



HEALTH LICENSING OFFICE

Tina Kotek, Governor

Oregon
Health
Authority

1430 Tandem Ave. NE, Suite 180

Salem, OR 97301-2192

Phone: (503) 378-8667

Fax: (503) 585-9114

Email: hlo.info@dhsoha.state.or.us

Website: www.oregon.gov/oha/ph/hlo

WHO: Health Licensing Office
Board of Cosmetology Meeting

WHEN: Monday, January 23, 2023, at 10 a.m.

WHERE: 1430 Tandem Ave. NE, Suite 180, Salem, OR 97301

What is the purpose of the meeting?

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

May the public attend open sessions in person?

Yes, members of the public, interested parties, and the media are invited to attend all board/council meetings. Public and interested parties' feedback will be heard if available and stated on the agenda.

May the public attend by way of teleconference (call-in)?

Yes, a teleconference line is available for the public to attend the open sessions of the public meeting.

Teleconference call-in instructions:

- Dial (503) 934-3605 and enter the specific six-digit passcode listed on the agenda below. Keep your phone on mute at all times during the meeting until you are given an opportunity to speak during the Public and Interested Parties Feedback period.
- Email your full name to April Fleming at april.fleming@dhsoha.state.or.us, and let her know if you would like to make a public comment.

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 an executive session. Board members, designated participants such as 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. 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.

Representatives of the news media who are interested in attending an executive session are asked to contact April Fleming at april.fleming@dhsoha.state.or.us to make arrangements.

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

If you have any questions about accommodations or need any assistance to participate, please contact April Fleming at april.fleming@dhsoha.state.or.us, or by calling (503) 509-5127; or Derek Fultz at derek.j.fultz@dhsoha.state.or.us or by calling (503) 373-1915. All relay calls are accepted.

Agenda is subject to change.

For the latest information, go to <https://www.oregon.gov/oha/PH/HLO/Pages/Public-Meetings.aspx>

Items for Board Action

Approval of Agenda



Health Licensing Office
Board of Cosmetology
1430 Tandem Ave. NE, Suite 180, Salem, OR 97301



Monday, January 23, 2023 at 10 a.m.
Teleconference Call-In Information
Conference call phone number: **(503) 934-3605**;
Conference passcode: 747147

1. **Call to order**
2. **Items for Board action**
 - ◆ Approval of agenda
 - ◆ Determine additional training requirements for retake examination
 - Applicant #109844 – hair design: X7
 - Applicant #112194 – nail technology: X7
 - Applicant #129956 - hair design: X6
 - Applicant #143847 – hair design: X6
 - Applicant #146716 – hair design: X7
 - Applicant #149703 – barbering: X7
3. **Reports**
 - ◆ Director report
 - Board member recruitment
 - ◆ Licensing and fiscal statistical reports
 - ◆ Regulatory report
 - ◆ Policy
 - Administrative rule update
 - 2023 Legislative update
4. **Public/interested parties' feedback**
5. **Other Board business**

**Determine Addition
Training
Requirements for
Retake Examination**

Applicant # 109844
For HA

Issue Statement

Issue:

Determine additional training requirements for applicant #109844 prior to taking the Hair Design Written Examination for the eighth (8th) attempt.

Discussion / Recommendation:

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

Due to failing the examination on October 18, 2022, with a score of 62 % on the seventh (7th) attempt, the Health Licensing Office (HLO) recommends applicant # 109844 complete:

1. 450 hours of training in Hair Design, which is consistent with the core curriculum set forth by the Higher Education Coordinating Commission, prior to retaking the Hair Design Written Examination for the eighth (8th) 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 # 112194
For NT

Issue Statement

Issue:

Determine additional training requirements for applicant #112194 prior to taking the Nail Technology Written Examination for the eighth (8th) 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 October 27th, 2022 with a score of 70% on the seventh (7th) attempt, the Health Licensing Office (HLO) recommends applicant ##112194 complete:

1. 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 (7th) 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.
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 - 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 # 129956
For HA

Issue Statement

Issue:

Determine additional training requirements for applicant # 129956 prior to taking the Hair Design Written Examination for the 7th (Seventh) attempt.

Discussion / Recommendation:

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

Due to failing the examination on September 11, 2020, with a failure rate of 63 % on the 6th (Sixth) attempt, the Health Licensing Office (office) recommends applicant #129956 complete:

1. 1450 hours of training in Hair Design, which is consistent with the core curriculum set forth by the Higher Education Coordinating Commission, prior to retaking the Hair Design Written Examination for the 7th (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.
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 - 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 # 143847
For HA

Issue Statement

Issue:

Determine additional training requirements for applicant #143847 prior to taking the Hair Design Written Examination for the 7th (Seventh) attempt.

Discussion / Recommendation:

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

Due to failing the examination on December 9, 2022, with a failure rate of 68 % on the 6th (Sixth) attempt, the Health Licensing Office (office) recommends applicant # 143847 complete:

1. 1450 hours of training in Hair Design, which is consistent with the core curriculum set forth by the Higher Education Coordinating Commission, prior to retaking the Hair Design Written Examination for the 7th (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.
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:
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 - 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 # 146716
For HA

Issue Statement

Issue:

Determine additional training requirements for applicant #146716 prior to taking the Hair Design Written Examination for the eighth (8th) attempt.

Discussion / Recommendation:

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

Due to failing the examination on November 30, 2022, with a score of 65 % on the seventh (7th) attempt, the Health Licensing Office (HLO) recommends applicant # 146716 complete:

1. 450 hours of training in Hair Design, which is consistent with the core curriculum set forth by the Higher Education Coordinating Commission, prior to retaking the Hair Design Written Examination for the seventh (7th) 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 # 149703
For BA

Issue Statement

Issue:

Determine additional training requirements for applicant #149703 prior to taking the Barber Written Examination for the seventh (7th) attempt.

Discussion / Recommendation:

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

Due to failing the examination on November 18, 2022, with a score of 62 % on the sixth (6th) attempt, the Health Licensing Office (HLO) recommends applicant #149703 complete:

1. 746 hours of training in Barbering, which is consistent with the core curriculum set forth by the Higher Education Coordinating Commission, prior to retaking the Barber Written Examination for the seventh (7th) 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.

Director's Report

Licensing and Fiscal Statistical Reports



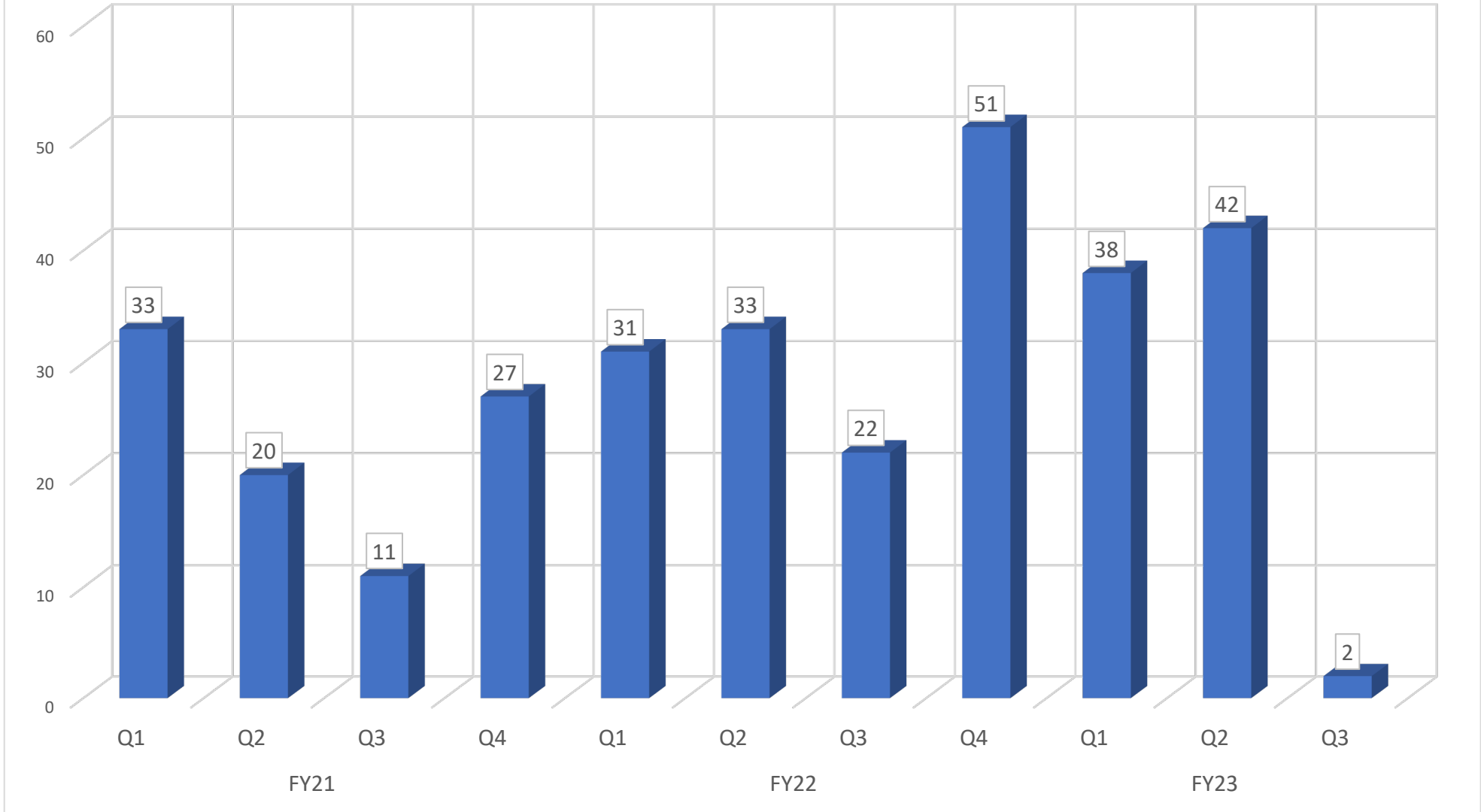
Health Licensing Office

Protecting the health, safety and rights of Oregon consumers

Board of Cosmetology

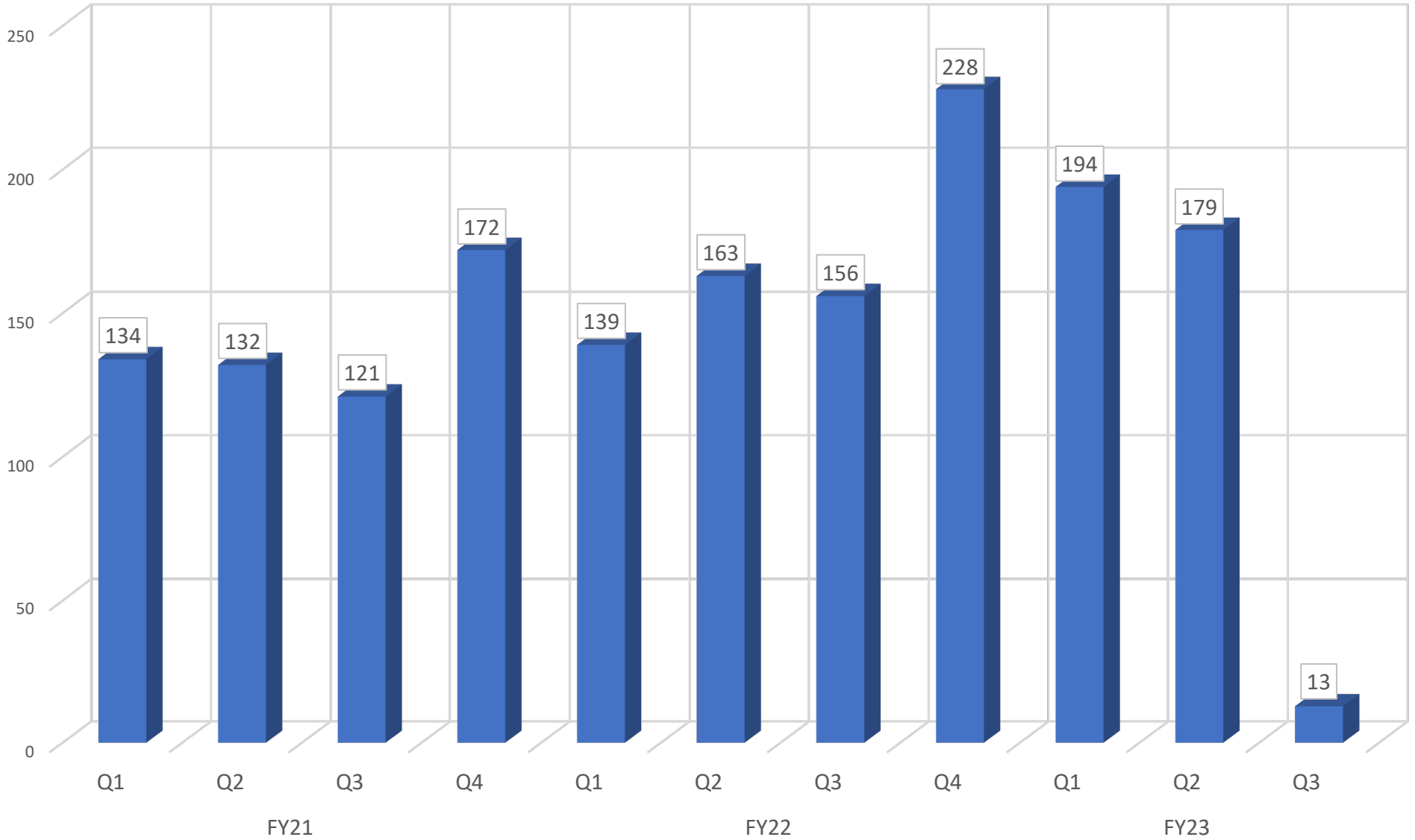
Board Report

Licenses Issued - Barber



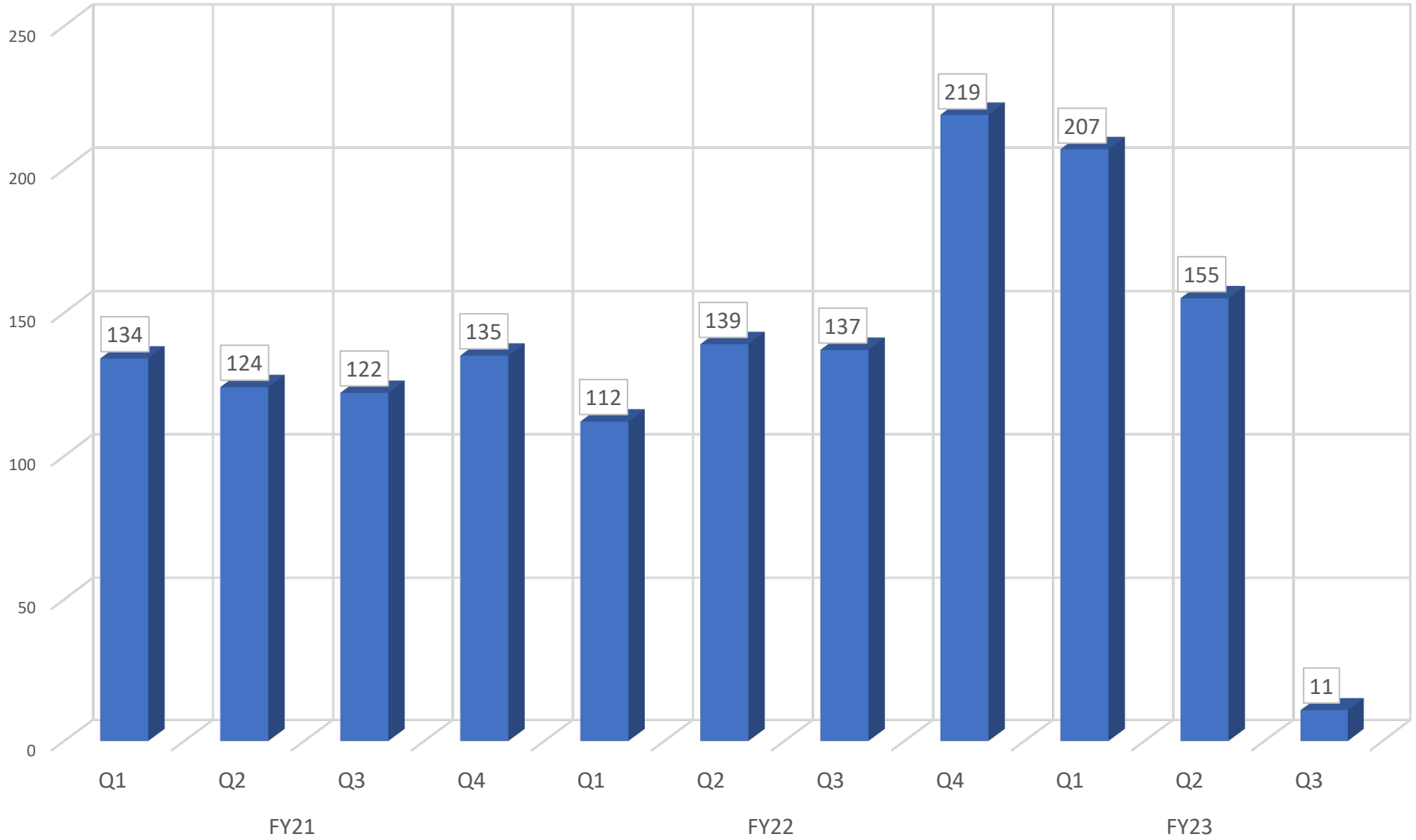
TOTAL ISSUED	FY21	91	FY22	137	FY23	82	TOTAL	310
	7/1/20 - 6/30/21		7/1/21 - 6/30/22		7/1/22 - 6/30/23			

