



## HEALTH LICENSING OFFICE

Kate Brown, Governor

Oregon  
**Health**  
Authority

1430 Tandem Ave. N.E. Suite 180

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[www.oregon.gov/oha/ph/hlo](http://www.oregon.gov/oha/ph/hlo)

**WHO:** Health Licensing Office  
The Board of Cosmetology  
**TELEPHONE CONFERENCE CALL ONLY**  
1430 Tandem Ave. N.E. Suite 180 Salem, OR 97301

**WHEN:** November 2, 2020 at 10 a.m.

In order to limit the exposure and spread of the COVID-19 virus and adhere to the Governor's social distancing measures the Health Licensing Office (Office) is prohibiting in-person attendance at the Board meeting. All audience members may attend the public meeting by telephone conference call. Conference call instructions are provided below.

### **What is the purpose of the meeting?**

The purpose of the meeting is to conduct board business. A copy of the agenda is printed with this notice. Please visit <https://www.oregon.gov/oha/PH/HLO/Pages/Board-Cosmetology-Meetings.aspx> for current meeting information.

### **May the public attend ONLY via teleconference meeting?**

Yes, however, for the courtesy of all participants on the call all non-board members are asked to **mute** the call until the public and interested parties feedback period.

Approximately five minutes prior to the start of the meeting please follow the directions listed below:

- Dial 1(877)336-1828 and enter the following participants pass code: 4111788 to be connected to the meeting. This phone line will stay connected for the duration of the meeting.
- The teleconference system will notify you that you are connected. For the record, Office staff will do a roll call of all audience members prior to and after the Executive Session.

Audience members are asked to send email to April Fleming at [april.fleming@dhsosha.state.or.us](mailto:april.fleming@dhsosha.state.or.us) stating they are logged on to the conference call and whether they want to make a comment during the public and interested parties feedback period.

### **What if the board/council enters into executive session?**

Prior to entering executive session, the board/council chairperson will announce the nature of and the authority for holding executive session. Board members, designated staff, and representatives of the news media shall be allowed to attend the executive session. All other audience members are not allowed to attend the executive session. 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 April Fleming at [April.fleming@dhsosha.state.or.us](mailto:April.fleming@dhsosha.state.or.us).

# **Approval of Agenda**



Health Licensing Office  
**The Board of Cosmetology**  
**TELEPHONE CONFERENCE CALL ONLY**  
1430 Tandem Ave. N.E. Suite 180 Salem, OR 97301



November 2, 2020 at 10 a.m.

1. **Call to Order**
2. **Items for Board Action**
  - ◆ Approval of Agenda
  - ◆ Approve 2021 Chairperson
  - ◆ Approve 2021 Meeting Dates
  - ◆ Determine additional training requirements for retake examination
    - Applicant # 104487 for Oregon Laws and Rules
    - Applicant # 104487 for Nail Technology
    - Applicant # 136312 for Oregon Laws and Rules
    - Applicant # 082182 for Nail Technology
3. **Reports**
  - ◆ Director Report
  - ◆ Licensing and Fiscal Statistical Reports
  - ◆ Regulatory Report
  - ◆ Policy Report  
-2021 Legislation
  - ◆ COVID-19 Status Update
4. **Public/Interest Parties Feedback**
5. **Executive Session:** Pursuant to ORS 192.660(2)(f) and ORS 676.590 for the purpose of considering information exempt from public disclosure. (investigation)
6. **Items for Board Action**
7. **Other Board Business**

Agenda is subject to change.  
For the most up to date information visit [www.oregon.gov/oha/ph/hlo](http://www.oregon.gov/oha/ph/hlo)

# **Approval of Chair**

### BACKGROUND AND DISCUSSION:

Michele Strobel has served as Chair for the Board of Cosmetology for 2020.

### ISSUE

In preparation of 2021, it is necessary for the Board to nominate and elect a Chair.

#### **Role of the Chairperson in Meetings**

The chairperson must:

- Preside at all meetings unless. If the chair is unable to attend the Board must elect another chair for that specific meeting;
- Confer with the Office on matters that come up between meeting dates, and matters that need to be placed on the agenda for Board meetings;
- Ensure decisions be made by a vote of the Board and carried out with a motion and second and vote by majority;
- 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; and
- Follow procedural rules in accordance with the Oregon Attorney General Public Record and Meeting Manual.

### BOARD ACTION:

The Board nominates and elects a Chair for the year 2021.

# **Approval of 2021 Meeting Dates**

### **BACKGROUND AND DISCUSSION:**

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

### **ISSUE**

With the end of 2020 approaching it is necessary for the Board to approve meeting dates for the year 2021.

- Monday, January 25, 2021 at 10 a.m.
- Monday, August 16, 2021 at 10 a.m.
- Monday, November 15, 2021 at 10 a.m.

### **BOARD ACTION**

The Board approves 2021 meeting times and dates:

**Determine Additional  
Training  
Requirements for  
Retake Examination**



**Applicant # 104487**  
**For**  
**Oregon Laws and**  
**Rules**

# Issue Statement

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## Issue:

Determine additional training requirements for applicant # 104487 prior to taking the Oregon Laws and Rules Written Examination for the eighth (8<sup>th</sup>) attempt.

## Discussion / Recommendation:

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

Due to failing the examination on September 24, 2020, with a score of 71 % on the seventh (7<sup>th</sup>) attempt, the Health Licensing Office (office) recommends applicant # 104478 complete:

1. A Safety Sanitation program, which is consistent with the core curriculum set forth by the Higher Education Coordinating Commission, prior to retaking the Oregon Laws and Rules Written Examination for the eighth (8<sup>th</sup>) attempt. The certification of additional training must be:
  - a. Sent directly to the office, on an official Certificate of Additional Training Transcript (CAT), by a licensed cosmetology career school, **AND**
  - b. Notarized by a commissioned notary. The CAT will not be accepted with only an official stamp or seal from the licensed cosmetology career school, it must be notarized.
2. Complete a Verification of Training Form (VTF). The VTF is to ensure the required training hours are obtained in the specified content areas as specified within the core curriculum. The VTF must be:
  - a. Signed by the applicant and an authorized representative from the licensed cosmetology career school for each day the applicant is in attendance. Authorized representatives from the licensed cosmetology career school who sign the VTF must be on file with the office, **AND**
  - b. Notarized by a commissioned notary. The VTF will not be accepted with only an official stamp or seal from the licensed cosmetology career school, it must be notarized.

