/ certification
- 2% or 3 hours related to practice standards

MOTION:

Peggy Zepp made a motion with a second by Roger Wert to adopt the recommendations as outlined for applicant number 082185. Motion passed unanimously.

Approve examination blueprints:

The Health Licensing Office contracted with Ergometrics and Applied Personnel Research Inc. to conduct a job task analysis for each cosmetology field of practice and to conduct a statistical and content evaluation of all current examination items. The goals of the job task analysis were to document content validity of the written exams and to identify weighting of test components. Content validity was demonstrated through documentation of the relationship between test content and job demands.

Ergometrics provided proposed blueprints and test weights based on information collected in the job task analysis. All suggested knowledge areas identified as important in the job task analysis were mapped into broad content areas, specific knowledge areas and item counts for each broad content area.

The cosmetology item writing committee, comprised of subject matter experts (SME's) from the cosmetology industry, including school owners and educators, received training from Ergometrics for item review and test writing. SME's have spent most of the last year reviewing and writing examination questions, and mapping the questions into the blueprints to ensure full examination content coverage.

Review and approve the cosmetology field of practice written examination blueprints as recommended by Cosmetology Item Writing Committee.

MOTION:

Roger Wert made a motion with a second by Peggy Zepp to approve examination blueprints. Motion passed unanimously.

Approve proposed administrative rules- civil penalties

In late 2014 KATU Problem Solvers broadcasted an investigative report regarding nail salons in the Portland Metro Area. The broadcast exposed that inspection reports from 2012 to 2014 produced 301 safety and infection control violations. The broadcast also showed that follow-up inspections were not being done to ensure corrective action had been taken. As well there was no mechanism in place for consumers to check the last inspection report for their nail salon. Following the broadcast and after working with Health Licensing Office (HLO) staff several issues were resolved including having inspection information available on the HLO website dating back to inspections done in 2013. HLO has also instituted a follow-up inspection system for safety and infection control violations. During the January 26, 2015 Board of Cosmetology meeting HLO inquired on whether or not the board wanted to move forward with administrative rulemaking to increase civil penalties and ensure better ability to suspend and revoke authorizations for repeat offenders.

Patnode provided a summary of the draft proposed administrative rules including an increased fine schedule and action plan for multiple and repeat offenses. The proposed administrative rules, if approved, would be open for public comment period from October 1 through November 30, 2015 to allow ample time for the public to provide input regarding the proposed administrative rules. A public administrative rule hearing is scheduled for October 28, 2015 at 9 am at HLO, Rhoades Conference Room. The board is expected to adopt permanent administrative rules at the January 2016 board meeting.

MOTION:

Roger Wert made a motion with a second by Peggy Zepp to approve proposed administrative rules for civil penalties and sanctions. Motion passed unanimously.

Directors Report:

Holly Mercer, Director, reported on the following:

- Update on Department of Veterans Affairs authorization fee paid.
- Update on HECC meeting.

- Update on executive appointments
- Update on examination passage rate by school.
- Update on multi-language examinations – obtaining further legal advice
- Update on potential move or expansion of the office.

Licensing and Fiscal Statistical Reports:

Sylvie Donaldson, fiscal services and licensing manager, presented an overview of statistics related to the Board. Statistics included licensing and examination, active license trends and license volumes.

The statement of cash flow for the period 7/1/13-6/30/15 was reviewed with an actual ending cash balance of 1,897,743.60. The ending cash balance for the period of 7/1/13-6/30/15 is projected to be 1,897,743.60

Policy Report

Sarah Kelber, communications coordinator, updated the Board on the following:

- Revamp of the new website.
- Customer service surveys
- New York article on nail salons
- Social media to be added to the website in the future

Samie Patnode, policy analyst, updated the Board on the 2015 Legislative Session and the following:

- House Bill 2296 changes the name of the Board of Body Art Practitioners to the Board of Electrologist and Body Art Practitioners.
- House Bill 2305 allows applicants to obtain a polysomnographic technologist license if the applicant meets a combination of education or training and hold an active credential as a registered polysomnographic technologist through the Board of Registered Polysomnographic Technologist. House Bill 2305 defines “education” as including a self-study program approved by the Board of Registered Polysomnographic Technologist as of march 1, 2013.
- House Bill 2796 creates the Music therapy Licensing Program within the Health Licensing Office of the Oregon Health Authority. House Bill 2796 specifies criteria for licensure and prohibits the practice of music therapy within Oregon with a license. House Bill prohibits the use of the title of “Music Therapist” without a license. As of Jan. 1,2016 individuals may not practice music therapy or use the title “music therapist” in Oregon unless they are license
- Senate Bill 696 incorporates the Behavior Analysis Regulatory Board (BARB) under the health professional regulatory boards and the Health Licensing Office (HLO) provisions. The bill permits insurance reimbursement through July 2018 to individual’s actively practicing applied behavior analysis as of August 2013. Senate Bill 696 increases board membership from seven members to nine, change the types of Board members, and provides for Senate confirmation of board members. The bill also eliminates the BARB requirement to register other licensed health care professionals. Further, Senate Bill 696 allows health benefit plans to establish credentialing requirements for provision of behavior analysis.
- House Bill 2642 establishes the Board of Certified Advanced Estheticians (Board) within the

within the Health Licensing office of the Oregon Health Authority. The Board is made up of nine members appointed by the Governor.

- Senate Bill 699 broadens an exemption for individuals performing certain temporary hair design services for the sole purpose of professional photography, professional film or video performance, or a theatrical performance. Senate Bill 699 clarifies that for the purpose of the exemption, hair styling includes: combing, brushing and braiding hair, applying hair spray or holding cream, or the use of barrettes, ties, clips, ribbons and other hair accessories that will not alter the keratin of the hair. Senate Bill 699 allows the Health Licensing Office to develop and disseminate guidelines based on these new requirements, but does not require rule making.
- Update on practice clarification process revisions.

Regulatory Report:

Trampus Schuck, investigator/ inspector, reported on enforcement activity including:

2011-2013 Biennium

Between July 1, 2011 and June 30, 2013, 384 complaints were received. Of the 384 complaints 1 remain open. A summary of allegations received by type of complainant was provided as stated below.

Anonymous	Client	Other
81	97	206

2013-2015 Biennium

Between July 1, 2013 and February 28, 2015, 387 complaints were received. Of the 387 complaints 45 remain open. A summary of allegations received by type of complainant was provided as stated below.

Anonymous	Client	Other
79	103	205

Donaldson, reported on the 20 most common final order civil penalties.

Public/ Interest Parties Feedback

Alene Tamerius, stated her affiliation to the board, and expressed concern about teeth whitening in salons. She also suggested adding the name of the school with passage rate to identify were the student graduated from to the website.

Mercer, responded, to her questions and concerns by stating the following:

- Teeth whitening in salon concerned would be address at a later time and reported back to a future meeting date.
- She also clarified that the resource pertaining to schools with passage rate is already available on the website.

Karen Dieckman, stated the importance of having passage rates by school available to the website for

individuals to access.

Executive Session:

- The Board of Cosmetology entered executive session pursuant to OR 192-660(2)(f) at 12:54 p.m. on August 17, 2015 for the purpose of considering information or records exempt from public inspection. Records to be considered related to legal advice.
- Executive session concluded and the board reconvened regular session at 3:12 p.m. It was noted that no decisions were made and no votes were made in executive session.

Mercer, and members of the board outlined the following recommendations:

In regards to investigation file 14-7390

- A notice of intent to be issued for \$5,000 civil penalty, and a 1 year suspension.

MOTION:

Roger Wert made a motion, with a second by Peggy Zepp. Motion passed unanimously.

In regards to investigation file 14-7394

- A notice of intent to be issued for \$3,800 civil penalty.

MOTION:

Roger Wert made a motion, with a second by Peggy Zepp. Motion passed unanimously.

In regards to investigation file 14-7590

- A notice of \$1,000 civil penalty be issued, but stayed if no violations of Cosmetology laws and rules occur for a 1 year period.

MOTION:

Roger Wert made a motion, with a second by Mike Nurre. Motion passed unanimously.

In regards to investigation file 14-7713

- A notice of intent to be issued for \$2, 000 civil penalty.
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MOTION:

Peggy Zepp made a motion with a second by Mike Nurre. Motion passed unanimously.

In regards to investigation file 14-7744

- A Notice of intent to be issued for \$750. Civil penalty.

MOTION:

Peggy Zepp made a motion with a second by Peggy Zepp. Motion passed unanimously.

In regards to investigation file 14-7674

- A notice of intent to revoke the practitioner's license, and be issued a civil penalty of 7,600.

MOTION:

Roger Wert made a motion with a second by Peggy Zepp. Motion passed unanimously.

The Board delegate to the board chair the authority to consult with the office regarding settlement of Cosmetology cases.

MOTION:

Roger made a motion with a second by Peggy Zepp. Motion passed unanimously.

Other Board Business:

The meeting adjourned at approximately 3:12 p.m.

Minutes prepared by: Maria Gutierrez, Board Specialist

2016 Meeting Dates



ISSUE STATEMENT

HEALTH LICENSING OFFICE
BOARD OF COSMETOLOGY

BACKGROUND AND DISCUSSION:

The Board of Cosmetology generally meets three times per year at 10 a.m. on Mondays.

ISSUE:

With the end of 2015 approaching it is necessary for the Board to approve meeting dates for 2016.

The Health Licensing Office proposes the following meeting dates:

- January 25, 2016 at 10 a.m.
- April 4, 2016 at 10 a.m.
- August 22, 2016 at 10 a.m.

(Note: If the need arises additional meetings may be scheduled during the interim including conference calls.)

BOARD ACTION:

The Board approves meeting dates for the year 2014. Approved meeting dates:

_____, 2016 at 10 a.m.

_____, 2016 at 10 a.m.

_____, 2016 at 10 a.m.

**2016 Chair & Vice
Chair Person**

BACKGROUND AND DISCUSSION:

Heidi Zuniga has served as Chair for the Board of Cosmetology, and Peggy Zepp has served as Vice-Chair during the year 2015.

ISSUE:

In preparation of 2015, it is necessary for the Board to nominate and elect a Chair and Vice-Chairperson.

Role of the Chairperson in Meetings

- Officially call the meeting to order
- Keep order and impose any reasonable restrictions necessary for the efficient and orderly conduct of the meeting
- Direct the “flow” of the meeting and to ensure the meeting is conducted in a professional manner. Some key points regarding meeting protocol include:
 - Board members wishing to speak need to wait to be addressed by the Chair
 - Once addressed by the Chair, the board member must state his or her last name prior to speaking for the record
 - The Chair guides members through the process of making motions
 - If public comment is being accepted by the board, audience members must wait to be addressed by the Chair and state their full name and affiliation to the board
- Officially enter/exit Executive Session
- Officially adjourn the meeting

Role of the Chairperson Outside of Meetings

- Collaborate with the Director regarding the board budget - On occasion, the Director may contact the Chair to discuss the board budget regarding current and future revenues and expenditures and possible fee increases or decreases.
- Assist in generating meeting agendas - On occasion, the board specialist or analyst may contact the Chair to discuss the agenda for an upcoming meeting. The Chair may be asked to comment on topics to be discussed and the format or order in which the topics should be presented at the meeting.

Role of the Vice-Chairperson

It is the responsibility of the Vice-Chair to assume the responsibilities of the Chair in the event of an absence, or if the chairperson is no longer a member of the board for any reason.

BOARD ACTION:

The Board nominates and elects a Chair and Vice-Chair for the remainder of 2015 and the year 2016.