Licenses Issued - Hair Design



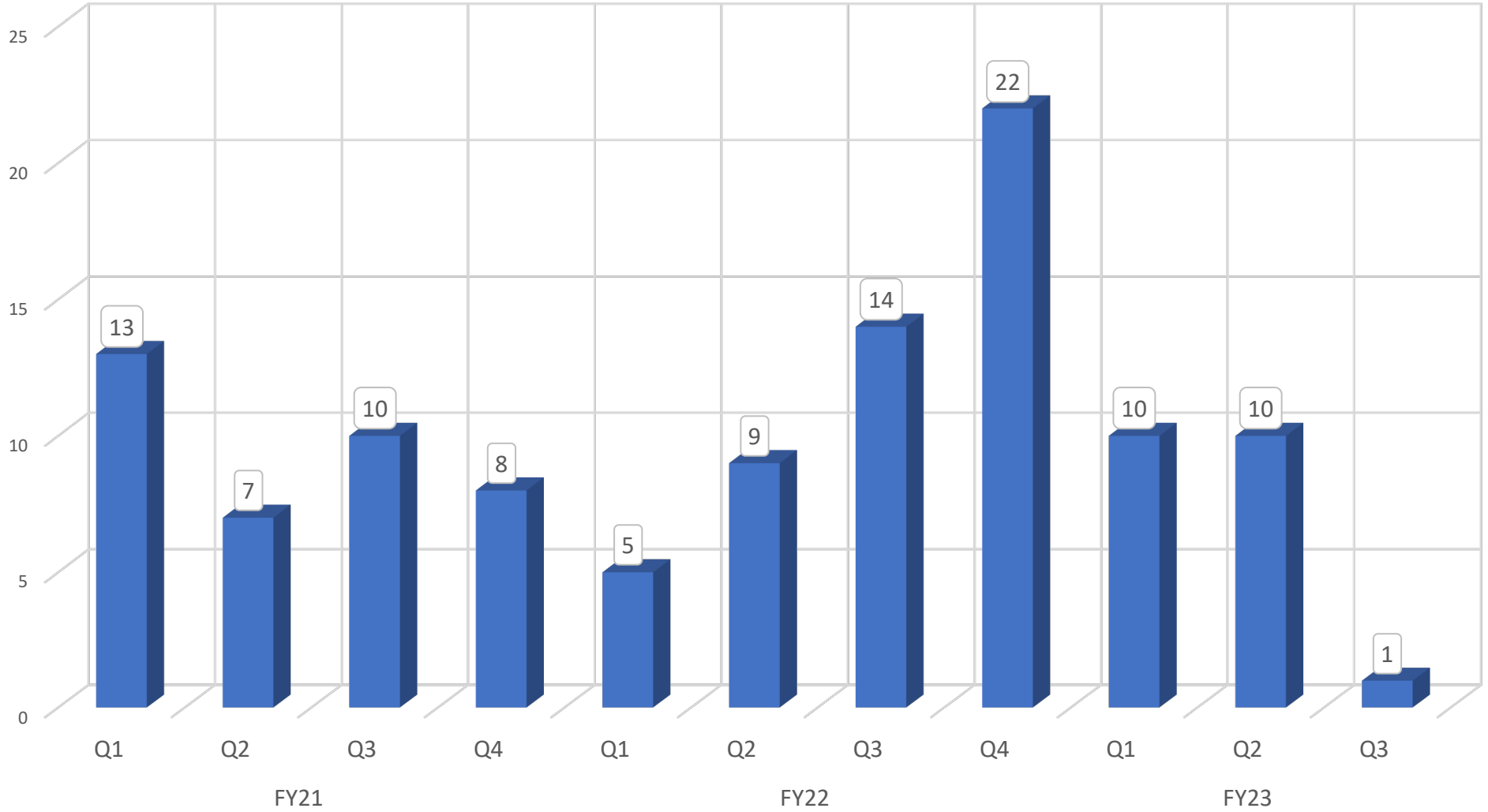
TOTAL ISSUED	FY21	559	FY22	686	FY23	386	TOTAL	1631
	7/1/20 - 6/30/21		7/1/21 - 6/30/22		7/1/22 - 6/30/23			

Licenses Issued - Nail Technology



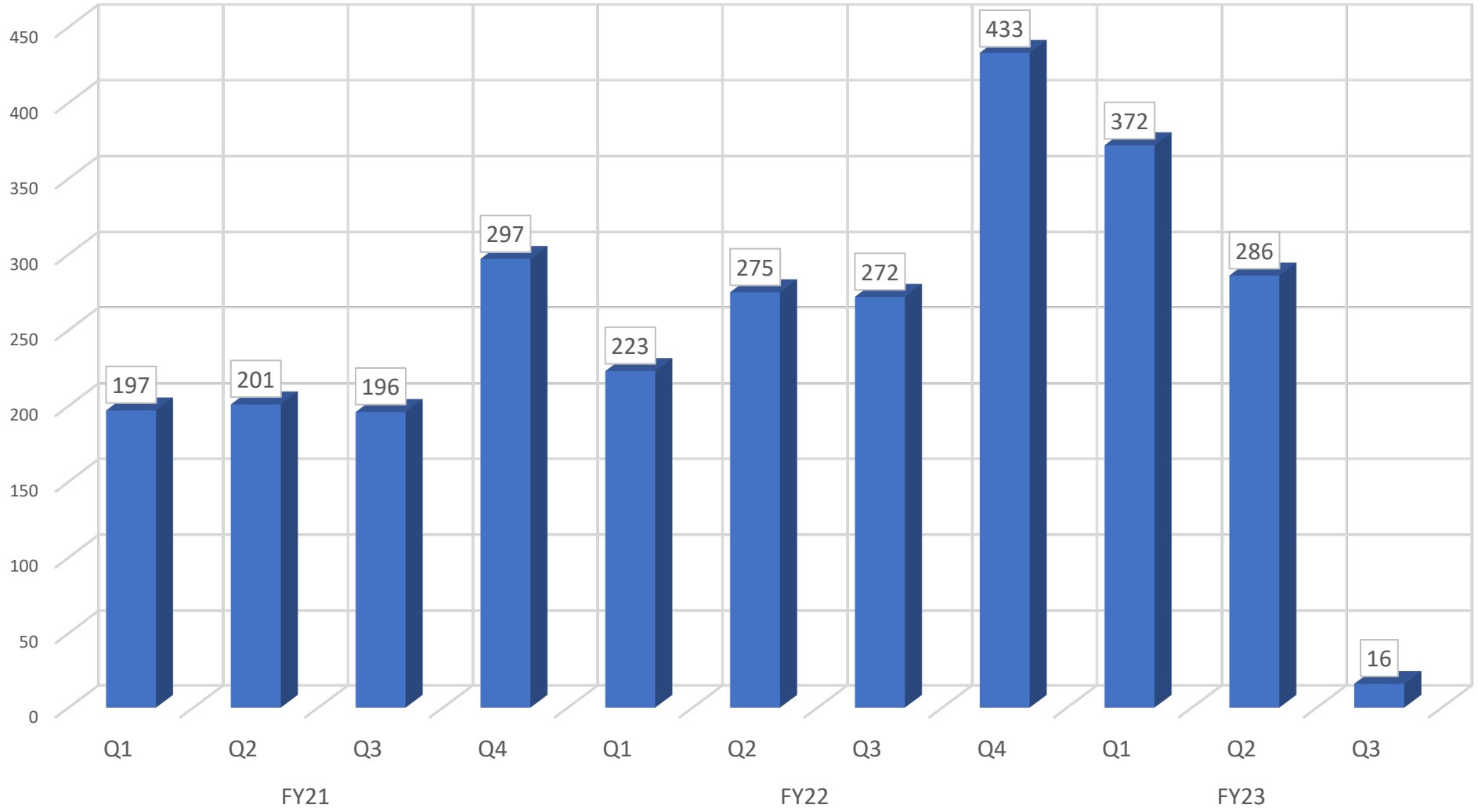
TOTAL ISSUED	FY21	515	FY22	607	FY23	373	TOTAL	1495
	7/1/20 - 6/30/21		7/1/21 - 6/30/22		7/1/22 - 6/30/23			

Licenses Issued - Natural Hair Care



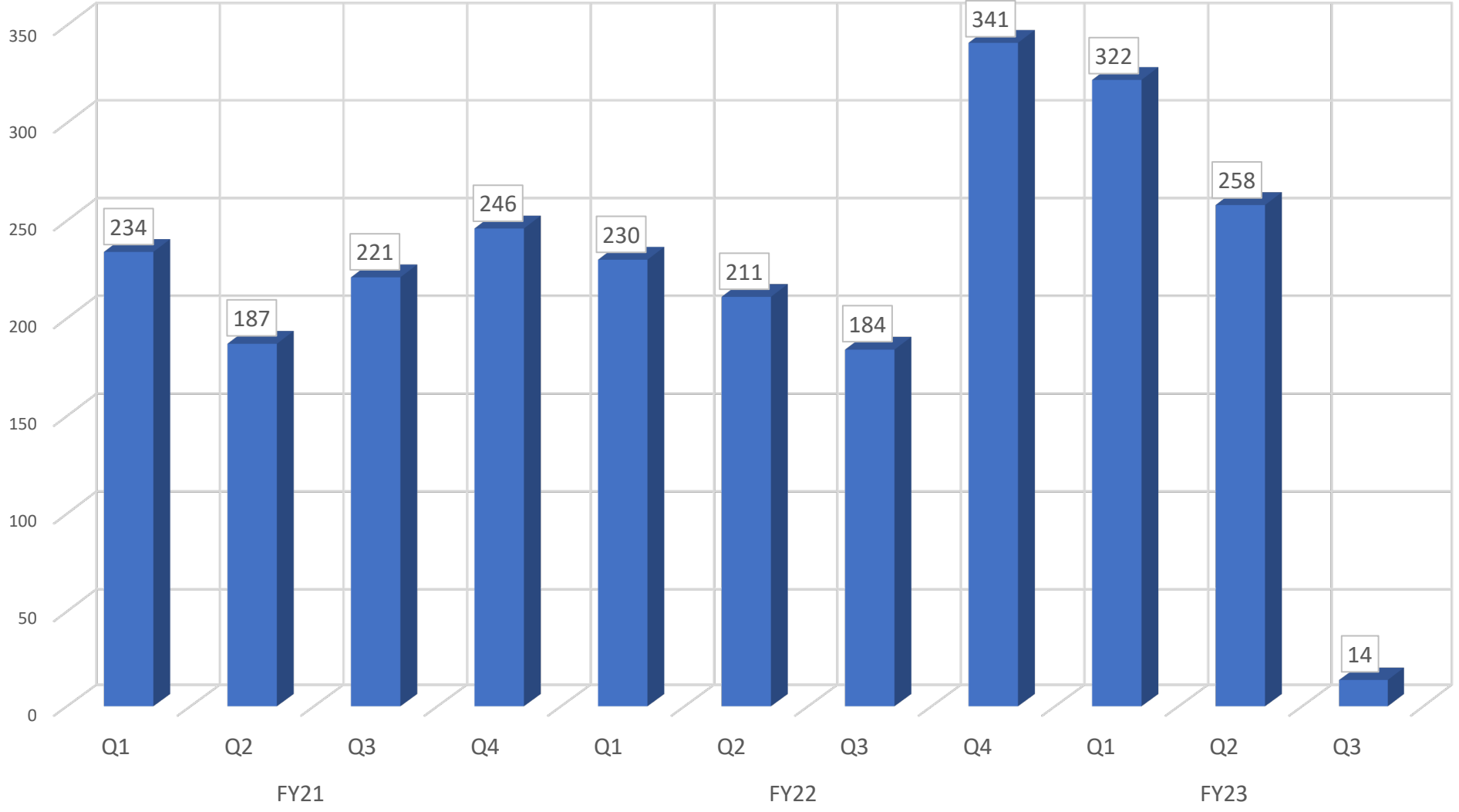
TOTAL ISSUED	FY21	38	FY22	50	FY23	21	TOTAL	109
	7/1/20 - 6/30/21		7/1/21 - 6/30/22		7/1/22 - 6/30/23			