**Applicant # 104487**  
**For Nail Technology**

# Issue Statement

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## Issue:

Determine additional training requirements for applicant # 104487 prior to taking the Nail Technology Written Examination for the eighth (8<sup>th</sup>) attempt.

## Discussion / Recommendation:

To qualify for certification applicants must receive a passing score of at least 75% on the Nail Technology Written Examination which contains 100 questions.

Due to failing the examination on September 30, 2020, with a score of 44 % on the seventh (7<sup>th</sup>) attempt, the Health Licensing Office (HLO) recommends applicant # 104487 complete:

1. A Nail Technology program, which is consistent with the core curriculum set forth by the Higher Education Coordinating Commission, prior to retaking Nail Technology Written Examination for the eighth (8<sup>th</sup>) attempt. The certification of additional training must be:
  - a. Sent directly to the office, on an official Certificate of Additional Training Transcript (CAT), by a licensed cosmetology career school, **AND**
  - b. Notarized by a commissioned notary. The CAT will not be accepted with only an official stamp or seal from the licensed cosmetology career school, it must be notarized.
2. Complete a Verification of Training Form (VTF). The VTF is to ensure the required training hours are obtained in the specified content areas as specified within the core curriculum. The VTF must be:
  - a. Signed by the applicant and an authorized representative from the licensed cosmetology career school for each day the applicant is in attendance. Authorized representatives from the licensed cosmetology career school who sign the VTF must be on file with the office, **AND**
  - b. Notarized by a commissioned notary. The VTF will not be accepted with only an official stamp or seal from the licensed cosmetology career school, it must be notarized.

**Applicant # 136312**  
**For**  
**Oregon Laws**  
**And Rules**

# Issue Statement

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## Issue:

Determine additional training requirements for applicant # 136312 prior to taking the Oregon Laws and Rules Written Examination for the seventh (7<sup>th</sup>) attempt.

## Discussion / Recommendation:

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

Due to failing the examination on September 3, 2020, with a score of 64 % on the sixth (6<sup>th</sup>) attempt, the Health Licensing Office (office) recommends applicant # 136312 complete:

1. 150 hours of training in Safety Sanitation, which is consistent with the core curriculum set forth by the Higher Education Coordinating Commission, prior to retaking the Oregon Laws and Rules Written Examination for the seventh (7<sup>th</sup>) attempt. The certification of additional training must be:
  - a. Sent directly to the office, on an official Certificate of Additional Training Transcript (CAT), by a licensed cosmetology career school, **AND**
  - b. Notarized by a commissioned notary. The CAT will not be accepted with only an official stamp or seal from the licensed cosmetology career school, it must be notarized.
2. Complete a Verification of Training Form (VTF). The VTF is to ensure the required training hours are obtained in the specified content areas as specified within the core curriculum. The VTF must be:
  - a. Signed by the applicant and an authorized representative from the licensed cosmetology career school for each day the applicant is in attendance. Authorized representatives from the licensed cosmetology career school who sign the VTF must be on file with the office, **AND**
  - b. Notarized by a commissioned notary. The VTF will not be accepted with only an official stamp or seal from the licensed cosmetology career school, it must be notarized.

**Applicant # 082182**  
**For Nail Technology**

# Issue Statement

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## **Issue:**

Determine additional training requirements for applicant # 082182 prior to taking the Oregon Laws and Rules for the seventh (7<sup>th</sup>) attempt, if needed, and the Nail Technology Written Examination for the seventh (7<sup>th</sup>) attempt.

## **Discussion / Recommendation:**

Applicant # 082182 has completed the following examinations:

|                    |                       |
|--------------------|-----------------------|
| February 9, 2010   | Oregon Laws and Rules |
| February 9, 2010   | Nail technology       |
| July 28, 2011      | Oregon Laws and Rules |
| July 28, 2011      | Nail technology       |
| May 19, 2014       | Nail technology       |
| September 23, 2014 | Oregon Laws and Rules |
| September 23, 2014 | Nail technology       |
| December 15, 2015  | Nail technology       |
| March 7, 2017      | Nail technology       |
| October 23, 2018   | Oregon Laws and Rules |
| November 6, 2018   | Oregon Laws and Rules |

Applicant # 082182 has completed the following Practical Examinations and Additional Training:

|                   |   |
|-------------------|---|
| 2010              | Practical Examination                     |
| March 21, 2014    | Practical Examination                     |
| March 21, 2014    | Additional Nail Technology training       |
| November 10, 2016 | Practical Examination                     |
| October 2, 2018   | Additional Nail Technology training       |
| October 19, 2018  | Additional Oregon Laws and Rules training |
| December 20, 2018 | Practical Examination                     |

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

If the applicant fails the Oregon Laws and Rules Written Examination on the sixth (6<sup>th</sup>) attempt, the Health Licensing Office (office) recommends applicant # 082182 complete:

1. 150 hours of training in Safety Sanitation, which is consistent with the core curriculum set forth by the Higher Education Coordinating Commission, prior to retaking the Oregon Laws and Rules Written Examination for the seventh (7<sup>th</sup>) attempt. The certification of additional training must be:



- a. Sent directly to the office, on an official Certificate of Additional Training Transcript (CAT), by a licensed cosmetology career school, **AND**
  - b. Notarized by a commissioned notary. The CAT will not be accepted with only an official stamp or seal from the licensed cosmetology career school, it must be notarized.
2. Complete a Verification of Training Form (VTF). The VTF is to ensure the required training hours are obtained in the specified content areas as specified within the core curriculum. The VTF must be:
  - a. Signed by the applicant and an authorized representative from the licensed cosmetology career school for each day the applicant is in attendance. Authorized representatives from the licensed cosmetology career school who sign the VTF must be on file with the office, **AND**
  - b. Notarized by a commissioned notary. The VTF will not be accepted with only an official stamp or seal from the licensed cosmetology career school, it must be notarized.