Chair:

Vice-Chair:



Board of Cosmetology Member Appointment Status Update

Board Membership in General:

Pursuant to ORS 690.155 the Board of Cosmetology consists of seven members appointed by the governor including:

- Six practitioner members with valid certificates; and
- One member of the general public who is not a practitioner.

Terms in office are four years; with an appointee eligible to serve a maximum of two consecutive terms or until a successor is appointed.

Current Appointment Information:

Member Position Type	Member Name	Full Term # or Partial Term	Start of Current Term	Term Expiration
Practitioner	Amber Starks	1 st Full	07/17/2014	07/16/2018
Public Member	Mike Nurre	1 st Full	10/10/2014	10/09/2018
Practitioner	Roger Wert	1 st Full	07/17/2014	07/16/2018
Practitioner	Frank Whatley	1 st Full	11/21/2012	11/20/2016
Practitioner	Peggy McJunkin	1 st Full	10/01/2011	09/30/2015
Practitioner	VACANT	1 st Full	06/15/2011	06/14/2015
Practitioner	Heidi Zuniga	2 nd Full	08/05/2014	08/04/2018

*Highlight indicates that member is not eligible to reappoint at end of term.

How to apply to be a Member:

Helpful information on how to apply to be a member is available online at:

<http://www.oregon.gov/gov/Pages/boards.aspx>

In general, interested applicants are asked to review the membership handbook and submit a completed interest form to the Governor’s Office of Executive Appointments. (Interest form attached) Completed interest forms can be submitted by any of the following methods:

- Fax to 503-373-0840 (secure fax);
- Email to executive.appointments@das.state.or.us; or
- Mail to: Office of the Governor
Executive Appointments
900 Court Street NE, Room 160
Salem, OR 97301-4075

Please contact the Office of Executive Appointments if you have questions about the appointment process or about the status of your application.

**Determine Additional
Training for Retake
Examinations**

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Applicant #095997 LR

Issue Statement

Issue:

Determine additional training requirements for applicant #095997 prior to taking the Oregon Laws and Rules Written Examination for the eighth attempt.

Discussion:

To qualify for certification applicants must receive a passing score of at least 75 percent on the Oregon Laws and Rules Written Examination which contains 90 questions.

- Attempt History:
- First attempt on January 7, 2013, score of 65%; failure rate of 35%
 - Second attempt on January 15, 2013, score of 61%; failure rate of 39%.
 - Third attempt on January 29, 2013, score of 72%; failure rate of 28%.
 - Fourth attempt on April 11, 2013, score of 68%; failure rate of 32%.
 - Fifth attempt on April 23, 2013, score of 69%; failure rate of 31%.
 - Sixth attempt on May 1, 2013, score of 73%; failure rate of 27%.
 - Seventh attempt on September 9, 2015, score of 69%; failure rate of 31%.

The table below includes the total number of examination questions, the number of questions the applicant answered correctly / incorrectly and the failure rate for each content area on the applicant's last examination.

Examination Content Area	Total # of questions	# Correct	# Incorrect	Failure %
Chemicals	8	7	1	1%
Definitions	21	15	6	8%
Examinations	5	3	2	2%
Facility Operations	6	4	2	2%
Facility Standards	35	22	13	14%
Licensing / Certification	9	5	4	4%
Practice Standards	6	6	0	0%
Total	90	63	28	31%

Recommendation:

Due to failing the examination on the seventh attempt, with a failure rate of 31% on the applicant's last examination, the office recommends applicant #095997 complete 31% or 46.5 hours of the initial 150 hours of training in Oregon Laws and Rules as follows.

1% or 1.5 hours	Chemicals
8% or 12 hours	Definitions
2% or 3 hours	Examinations
2% or 3 hours	Facility Operations
14% or 21 hours	Facility Standards
4% or 6 hours	Licensing / Certification
0% or 0 hours	Practice Standards

Training hours must be reported via a Certificate of Additional Training Form signed by an authorized representative of a licensed cosmetology career school.

**Determine Additional
Training for Retake
Examinations**

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Applicant #070915 HA

Issue Statement

Issue:

Determine additional training requirements for applicant #070915 prior to taking the Hair Design Written Examination for the eighth attempt.

Discussion:

To qualify for certification applicants must receive a passing score of at least 75 percent on the Hair Design Written Examination which contains 100 questions.

- Attempt History:
- First attempt on March 17, 2014, score of 42%; failure rate of 58%
 - Second attempt on April 1, 2014, score of 59%; failure rate of 41%.
 - Third attempt on April 14, 2014, score of 64%; failure rate of 36%.
 - Fourth attempt on June 8, 2015, score of 67%; failure rate of 33%.
 - Fifth attempt on June 19, 2015, score of 66%; failure rate of 34%.
 - Sixth attempt on July 8, 2015, score of 72%; failure rate of 28%.
 - Seventh attempt on August 12, 2015, score of 68%; failure rate of 32%.

The table below includes the total number of examination questions, the number of questions the applicant answered correctly / incorrectly and the failure rate for each content area on the applicant's last examination.

Examination Content Area	Total # of questions	# Correct	# Incorrect	Failure %
General	17	12	5	5%
Chemicals	29	21	8	8%
Definitions	19	10	9	9%
Diseases/Disorders	8	3	5	5%
Equipment/Implements	21	18	3	3%
Standards of Practice	6	4	2	2%
Total	100	68	32	32%

Recommendation:

Due to failing the examination on the seventh attempt, with a failure rate of 32% on the applicant's last examination, the office recommends applicant #070915 complete 32% or 464 hours of the initial 1450 hours of training in Hair Design as follows.

- | | |
|-------------------|-----------------------|
| 5% or 72.5 hours | General |
| 8% or 116 hours | Chemicals |
| 9% or 130.5 hours | Definitions |
| 5% or 72.5 hours | Diseases/Disorders |
| 3% or 43.5 hours | Equipment/Implements |
| 2% or 29 hours | Standards of Practice |

Training hours must be reported via a Certificate of Additional Training Form signed by an authorized representative of a licensed cosmetology career school.

Approval of Examination Revisions

ISSUE:

Cosmetology field of practice written examinations.

BACKGROUND AND DISCUSSION:

The Health Licensing Office contracted with Ergometrics and Applied Personnel Research Inc. to conduct a job task analysis for each cosmetology field of practice and to conduct a statistical and content evaluation of all current examination items.

Goals of the job task analysis were to document content validity of the written exams and to identify weighting of test components. Content validity was demonstrated through documentation of the relationship between test content and job demands.

Ergometrics provided proposed blueprints and test weights based on information collected in the job task analysis. All suggested knowledge areas identified as important in the job task analysis were mapped into broad content areas, specific knowledge areas and item counts for each broad content area.

The cosmetology item writing committee, comprised of subject matter experts (SME's) from the cosmetology industry, including school owners and educators, received training from Ergometrics for item review and test writing. SME's have spent most of the last year reviewing and writing examination questions, and mapping the questions into the attached blueprints to ensure full examination content coverage.

Each examination consists of 100 questions. To ensure each examination has a substantial bank of question to cover content areas on the examination, each examination contains a minimum of 100% more questions than the number of questions asked from each content area on the examination.

The total number of question in each examination item bank is as follows:

Barbering; 267

Hair Design; 252

Nail Technology; 250

Esthetics; 267

All licensed cosmetology career schools have been notified of the new examinations, which will be implemented in January 2016, including the examination blueprints approved by the board in August 2015, which specified the content areas covered on the new examinations and the sources being used to reference the examination questions.

Additional outreach will be provided to each cosmetology career school, as a reminder in preparation for the implementation of the new examination in January 2016.

BOARD ACTION:

Approve the cosmetology field of practice written examinations as recommended by the cosmetology item writing committee.



BARBERING - WRITTEN EXAMINATION BLUEPRINT

Barbering Examination - 100 Multiple Choice Questions; 90 Minutes

Domains	% of Questions on Examination
Anatomy and Physiology	25%
Histology of the Hair and Scalp	(14)
Histology of the Skin	(8)
Anatomy of the Head and Face	(3)
Microbiology	4%
Bacteriology	(4)
Barbering Services	42%
Treatment of the Hair, Scalp and Skin	(7)
Hair Care Procedures	(2)
Skin Care Procedures	(4)
Design Elements	(10)
Cutting and Styling Procedures	(11)
Shaving Procedures	(8)
Implements, Tools and Equipment	12%
Items	(12)
Product Knowledge and Chemistry	11%
Products	(7)
Chemistry	(4)
Safety and Infection Control	6%
Safe Usage and Devices	(2)
Federal Regulations and Standards	(4)
Total	100%

Passing the written examination requires a score of at least 75%

BARBERING EXAMINATION REFERENCE

A. Milady's Standard Professional Barbering, 5th Ed., 2011

Milady
5 Maxwell Drive
Clifton Park, NY 12065
(800) 648-7450
Milady.com

Oregon Barber Examination Candidate Information Bulletin

Anatomy and Physiology 25%

- **Histology of Hair and Scalp (14%)**
 - Hair color
 - Hair diseases / disorders
 - Hair growth
 - Hair loss
 - Hair structure
 - Scalp diseases / disorders
 - Trichology
- **Histology of the Skin (8%)**
 - Melanin
 - Skin diseases /disorders
 - Structure of the skin
- **Anatomy of the Head and Face (3%)**
 - Bones
 - Muscles
 - Nerves

Microbiology 4%

- **Bacteriology (4%)**
 - Viruses
 - Immunity
 - Parasites
 - Bacteria

Barbering Services 42%

- **Treatment of the Hair, Scalp and Skin (7%)**
 - Client consultation
 - Hair and Scalp analysis

- Skin analysis
- Hair and scalp treatments
- Skin treatments
- Referral to physician
- **Hair Care Procedures (2%)**
 - Scalp massage
 - Shampoo service
- **Skin Care Procedures (4%)**
 - Skin analysis
 - Facial
 - Facial massage
- **Design Elements (10%)**
 - Elevations (projections)
 - Facial shapes
 - Form and texture
 - Head form
 - Profiles
 - Shape, balance and proportion
- **Cutting and Styling Procedures (11%)**
 - Thermal Styling
 - Head shaving
 - Blending, tapering and fading
 - Arching and outlines
 - Shear cutting
 - Razor cutting
 - Clipper cutting
 - Artificial hair
- **Shaving Procedures (8%)**
 - Areas of the face
 - Shaving technique
 - Steaming and lathering
 - Shaving strokes
- **Finishing step**

Implements, Tools and Equipment 12%

- **Items (12%)**
 - Brushes

- Capes and drapes
- Clippers
- Combs
- Razors
- Shears
- Massagers

Product Knowledge and Chemistry 11%

- **Products (7%)**
 - Shampoos and conditioners
 - Styling aids
 - Shaving products
- **Chemistry (4%)**
 - pH and pH scale
 - Water
 - Cosmetic chemistry

Safety and Infection Control 6%

- **Safe Usage and Devices (2%)**
 - Safe Usage
 - Safety Devices
- **Federal Regulations and Standards (4%)**
 - Occupational Safety and Health Administration
 - Food and Drug Administration
 - Environmental Protection Agency
 - Centers for Disease Control



HAIR DESIGN - WRITTEN EXAMINATION BLUEPRINT

Hair Design Examination - 100 Multiple Choice Questions; 90 Minutes

Domains	% of Questions on Examination
Anatomy and Physiology	16%
Histology of the Hair and Scalp	(13)
Anatomy of the Head	(3)
Microbiology	4%
Bacteriology	(4)
Hair Services	53%
Treatment of the Hair and Scalp	(5)
Hair Care Procedures	(2)
Design Elements	(8)
Cutting and Styling Procedures	(14)
Chemical Procedures	(7)
Chemical Texture Procedures	(9)
Hair Coloring Procedures	(4)
Hair Lightening Procedures	(4)
Implements, Tools and Equipment	6%
Items	(6)
Product Knowledge and Chemistry	15%
Products	(11)
Chemistry	(4)
Safety and Infection Control	6%
Safe Usage and Devices	(2)
Federal Regulations and Standards	(4)
Total	100%

Passing the written examination requires a score of at least 75%

HAIR DESIGN EXAMINATION REFERENCES

A. Milady's Standard Cosmetology, 2016 Ed.

Milady
5 Maxwell Drive
Clifton Park, NY 12065
(800) 347-7707
www.Milady.com

B. Pivot Point's Cosmetology Fundamentals, A Designers Approach, 3rd Ed., 2013

Pivot Point International, Inc.
Evanston, IL 60201
(800) 886-4247
www.pivot-point.com

C. Milady's Standard Professional Barbering, 5th Ed., 2011

Milady, 5 Maxwell Drive, Clifton Park, NY 12065
(800) 648-7450
Milady.com

Oregon Hair Design Examination Candidate Information Bulletin

Attached is the candidate information bulletin that includes specific content covered within each domain.