Licenses Issued - Esthetician



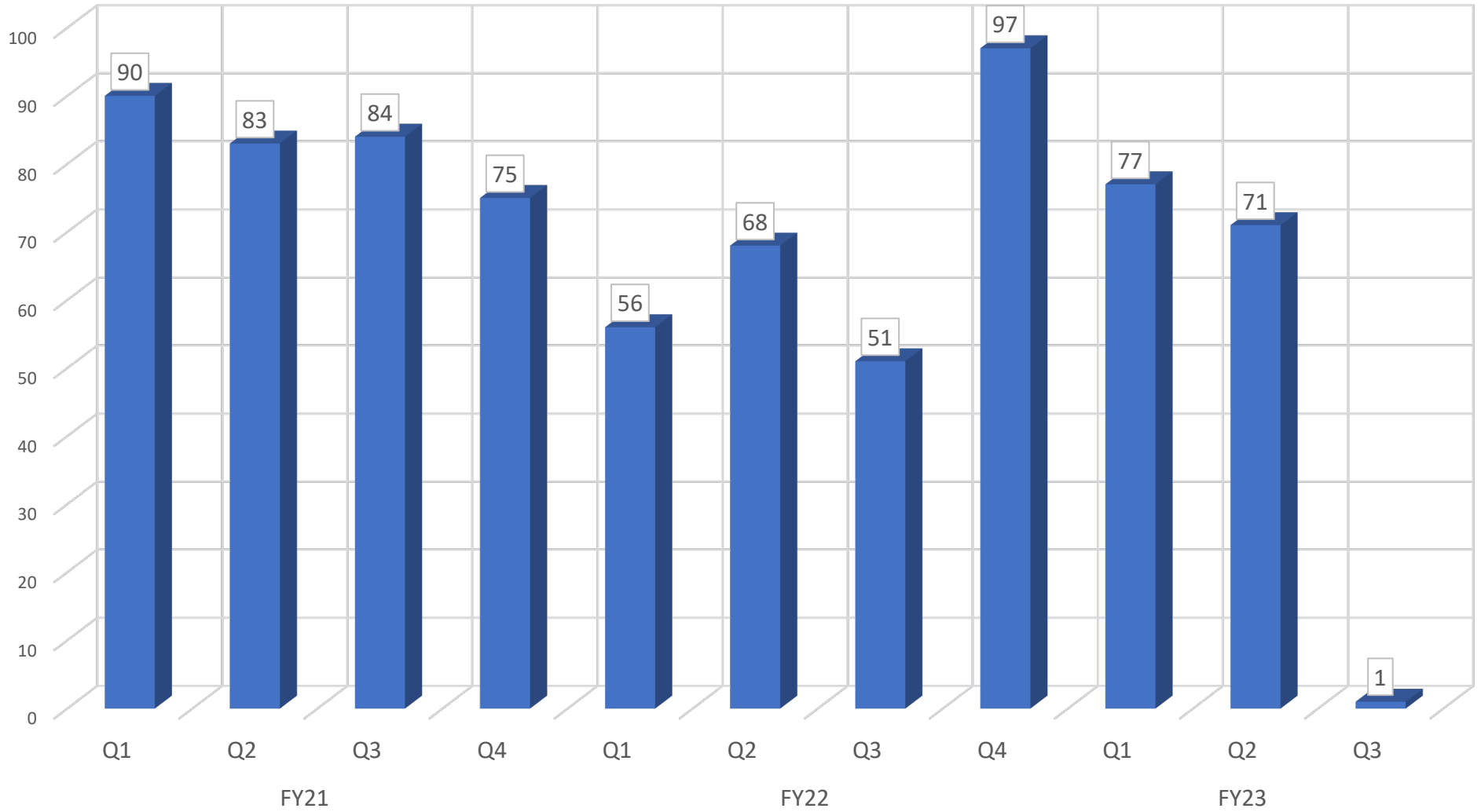
TOTAL ISSUED	FY21	891	FY22	1203	FY23	674	TOTAL	2768
	7/1/20 - 6/30/21		7/1/21 - 6/30/22		7/1/22 - 6/30/23			

Licenses Issued - Cosmetology Independent Contractor



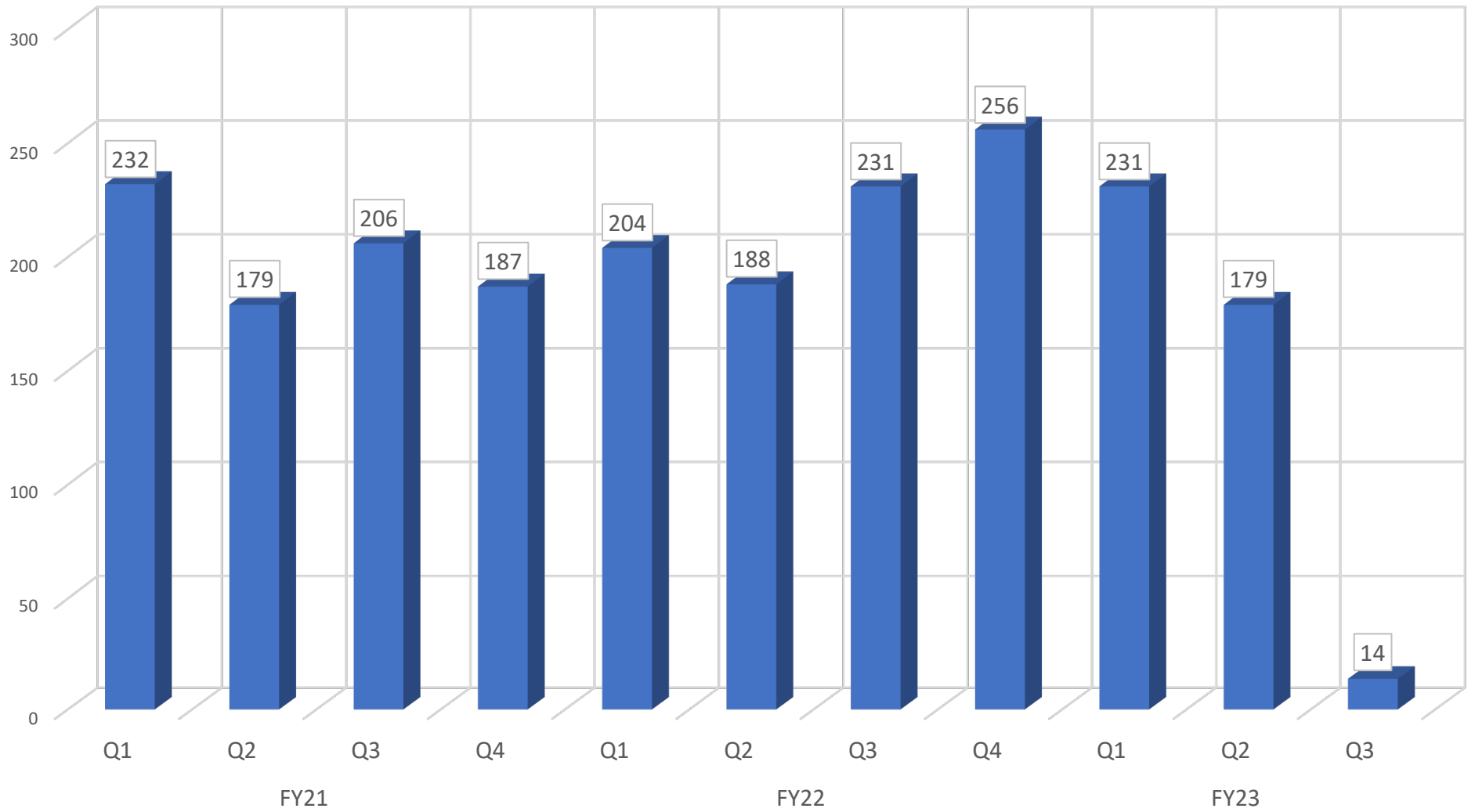
TOTAL ISSUED	FY21	888	FY22	966	FY23	594	TOTAL	2448
	7/1/20 - 6/30/21		7/1/21 - 6/30/22		7/1/22 - 6/30/23			