To qualify for certification applicants must receive a passing score of at least 75% on the Nail Technology Written Examination which contains 100 questions.

Due to failing the examination on March 7, 2017, with a score of 43 % on the sixth attempt, the Health Licensing Office (HLO) recommends applicant # 082182 complete:

3. 444 hours of training in Nail Technology, which is consistent with the core curriculum set forth by the Higher Education Coordinating Commission, prior to retaking Nail Technology Written Examination for the seventh attempt. The certification of additional training must be:
  - a. Sent directly to the office, on an official Certificate of Additional Training Transcript (CAT), by a licensed cosmetology career school, **AND**
  - b. Notarized by a commissioned notary. The CAT will not be accepted with only an official stamp or seal from the licensed cosmetology career school, it must be notarized.
4. Complete a Verification of Training Form (VTF). The VTF is to ensure the required training hours are obtained in the specified content areas as specified within the core curriculum. The VTF must be:
  - c. Signed by the applicant and an authorized representative from the licensed cosmetology career school for each day the applicant is in attendance. Authorized representatives from the licensed cosmetology career school who sign the VTF must be on file with the office, **AND**

- d. Notarized by a commissioned notary. The VTF will not be accepted with only an official stamp or seal from the licensed cosmetology career school, it must be notarized.

# Director Report

# **Licensing and Fiscal Statistical Report**

## Board of Cosmetology (COS)

Report Date: **26-Oct-20**(data as of most recently closed month to Report Date)

## Authorization Statistics

| Fiscal Year           | Quarter | Barber | Hair Design | Natural Hair Care | Esthetics | Nail Technology | Facility Licenses | Independent Contractor | Freelance | Total Authorizations |
|-----------------------|---------|--------|-------------|-------------------|-----------|-----------------|-------------------|------------------------|-----------|----------------------|
| AUTHORIZATIONS ISSUED |         |        |             |                   |           |                 |                   |                        |           |                      |
| 2019                  | Q1      | 24     | 200         | 12                | 240       | 189             | 194               | 269                    | 73        | 1,201                |
|                       | Q2      | 36     | 190         | 7                 | 243       | 159             | 189               | 293                    | 68        | 1,185                |
|                       | Q3      | 26     | 197         | 9                 | 280       | 164             | 182               | 264                    | 72        | 1,194                |
|                       | Q4      | 44     | 174         | 21                | 310       | 187             | 214               | 260                    | 83        | 1,293                |
| 2020                  | Q1      | 46     | 211         | 6                 | 325       | 199             | 219               | 288                    | 107       | 1,401                |
|                       | Q2      | 45     | 190         | 7                 | 307       | 214             | 174               | 273                    | 81        | 1,291                |
|                       | Q3      | 30     | 194         | 4                 | 318       | 208             | 172               | 285                    | 96        | 1,307                |
|                       | Q4      | 8      | 34          | 1                 | 53        | 22              | 224               | 136                    | 43        | 521                  |
| 2021                  | Q1      | 33     | 134         | 13                | 198       | 134             | 231               | 234                    | 90        | 1,067                |
| Total:                |         | 292    | 1,524       | 80                | 2,274     | 1,476           | 1,799             | 2,302                  | 713       | 10,460               |
| RENEWALS PROCESSED    |         |        |             |                   |           |                 |                   |                        |           |                      |
| 2019                  | Q1      | 566    | 3,128       | 6                 | 1,651     | 1,586           | 1,165             | 1,250                  | 46        | 9,398                |
|                       | Q2      | 361    | 2,343       | 6                 | 1,507     | 1,419           | 952               | 1,073                  | 31        | 7,692                |
|                       | Q3      | 300    | 2,456       | 13                | 1,782     | 1,561           | 1,123             | 1,420                  | 56        | 8,711                |
|                       | Q4      | 328    | 2,546       | 8                 | 1,751     | 1,624           | 1,145             | 1,362                  | 41        | 8,805                |
| 2020                  | Q1      | 420    | 2,815       | 8                 | 1,674     | 1,483           | 1,123             | 1,281                  | 49        | 8,853                |
|                       | Q2      | 291    | 2,221       | 7                 | 1,561     | 1,399           | 958               | 1,113                  | 37        | 7,587                |
|                       | Q3      | 307    | 2,446       | 10                | 1,753     | 1,546           | 1,014             | 1,310                  | 56        | 8,442                |
|                       | Q4      | 327    | 2,671       | 14                | 1,863     | 1,651           | 975               | 1,347                  | 73        | 8,921                |
| 2021                  | Q1      | 508    | 2,819       | 8                 | 1,578     | 1,517           | 1,172             | 1,234                  | 82        | 8,918                |
| Total:                |         | 3,408  | 23,445      | 80                | 15,120    | 13,786          | 9,627             | 11,390                 | 471       | 77,327               |

## Board of Cosmetology (COS)

Report Date: 26-Oct-20

(data as of most recently closed month to Report Date)