Anatomy and Physiology 16%

- **Histology of Hair and Scalp (13%)**
 - Hair color
 - Hair diseases / disorders
 - Hair growth
 - Hair loss
 - Hair structure
 - Scalp diseases / disorders
 - Trichology
- **Anatomy of the Head (3%)**
 - Bones
 - Muscles
 - Nerves

Microbiology 4%

- **Bacteriology (4%)**
 - Viruses
 - Immunity
 - Parasites
 - Bacteria

Hair Services 53%

- **Treatment of the Hair and Scalp (5%)**
 - Client consultation
 - Hair and scalp analysis
 - Hair and scalp treatments
 - Referral to physician
- **Hair Care Procedures (2%)**
 - Scalp massage
 - Shampoo service
- **Design Elements (8%)**
 - Elevations (projections)

- Facial shapes
- Form and texture
- Head form
- Profiles
- Shape, Balance and Proportion.

➤ Cutting and Styling Procedures (14%)

- Blow Drying
- Blending, Tapering and Fading
- Shear cutting
- Razor cutting
- Clipper cutting
- Thermal Pressing
- Thermal Curling
- Wet Styling
- Back-Combing
- Artificial hair
- Shaving

➤ Chemical Procedures (7%)

- Strand test
- Predisposition / patch testing
- Developer
- Color Theory

➤ Chemical Texture Procedures (9%)

- Permanent Waving Procedures
- Curl Reformation Procedures
- Chemical Hair Relaxers
- Rod Sizes
- Wrapping
- Test curl

➤ Hair Coloring Procedures (4%)

- Semi-Permanent Hair Colors
- Demi-Permanent Hair Colors
- Permanent Hair Colors

➤ Hair Lightening Procedures (4%)

- Toners and Fillers
- Lighteners

Implements, Tools and Equipment 6%

➤ Items (6%)

- Brushes
- Capes and Drapes
- Clippers
- Combs
- Razors
- Shears

Product Knowledge and Chemistry 15%

➤ Products (11%)

- Shampoos and conditioners
- Styling aids
- Hair colors and lighteners
- Chemical Hair Relaxers
- Developer

➤ Chemistry (4%)

- pH and pH scale
- Water
- Cosmetic Chemistry

Safety and Infection Control 6%

➤ Safe Usage and Devices (2%)

- Safe Usage
- Safety Devices

➤ Federal Regulations and Standards (4%)

- Occupational Safety and Health Administration
- Environmental Protection Agency



NAIL TECHNOLOGY - WRITTEN EXAMINATION BLUEPRINT

Nail Technology Examination - 100 Multiple Choice Questions; 90 Minutes

Domains	% of Questions on Examination
Anatomy and Physiology	26%
Histology of the Skin	(4)
Histology of the Nails	(18)
Anatomy of the Hands and Feet	(4)
Microbiology	4%
Bacteriology	(4)
Nail Services	25%
Treatment of Nails	(6)
Nail Care Procedures	(8)
Artificial Nail Procedures	(11)
Implements, Tools and Equipment	19%
Items	(19)
Product Knowledge and Chemistry	18%
Products	(13)
Chemistry	(5)
Safety and Infection Control	8%
Safe Usage and Devices	(4)
Federal Regulations and Standards	(4)
Total	100%

Passing the written examination requires a score of at least 75%

NAIL TECHNOLOGY EXAMINATION REFERENCES

**A. Milady's Standard Nail Technology
7th Ed., 2015**

Milady
5 Maxwell Drive
Clifton Park, NY 12065
(800) 648-7450
www.Milady.com

**B. Pivot Point's Salon Fundamentals
for Nails, 1st Ed., 2012**

Pivot Point International, Inc.
1560 Sherman Ave., Suite 700
Evanston, IL 60201
(800) 886-4247
www.pivot-point.com

C. Oregon Administrative Rule 817-015-0065; Client Records

Oregon Nail Technology Examination Candidate Information Bulletin

Anatomy and Physiology

26%

- **Histology of Skin (4%)**
 - Skin diseases/disorders
- **Histology of the Nails (18%)**
 - Nail structure
 - Nail growth
 - Nail diseases/disorders
- **Anatomy of the Hands and Feet (4%)**
 - Bones
 - Muscles
 - Nerves

Microbiology

4%

- **Bacteriology (4%)**
 - Viruses
 - Immunity
 - Parasites
 - Bacteria

Nail Services

25%

- **Treatment of Nails (6%)**
 - Client consultation
 - Client records
 - Nail analysis
 - Nail treatments
 - Referral to physician
- **Nail Care Procedures (8%)**
 - Manicure and pedicure
 - Paraffin wax treatments
 - Hand and lower arm massage

- Foot and lower leg massage
- **Artificial Nail Procedures (11%)**
 - Nail tip application
 - Nail wrap application
 - Gel nail application
 - Acrylic nail application

Implements, Tools and

Equipment

19%

- **Items (19%)**
 - Foot spas (baths)
 - Nippers
 - Nail brush
 - Nail Clipper
 - Cuticle pusher
 - Curette
 - Foot paddle (foot file)
 - Toe Separator
 - Nail Rasp
 - Nail tips
 - Nail wraps
 - UV Light rays
 - Finger bowls
 - Orangewood stick
 - Nail files and buffers
 - Cotton products
 - Electrical equipment

Product Knowledge and

Chemistry

18%

- **Products (13%)**
 - Polish remover
 - Cuticle pusher
 - Nail conditioner
 - Base and top coat
 - Nail polish
 - Nail dry

- Adhesive
- Dehydrator
- Activator
- Monomer and Polymer
- Nail primer

➤ Chemistry (5%)

- pH and pH scale
- Water
- Cosmetic Chemistry

Safety and Infection

Control

8%

- **Safe Usage and Devices (4%)**
 - Safe usage
 - Safety devices
- **Federal Regulations and standards (4%)**
 - Occupational Safety and Health Administration
 - Food and Drug Administration
 - Environmental Protection Agency
 - Centers for Disease Control



ESTHETICS - WRITTEN EXAMINATION BLUEPRINT

Esthetics Examination - 100 Multiple Choice Questions; 90 Minutes

Domains	% of Questions on Examination
Anatomy and Physiology	21%
Histology of the Skin	(15)
Histology of the Hair	(2)
General Anatomy	(4)
Microbiology	4%
Bacteriology	(4)
Esthetic Services	42%
Treatment of the Skin	(12)
Skin Care Procedures	(19)
Hair Removal Procedures	(6)
Make-Up Procedures	(5)
Implements, Tools and Equipment	8%
Items	(8)
Product Knowledge and Chemistry	17%
Products	(11)
Chemistry	(6)
Safety and Infection Control	8%
Safe Usage and Devices	(4)
Federal Regulations and Standards	(4)
Total	100%

Passing the written examination requires a score of at least 75%

ESTHETICS EXAMINATION REFERENCES

A. Milady’s Standard Fundamentals for Estheticians 11th Ed., 2013

Milady
5 Maxwell Drive
Clifton Park, NY 12065
(800) 648-7450
www.Milady.com

B. Pivot Point’s Salon Fundamentals for Esthetics, 2nd Ed., 2012

Pivot Point International, Inc.
1560 Sherman Ave., Suite 700
Evanston, IL 60201
(800) 886-4247
www.pivot-point.com

C. Oregon Administrative Rule 817-015-0050; Skin Care Services and 0065; Client Records

Attached is the candidate information bulletin that includes specific content covered within each domain.

Oregon Esthetics Examination Candidate Information Bulletin

Anatomy and Physiology 21%

- **Histology of the skin (15%)**
 - Melanin
 - Skin diseases/disorders
 - Structure of the skin
- **Histology of the Hair (2%)**
 - Hair Growth
- **General Anatomy (4%)**
 - Bones
 - Muscles
 - Nerves
 - Systems

Microbiology 4%

- **Bacteriology (4%)**
 - Viruses
 - Immunity
 - Parasites
 - Bacteria

Esthetic Services 42%

- **Treatment of the Skin (12%)**
 - Client consultation
 - Client records
 - Skin analysis
 - Skin treatments
 - Referral to physician

➤ Skin Care Procedures (19%)

- Facial
- Facial massage
- Exfoliants
- Microdermabrasion
- Light therapy
- Chemical treatments
- Electrotherapy
- **Hair Removal Procedures (6%)**
 - Temporary hair removal
- **Make-up Procedures (5%)**
 - Make-up application
 - Eyelash and brow tinting
 - Artificial eyelashes

Implements, Tools and Equipment 8%

- **Items (8%)**
 - Brushes
 - Tweezers
 - Extractors
 - Electrical equipment

Product Knowledge and Chemistry 17%

- **Products (11%)**
 - Toners, astringents and fresheners
 - Masks
 - Sunscreen
 - Aromatherapy
 - Exfoliants
 - Make-up

➤ Chemistry (6%)

- pH and pH scale
- Water
- Cosmetic chemistry

Safety and Infection Control 8%

- **Safe Usage and Devices (4%)**
 - Safe Usage
 - Safety Devices
- **Federal Regulations and Standards (4%)**
 - Occupational Safety and Health Administration
 - Food and Drug Administration
 - Environmental Protection Agency
 - Centers for Disease Control

**Inspection
Number
203937**

HEALTH LICENSING OFFICE
REGULATORY OPERATIONS DIVISION
INSPECTION REPORT



Respondent: Lin San dba: Da Vi Nails
License #: COS-FA-1001432
Applicant #: 060785
Inspection #: 203937
Inspector: Bradley Hern

Location of Inspection:
Lin San dba: Da Vi Nails
3025 Lancaster Dr NE #1784
Salem, OR 97305
COS-FA-1001432
On
Wednesday, May 27, 2015

Inspection Results:

I arrived at the above mentioned location to perform an inspection. I introduced and identified myself as an inspector with the Health Licensing Office (HLO). I presented my state credentials to employee My Lan T. Tien (Tien).

During the inspection I interviewed the following

Tien (Employee):

- Told me they do not use two of the four foot spa.
- One of the two usable foot spas had a dirty cap (**Exhibit 1**).
- Showed me they use lets touch to disinfect the foot spas.