Licenses Issued - Freelance Authorization



TOTAL ISSUED	FY21	332	FY22	272	FY23	149	TOTAL	753
	7/1/20 - 6/30/21		7/1/21 - 6/30/22		7/1/22 - 6/30/23			

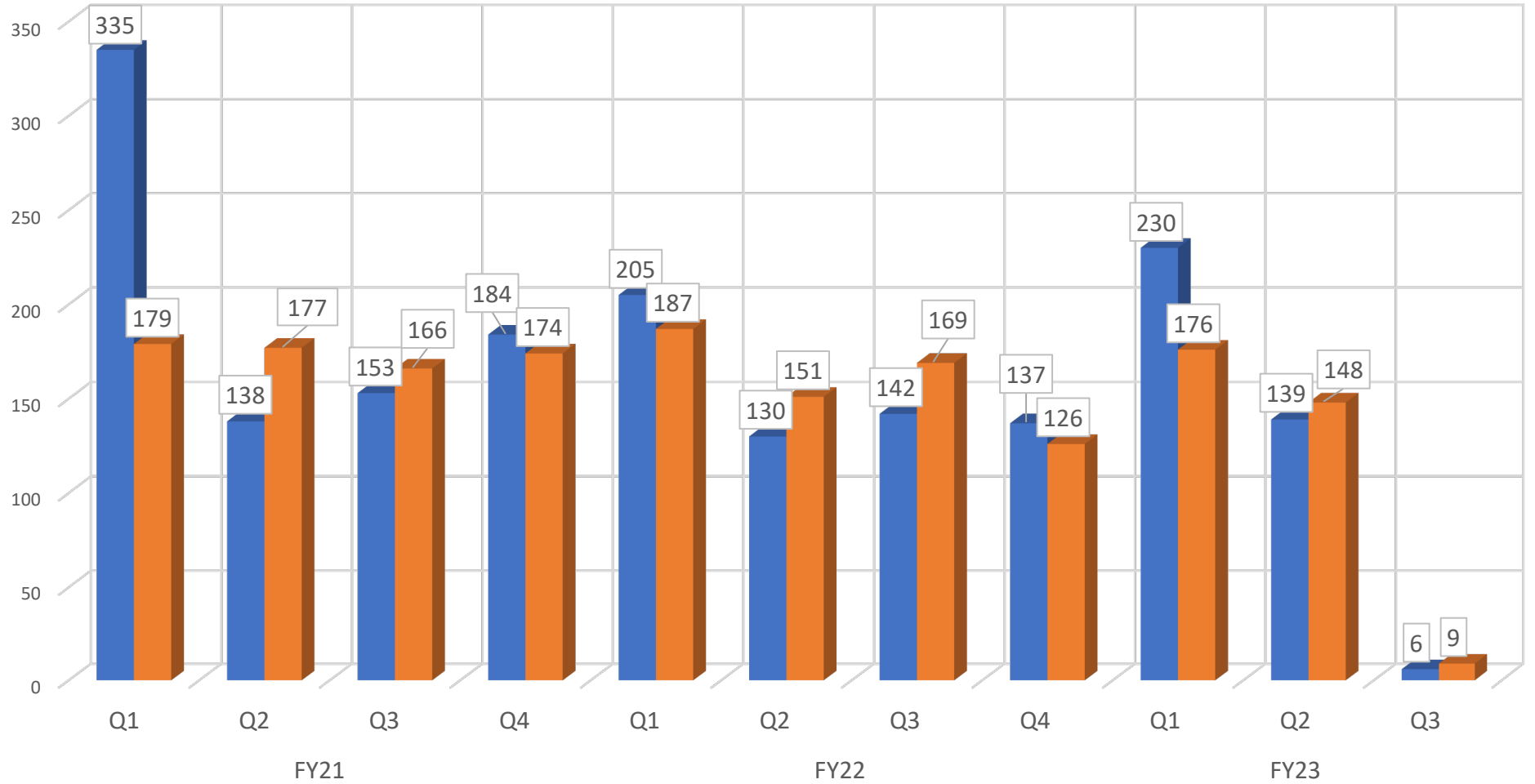
Licenses Issued - Cosmetology Facility



TOTAL ISSUED	FY21	804	FY22	879	FY23	424	TOTAL	2107
	7/1/20 - 6/30/21		7/1/21 - 6/30/22		7/1/22 - 6/30/23			

Licenses Renewed - Barber

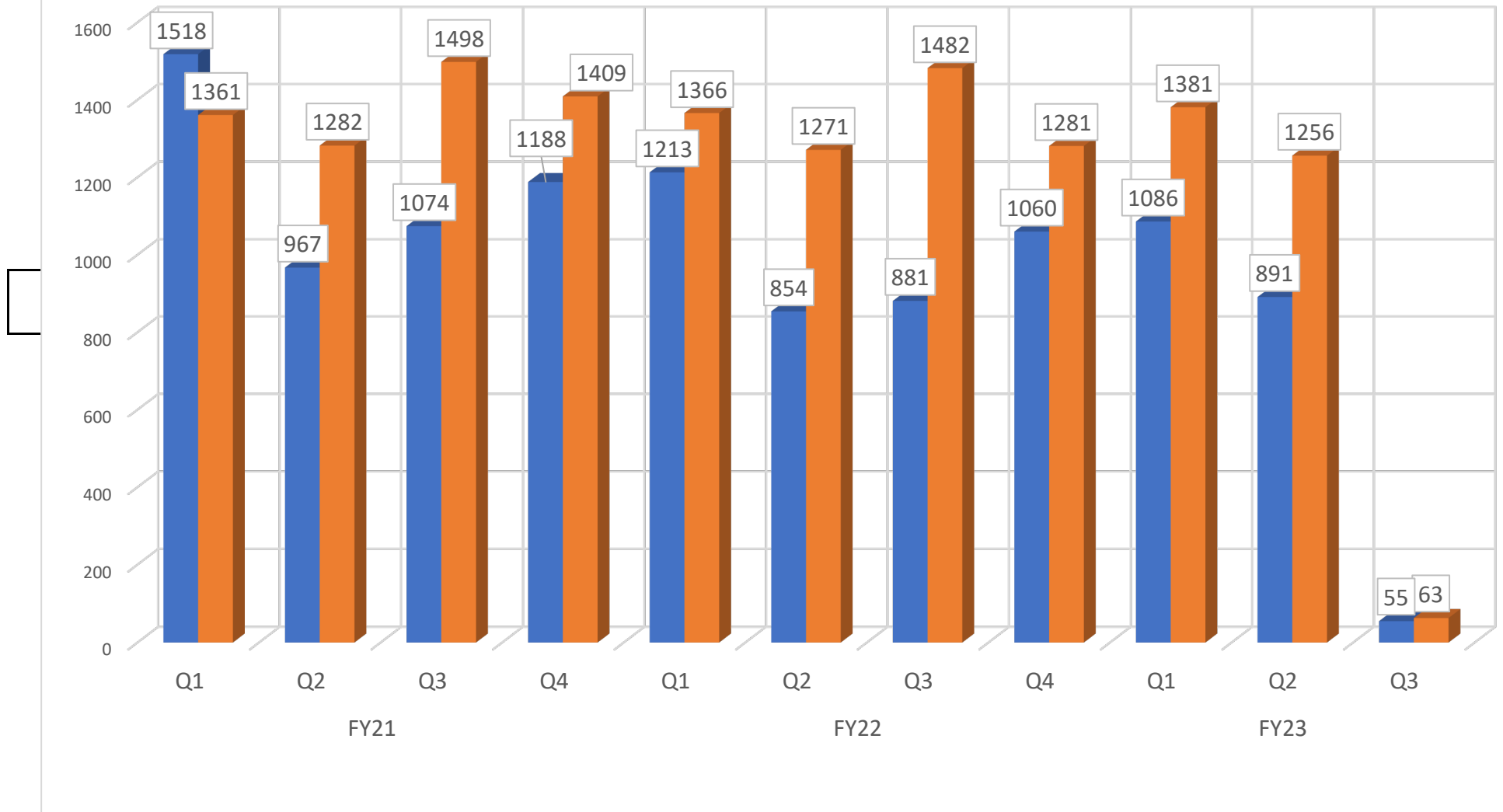
■ PAPER ■ ONLINE



TOTAL ISSUED	FY21	1506	FY22	1247	FY23	708	TOTAL	3461
	7/1/20 - 6/30/21		7/1/21 - 6/30/22		7/1/22 - 6/30/23			

Licenses Renewed - Hair Design

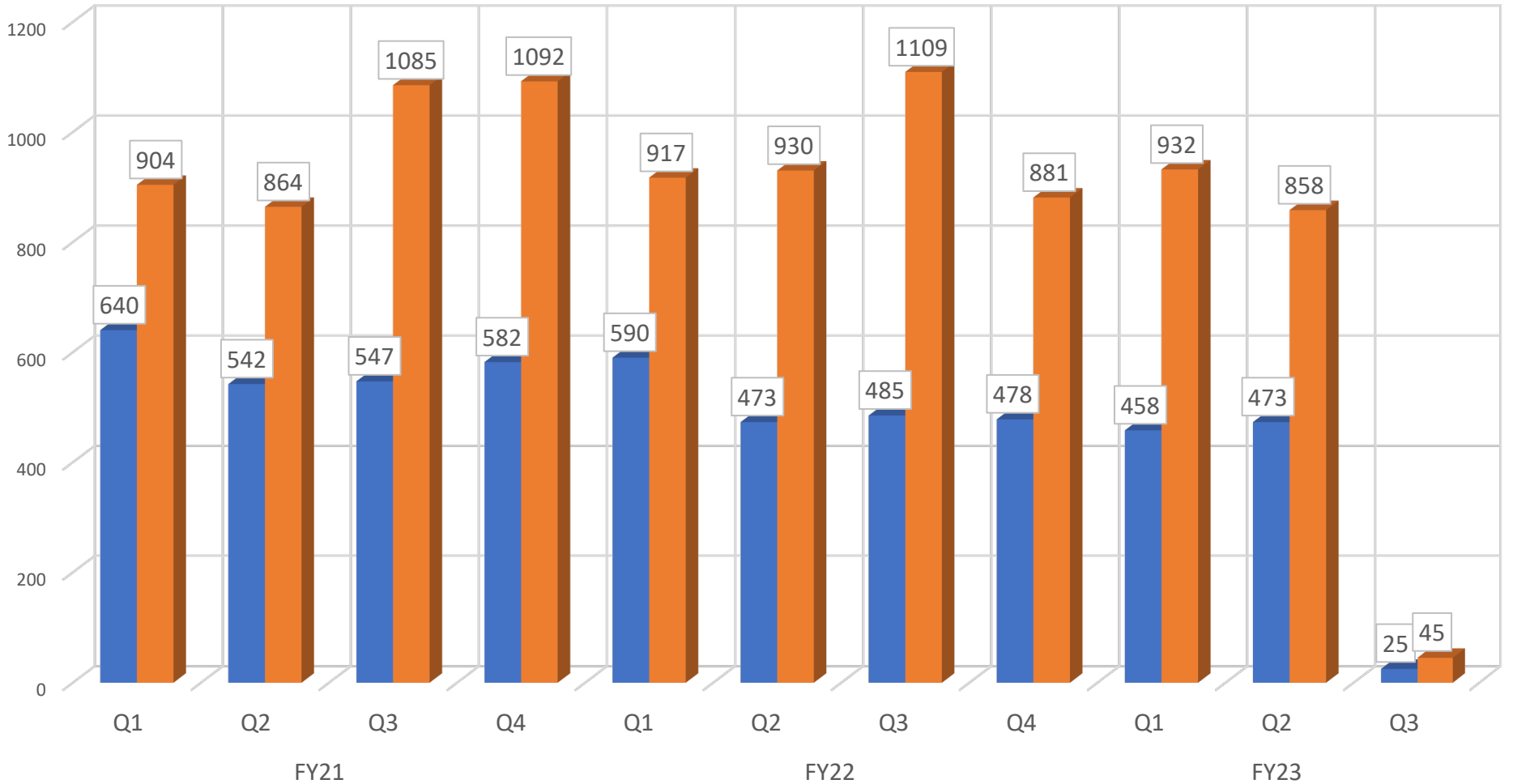
■ PAPER ■ ONLINE



TOTAL ISSUED	FY21	10297	FY22	9408	FY23	4732	TOTAL	24437
	7/1/20 - 6/30/21		7/1/21 - 6/30/22		7/1/22 - 6/30/23			

Licenses Renewed - Nail Technology

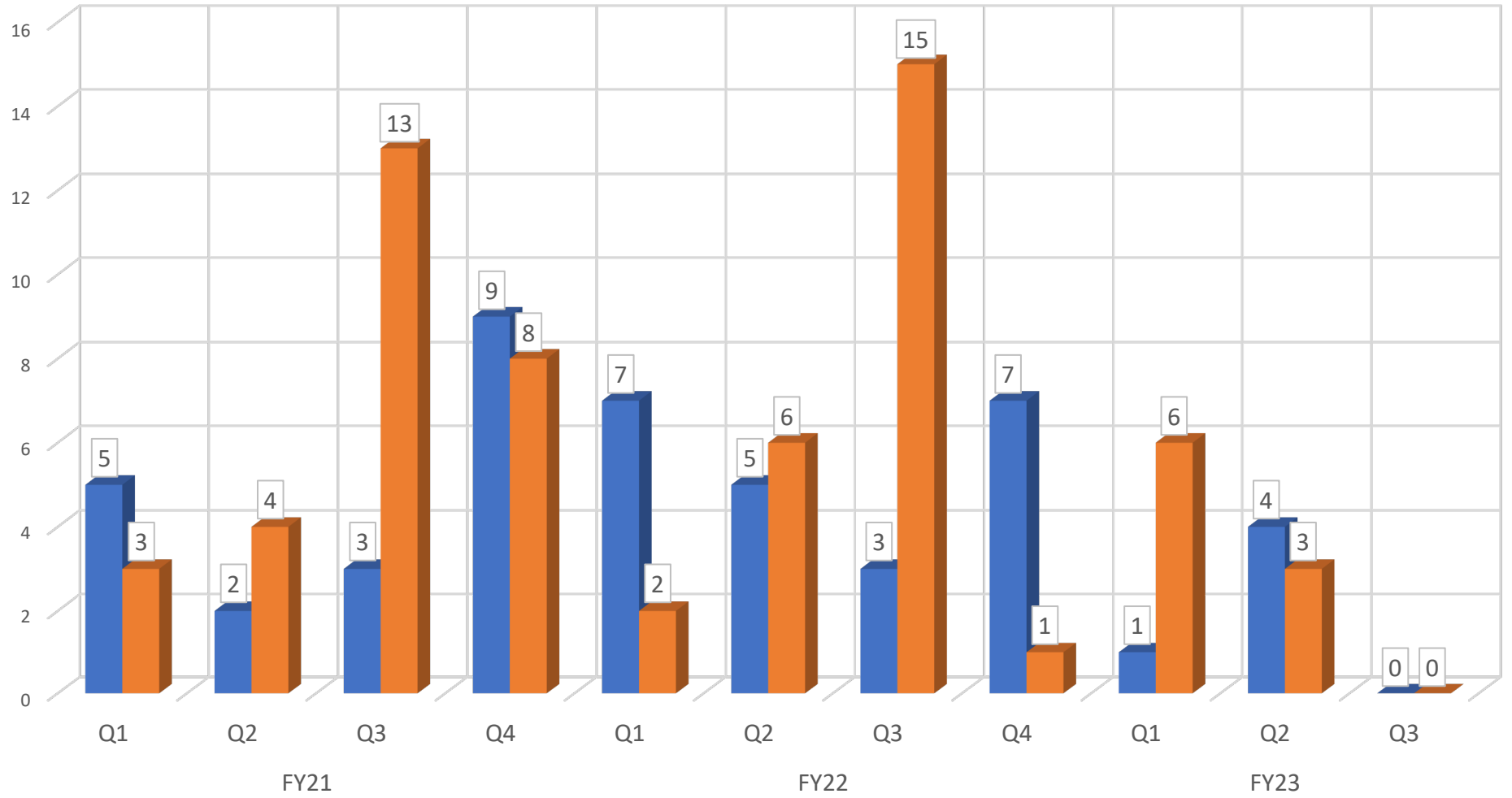
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TOTAL ISSUED	FY21	6256	FY22	5863	FY23	2791	TOTAL	14910
	7/1/20 - 6/30/21		7/1/21 - 6/30/22		7/1/22 - 6/30/23			

Licenses Renewed - Natural Hair Care

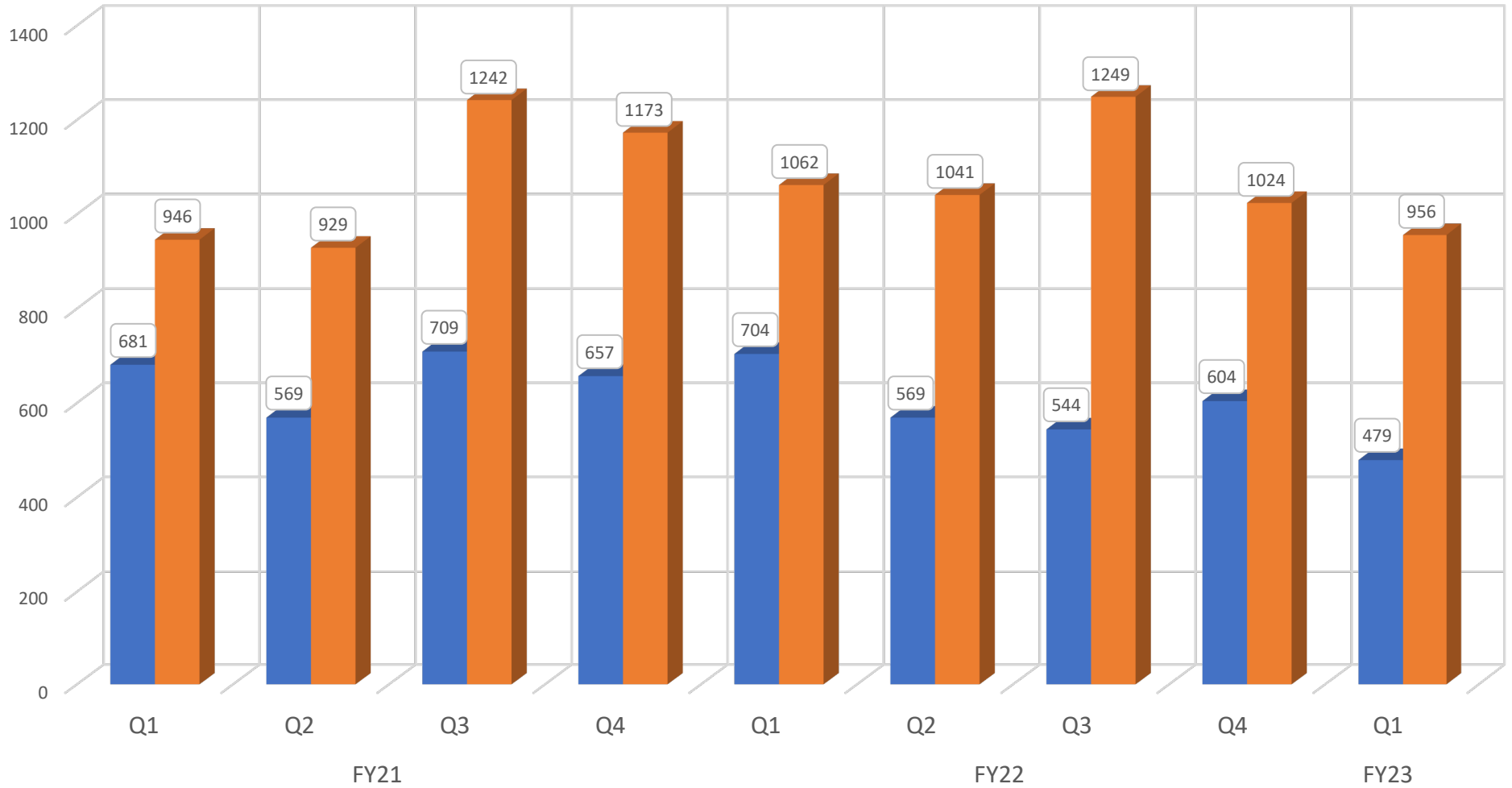
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TOTAL ISSUED	FY21	47	FY22	6797	FY23	14	TOTAL	107
	7/1/20 - 6/30/21		7/1/21 - 6/30/22		7/1/22 - 6/30/23			

Licenses Renewed - Esthetician

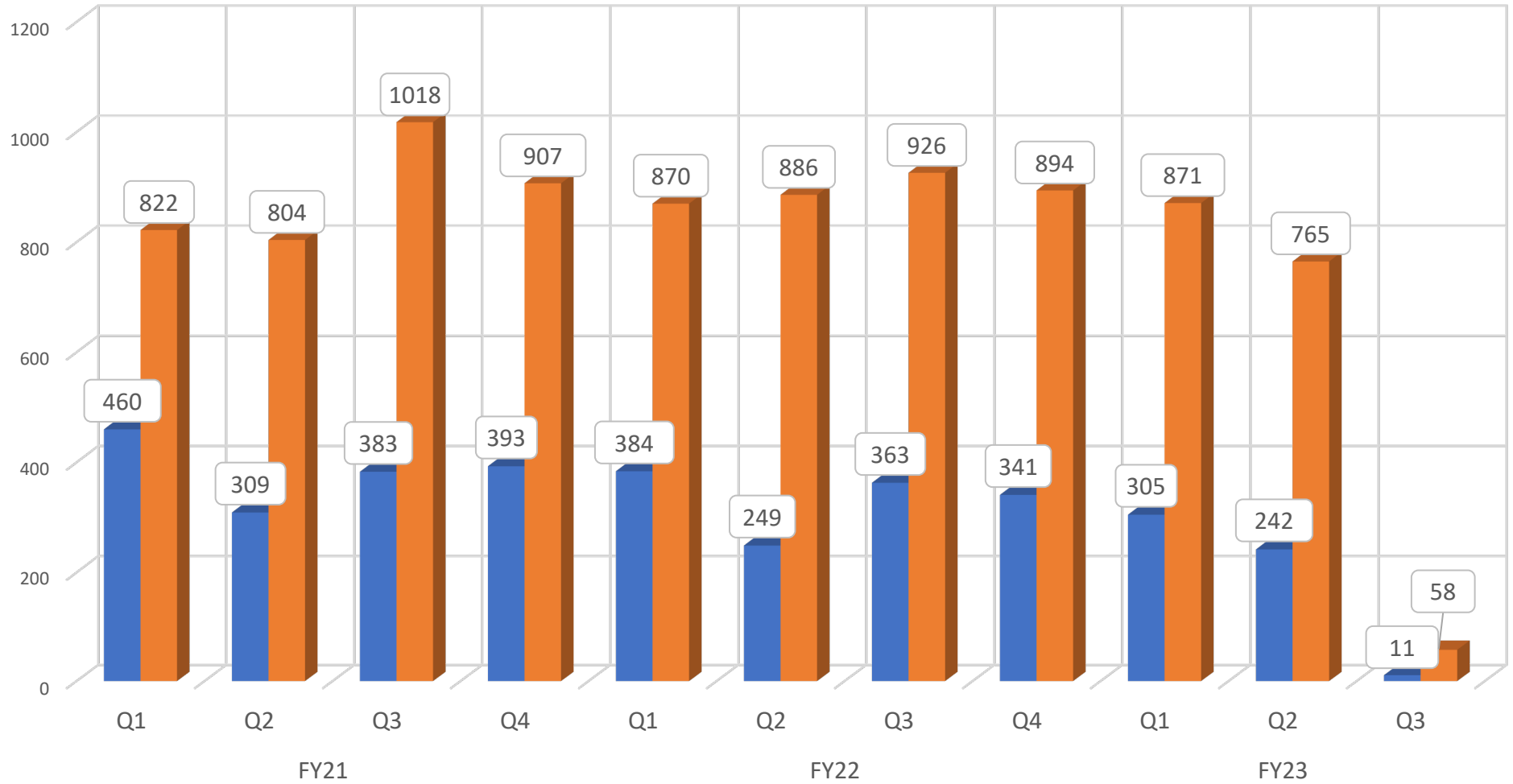
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TOTAL ISSUED	FY21	6906	FY22	6797	FY23	3042	TOTAL	16745
	7/1/20 - 6/30/21		7/1/21 - 6/30/22		7/1/22 - 6/30/23			