## Examination Statistics

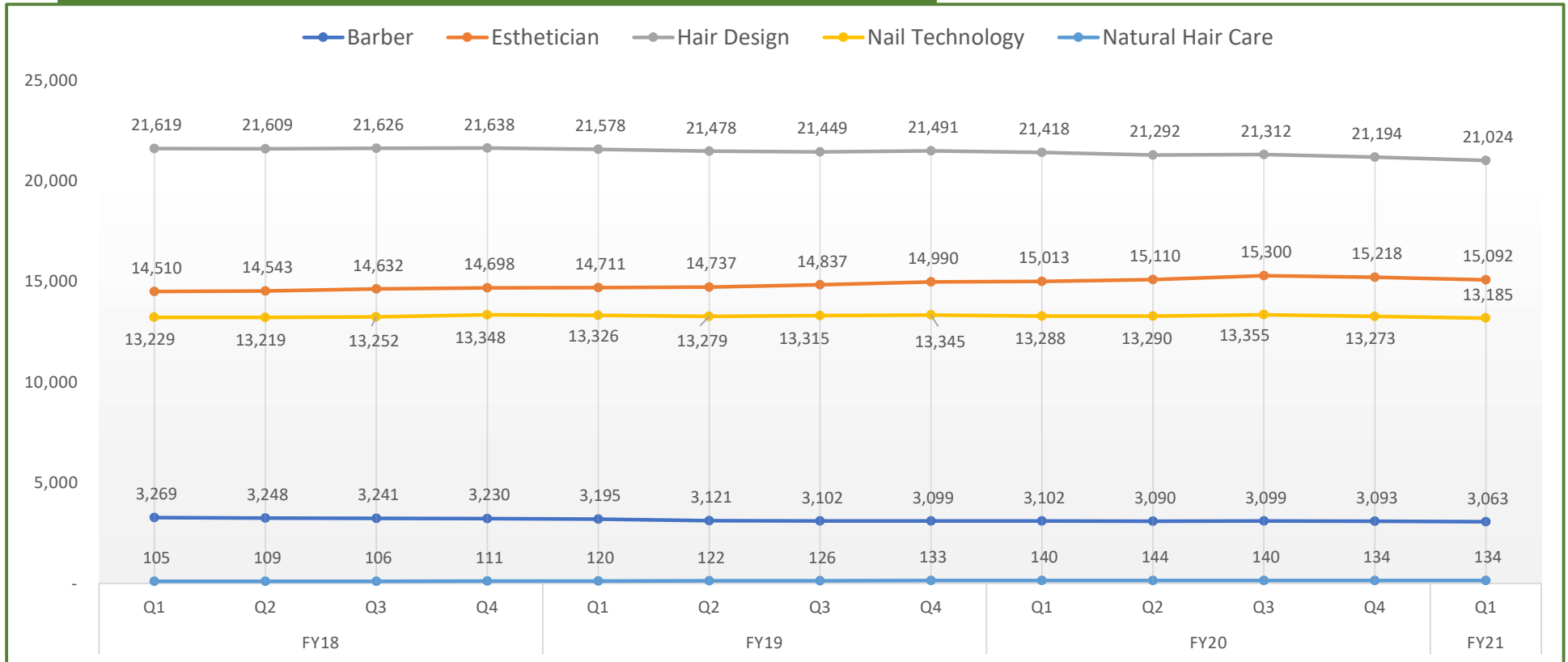
| Fiscal Year | Quarter | Passed            | Failed | % Passed | Passed            | Failed | % Passed |
|-------------|---------|-------------------|--------|----------|-------------------|--------|----------|
|             |         | OR Laws and Rules |        |          | Barber            |        |          |
| 2019        | Q1      | 529               | 236    | 69%      | 22                | 62     | 26%      |
|             | Q2      | 496               | 257    | 66%      | 35                | 74     | 32%      |
|             | Q3      | 507               | 257    | 66%      | 24                | 54     | 31%      |
|             | Q4      | 596               | 283    | 68%      | 46                | 82     | 36%      |
| 2020        | Q1      | 620               | 268    | 70%      | 46                | 78     | 37%      |
|             | Q2      | 609               | 268    | 69%      | 43                | 46     | 48%      |
|             | Q3      | 601               | 283    | 68%      | 28                | 45     | 38%      |
|             | Q4      | 88                | 37     | 70%      | 8                 | 7      | 53%      |
| 2021        | Q1      | 408               | 197    | 67%      | 31                | 36     | 46%      |
| Total:      |         | 4,454             | 2,086  | 68%      | 283               | 484    | 37%      |
|             |         | Hair Design       |        |          | Natural Hair Care |        |          |
| 2019        | Q1      | 204               | 91     | 69%      | 12                | 3      | 80%      |
|             | Q2      | 195               | 66     | 75%      | 6                 | 3      | 67%      |
|             | Q3      | 196               | 77     | 72%      | 6                 | 2      | 75%      |
|             | Q4      | 180               | 73     | 71%      | 19                | 2      | 90%      |
| 2020        | Q1      | 225               | 97     | 70%      | 5                 | -      | 100%     |
|             | Q2      | 193               | 80     | 71%      | 6                 | 2      | 75%      |
|             | Q3      | 187               | 90     | 68%      | 5                 | -      | 100%     |
|             | Q4      | 31                | 17     | 65%      | -                 | -      |          |
| 2021        | Q1      | 140               | 60     | 70%      | 10                | 2      | 83%      |
| Total:      |         | 1,551             | 651    | 70%      | 69                | 14     | 83%      |
|             |         | Esthetics         |        |          | Nail Technology   |        |          |
| 2019        | Q1      | 237               | 140    | 63%      | 193               | 91     | 68%      |
|             | Q2      | 246               | 144    | 63%      | 160               | 105    | 60%      |
|             | Q3      | 280               | 159    | 64%      | 163               | 89     | 65%      |
|             | Q4      | 328               | 175    | 65%      | 200               | 113    | 64%      |
| 2020        | Q1      | 319               | 134    | 70%      | 198               | 95     | 68%      |
|             | Q2      | 304               | 155    | 66%      | 222               | 108    | 67%      |
|             | Q3      | 319               | 155    | 67%      | 215               | 104    | 67%      |
|             | Q4      | 53                | 27     | 66%      | 20                | 19     | 51%      |
| 2021        | Q1      | 204               | 106    | 66%      | 142               | 69     | 67%      |
| Total:      |         | 2,290             | 1,195  | 66%      | 1,513             | 793    | 66%      |

## Board of Cosmetology (COS)

Report Date: 26-Oct-20

(data as of most recently closed month to Report Date)