Tuan T. Dang (Employee):

- Was performing a manicure on a female client.
- Was unable to provide complete client records (**Exhibit 2**).
- I instructed on proper client record keeping.

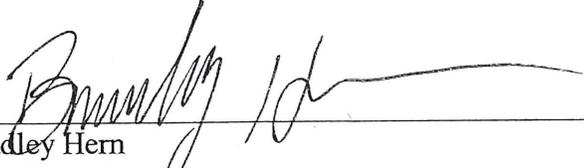
Lin San:

- Was not available at the time of the inspection.
- Is the authorized representative of the above mentioned location.
- Is the holder of facility license #, COS-FA-1001432.
- Is the party responsible for properly cleaning foot spa equipment.
- Is the party responsible for collecting, maintaining and providing access to client records.

Conclusion:

Based on the results of the inspection, I found the Respondent in violation of the following:

- OAR 817-010-0101(5) Failing to properly clean foot spa equipment.
- OAR 817-015-0065 Failing to collect, maintain or provide access to client records.



Bradley Hern
Regulatory Inspector

6/15/15

Date

Exhibits:

- 1) Foot spa cap
- 2) Client records
- 3) Business card
- 4) Inspection certificate

DISCIPLINARY HISTORY:

- In a Final Order issued or final by default on September 27, 2005, Respondent was found failing to have fire-retardant container, as a first-time violation, on January 31, 2005.
- In a Final Order issued or final by default on September 27, 2005, Respondent was found failing to discard powders, lotions and semi-solids, as a first-time violation, on January 31, 2005.
- In a Final Order issued or final by default on September 27, 2005, Respondent was found failing to obtain, maintain or allow access to client record, as a first-time violation, on January 31, 2005.
- In a Final Order issued or final by default on April 22, 2006, Respondent was found failing to properly clean foot spa, as a first-time violation, on February 3, 2006.
- In a Final Order issued or final by default on April 22, 2006, Respondent was found failing to disinfect, as a first-time violation, on February 3, 2006.
- In a Final Order issued or final by default on April 22, 2006, Respondent was found failing to store new/sanitized/disinfected tools from used tools, as a first-time violation, on February 3, 2006.
- In a Final Order issued or final by default on April 22, 2006, Respondent was found failing to obtain, maintain or allow access to client record, as a second-time violation, on February 3, 2006.
- In a Final Order issued or final by default on April 22, 2006, Respondent was found failing to discard powders, lotions and semi-solids, as a second-time violation, on February 3, 2006.
- In a Final Order issued or final by default on April 22, 2006, Respondent was found failing to discard/give client used articles, as a first-time violation, on February 3, 2006.
- In a Final Order issued or final by default on August 23, 2007, Respondent was found failing to obtain, maintain or allow access to client record, as a third-time violation, on April 27, 2007.
- In a Final Order issued or final by default on July 23, 2013, Respondent was found failing to use high-level disinfectant, as a second-time violation, on June 16, 2012.
- In a Final Order issued or final by default on July 23, 2013, Respondent was found with dirty cabinets/work stations / vanities / backbars, as a second-time violation, on June 16, 2012.
- In a Final Order issued or final by default on July 23, 2013, Respondent was found failing to store new/sanitized/disinfected tools from used tools, as a first-time violation, on June 16, 2012.
- In a Final Order issued or final by default on July 23, 2013, Respondent was found Respondent was found failing to discard/give client used articles, as a first-time violation, on June 16, 2012.
- In a Final Order issued or final by default on July 23, 2013, Respondent was found failing to properly clean foot spa, as a second-time violation, on June 16, 2012.
- In a Final Order issued or final by default on July 23, 2013, Respondent was found with dirty roller storage and contents not clean, as a second-time violation, on June 16, 2012.

Director Report

Licensing and Fiscal Statistical Reports

Board of Cosmetology

Licensing Division Statistics as of **June 30, 2015***

2013 - 2015 Biennium

Authorizations Issued

Quarter	Barber	Hair Design	Natural Hair Care	Esthetics	Nail Technology	Facility Licenses	Independent Contractor	Freelance	Total Authorizations
1st	22	276	-	253	206	159	244	63	1,223
2nd	16	273	-	269	212	140	225	76	1,211
3rd	22	278	15	271	200	187	263	106	1,342
4th	21	274	3	291	197	189	272	97	1,344
5th	23	253	4	247	185	151	231	83	1,177
6th	20	256	5	237	166	167	188	59	1,098
7th	27	275	13	305	242	187	287	85	1,421
8th	17	274	7	275	231	189	237	97	1,327
Total:	168	2,159	47	2,148	1,639	1,369	1,947	666	10,143

Renewals Processed

Quarter	Barber	Hair Design	Natural Hair Care	Esthetics	Nail Technology	Facility Licenses	Independent Contractor	Freelance	Total Renewals	% Renewed Online
1st	578	3,023	-	1,661	1,566	1,085	1,159	28	9,100	45.10%
2nd	341	2,075	-	1,298	1,332	910	936	37	6,929	47.76%
3rd	343	2,373	-	1,638	1,528	1,129	1,305	36	8,352	52.60%
4th	347	2,420	-	1,649	1,536	1,072	1,249	51	8,324	53.54%
5th	789	3,400	-	1,749	1,751	1,166	1,151	38	10,044	49.31%
6th	385	2,259	-	1,403	1,409	839	1,013	39	7,347	53.86%
7th	337	2,466	-	1,594	1,536	1,116	1,339	47	8,435	53.81%
8th	381	2,501	-	1,700	1,646	1,108	1,310	47	8,693	54.20%
Total:	3,501	20,517	-	12,692	12,304	8,425	9,462	323	67,224	49.66%

** Note that the licensing and exam tables continue to reflect activities through June 30, 2015 only since they are based on the 2013-15 biennium, and the remaining charts and graphs in this report are more current, including activity on through September 2015. Licensing and exam activities for the July timeframe onward will be included in future updates to these tables once we shift to the 2015-17 biennium.*

Board of Cosmetology

Examination Statistics as of **June 30, 2015***

2013 - 2015 Biennium

Examination Statistics

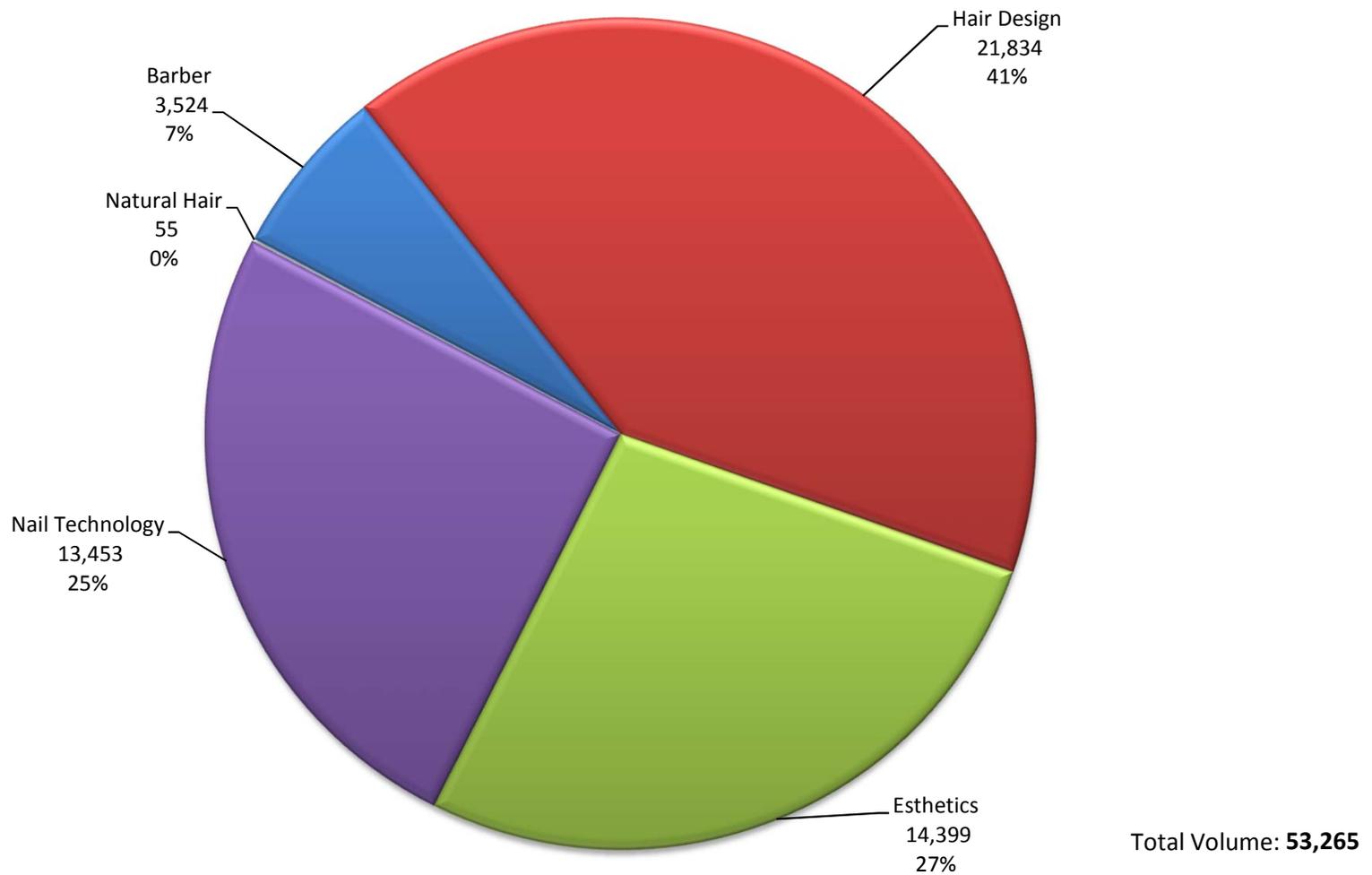
Quarter	OR Laws and Rules			Barber			Hair Design			Natural Hair Care			Esthetics			Nail Technology		
	Passed	Failed	% Passed	Passed	Failed	% Passed	Passed	Failed	% Passed	Passed	Failed	% Passed	Passed	Failed	% Passed	Passed	Failed	% Passed
1st	432	445	49%	24	26	48%	282	55	84%	-	-		255	36	88%	214	92	70%
2nd	462	330	58%	14	20	41%	280	52	84%	-	-		275	39	88%	213	79	73%
3rd	458	335	58%	25	25	50%	293	63	82%	15	1	94%	275	39	88%	204	100	67%
4th	509	248	67%	20	23	47%	270	66	80%	3	-	100%	299	39	88%	212	103	67%
5th	442	208	68%	25	30	45%	258	50	84%	5	-	100%	245	28	90%	192	92	68%
6th	404	196	67%	19	15	56%	262	54	83%	5	1	83%	233	26	90%	155	91	63%
7th	560	262	68%	25	30	45%	294	65	82%	12	-	100%	316	35	90%	233	117	67%
8th	522	261	67%	20	22	48%	279	76	79%	7	-	100%	284	49	85%	227	145	61%
Total:	3,789	2,285	62%	172	191	47%	2,218	481	82%	47	2	96%	2,182	291	88%	1,650	819	67%

* See note below licensing statistics table for details.