Licenses Renewed - Independent Contractor

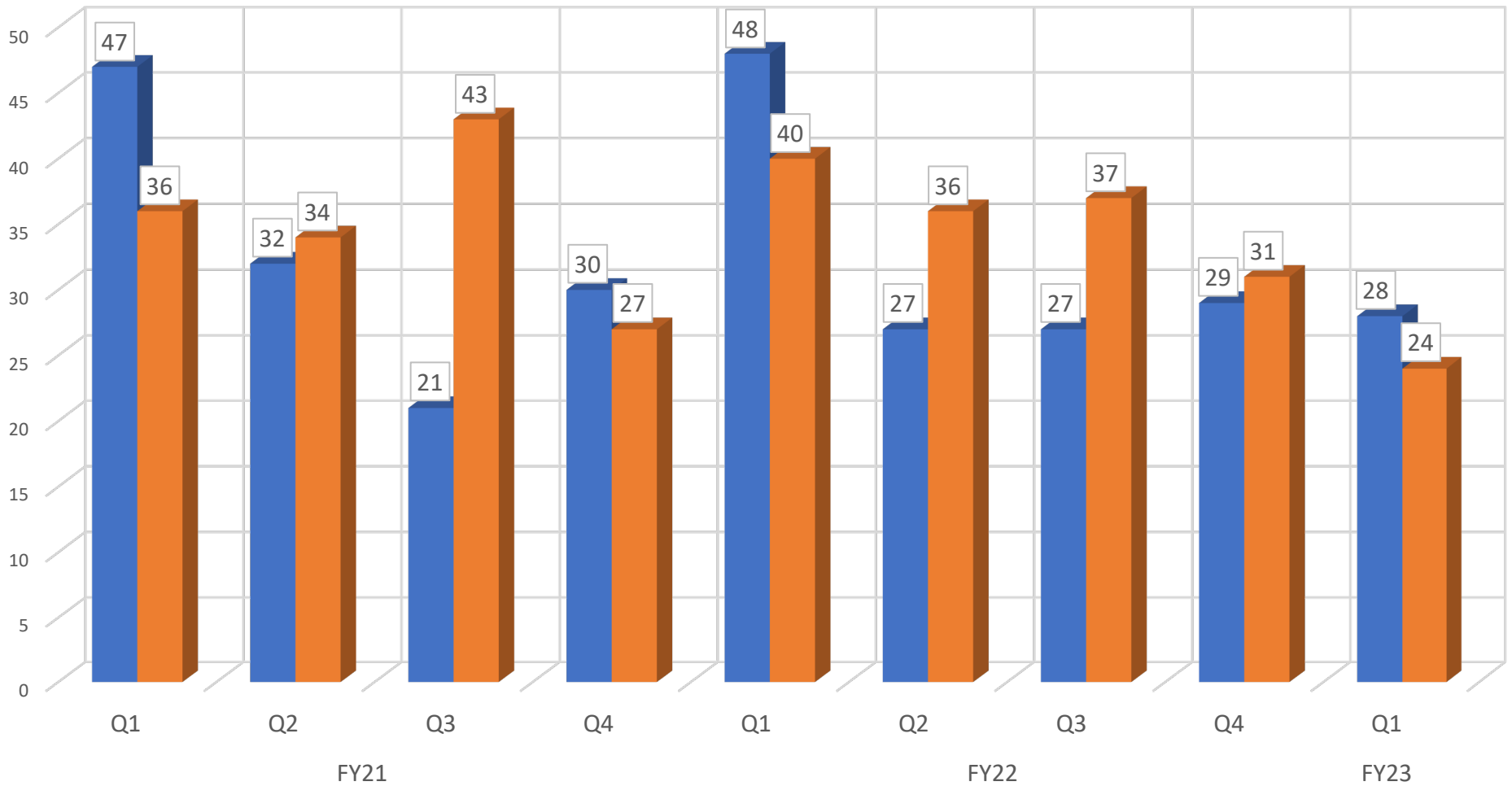
■ PAPER ■ ONLINE



TOTAL ISSUED	FY21	5096	FY22	4913	FY23	2252	TOTAL	12261
	7/1/20 - 6/30/21		7/1/21 - 6/30/22		7/1/22 - 6/30/23			

Licenses Renewed - Freelance Authorization

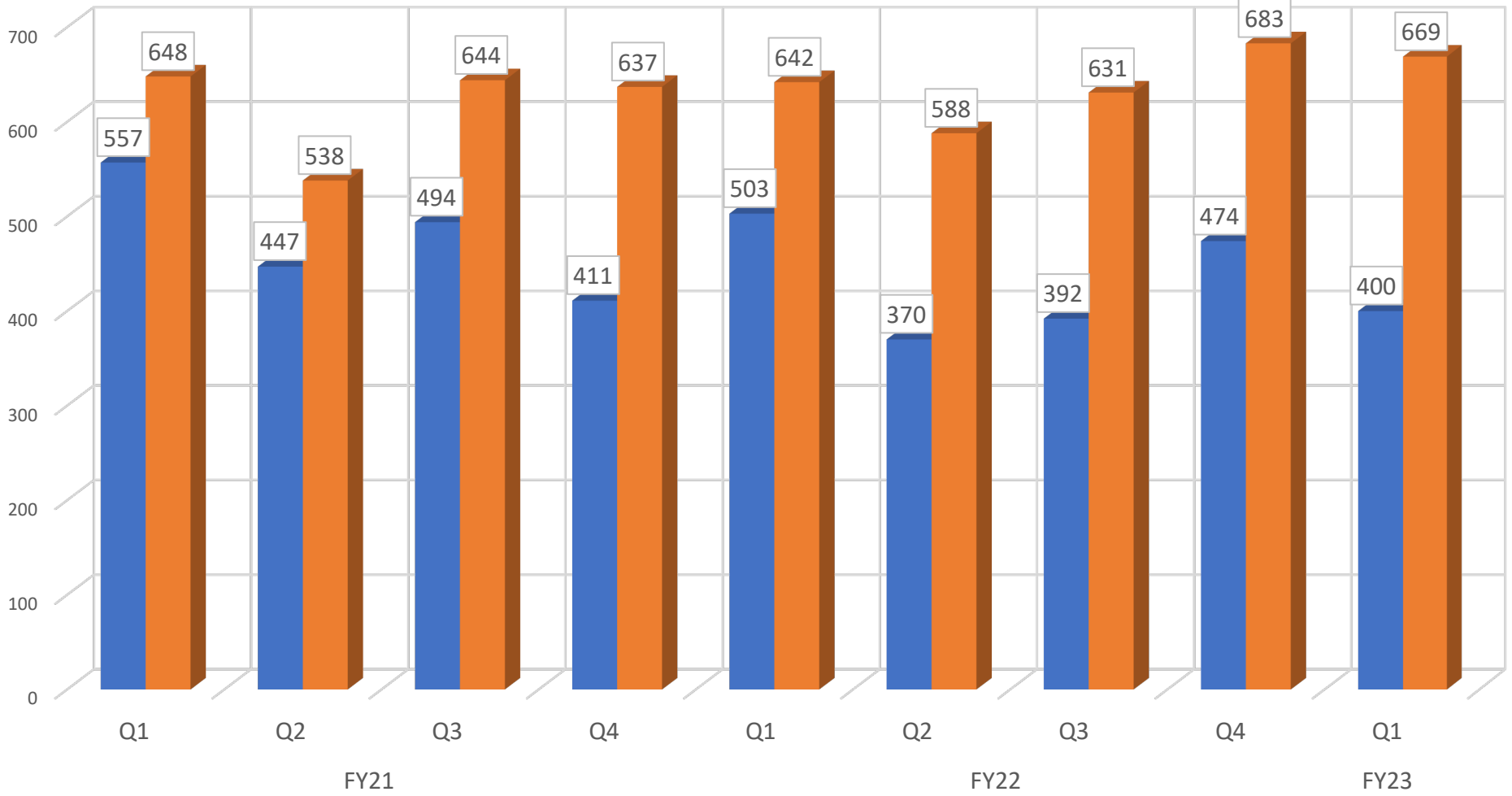
■ PAPER ■ ONLINE



TOTAL ISSUED	FY21	270	FY22	275	FY23	104	TOTAL	649
	7/1/20 - 6/30/21		7/1/21 - 6/30/22		7/1/22 - 6/30/23			

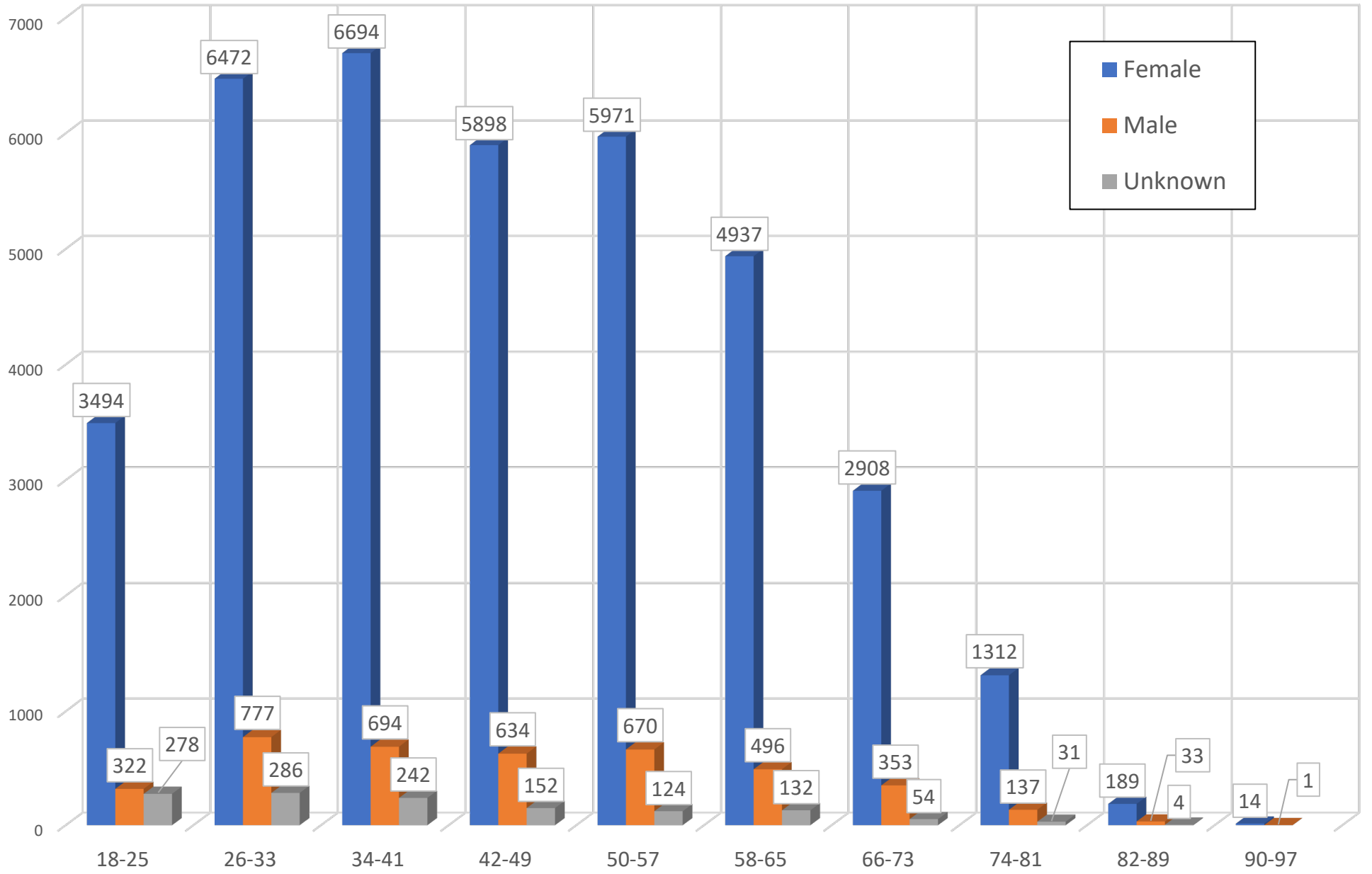
Licenses Renewed - Cosmetology Facility

■ PAPER ■ ONLINE

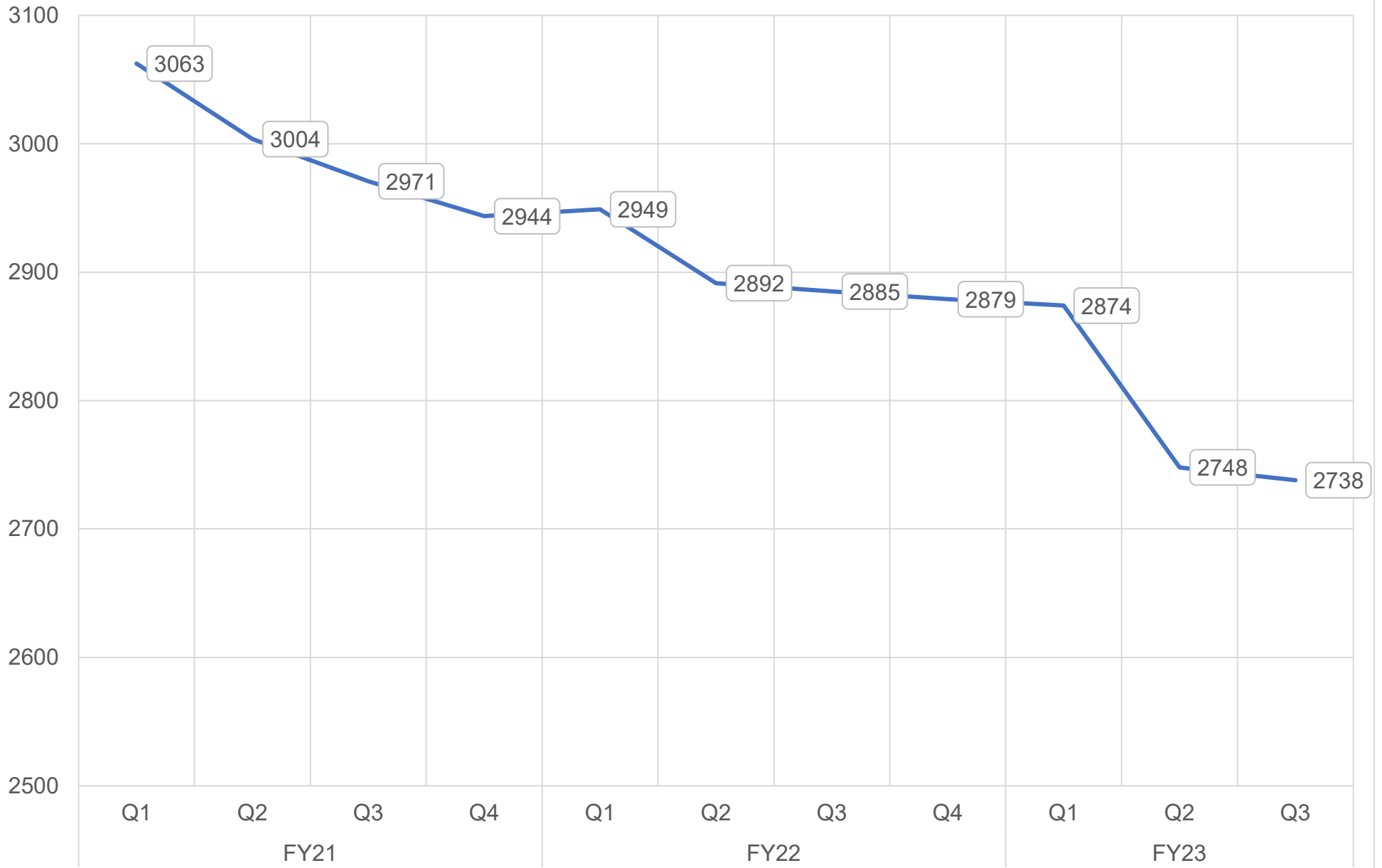


TOTAL ISSUED	FY21	4376	FY22	4283	FY23	2104	TOTAL	10763
	7/1/20 - 6/30/21		7/1/21 - 6/30/22		7/1/22 - 6/30/23			

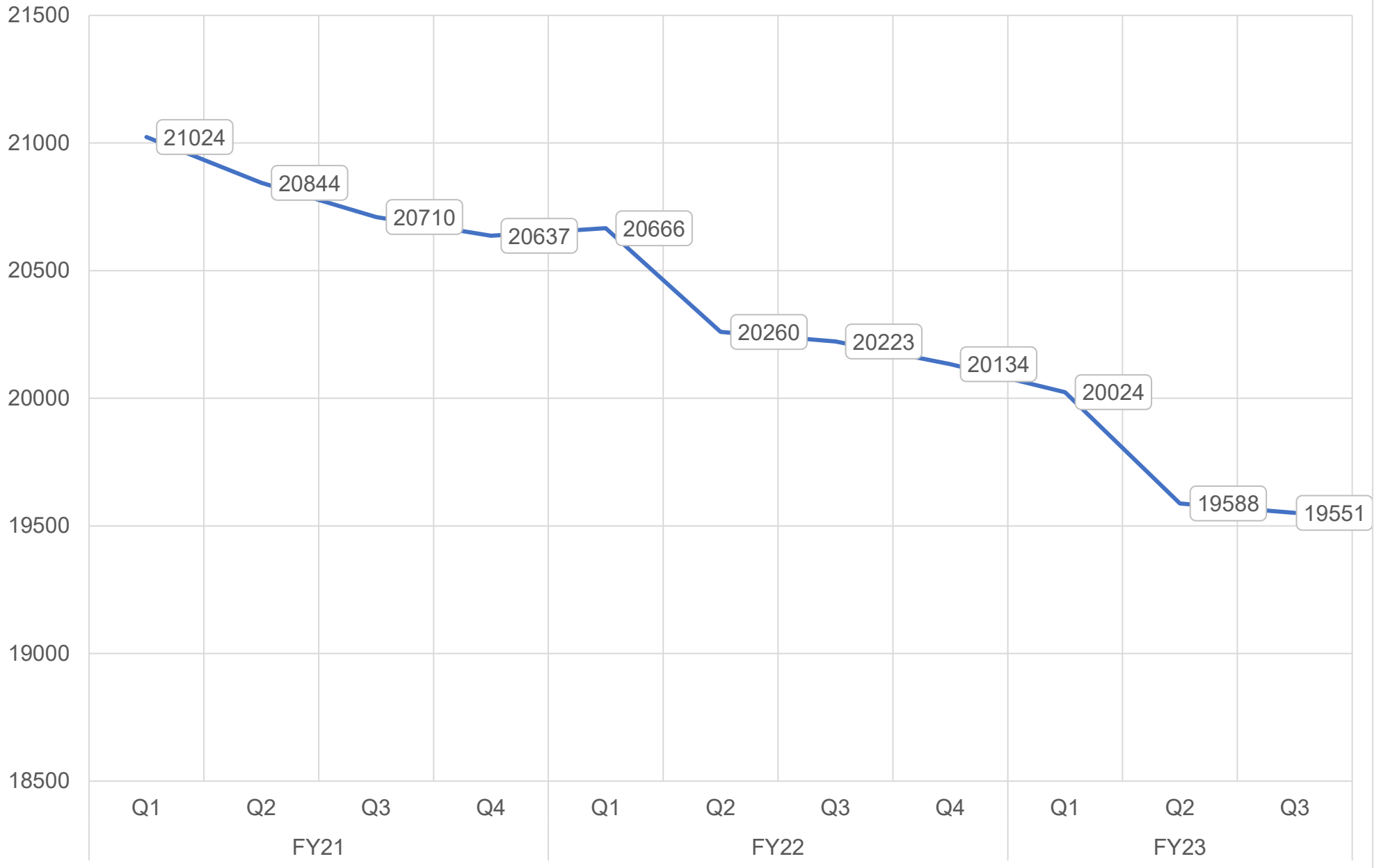
Licenses by Age and Gender (No Facilities)