## Practitioner Volume Trends (averages by State Fiscal Year/Quarter)



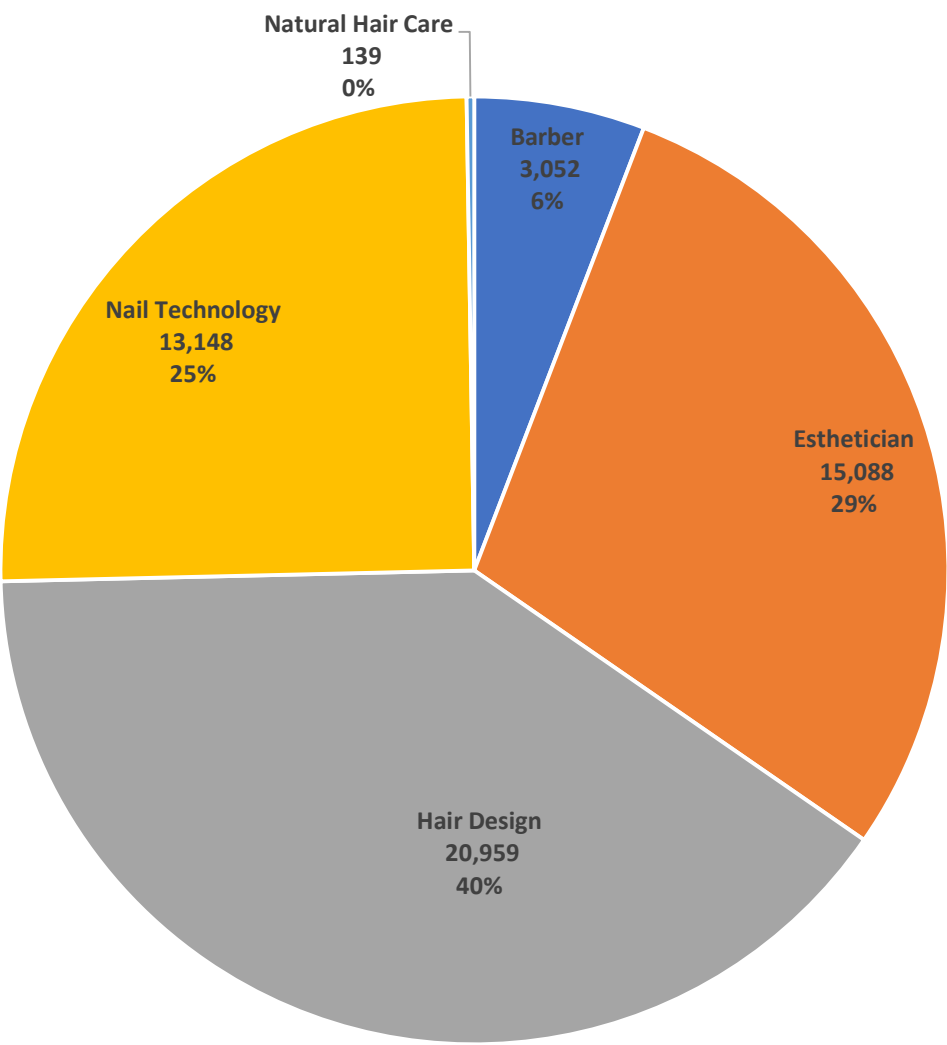
## Practitioner Volume Trends Year-to-Year Growth Rate

| State Fiscal Year | 2017<br>(Jul16-Jun17) | 2018<br>(Jul17-June18) | 2019<br>(Jul18-Jun19) | 2020<br>(Jul19-Jun20) | 2021<br>(Jul20-Jun21) |
|-------------------|-----------------------|------------------------|-----------------------|-----------------------|-----------------------|
| Barber            | -4.0%                 | -3.5%                  | -3.7%                 | -0.9%                 | -1.1%                 |
| Esthetician       | -0.2%                 | 1.2%                   | 1.5%                  | 2.2%                  | -0.3%                 |
| Hair Design       | -0.6%                 | -0.7%                  | -0.6%                 | -0.8%                 | -1.4%                 |
| Nail Technology   | -1.2%                 | -0.4%                  | 0.4%                  | 0.0%                  | -0.9%                 |
| Natural Hair Care | 37.5%                 | 17.9%                  | 16.5%                 | 12.6%                 | -5.3%                 |

Board of Cosmetology (COS)

Report Date: 26-Oct-20  
(data as of most recently closed month to Report Date)