Board of Cosmetology

Cosmetology Practitioners as of September 28, 2015

2013 - 2015 Biennium

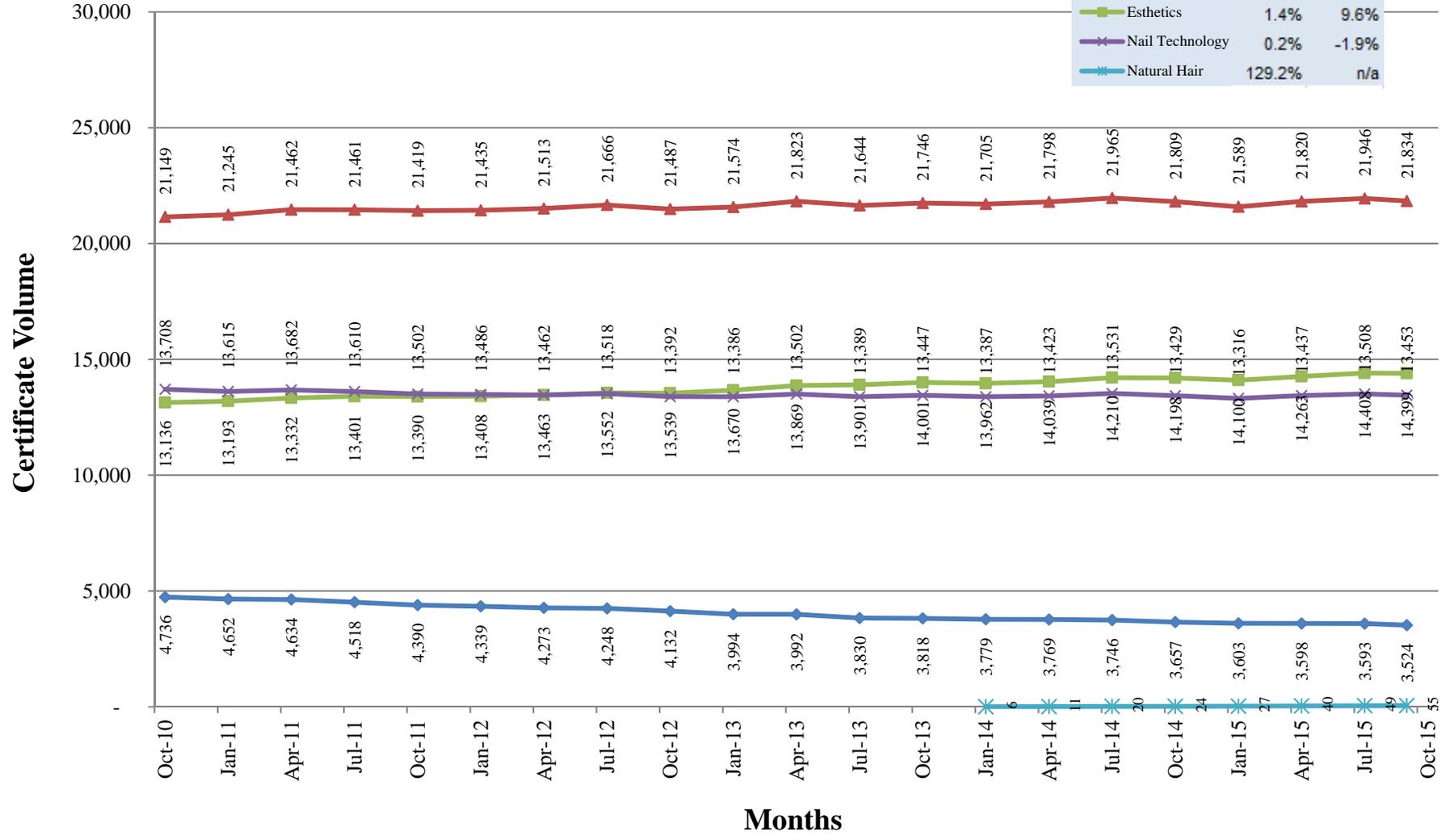


Board of Cosmetology

Practitioner Certificate Volume October 2010 - September 2015

Growth Rates

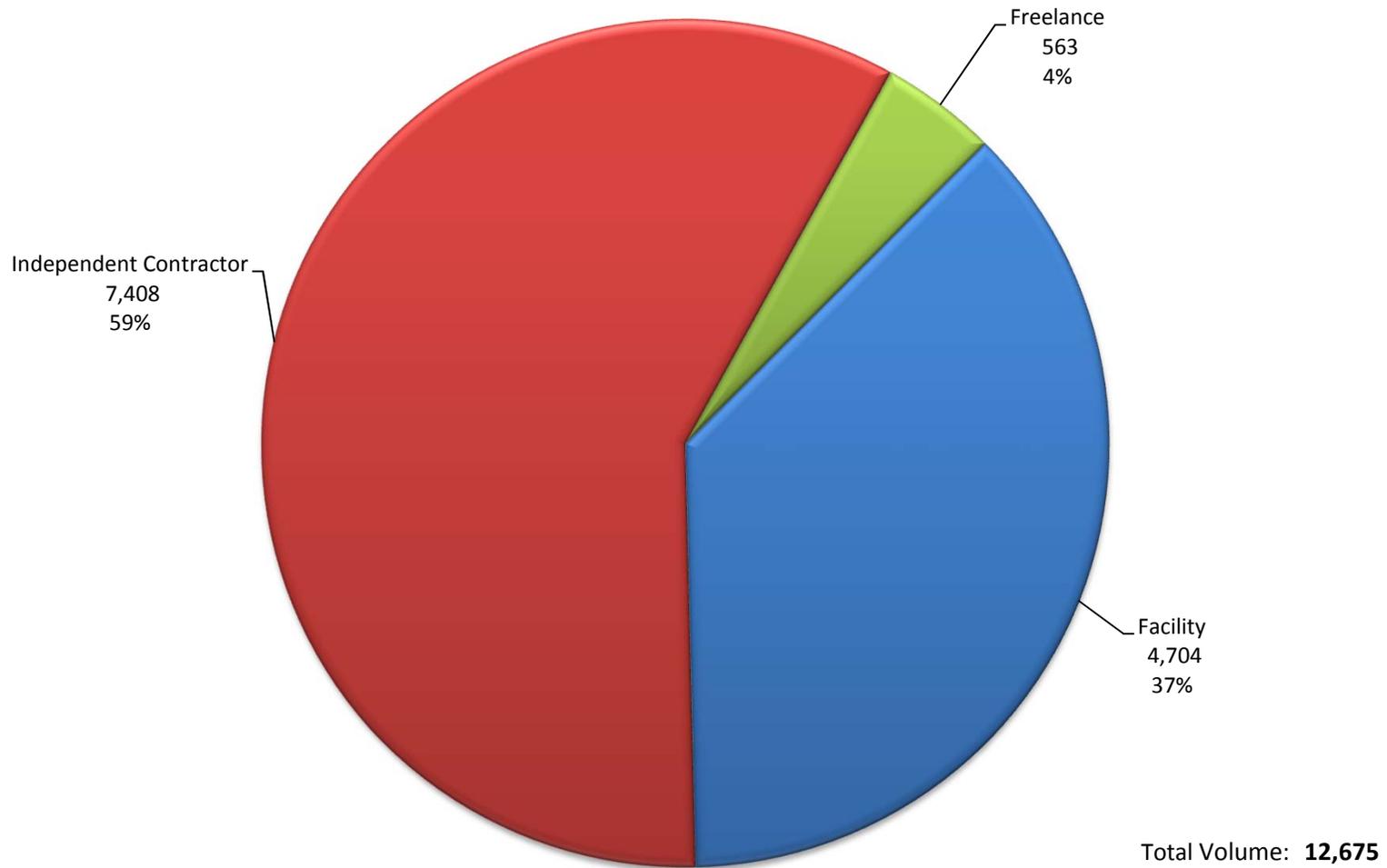
	1-Year	5-Years
Barber	-3.6%	-25.6%
Hair Design	0.1%	3.2%
Esthetics	1.4%	9.6%
Nail Technology	0.2%	-1.9%
Natural Hair	129.2%	n/a



Board of Cosmetology

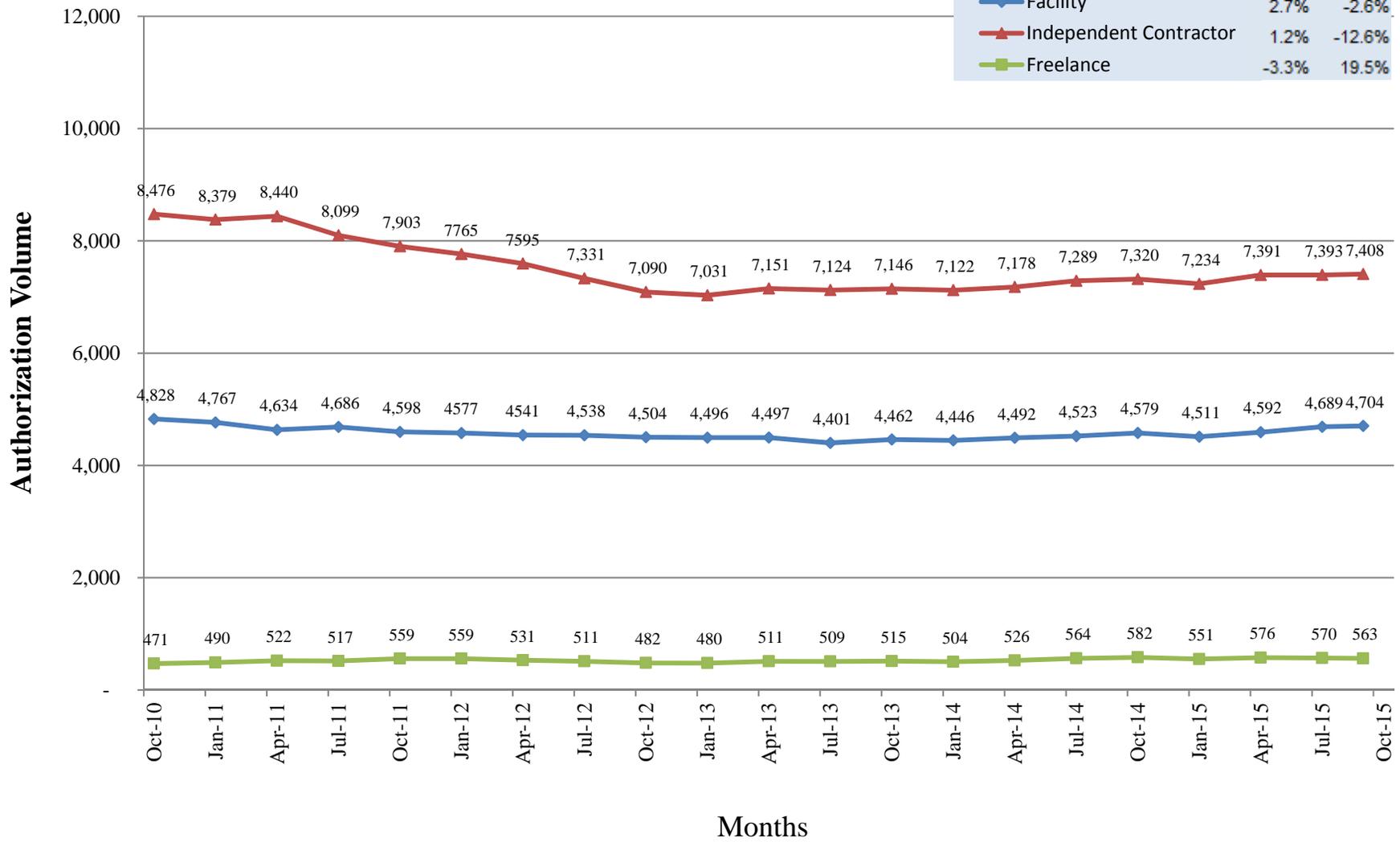
Business Authorizations as of September 28, 2015