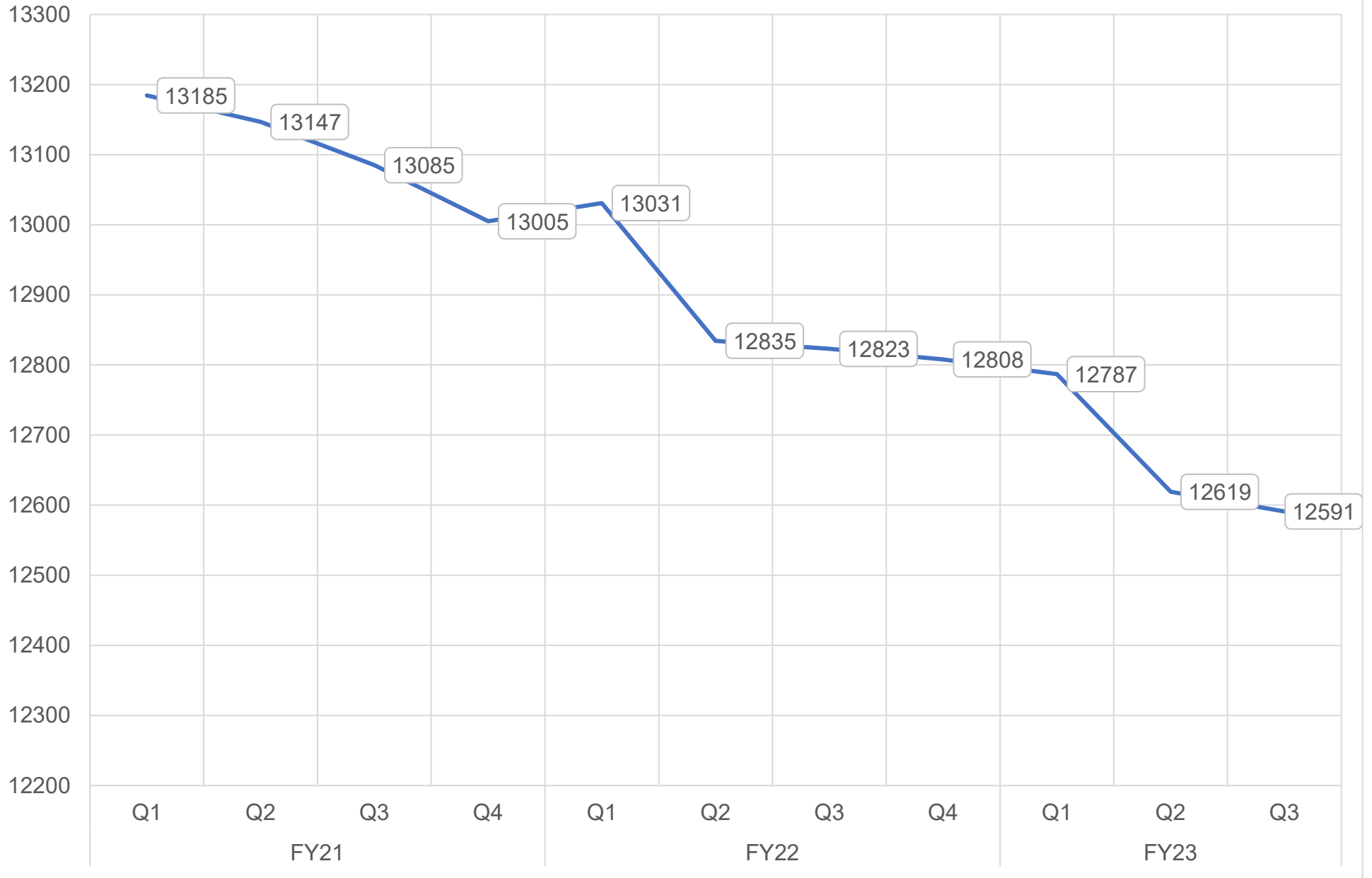
Licensing Trends - Barber



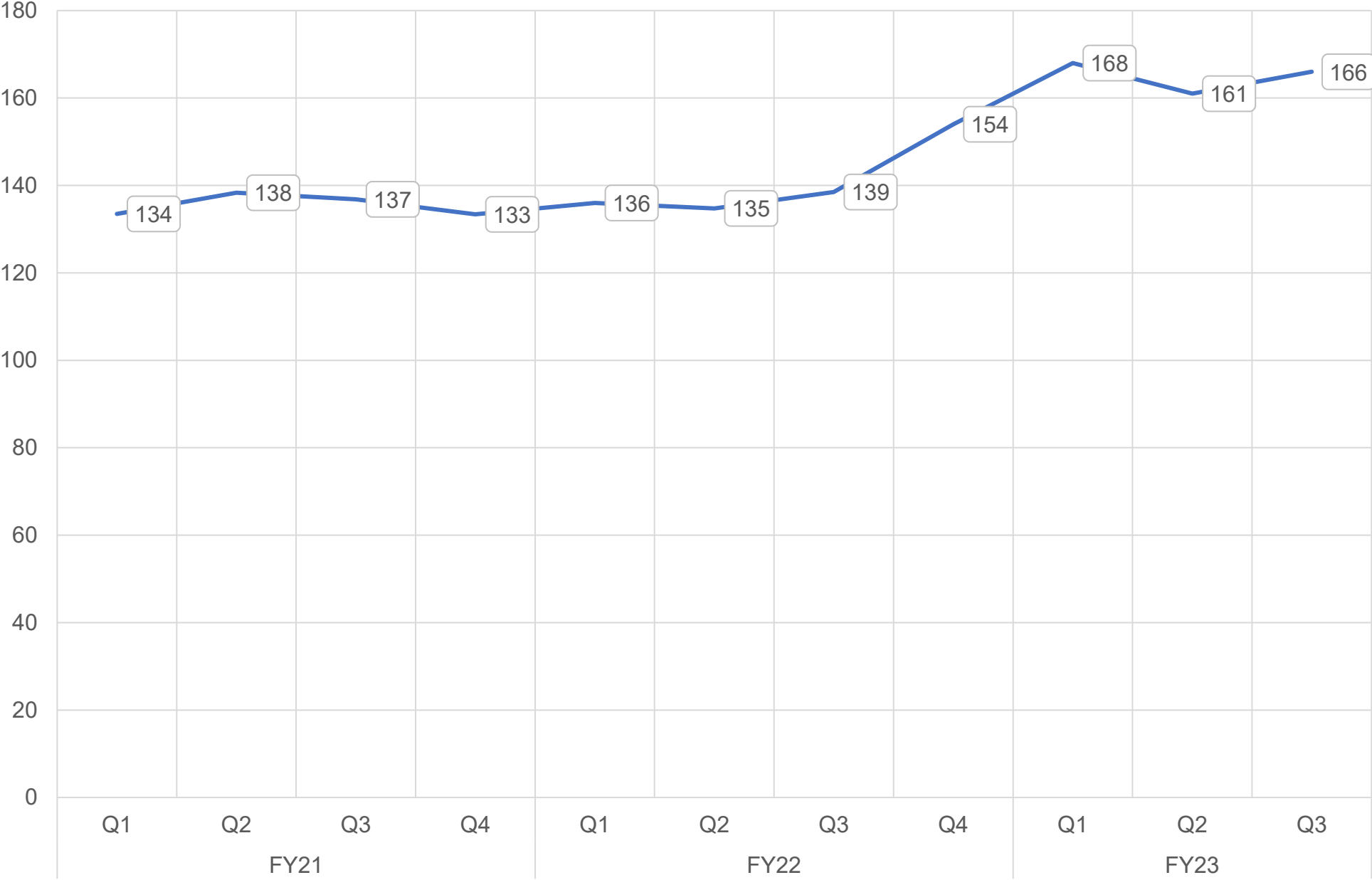
Licensing Trends - Hair Design



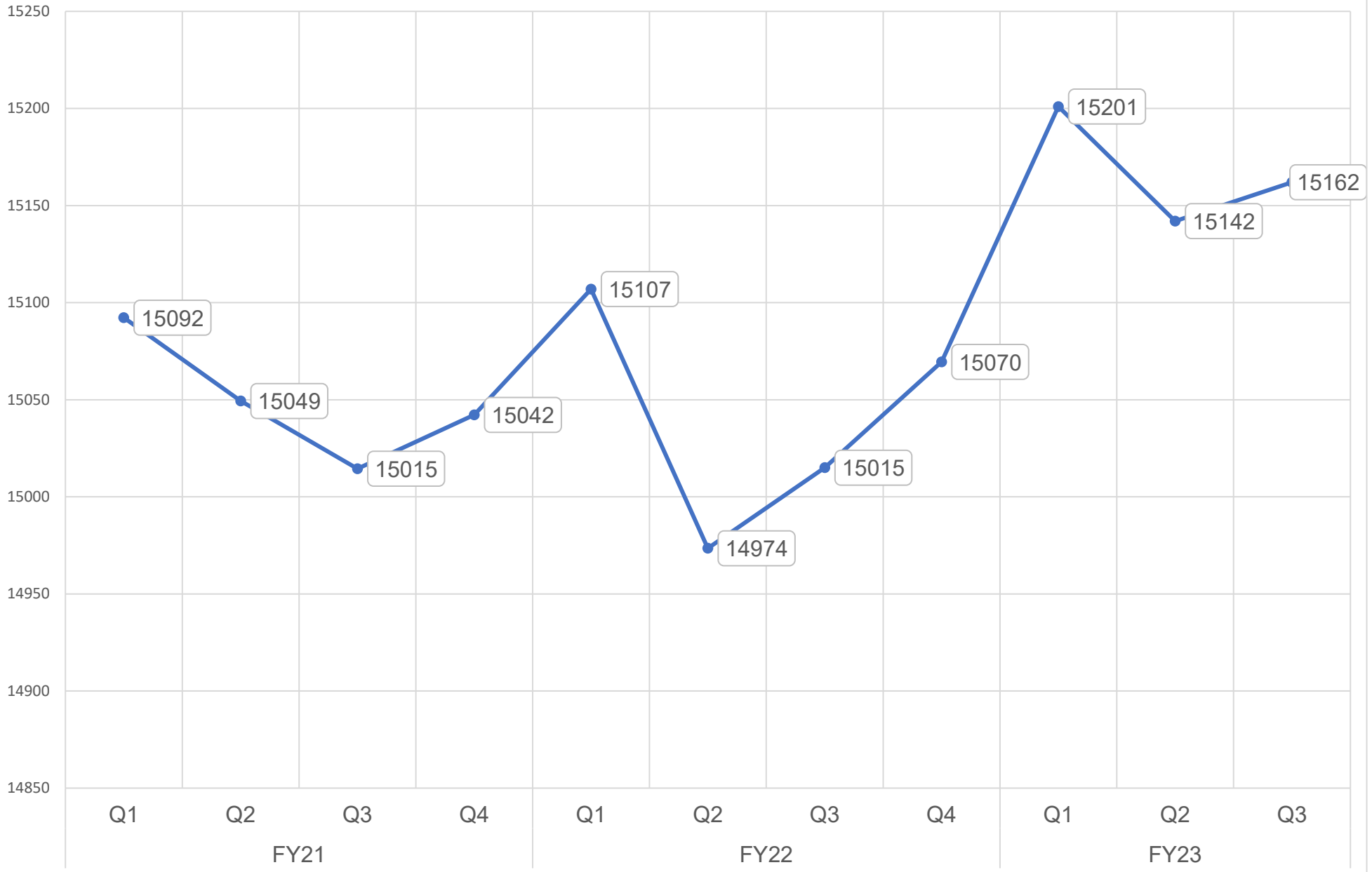
Licensing Trends - Nail Technology



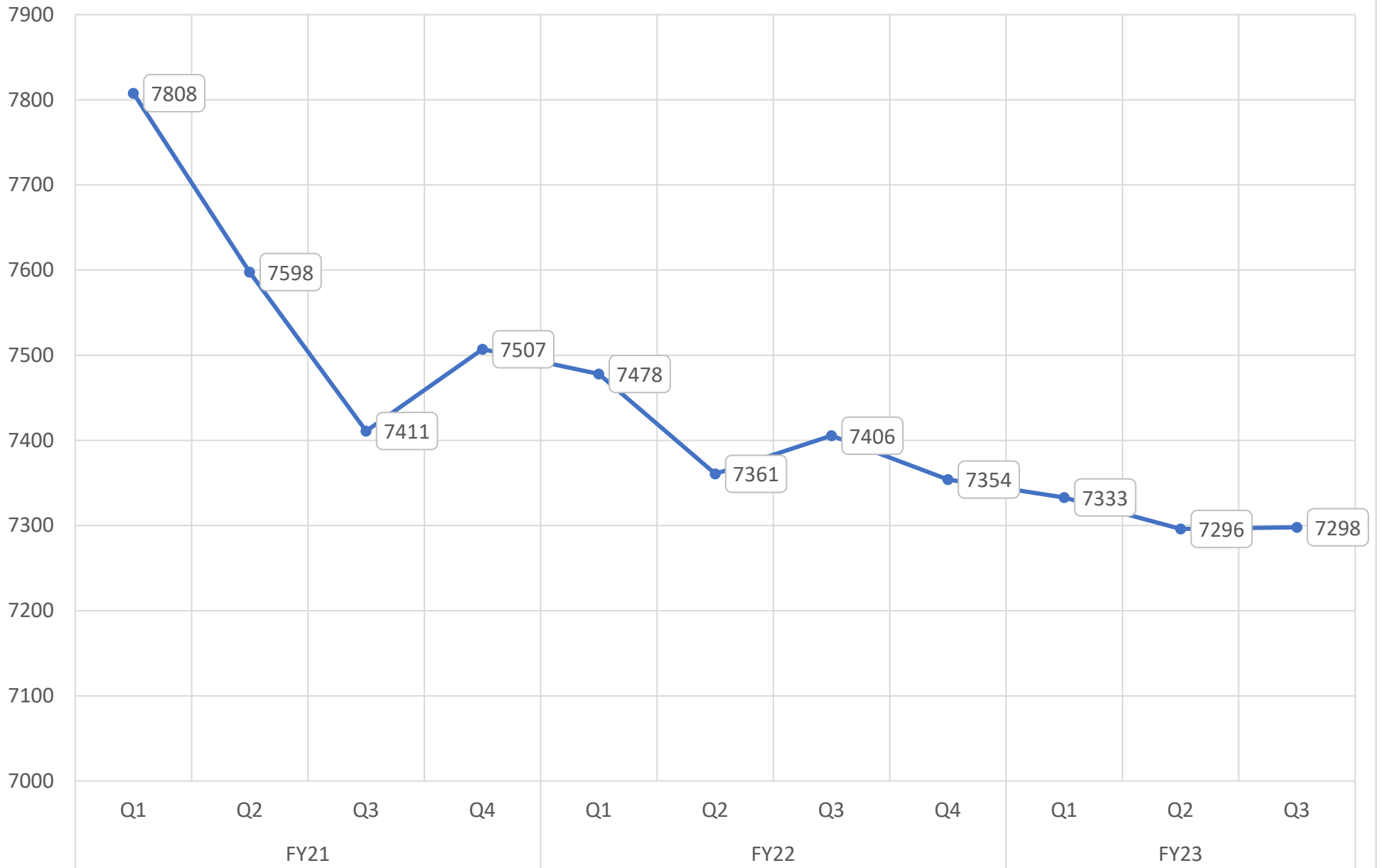
Licensing Trends - Natural Hair Care



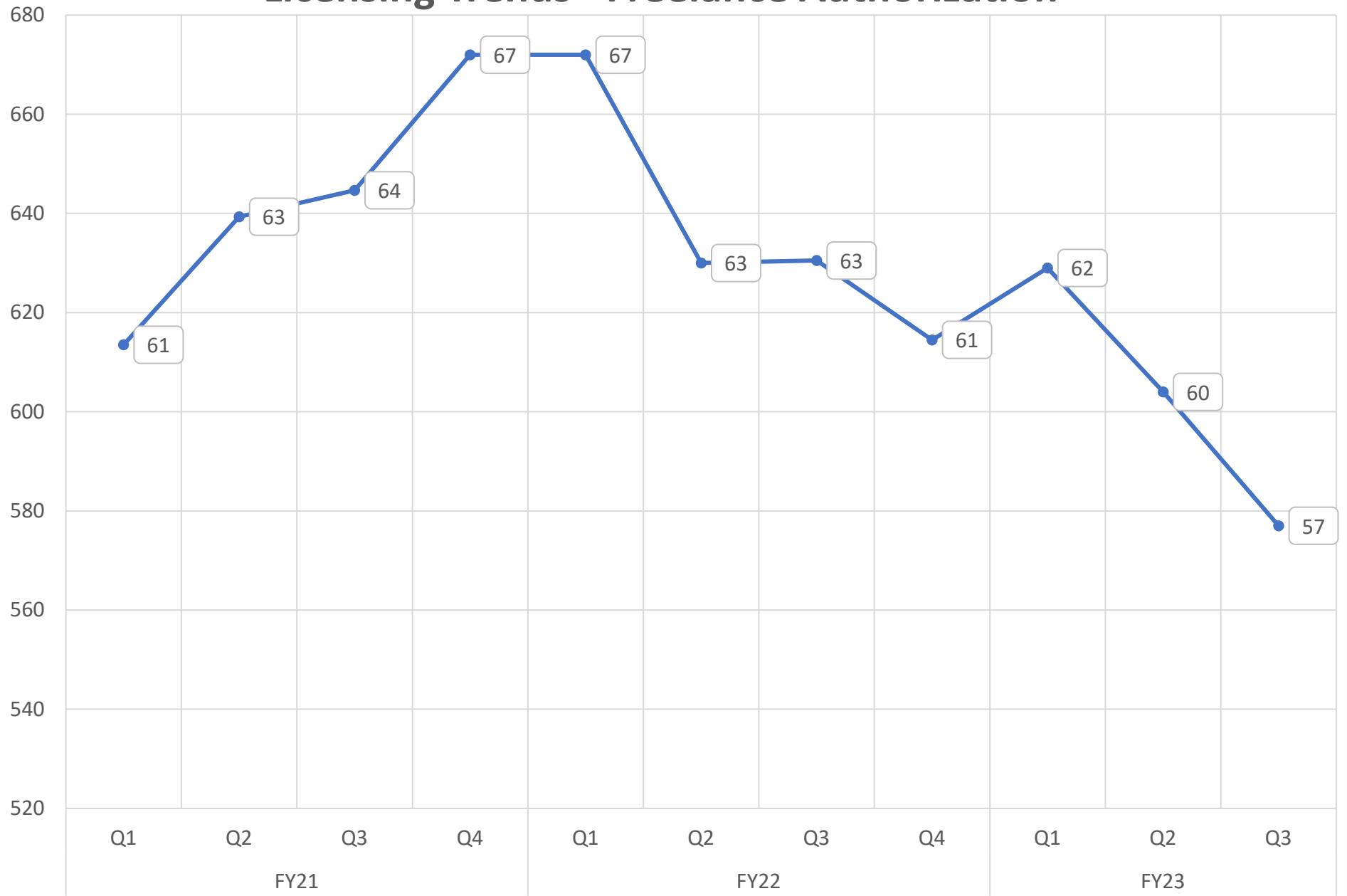
Licensing Trends - Esthetician



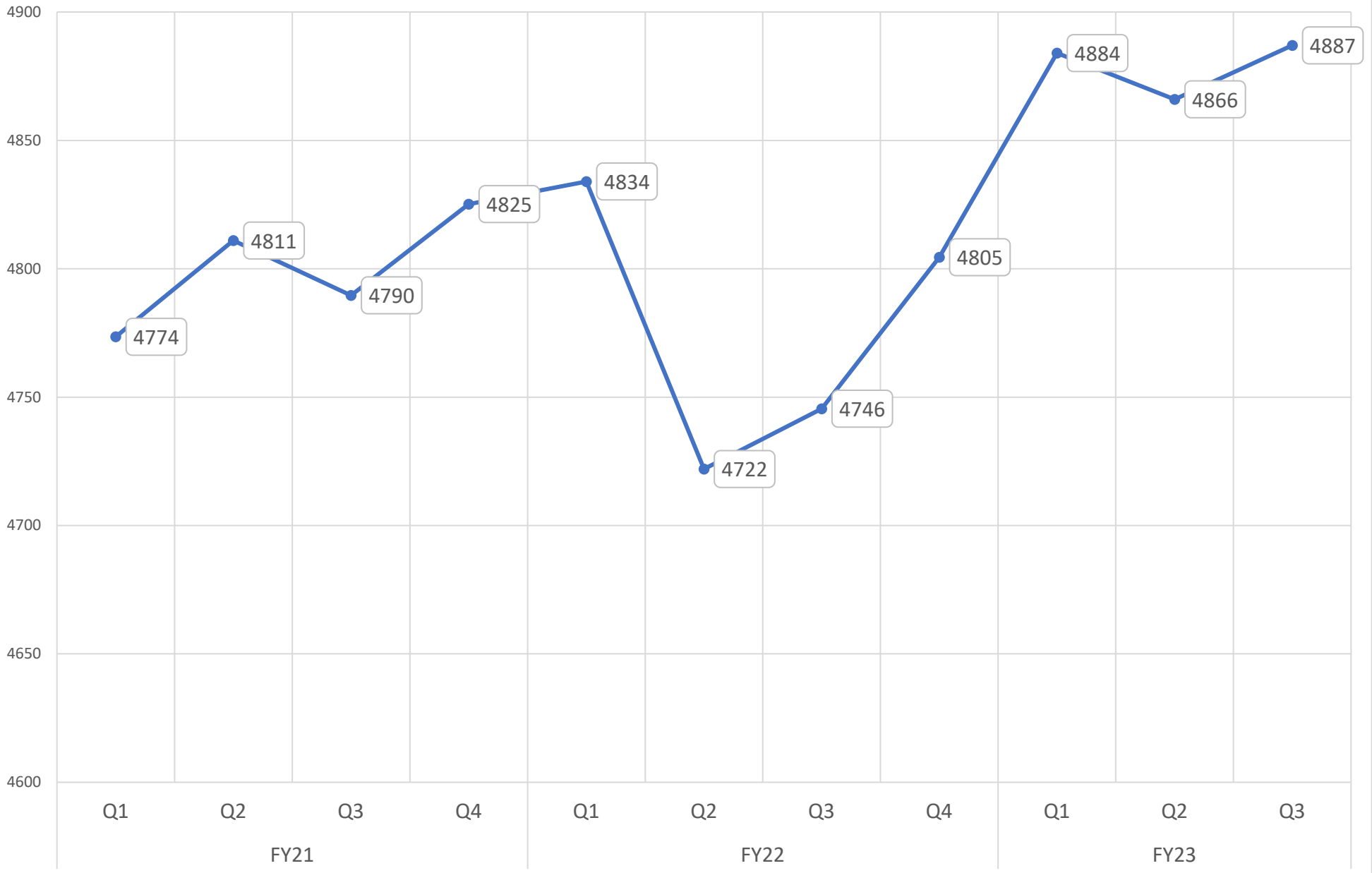
Licensing Trends - Independent Contractor



Licensing Trends - Freelance Authorization



Licensing Trends - Cosmetology Facility



Board of Cosmetology

Testing Results

	2021				2022				2023		
	1	2	3	4	1	2	3	4	1	2	3
BARBER											
PASSED	31	21	11	36	28	32	21	51	38	47	1
FAILED	36	27	25	49	39	41	33	82	77	53	4
ESTHETICS											
PASSED	205	195	217	319	249	267	263	423	364	300	13
FAILED	105	125	136	150	126	141	157	252	216	168	8
HAIR											
PASSED	147	122	138	182	162	169	146	230	203	181	7
FAILED	61	77	65	88	78	83	67	137	126	95	5
NAIL											
PASSED	145	116	131	143	130	137	138	224	195	163	11
FAILED	69	70	50	65	81	79	80	127	106	105	1
NATURAL HAIR CARE											
PASSED	2	6	9	8	6	7	12	21	10	9	1
FAILED	0	9	3	4	5	8	12	11	9	7	0