Practitioner Volume Share by Type

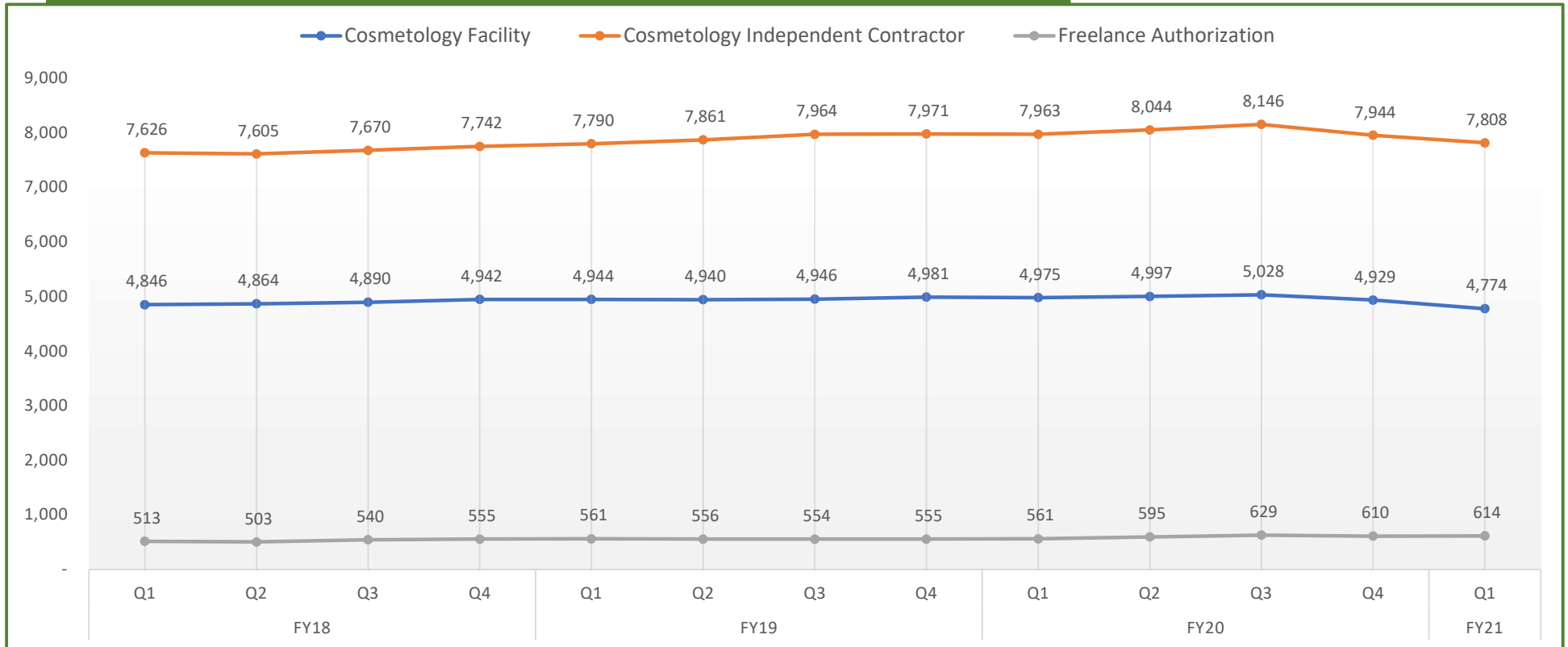




## Board of Cosmetology (COS)

Report Date: **26-Oct-20**(data as of most recently closed month to Report Date)

## Business Authorizations Volume Trends (averages by State Fiscal Year/Quarter)



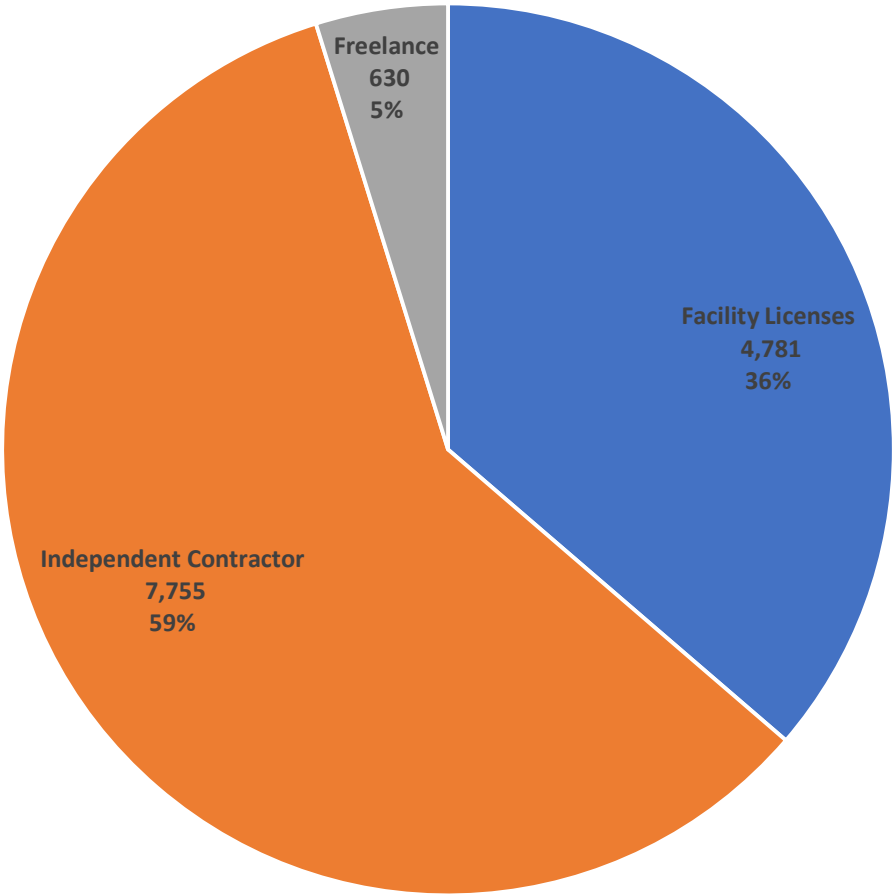
## Business Authorizations Volume Trends Year-to-Year Growth Rate

| State Fiscal Year                  | 2017<br>(Jul16-Jun17) | 2018<br>(Jul17-Jun18) | 2019<br>(Jul18-Jul19) | 2020<br>(Jul19-Jul20) | 2021<br>(Jul20-Jul21) |
|------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Cosmetology Facility               | 1.8%                  | 1.3%                  | 1.3%                  | 0.8%                  | -4.4%                 |
| Cosmetology Independent Contractor | 1.3%                  | 1.1%                  | 3.0%                  | 1.8%                  | -2.9%                 |
| Freelance Authorization            | -4.2%                 | -2.4%                 | 4.8%                  | 7.3%                  | 2.9%                  |

Board of Cosmetology (COS)

Report Date: 26-Oct-20  
(data as of most recently closed month to Report Date)

Business Authorizations Volume Share by Type



## Board of Cosmetology (COS)

Report Date: **26-Oct-20**(data as of most recently closed month to Report Date)