2013 - 2015 Biennium



Board of Cosmetology

Business Authorization Volume October 2010 - September 2015



**HEALTH LICENSING OFFICE
Fund 7520 - COSMETOLOGY
STATEMENT OF CASH FLOW
FOR THE PERIOD 07/01/13 - 06/30/15**

CURRENT

13-15' Beginning Cash Balance	\$ 1,150,961.96
Revenues	\$ 6,527,386.64
Expenditures	\$ 5,892,135.00
Less: Accrued Expenditures	\$ -
Less: Total Expenditures	<u>\$ (5,892,135.00)</u>
Subtotal: Resources Available	\$ 1,786,213.60
Change in (Current Assets)/Liabilities	\$ -
Ending Cash Balance (Actual)	\$ 1,786,213.60

Indirect Charges are calculated using the following rates:

*Based on Licensee Volume as of May 20, 2013

Shared Assessment %	91.61%
Examination %	93.03%
Small Board Qualification %	0.00%
Inspection %	92.07%

**HEALTH LICENSING OFFICE
Fund 7520 - COSMETOLOGY
STATEMENT OF CASH FLOW
FOR THE PERIOD 07/01/13- 06/30/15**

PROJECTED

13-15' Beginning Cash Balance	\$ 1,150,961.96
Revenues	\$ 6,527,386.64
Expenditures	\$ 5,892,135.00
Less: Accrued Expenditures	\$ -
Less: Total Expenditures	<u>\$ (5,892,135.00)</u>
Subtotal: Resources Available	\$ 1,786,213.60
Change in (Current Assets)/Liabilities	\$ -
Ending Cash Balance (Projection)	\$ 1,786,213.60

Indirect Charges are calculated using the following rates:

*Based on Licensee Volume as of May 20, 2013

Shared Assessment %	91.61%
Examination %	93.03%
Small Board Qualification %	0.00%
Inspection %	92.07%

*Projections are based on Revenue and Expenditure history

Fee Reduction



HEALTH LICENSING OFFICE

Kate Brown, Governor

Oregon
Health
Authority

700 Summer St NE, Suite 320

Salem, OR 97301-1287

Phone: (503)378-8667

Fax: (503)585-9114

<http://www.oregon.gov/OHLA/Pages/index.aspx>

Date: July 1, 2015

To: Cosmetology Interested Parties

From: Samantha Patnode, Policy Analyst

Subject: Permanent Administrative Rules

As a member of the public who has expressed interest in the Board of Cosmetology the Health Licensing Office (HLO) would like to notify you that the proposed rules were adopted on June 26, 2015 and become effective July 8, 2015. The rule text is attached.

HLO is applying a discount for facility license holders and independent contractors who renew online. The discount will reduce the fee from \$100 to \$90. Since this is a high volume authorization group, it is less costly to administer than in-person renewals, and is more convenient for both the authorization and for HLO.

You may contact me with any questions or for alternative formats at (503) 373-1917 or Samie.patnode@state.or.us

For complete information please visit the board Web site at:

http://www.oregon.gov/OHLA/COS/Pages/COSlaws_rules.aspx

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

FILED
6-30-15 3:09 PM
ARCHIVES DIVISION
SECRETARY OF STATE

I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on Upon filing, by the
Health Licensing Office, Board of Cosmetology 817

Agency and Division Administrative Rules Chapter Number

Samantha Patnode (503) 373-1917

Rules Coordinator Telephone

700 Summer St. NE, Suite 320, Salem, OR 97301-1287

Address

To become effective 07/08/2015 Rulemaking Notice was published in the June 2015 Oregon Bulletin.

RULE CAPTION

Provide a discount to facility license holders and independent contractors if they renew online.

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

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

817-040-0003

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:

ORS 676.592, 676.586, 676.625

Other Authority:

Statutes Implemented:

ORS 676.592, 676.586, 676.625

RULE SUMMARY

Health Licensing Office (HLO) is applying a discount for facility license holders and independent contractor's who renew online from \$100 to \$90. Since this is a high volume licensure group, it is less costly to administer than in-person renewals, and is more convenient for both the licensee and for HLO.

Samantha Patnode

Rules Coordinator Name

samie.patnode@state.or.us

Email Address

HEALTH LICENSING OFFICE, BOARD OF COSMETOLOGY

DIVISION 40

FEEES

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: \$20 per field of practice.

(B) Practitioner certificate by reciprocity: \$100 per field of practice.

(C) Independent contractor registration: \$50.

(D) Freelance authorization: \$25.

(E) Facility license: \$100.

(F) Temporary facility permit: \$50.

(G) Demonstration permit: \$25.

(b) Examination:

(A) Oregon laws & rules: \$35.

(B) Barbering: \$35.

(C) Hair design: \$35.

(D) Esthetics: \$35.

(E) Nail technology: \$35.

(F) Freelance authorization: \$25

(c) Original issuance of authorization to practice:

- (A) Practitioner certificate: \$25 for two years.
- (B) Practitioner certificate by reciprocity: \$45 for two years.
- (C) Independent contractor registration: \$100 for one year.
- (D) Freelance authorization: \$100 for one year.
- (E) Facility license: \$110 for one year.

(d) Permits:

- (A) Temporary facility: \$100.
- (B) Demonstration: \$50.

(e) Renewal of authorization to practice:

- (A) Practitioner certificate: \$45 for two years.
- (B) Practitioner certificate: on-line payment: \$40 for two years.
- (C) Independent contractor registration: \$100 for one year- **or on-line payment: \$90 for one year.**
- (D) Freelance authorization: \$100 for one year.
- (E) Facility license: \$110 for one year- **or on-line payment: \$100 for one year.**

(f) Other administrative fees:

- (A) Delinquency fee: \$30 for each year in expired status up to three years.
- (B) Replacement of freelance authorization, certificate, license or registration, including name change: \$25.
- (C) Duplicate freelance authorization, certificate, license or registration document: \$25 per copy with maximum of three.
- (D) Affidavit of licensure: \$50.
- (E) 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.

(F) Information packets: \$10

Stat. Auth.: ORS 676.605, 676.606, 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; BOC 2-2009(Temp), f. 6-30-09, cert. ef. 7-1-09 thru 12-25-09; BOC 3-2009(Temp), f. 12-21-09, cert. ef. 12-26-09 thru 5-31-10; BOC 1-2010, f. 3-31-10, cert. ef. 4-1-10; BOC 2-2010, f. & cert. ef. 10-1-10; BOC 1-2011(Temp), f. & cert. ef. 3-1-11 thru 8-10-11; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 3-2011, f. 5-19-11, cert. ef. 6-1-11

Policy Report

Communications

THE VALUE OF COSMETOLOGY LICENSING



A report measuring the importance of cosmetology licensing in the Professional Beauty industry and its economic contributions

Training and licensing are vital for the safety of beauty professionals and consumers

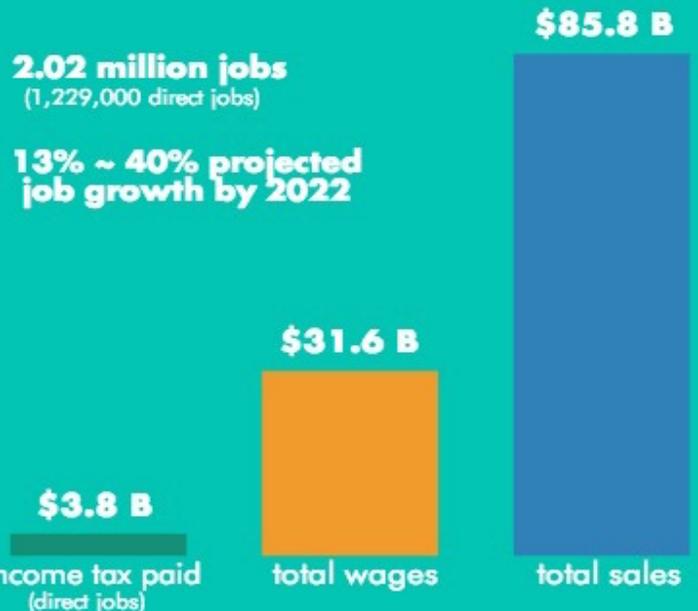


Licensed Professionals
are accountable for safety and sanitation

82%

of poll respondents across age and income groups support the licensing of beauty professionals

ECONOMIC CONTRIBUTIONS OF BEAUTY PROFESSIONALS



The Value of Cosmetology Licensing to America's Health, Safety and Economy

Nam D. Pham, Ph.D. and Anil Sarda

Beauty professionals touch nearly all Americans across every demographic in large and small communities. These professionals acquire their special skills to provide safe, high quality services to their clients through extensive training, certification and licensing.

Licensed cosmetologists, barbers, manicurists, skincare specialists and makeup artists in America are educated and trained beauty professionals from cosmetology programs that are approved and regulated by the state in which they operate.

- Licensing helps meet consumers' expectations to standards and rules.
- Licensing helps ensure consumers' right to safe, sanitary and infection free services.
- Licensing leads to higher employment rates, facilitates market entry, and acts as a stepping stone to higher education, higher earnings and longer more sustainable careers.
- Licensing enhances insurability and helps protect individuals and small business owners.
- The American public overwhelmingly supports professional beauty licensing.

Economic contributions of the professional beauty industry are far-reaching and significant

- The industry supports 2 million direct and indirect jobs, generates more than \$85.8 billion in sales, pays nearly \$31.6 billion in wages and contributes nearly \$3.8 billion in income taxes.
- Beauty professional jobs are expected to grow at a rate well above the 11% national average for all industries, discrediting the claim that licensing acts as a barrier to job growth.
- The industry supports small businesses and minorities.

State administered training, testing, licensing enhance accountability for safety, sanitation, infection control

- In addition to establishing training requirements, licensing and regulations, State Boards of Barbering and Cosmetology establish health and safety standards for the operation of beauty salons and trade schools to protect professionals as well as customers.
- State boards review complaints and take actions against individuals and businesses that do not adhere to the minimum industry standards and violate the law.
- State licensing helps ensure essential skills needed to prevent transmitted diseases for both customers and employees at professional beauty establishments. Bacterial infections, blood borne pathogens, hepatitis B and C, nail and toe fungus, and boils and rashes are common diseases that can be transmitted at beauty salons.

National Public opinion poll indicates overwhelming support for professional beauty licensing

Public opinion overwhelmingly supports professional beauty licensing to maintain the best practices for safety and quality standards. An independent national post-election study in 2012 shows that 82% of respondents think safety and quality would decline significantly if states ended licensing professions including hairstylists, barbers, nail technicians and skin care specialists.

Proposed Rule Information

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form

FILED
9-15-15 4:03 PM
ARCHIVES DIVISION
SECRETARY OF STATE

Health Licensing Office, Board of Cosmetology
Agency and Division
Samantha Patnode
Rules Coordinator
Health Licensing Office, Board of Cosmetology, 700 Summer St. NE, Suite 320, Salem, OR 97301-1287
Address

817
Administrative Rules Chapter Number
(503) 373-1917
Telephone

RULE CAPTION

Amend civil penalties by increasing fines for frequent violations and better ability to suspend/revoke authorizations.