OREGON LAWS AND RULES											
PASSED	415	391	355	552	451	486	456	787	696	548	29
FAIL;ED	194	188	230	273	264	284	279	452	407	347	13
Grand Total	1410	1347	1370	1869	1619	1734	1664	2797	2447	2023	93

Board of Cosmetology

<i>Biennium</i>		<2019-21 >			<2021-23 >	
State Fiscal Year	2019	2020	2021	2022	2023	
	(Jul18-Jun19)	(Jul19-June20)	(Jul20-Jun21)	(Jul21-Jun22)	(Jul22-Present)	
Beginning Cash Balance	\$1,250,354	\$655,323	(\$190,257)	(\$800,862)	(\$881,907)	
Revenues	\$3,414,529	\$3,366,149	\$3,123,494	\$3,900,809	1,956,052	
Expenditures	\$4,009,560	\$4,211,729	\$3,734,099	\$3,981,854	1,778,837	
Net Operations	(\$595,031)	(\$845,580)	(\$610,605)	(\$81,045)	\$177,215	
(Rev - Exp Only)						
Ending Cash Balance	\$655,323	(\$190,257)	(\$800,862)	(\$881,907)	(\$704,692)	

(Beg Cash + Rev - Exp)

HLO Pooled Expenditures Allocation Share for Board *(allocated based on average license volume and inspections/examinations counts)*

				<i>Change</i>
Shared Assessment	89.043%	88.065%	86.341%	1.958%
Small Board				
Examinations	92.917%	91.209%	91.532%	-0.354%
Inspections	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.