## Cash Flow by State Fiscal

| Biennium   |  | < 2015-17     |               | < 2017-19 >   |                | 2019-21 >        |         |
|--|--|---------------|---------------|---------------|----------------|------------------|---------|
| State Fiscal Year  |  | 2017          | 2018          | 2019          | 2020           | 2021             |         |
|  |  | (Jul16-Jun17) | (Jul17-Jun18) | (Jul18-Jun19) | (Jul19-June20) | (Jul20-Current*) |         |
| <b>Beginning Cash Balance</b>  |  | \$ 1,633,416  | \$ 1,621,794  | \$ 1,250,354  | \$ 655,323     | \$ (190,257)     |         |
| <b>Revenues</b>  |  | \$ 3,675,431  | \$ 3,376,827  | \$ 3,414,529  | \$ 3,366,149   | \$ 847,381       |         |
| <b>Expenditures</b>  |  | \$ 3,687,052  | \$ 3,748,267  | \$ 4,009,560  | \$ 4,211,729   | \$ 909,658       |         |
| <b>Net Operations</b>  |  | \$ (11,621)   | \$ (371,440)  | \$ (595,031)  | \$ (845,580)   | \$ (62,277)      |         |
| (Rev - Exp <u>Only</u> )   |  |               |               |               |                |                  |         |
| <b>Ending Cash Balance</b>   |  | \$ 1,621,794  | \$ 1,250,354  | \$ 655,323    | \$ (190,257)   | \$ (252,533)     |         |
| (Beg Cash + Rev - Exp)   |  |               |               |               |                |                  |         |
| HLO Pooled Expenditures Allocation Share for Board (allocated based on average license volume and inspections/examinations counts) |  |               |               |               |                |                  |         |
|  |  |               |               |               |                |                  | Change  |
| Shared Assessment  |  | 91.600%       | 90.009%       | 89.043%       | 88.065%        | 86.341%          | 1.958%  |
| Small Board  |  |               |               |               |                |                  |         |
| Examinations   |  | 94.076%       | 92.096%       | 92.917%       | 91.209%        | 91.532%          | -0.354% |
| Inspections  |  | 91.768%       | 89.323%       | 90.051%       | 89.224%        | 86.839%          | 2.673%  |

\* As noted in header, to ensure consistency 'Current' data in all reports are based on data from the most recently closed month to the report date.

# Regulatory Report



## **HEALTH LICENSING OFFICE**

1430 Tandem Ave. NE, Suite 180  
Salem, OR 97301-2192  
Phone: (503) 378-8667 | Fax: (503) 370-9004  
Email: [hlo.info@dhsosha.state.or.us](mailto:hlo.info@dhsosha.state.or.us)  
Web: [www.oregon.gov/oha/ph/hlo](http://www.oregon.gov/oha/ph/hlo)

## ***Board of Cosmetology***

November 2, 2020

### **2015 – 2017 Biennium**

| <b>Time Period:</b>                | <b>Complaints Received:</b> | <b>Total Remaining Open:</b> | <b>Total Closed:</b> |
|------------------------------------|-----------------------------|------------------------------|----------------------|
| July 1, 2015 through June 30, 2017 | 305                         | 4                            | 301                  |

#### **Complaints Received By:**

Anonymous = 69      Clients = 75      Other = 161

### **2017 – 2019 Biennium**

| <b>Time Period:</b>                | <b>Complaints Received:</b> | <b>Total Remaining Open:</b> | <b>Total Closed:</b> |
|------------------------------------|-----------------------------|------------------------------|----------------------|
| July 1, 2017 through June 30, 2019 | 387                         | 34                           | 353                  |

#### **Complaints Received By:**

Anonymous = 67      Clients = 113      Other = 207

### **2019 – 2021 Biennium**

| <b>Time Period:</b>                   | <b>Complaints Received:</b> | <b>Total Remaining Open:</b> | <b>Total Closed:</b> |
|---------------------------------------|-----------------------------|------------------------------|----------------------|
| July 1, 2019 through October 15, 2020 | 397                         | 128                          | 269                  |

#### **Complaints Received By:**

Anonymous = 212      Clients = 47      Other = 138

#### **COVID-19 Cases Received by HLO**

Cases Opened-205      Cases Closed-162

Other: General Public, Internal, Licensees or Law Enforcement

Information as of: October 15, 2020

# Policy Report

**2021 Legislation**

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**Fee Increase**



## HEALTH LICENSING OFFICE

Kate Brown, Governor



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To: Cosmetology Interested Parties

From: Samie Patnode, Policy Analyst

Subject: 2021 Legislation – Fee Increase

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During the 2021 Legislative Session the Oregon Health Authority, Health Licensing Office will be requesting licensing fee increases for the Board of Cosmetology (Board). The Board must increase fees to cover the cost of licensing and regulating the Board's professionals and protecting the public.

Prior to 2013, the Oregon Health Licensing Agency (OHLA) operated as an independent state agency. During the 2013 Legislative Session OHLA was moved to the Oregon Health Authority, creating the Health Licensing Office (HLO). This changed the indirect costs from funding an independent small agency to being part of the Oregon Health Authority (OHA). HLO now contributes to OHA's and Public Health's operations, which distributes shared costs among divisions.

This change increased expenses to the Board without an increase in fees to offset the additional costs. Each board pays these shared costs based on the number of licenses provided by the HLO and the services provided to licensees. The Board of Cosmetology carries more than 90 percent of the total cost allocation due to the number of licenses the HLO administers which is upwards of 30,000 licenses. Cosmetology fees are no longer adequate to cover the costs, since fees have not been increased since June 2011. In fact, in July 2015, the HLO began offering a discount for cosmetology licensees renewing online as it takes less staff time to process online renewals but stopped offering the discount in December 2019, to address the revenue shortfall.

Revenue and expenditure forecasts predict the Board will slip into a budget deficit in 2020, that will continue in 2021-23. Without an increase in fees, the HLO will not be able to:

- Issue licenses to applicants in a timely manner;
- Protect the public from potential health and safety violations;
- Protect the public from unqualified practitioners;
- Inspect facilities;



- Administer examinations in multiple languages; and
- Investigate complaints.

The HLO and the Board designed the fees to be less for individuals entering the profession and more for individuals who are established including businesses. The fee increases would go into effect January 1, 2022, and would include the following:

- Individuals who are entering the profession out of school will see an increase on average of \$10 per license;
- Licensees renewing or coming from another state will see an increase on average of \$20 per license;
- Applications for business licenses (facility, independent contractors, freelance, etc.) will see an increase on average of \$34 per license; and
- Business license renewals will see an increase on average of \$43 per license.