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

Hearing Date	Time	Location	Hearings Officer
10-28-15	10:00 a.m.	Health Licensing Office, Rhoades Conference Room, 700 Summer St	Samie Patnode

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

OAR 817-090-0025, 817-090-0035, 817-090-0080, 817-090-0090, 817-090-0100

REPEAL:

OAR 817-090-0050

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 676.612, 676.615, 676.992, 690.015, 690.165, 690.167

Other Authority:

Statutes Implemented:

ORS 676.992, 690.015, 690.025, 690.165, 690.167, 690.992

RULE SUMMARY

Amend civil penalty schedule by increasing fine amounts for individuals who are repeatedly non-compliant with laws and rules. Amend rules to provide the Board of Cosmetology the ability to suspend and revoke authorizations for individuals who continue to not comply with statutes and rules.

Increase fine amounts for certain safety and infection control penalties including failure to disinfect foot spas and discard disposable articles.

Additional amendments to streamline language and align with Health Licensing Office statutes and rules.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

11-30-2015 5:00 p.m. Samantha Patnode samie.patnode@state.or.us
Last Day (m/d/yyyy) and Time Rules Coordinator Name Email Address
for public comment

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing accompanies this form.

FILED
9-15-15 4:03 PM
ARCHIVES DIVISION
SECRETARY OF STATE

Health Licensing Office, Board of Cosmetology
Agency and Division

817
Administrative Rules Chapter Number

Amend civil penalties by increasing fines for frequent violations and better ability to suspend/revoke authorizations.

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

Amending OAR 817-090-0025, 817-090-0035, 817-090-0080, 817-090-0090, 817-090-0100

Repealing OAR 817-090-0050

Statutory Authority:

ORS 676.612, 676.615, 676.992, 690.015, 690.165, 690.167

Other Authority:

Statutes Implemented:

ORS 676.992, 690.015, 690.025, 690.165, 690.167, 690.992

Need for the Rule(s):

This rule is needed to appropriately hold individuals accountable for non-compliance with statutes and rules.

Documents Relied Upon, and where they are available:

Board meeting minutes, proprietary database information and inspection information.

All documents are available at the Health Licensing Office, 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

Fiscal and Economic Impact:

There may be a fiscal and economic impact to state agencies, the public and small business if authorization holders do not comply with statutes and rules.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

As a state agency the Health Licensing Office and Board of Cosmetology may see an increase in revenue if individuals do not comply with statutes and rules.

If facility license holders are considered the public and they allow uncertified individuals to operate within the licensed facility then there may be an increased fiscal impact as civil penalties are being increased based on the number of times the facility has been cited for the same offense. Within the civil penalty structure there is a possibility of suspension or revocation of a facility license if the facility holder is cited three times or more. This may cause an economic impact for individuals who hold a current certification in a field of practice in which the suspension or revocation would not allow them to continue to work in the facility that has a suspended or revoked license.

Also if authorization holders continue to be non-compliant they may increase the cost of services to customers (public) in order to pay civil penalties.

It is important to note that ALL civil penalties are avoidable if the authorization holder is in compliance with statutes and rules.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

There are approximately 4,500 active cosmetology facilities in Oregon (small businesses). If a facility license holder allows the facility license to expire there would be an incremental increase in civil penalties from a \$250 increase for the first offense to a \$500 increase for the third offense. If a facility license holder allows an uncertified individual to provide services in the facility there would be an incremental increase in civil penalties from a \$500 increase for the first offense to a \$2500 increase or possible revocation or suspension of the facility license for the

3rd and 4th offense.

There are approximately 6,500 active independent contractor (IC) registrations in Oregon. If an IC provides services with a dormant registration there would be an incremental increase in civil penalties from a \$100 increase for the first offense to a \$500 increase for the third offense.

It is important to note that ALL civil penalties are avoidable if the authorization holder is in compliance with statutes and rules.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

The Health Licensing Office does not anticipate a fiscal impact for reporting, recordkeeping and other administrative activities in order to comply with the changes to the administrative rule.

c. Equipment, supplies, labor and increased administration required for compliance:

It is estimated to be a minimal fiscal impact for equipment, supplies, labor and increased administration required for compliance for the rule change.

How were small businesses involved in the development of this rule?

Several members of the Board of Cosmetology are small business owners.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

A Rules Advisory Committee was not consulted because civil penalties are avoidable if the authorization holder is in compliance with statutes and rules. Information regarding the proposed rules will be sent to facility license holders and independent contractors. The Health Licensing Office is allowing 60 days for public comment to ensure that all stakeholders have an opportunity to make comments.

11-30-2015 5:00 p.m.	Samantha Patnode	samie.patnode@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

**OREGON HEALTH AUTHORITY
HEALTH LICENSING OFFICE, BOARD OF COSMETOLOGY**

DIVISION 90

CIVIL PENALTIES

817-090-0025

Schedule of Penalties for Facility and Independent Contractor Registration Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of facility license and independent contractor registration laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.

(1) Operating or purporting to operate a facility without a valid facility license is a violation of ORS 690.015(2)(b) or 690.015(2)(e):

(a) Never licensed **or expired**:

(A) 1st offense: ~~\$500~~; **\$750**;

(B) 2nd offense: ~~\$1000~~; **\$1500**;

(C) 3rd offense: ~~\$2500~~ **\$3000**;

(D) 4th offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(b) ~~Inactive or expired license~~:

(A) 1st offense: \$200;

(B) 2nd offense: \$500;

(C) 3rd offense: \$1,000.

(D) 4th offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(c) ~~Certificate, Authorization, or Registration~~ Suspended or Revoked:

(A) 1st offense: ~~\$2,500;~~ **\$1000;**

(B) 2nd offense: ~~\$5,000;~~ **\$2500;**

(C) 3rd offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(2) Operating or purporting to operate as an independent contractor without an independent contractor registration or with a dormant independent contractor registration is a violation of ORS 690.015(2)(a), 690.015(2)(d) or 690.015(2)(e):

(a) 1st offense: ~~\$200~~ **\$300;**

(b) 2nd offense: ~~\$500~~ **\$750;**

(c) 3rd offense: ~~\$1,000~~ **\$1500;**

(D) 4th offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(3) Allowing an uncertified employee or uncertified individual under a person's supervision and control to practice in a field of practice is a violation of ORS 690.015(2)(g) and OAR 817-020-0007 (1)(f).

(a) Employee or individual who has never been certified:

(A) 1st offense: ~~\$500;~~ **\$1000;**

(B) 2nd offense: ~~\$1,000;~~ **\$2000;**

(C) 3rd offense: ~~\$2,500~~ **\$3500;**

(D) 4th offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(b) Employee or individual with inactive, suspended, revoked, or expired certification:

(A) 1st offense: \$200

(B) 2nd offense: \$500

(C) 3rd offense: \$1000

(D) 4th offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(4) Failing to meet the specifications and standards required under OAR 817-010-0007 in a facility is a violation of 817-020-0006 (1)(e) and may result in an emergency suspension of the facility license until the violation is corrected.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Stats. Implemented: ORS 676.992, 690.015, 690.165 & 690.167

Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; 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; Renumbered from 817-090-0020; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12; BOC 1-2012(Temp), f. 3-1-12, cert. ef. 3-12-12 thru 9-1-12; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0035

Schedule of Penalties for Practitioner Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of practitioner licensing laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of OAR 331-020-0060 apply.

(1) Performing, attempting to perform, or purporting to perform services in a field of practice without proper certification, **freelance** authorization, **temporary practitioner** registration or **demonstration** permit is a violation of ORS 690.015(2)(a) or 690.015(2)(e).

(a) ~~Certificate, authorization, registration, permit never held:~~ **Never held or expired:**

(A) 1st offense: \$1,000;

(B) 2nd offense: \$2,500;

(C) 3rd offense \$5,000.

(D) 4th offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

~~(b) Certificate, authorization, registration, or permit inactive or expired:~~ **Inactive or dormant**

(A) 1st offense: \$200;

(B) 2nd offense: \$500;

(C) 3rd offense: \$1000

(D) 4th offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

~~(c) Certificate, authorization, or registration suspended or revoked:~~ **Suspended or revoked:**

(A) 1st offense: \$2,500;

(B) 2nd offense: \$5,000;

(C) 3rd offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

~~(2) Performing, attempting to perform, or purporting to perform services in a field of practice in an unlicensed facility is a violation of ORS 690.015(2)(c):~~

~~(a) 1st offense: \$200;~~

~~(b) 2nd offense: \$500;~~

~~(c) 3rd offense: \$1,000~~

(2) Failing to display the practitioner certificate number and freelance authorization number when advertising or soliciting business; or, failing to provide required information under a Freelance Authorization is a violation of OAR 817-035-0052(1)(a) or (b):

(a) 1st offense: \$100;

(b) 2nd offense: \$200;

(c) 3rd offense: \$500.

(3) Practicing outside a licensed facility without a valid Freelance Authorization is a violation of ORS 690.123:

(a) 1st offense: \$500;

(b) 2nd offense: \$1,000;

(c) 3rd offense: \$2,500.

~~(3)~~ **(4) Performing in a field of practice by a student when not on the premises of an educational institution, or while not pursuing the prescribed curriculum in which he or she is enrolled as provided in OAR 817-100-0005, is a violation of ORS 690.015(a):**

(a) 1st offense: \$500;

(b) 2nd offense: \$1,000;

(c) 3rd offense: \$2,500.

(5) Failing to comply with notification requirements listed in OAR 331-010-0040, is a violation of OAR 331-010-0040:

(a) For 1st offense: \$100;

(b) For 2nd offense: \$200;

(c) For 3rd offense: \$500.

Stat. Auth: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; 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, Renumbered from 817-090-0020; 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 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12; BOC 1-2012(Temp), f. 3-1-12, cert. ef. 3-12-12 thru 9-1-12; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-090-0050

Schedule of Penalties for Freelance Authorization Violations

~~The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of Freelance Authorization laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.~~

~~(1) Working with a dormant Freelance Authorization:~~

~~(a) 1st offense: \$200;~~

~~(b) 2nd offense: \$500;~~

~~(c) 3rd offense: \$1000~~

~~(2) Failing to display the practitioner certificate number and freelance authorization number when advertising or soliciting business; or, failing to provide required information under a Freelance Authorization is a violation of OAR 817-035-0052(1)(a) or (b):~~

~~(a) 1st offense: \$100;~~

~~(b) 2nd offense: \$200;~~

~~(c) 3rd offense: \$500.~~

~~(3) Practicing outside a licensed facility without a valid Freelance Authorization is a violation of ORS 690.123:~~

~~(a) 1st offense: \$500;~~

~~(b) 2nd offense: \$1,000;~~

~~(c) 3rd offense: \$2,500.~~

~~Stat. Auth: ORS 676.605, 676.615, 676.992, 690.165 & 690.167~~

~~Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165 & 690.167~~

~~Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; 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, Renumbered from 817-090-0020; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14~~

817-090-0080

Schedule of Fines for Dispensing of Cosmetic Preparations Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of OAR 331-020-0060 apply.

(1) Failing to properly dispense powders, liquids, wave solutions, creams, semi-solid substances or other materials which come in contact with a client is a violation of OAR 817-010-0055:

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1,000.

(2) Reuse of any powders, liquids, wave solutions, creams, semi-solid substances, including paraffin wax or other materials which come in contact with a client is a violation of OAR 817-010-0055:

(a) 1st offense: \$1000;

(b) 2nd offense: \$2,500;

(c) 3rd offense: \$5,000.