If fees are increased the Board of Cosmetology's revenue will stabilize allowing the Board and the HLO to continue its mission of protecting Oregonians who receive services from these professionals.

For questions contact Samie Patnode, Policy Analyst at (503) 373-1917 or by email at [samie.patnode@dhsosha.state.or.us](mailto:samie.patnode@dhsosha.state.or.us).

# **COVID-19**

## **Update**

# **Late Fee Discount**

### **331-010-0015**

#### **COVID-19 – Delinquency Fee Discount for Authorization Holders during Declared State of Emergency**

(1) The Governor of the State of Oregon declared a state of emergency under ORS 401.165 *et seq.* on March 8, 2020. The Governor has imposed social distancing requirements and restricted certain activities because of the public health threat posed by the novel infectious coronavirus (COVID-19). The Office recognizes the financial burdens on authorization holders, including those with small businesses.

(2) Authorization holders are encouraged to renew timely when the requirements for renewal and circumstances allow them to complete the process. Operating with an inactive license is a sanctionable offense.

(3) A late renewal of authorization fee is required pursuant to ORS 676.576. Notwithstanding OAR 331-140-0000(2)(f), OAR 331-300-0020(2)(e), OAR 331-375-0020(2)(e), OAR 331-440-0000(2)(e), OAR 331-475-0010(2)(f), OAR 331-655-0005(2)(e), OAR 331-740-0000(2)(e), OAR 331-800-0020(2)(g), OAR 331-940-0000(2)(f)(A), OAR 332-040-0000(2)(f)(A), OAR 338-005-0030(2)(e)(A), OAR 817-040-0003(2)(f)(A), OAR 819-040-0005(2)(d), OAR 824-020-0040(1)(d)(A), OAR 834-040-0000(2)(d)(A), OAR 853-040-0000(2)(e)(A), and any other Office or ORS 676.565 board, council, or program rule, the delinquency fee for late renewal of an authorization is discounted to \$1.00 for an authorization holder with a renewal date that falls between March 8, 2020 and 30 days after the date on which the declared state of emergency, and any extension of the declaration, is no longer in effect, provided that:

(a) the authorization was current immediately before the 2020 renewal date; and

(b) all renewal requirements are completed between March 8, 2020 and 30 days after the date on which the declared state of emergency, and any extension of the declaration, is no longer in effect.

(4) In order to qualify for the delinquency fee discount in (3), an authorization holder must meet all other renewal requirements under the authorization holder's governing board, council, or program laws, including paying the applicable renewal fee:

(a) Board of Athletic Trainers: OAR 331-140-0000(2)(e).

(b) Board of Cosmetology: OAR 817-040-0003(2)(e).

(c) Board of Denture Technology: OAR 331-440-0000(2)(d).

(d) Board of Direct Entry Midwifery: OAR 332-040-0000(2)(d).

(e) Respiratory Therapist and Polysomnographic Licensing Board: OAR 331-740-0000(2)(d).

- (f) Environmental Health Registration Board: OAR 338-005-0030(2)(d).
- (g) Board of Electrologist and Body Art Practitioners: OAR 331-940-0000(2)(d) and (e).
- (h) Advisory Council on Hearing Aids: OAR 331-655-0005(2)(d).
- (i) Sexual Offense Treatment Board: OAR 331-800-0020(2)(c).
- (j) Long Term Care Administrators Board: OAR 853-040-0000(2)(d).
- (k) Board of Licensed Dietitians: OAR 834-040-0000(2)(c).
- (l) Behavior Analysis Regulatory Board: OAR 824-020-0040(1)(c).
- (m) Board of Certified Advanced Estheticians: OAR 819-040-0005(2)(c).
- (n) Art Therapy: OAR 331-375-0020(2)(c).
- (o) Lactation Consultation: OAR 331-475-0010(2)(c).
- (p) Music Therapy: OAR 331-300-0020(2)(c).

(5) In order to qualify for the discount for delinquency fees, authorization holders must meet all renewal requirements for the specific board, council and programs listed in ORS 676.565.

**Statutory/Other Authority:** ORS 676.568(1)(f), (1)(o), (2), ORS 676.572, ORS 676.576, ORS 676.615(1), (2), ORS 676.625, ORS 676.689, ORS 678.820 & ORS 681.730

**Statutes/Other Implemented:** ORS 676.568(1)(f), (1)(o), (2), ORS 676.572, ORS 676.576, ORS 676.615(1), (2), ORS 676.625, ORS 676.689, ORS 678.820 & ORS 681.730

**History:**

[HLO 8-2020, adopt filed 09/22/2020, effective 09/22/2020](#)

[HLO 5-2020, temporary adopt filed 04/10/2020, effective 04/10/2020 through 10/06/2020](#)

# **Compliance State of Emergency**

**331-020-0078**

**COVID-19 Compliance with Executive Orders and Guidance Required**

In the event of a disaster or emergency declared by the Governor of Oregon and during the declared disaster or emergency, unprofessional conduct under ORS 676.612, includes, but is not limited to, failure to comply with an Executive Order issued by the Governor or failure to comply with state agency guidance applicable to the time and location where the authorization holder performs services.

**Statutory/Other Authority:** ORS 676.565, ORS 676.568(1)(o), (2) & ORS 676.615(1), (2)

**Statutes/Other Implemented:** ORS 676.568(1)(e), (i), (k), (o), (2), ORS 676.612 & ORS 676.992

**History:**

[HLO 6-2020, temporary adopt filed 05/15/2020, effective 05/15/2020 through 11/10/2020](#)

# **Public/ Interest Parties Feedback**



# Executive Session

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**Executive Session:** Pursuant to ORS 192.660(2)(f) and ORS 676.595 for the purpose of considering information exempt from public disclosure. (investigation)

# **Items for Board Action**

# **Other Board Business**

[illegible]