Stat. Auth.: ORS 690.165, 690.205 & 690.995

Stats. Implemented: ORS 690.165, 690.205 & 690.995

Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; 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 1-2006, f. & cert. ef. 3-15-06; BOC 1-2007, f. 10-31-07, cert. ef. 11-1-07; BOC 2-2011, f. & cert. ef. 5-5-11

817-090-0090

Schedule of Penalties for Disinfecting Requirements of Tools and Implements Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.

(1) Failing to cleanse and disinfect, with a high-level disinfectant, electrical or mechanical hair clipper blades before use on each client is a violation of OAR 817-010-0069(2):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1,000.

(2) Failing to store new, disinfected or cleaned tools and implements separately from all others is a violation of OAR 817-010-0075(1):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1,000.

(3) Failing to ensure that any tool or implement; or article which comes in contact with a client is disinfected, cleaned or disposed of is a violation of OAR 817-010-0065(1); or 817-010-0040(2) or 817-010-0040(3):

(a) 1st offense: ~~\$300~~ **500**;

(b) 2nd offense: ~~\$500~~ **1,000**;

(c) 3rd offense: ~~\$4000~~ **2,500**.

(4) Failing to discard or give to the client any a disposable nail files, pumice blocks, cosmetic sponges, buffer blocks, sanding bands or sleeves, orangewood sticks, or nail bits designed for single use after use on a client, is a violation of OAR 817-010-0065(7):

(a) 1st offense: ~~\$300~~ **500**;

(b) 2nd offense: ~~\$500~~ **1,000**;

(c) 3rd offense: ~~\$4000~~ **2,500**.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167, 690.205

Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 690.205

Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 2-

2001, f. 2-16-01, cert. ef. 3-1-01; BOC 4-2001(Temp), f. & cert. ef. 11-1-01 thru 4-29-02; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0100

Schedule of Penalties for Clean Conditions Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of OAR 331-020-0060 apply.

(1) Failing to keep a restroom located on the premises of a facility clean and sanitary is a violation of OAR 817-010-0021(2):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(2) Failing to keep a facility shampoo bowl or sink clean is a violation of OAR 817-010-0101(2):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(3) Failing to keep roller-storage receptacles and their contents clean and free of foreign material is a violation of OAR 817-010-0075(2):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000

(4) Failing to keep storage drawers for c

lean tools and implements clean and to use such drawers only for clean tools and implements is a violation of OAR 817-010-0075(3):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(5) Failing to keep storage cabinets, work stations, vanities and backbars or other such equipment clean is a violation of OAR 817-010-0075(4):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(6) Allowing hair clippings to accumulate on a facility floor or failing to dispose of hair clippings in a covered container is a violation of OAR 817-010-0106(3):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(7) Failing to keep facility walls and ceiling clean and free of excessive spots, mildew, condensation or peeling paint is a violation of OAR 817-010-0110:

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(8) Failing to properly clean and disinfect foot spa equipment as required is a violation of OAR 817-010-0101(5):

(a) 1st offense: ~~\$300~~ **500**;

(b) 2nd offense: ~~\$500~~ **1,000**;

(c) 3rd offense: ~~\$1000~~ **2,500**.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205

Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205

Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11

SB 699

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**Hair Styling
Exemption**

Enrolled Senate Bill 699

Sponsored by Senator BURDICK, Representative WILLIAMSON; Senator STEINER HAYWARD

CHAPTER

AN ACT

Relating to cosmetology disciplines; amending ORS 690.025; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 690.025 is amended to read:

690.025. (1) ORS 690.005 to 690.225 do not apply to:

[(1)] (a) Persons who perform service without compensation in case of emergency or in domestic administration.

[(2)] (b) Persons licensed by a health professional regulatory board listed in ORS 676.160 who are acting within the scope of their professional license.

[(3)] (c) Persons identified by the Health Licensing Office or Board of Cosmetology by rule who are acting under the authority of a hospital or long term care facility licensed under ORS 441.025 or a residential facility licensed under ORS 443.415.

[(4)] (d) Persons engaged in rendering emergency medical assistance as defined in ORS 30.800.

[(5)] (e) Persons licensed by the State Board of Pharmacy, merchants or other individuals when demonstrating apparatus or supplies for purposes of sale.

[(6)] (f) Commissioned medical and surgical officers and personnel of the United States Armed Services while operating on a military base and personnel of correctional institutions while operating on the premises of a correctional facility.

[(7)] *Persons applying temporary makeup, combing hair or applying hair spray for the sole purpose of preparing an individual for a professional photograph or theatrical performance.*

(g) Subject to subsection (3) of this section, persons applying temporary makeup, combing hair, brushing hair, braiding hair, applying hair spray or holding cream to hair or styling hair through the use of barrettes, ties, clips, ribbons and other similar hair accessories for the sole purpose of preparing an individual for a professional photograph, provided that the person does not use any product that alters the keratin of the individual's hair.

(h) Subject to subsection (3) of this section, persons applying temporary makeup or styling hair by any method for the sole purpose of preparing an individual for a professional film or video performance or a theatrical performance.

[(8)] (i) A student while engaged in training at the direction of and under the direct supervision of the faculty of a school licensed under ORS 345.010 to 345.450 to teach a field of practice. For purposes of this [subsection] **paragraph**, "field of practice" does not include natural hair care.

[(9)] (2) The office may exempt **from ORS 690.005 to 690.225** practitioners providing services at charitable or fund raising events. In establishing an exemption, the office shall consider and evaluate each written request on an individual basis.

(3) The office may develop and disseminate guidelines for persons described in subsection (1)(g) and (h) of this section for the purpose of ensuring sanitation and hygiene best practices. The office is not required to adopt rules to implement this subsection.

SECTION 2. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by Senate March 24, 2015

Received by Governor:

Repassed by Senate June 30, 2015

.....M.,....., 2015

Approved:

.....
Lori L. Brocker, Secretary of Senate

.....M.,....., 2015

.....
Peter Courtney, President of Senate

.....
Kate Brown, Governor

Passed by House June 25, 2015

Filed in Office of Secretary of State:

.....
Tina Kotek, Speaker of House

.....M.,....., 2015

.....
Jeanne P. Atkins, Secretary of State



Practice Clarification

OREGON HEALTH LICENSING AGENCY

Cosmetology Exemptions

October 14, 2013

On August 6, 2013 and September 15, 2013, the Oregon Health Licensing Agency (Agency) received the following question regarding cosmetology exemptions. These questions relate to a recently amended exemption in ORS 690.025(7). This exemption does not require licensure as a cosmetologist for “persons applying temporary makeup, combing hair or applying hair spray for the sole purpose of preparing an individual for a professional photograph or theatrical performance.”

Based on protocols set forth by the Agency, General Counsel was consulted and the Board of Cosmetology was provided the legal advice at the October 14, 2013 board meeting. In order to make the answers clear, the Agency revised the original questions. The Board approved the answers:

Question 1: *In regard to beauty pageants, does the state of Oregon require that anyone who does hair and temporary make-up for profit be certified?*

Short Answer 1: Yes

Descriptive Answer 1: Applying temporary makeup and providing hair services for contestants in a beauty pageant requires a certificate. A beauty pageant is a competition involving the judging of the contestants’ various attributes. It is not a theatrical performance and the services are provided for more than just taking professional photographs.

Question 2: *If they are not certified are they subject to a fine?*

Short Answer 2: Yes.

Descriptive Answer 3: ORS 676.992 provides the Agency the authority to impose a civil penalty of up to \$5000 for each violation of the statues within programs under its jurisdiction including cosmetology.

Question 3: *Does the exemption in ORS 690.025(7) make it legal for a person to do temporary makeup for a bride at a wedding?*

Short Answer 3: No.

Descriptive Answer 3: The exemption applies only when the *sole* purpose of applying makeup (or combing the hair or applying hair spray) is for a professional photograph or theatrical performance. The exemption might apply, for example, if a bride was paying for a formal portrait in a photography studio, not on her wedding day, and the *only* purpose of the makeup application was to ready the bride for the photograph.

However, certification is required if a makeup artist or hair stylist is preparing a person for his or her wedding day. A wedding day may include professional photographs. But people have makeup and hair done on a wedding day for many other purposes in addition to posing in professional photographs. These purposes may include impressing one's spouse while walking down the aisle and looking one's best for the guests. Because the hair and makeup are not exclusively done for the photographs, the exemption does not apply and certification is required.

Important Note: The Agency does not provide personal legal advice to licensees or members of the public. The responses listed here are specific to only those questions asked. Even slight changes in the scope or content of the question may change the applicability of these responses in a different situation. Please consult your own attorney for legal advice regarding Oregon laws and administrative rules.

**Board of Certified
Advanced Esthetics**

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**Draft Administrative
Rule Schedule**



ADMINISTRATIVE RULE SCHEDULE

HEALTH LICENSING OFFICE BOARD OF CERTIFIED ADVANCED ESTHETICIANS

Date	Action	Time
By October 1, 2015	Governor's Office appoint nine member board	
November 16, 2015	New board member orientation and board meeting to approve administrative rulemaking schedule & provide input regarding Rules Advisory Committee (RAC) membership	10 am
November 1 to November 15, 2015	Begin recruitment process for RAC	
November 15 to December 15, 2015	Determine RAC membership	
January 21, 2016	RAC Meeting	10 am
February 18, 2016	RAC Meeting including fiscal impact	10 am
March 3, 2016	Board meeting approve proposed administrative rules and provide input on fiscal impact	10 am
March 10, 2016 (tentative)	Board meeting approve proposed administrative rules and provide input on fiscal impact	10 am
April 1, 2016	Notice of proposed rules in Oregon Bulletin	
April 21, 2016	Public rule hearing	10 am
April 28, 2016	Last day for public comment	5 pm
May 26, 2016	Board meeting review public comment, hearing officer report and adopt permanent rules	10 am
June 2, 2016 (tentative)	Board meeting review public comment, hearing officer report and adopt permanent rules	
June 15, 2016	Effective date of permanent rule	

Please send all public comment or questions to:
Samie Patnode, Policy Analyst
700 Summer St NE, Suite 320, Salem, OR 97301-1287
samie.patnode@state.or.us . Work: (503) 373-1917

All meetings are held at the Health Licensing Office, Rhoades Conference Room, 700 Summer St, Suite 320, Salem, OR 97301, unless otherwise specified. Members of the public are invited and encouraged to attend all board and committee meetings. However, audience members will not be allowed to participate. For current information regarding administrative rules or the rulemaking process visit the Web at XXXXX

Regulatory Report

Health Licensing Office



700 Summer St. NE, Suite 320
Salem, OR 97301-1287
Phone: (503) 378-8667
Fax: (503) 370-9004
Web: www.oregon.gov/oha/hlo
E-mail: hlo.info@state.or.us

Board of Cosmetology

October 12, 2015

2011 – 2013 Biennium

Between July 1, 2011 and June 30, 2013, 384 complaints were received by the Office. Total open 1. Total closed 383.

ANONYMOUS	CLIENTS	OTHER
81	97	206

2013 – 2015 Biennium

Between July 1, 2013 and June 30, 2015, 387 complaints were received by the Office. Total open 45. Total closed 342.

ANONYMOUS	CLIENTS	OTHER
79	103	205

2015 – 2017 Biennium

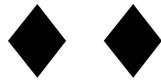
Between July 1, 2015 and August 31, 2015, 29 complaints were received by the Office. Total open 17. Total closed 12.

ANONYMOUS	CLIENTS	OTHER
7	7	15

Other: Licensees
General Public
Internal

Interested Parties Feedback

Executive Session



ORS 192.660(2)(f) for the purpose of considering
information or records exempt from public inspection.

Items for Board Action

Investigative Files

Other Board Business