*Revenues and Expenditures updated with FY23M05 Actuals 12.20.22 AJC

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
 Web: www.oregon.gov/oha/ph/hlo

Board Report

Board of Cosmetology

1/9/2023



CASES OPEN/CLOSED STATUS				
	2019	2021	2023	Grand Total
OPEN				
Barber	0	2	1	3
Cosmetology Facility	1	12	46	59
Cosmetology Independent Contractor	0	2	0	2
Esthetician	1	9	6	16
Hair Design	1	8	16	25
Nail Technology	0	5	4	9
UNLICENSED Cosmetology	1	40	40	81
TOTAL	4	78	113	195
CLOSED				
Barber	8	6	0	14
Cosmetology Facility	199	307	25	531
Cosmetology Independent Contractor	5	8	0	13
Esthetician	21	11	3	35
Freelance Authorization	2	2	0	4
Hair Design	50	44	7	101
Nail Technology	12	6	0	18
UNLICENSED Cosmetology	86	112	27	225
TOTAL	383	496	62	941
Grand Total	387	574	175	1136

COMPLAINTS BY TYPE				
	2019	2021	2023	Grand Total
COVID COMPLAINT		287	10	297
Laser Services	6	3		9
Licensing Concern	216	184	93	493
Safety/Sanitation Issues	96	47	24	167
Services performed by an unlicensed person on minors		1		1
Services performed on the hair.			1	1
Services Provided	69	51	42	162
Uassigned		1	5	6
Grand Total	387	574	175	1136

COMPLAINANTS BY TYPE	
ANONYMOUS	306
CLIENT	233
OTHER	597
TOTAL	1136

Policy

Administrative Rule Updates



ADMINISTRATIVE RULE SCHEDULE

HEALTH LICENSING OFFICE

Cosmetology & Advanced Esthetics

Date	Action	Time
October 26, 2022	Board Certified Advanced Estheticians (CAE) meeting – approve rule schedule & membership recommendations	9 am
November 14, 2022	Board of Cosmetology (COS) meeting – approve rule schedule & membership recommendations	10 am
January 23, 2023	COS board meeting	10 am
January 30, 2023	Esthetics & Advanced Esthetics Rules Advisory Committee (RAC)	9 am
February 22, 2022	CAE board meeting	9 am
February 27, 2023	Esthetics & Advanced Esthetics RAC	9 am
March 27, 2023	Esthetics & Advanced Esthetics RAC	9 am
June 12, 2023	CAE & COS combined meeting – approve proposed rules	10 am
June 13, 2023	CAE & COS combined meeting – approve proposed rules	9 am
August 1, 2023	Notify legislators 49-days before the effective date of rule	
August 1, 2023	First day for public comment Notice of proposed rules in Oregon Bulletin	
August 16, 2023	COS Public rule hearing	9 am to 12 pm
August 16, 2023	CAE Public rule hearing	1 pm to 4 pm
August 28, 2023	Last day for public comment	12 pm
October 23, 2023	CAE & COS combined meeting – consider public comment and hearings officer report -adopt permanent rules	10 am
October 24, 2023	CAE & COS combined meeting – approve proposed rules	9 am
January 1, 2024	Permanent rules filed and effective	

Please send all public comment or questions to:
Samie Patnode, Policy Analyst
1430 Tandem Ave NE, Suite 180, Salem OR 97301
Phone – desk: (503)373-1917 or cell: (503)509-5592
Samie.patnode@dhsosha.state.or.us

Administrative rule schedules are subject to change. 12/5/2022



HEALTH LICENSING OFFICE

Kate Brown, Governor



1430 Tandem Ave. NE, Suite 180

Salem, OR 97301-2192

Phone: (503) 378-8667

Fax: (503) 585-9114

Email: hlo.info@dhsosha.state.or.us

Website: www.oregon.gov/oha/ph/hlo

January 16, 2023

To: Board Members

From: Samie Patnode, Policy Analyst

Subject: Rules Advisory Committee Members

The Health Licensing Office (HLO) received 14 interest forms to serve on the Joint Esthetics and Advanced Esthetics Rules Advisory Committee. Of the 14, eight were estheticians, four were advanced estheticians and two were medical providers. 10 individuals were chosen to serve.

Name	Profession	Person or Community
Helene Lawless	Esthetician	Professional organization – Oregon Estheticians for Fair Licensing Small business owner
Whitney Berrier	Esthetician	Low-income community Person of color – Filipino, Hispanic, Russian, Chinese Small business owner
Noelle Sanborn	Esthetician	Educator – cosmetology and esthetics
Alysia Read	Esthetician	People of color community – Black, Latinx, Asian Professional organization – People’s Food Co-op Small business owner
Debra Masten	Advanced Esthetician	Senior community Small business owner
Maria Elva U Soriano	Advanced Esthetician	Transgender community Low-income community Person of color – Hispanic
Susanne Schmaling	Advanced esthetician	Consumer of services Educator – esthetics, nails, massage Professional organization – Esthetics Council
Taylor Ford	Advanced esthetician	Educator – esthetics, advanced esthetics Small business owner
Tracee Dahlke	Family Nurse Practitioner	Consumer of services Person of color – Pacific Islander Rural community – Linn County Health care professional Small business owner
Tina Hightower	Esthetician and Registered Nurse	Consumer of services Rural community – Hood River County Health care professional



WHO: Health Licensing Office
Board of Certified Advanced Estheticians & Board of Cosmetology
Esthetics & Advanced Esthetics Rules Advisory Committee

WHERE: TELEPHONE CONFERENCE CALL ONLY
1430 Tandem Ave. N.E. Suite 180, Salem, OR 97301

WHEN: January 30, 2023, from 9 a.m. to 1 p.m.

What is the purpose of the meeting?

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

May the public attend open sessions in person?

Yes, members of the public, interested parties, and the media are invited to attend all board/council meetings. Public and interested parties' feedback will be heard if available and stated on the agenda.

May the public attend by way of teleconference (call-in)?

Yes, a teleconference line is available for the public to attend the open sessions of the public meeting.

Teleconference call-in instructions:

- Dial (503) 934-3605 and enter the specific six-digit passcode listed on the agenda below. Keep your phone on mute at all times during the meeting until you are given an opportunity to speak during the Public and Interested Parties Feedback period.
- Email your full name to April Fleming at april.fleming@dhsaha.state.or.us, and let her know if you would like to make a public comment.

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 an executive session. Board members, designated participants such as 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. 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.

Representatives of the news media who are interested in attending an executive session are asked to contact April Fleming at april.fleming@dhsaha.state.or.us to make arrangements.

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

If you have any questions about accommodations or need any assistance to participate, please contact April Fleming at april.fleming@dhsaha.state.or.us, or by calling (503) 509-5127; or Derek Fultz at derek.j.fultz@dhsaha.state.or.us or by calling (503) 373-1915. All relay calls are accepted.



Health Licensing Office
Board of Certified Advanced Estheticians & Board of Cosmetology
Esthetics & Advanced Esthetics Rules Advisory Committee
1430 Tandem Ave. NE, Suite 180, Salem, OR 97301



January 30, 2023, from 9 a.m. to 1 p.m.

Conference call number: (503) 934-3605

Conference passcode: 747147

#	Topic	Content
◆	Call to Order Agenda	<ul style="list-style-type: none">• Call Rules Advisory Committee (RAC) to order• Agenda overview
◆	Rules Advisory Committee Presentation	<ul style="list-style-type: none">• Purpose and role• Laws and rules
◆	Executive Session Legal Advice	<ul style="list-style-type: none">• Pursuant to ORS 192.660(2)(f), ORS 192.355(9)(a) and ORS 40.225 for the purpose of considering information exempt from public disclosure.
◆	HB 2970	<ul style="list-style-type: none">• Draft Rule• Define device for esthetics and advanced esthetics• Reconcile current rules to align with HB 2970
◆	Working Lunch	
◆	HB 2970 Continued	<ul style="list-style-type: none">• Revisions to rule schedule if necessary
◆	Statement of Need and Fiscal Impact and Racial Equity	<ul style="list-style-type: none">• Racial Equity Statement• Effect on the public and small business• Cost of compliance with proposed rules
◆	Next Steps	<ul style="list-style-type: none">• Homework and next steps• Next meeting February 27, 2023, from 9 a.m. to 1 p.m.
◆	Public Comment	

Agenda is subject to change.
For the most up to date information visit www.oregon.gov/oha/ph/hlo

2023 Legislative Update

[HB 2048](#) Directs Health Licensing Office to issue provisional registration to applicant for behavior analysis interventionist registration. Takes effect on 91st day following adjournment sine die.

- Referred to House Committee on Behavioral Health and Health Care

[HB 2196](#) Directs Board of Cosmetology to adopt rules to allow holder of provisional certificate to perform in cosmetology field of practice under supervision of practitioner. Directs board to adopt rules for Health Licensing Office to issue provisional certificate. Takes effect on 91st day following adjournment sine die.

- Referred to House Committee on Behavioral Health and Health Care

[HB 2209](#) Allows Health Licensing Office to issue authorization to person licensed to perform tattooing services to administer local anesthetic if person completes course approved by office and meets other requirements established by office. Takes effect on 91st day following adjournment sine die.

- Referred to House Committee on Behavioral Health and Health Care

[HB 2665](#) Directs Oregon Health Authority to adopt rules to establish rates that temporary staffing agency may charge to or receive from entity that engages temporary staffing agency. Directs authority to establish process to grant waiver of rate. Allows temporary staffing agency to charge emergency increased rate. Takes effect on 91st day following adjournment sine die.

- Referred to House Committee on Behavioral Health and Health Care

[HB 2696](#) Authorizes Health Licensing Office to issue sign language interpreter license to qualified applicant. Defines "sign language interpreter." Prohibits unlicensed provision of signed language interpretation services. Creates exceptions to prohibition. Allows office to impose discipline for certain violations. Directs office to provide administrative and regulatory oversight to sign language interpreter program. Establishes State Board of Sign Language Interpreters within office. Imposes civil penalty for violation of licensure requirements. Becomes operative January 1, 2024. Declares emergency, effective on passage.

- Referred to House Committee on Behavioral Health and Health Care

[SB 412](#) Requires dental laboratory to register with Health Licensing Office. Defines "dental laboratory." Requires dental laboratory to provide material content disclosure to dentist who prescribes work order for dental prosthetic appliance or other artificial material or device. Defines "material content disclosure." Allows office to impose discipline for certain violations. Directs office to provide administrative and regulatory oversight to dental laboratory program. Takes effect on 91st day following adjournment sine die.

- Referred to Senate Committee on Health

[SB 217](#) Requires that cosmetology curriculum taught by school meet standards established by Board of Cosmetology and be approved by Health Licensing Office. Takes effect on 91st day following adjournment sine die.

- Referred to Senate Committee on Health

HB 2196

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**Cosmetology Provisional
Certificate**

House Bill 2196

Sponsored by Representatives SMITH DB, LEVY B (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Board of Cosmetology to adopt rules to allow holder of provisional certificate to perform in cosmetology field of practice under supervision of practitioner. Directs board to adopt rules for Health Licensing Office to issue provisional certificate.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to cosmetology provisional certificates; creating new provisions; amending ORS 676.562,
3 690.005, 690.015, 690.035, 690.165 and 690.195; and prescribing an effective date.

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

5 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 690.005 to**
6 **690.225.**

7 **SECTION 2. (1) The Board of Cosmetology shall adopt rules to allow an individual who**
8 **holds a provisional certificate issued under this section to perform in a field of practice un-**
9 **der the supervision of a practitioner who holds a certificate in the same field of practice. The**
10 **rules adopted under this subsection must establish:**

11 (a) **A process for the Health Licensing Office to issue a provisional certificate, including**
12 **eligibility requirements specifying that the holder of a provisional certificate shall be actively**
13 **working toward holding a certificate; and**

14 (b) **A process to enable a practitioner to supervise the holder of a provisional certificate.**

15 (2) **A provisional certificate issued under this section may not be renewed. The holder**
16 **of a provisional certificate may perform only in the field of practice for which the provisional**
17 **certificate is issued, and may hold provisional certificates in more than one field of practice.**

18 (3) **The number of hours of supervised experience completed by the holder of a provi-**
19 **sional certificate shall be credited in an equal number toward the total number of educa-**
20 **tional hours required for issuance of a certificate under ORS 690.046. The board may**
21 **establish by rule a limit on the number of hours of supervised experience that may be cred-**
22 **ited under this subsection.**

23 (4) **A practitioner described in subsection (1) of this section may not be required to pay**
24 **a fee in order to supervise the holder of a provisional certificate.**

25 (5) **The board may adopt other rules as necessary to carry out this section, including**
26 **rules to establish the amount of time for which a provisional certificate issued under this**
27 **section is valid.**

28 **SECTION 3. ORS 676.562 is amended to read:**

29 676.562. As used in ORS 676.560 to 676.625:

30 (1) "Active authorization" means an authorization that is current and not suspended.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (2) "Authorization" means a certificate, **provisional certificate**, license, permit or registration
2 issued by the Health Licensing Office that allows a person to [*practice*]:

3 (a) **Practice** one of the occupations or professions [*or*] **subject to the authority of the boards,**
4 **councils and programs listed in ORS 676.565;**

5 (b) Maintain a facility subject to the authority of the boards, councils and programs listed in
6 ORS 676.565; or

7 [*b*] (c) **Practice** a profession or occupation subject to direct oversight by the office.

8 (3) "Expired authorization" means an authorization that has been not current for more than
9 three years.

10 (4) "Inactive authorization" means an authorization that has been not current for three years
11 or less.

12 **SECTION 4.** ORS 690.005 is amended to read:

13 690.005. As used in ORS 690.005 to 690.225:

14 (1) "Barbering" means any of the following practices, when done upon the human body for cos-
15 metic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:

16 (a) Shampooing, styling, cutting, singeing and conditioning of the hair of an individual.

17 (b) Applying hair tonics, dressings and rinses.

18 (c) Massaging of the scalp, face and neck and applying facial and scalp treatments with creams,
19 lotions, oils and other cosmetic preparations, either by hand or mechanical appliances, except that
20 the mechanical appliances may not be galvanic or faradic.

21 (d) Shaving, trimming or cutting of the beard or mustache.

22 (2) "Certificate" means a written authorization for the holder to perform in one or more fields
23 of practice.

24 (3) "Cosmetology" means the art or science of beautifying and improving the skin, nails and hair
25 and the study of cosmetics and their application.

26 (4) "Demonstration permit" means a written authorization for a person to practice, demonstrate
27 and teach one or more fields of practice on a temporary basis.

28 (5) "Esthetics" means any of the following skin care or facial care practices performed on the
29 human body or face for the purpose of keeping the skin of the human body or face healthy and at-
30 tractive and not for medical diagnosis or treatment of disease or physical or mental ailments:

31 (a) The use of the hands or mechanical or electric apparatuses, appliances or devices for
32 cleansing, stimulating, manipulating, exfoliating or applying lotions or creams.

33 (b) Temporary removal of hair by using lotion, cream, an appliance, wax, thread, sugar,
34 tweezers, dermaplaning, a depilatory or other means.

35 (c) Makeup artistry.

36 (d) Eyebrow and eyelash services.

37 (e) Facial and body treatments.

38 (6) "Facility" means an establishment operated on a regular or irregular basis for the purpose
39 of providing services in one or more fields of practice.

40 (7) "Field of practice" means the following cosmetology disciplines:

41 (a) Barbering.

42 (b) Esthetics.

43 (c) Hair design.

44 (d) Nail technology.

45 (e) Natural hair care.

1 (8) "Freelance license" means a written authorization that allows a practitioner to practice
2 outside or away from a licensed facility.

3 (9) "Hair design" means any of the following practices, when done upon the human body for
4 cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental
5 ailments:

6 (a) Shaving, trimming or cutting of the beard or mustache.

7 (b) Styling, permanent waving, relaxing, cutting, singeing, bleaching, coloring, shampooing, con-
8 ditioning, applying hair products or similar work upon the hair of an individual.

9 (c) Massaging the scalp and neck when performed in conjunction with activities in paragraph
10 (a) or (b) of this subsection.

11 (10) "Independent contractor" means a practitioner who qualifies as an independent contractor
12 under ORS 670.600 and who is not under the control and direction of a facility license holder.

13 (11) "License" means a written authorization issued under ORS 690.055 to a person to operate
14 a facility or freelance business for providing services related to one or more fields of practice to the
15 public.

16 (12)(a) "Mechanical or electrical apparatus, appliance or device" includes, but is not limited to,
17 galvanic current, high-frequency microcurrents, light-emitting diode therapy and microdermabrasion
18 that does not penetrate beyond the epidermis except through natural physiological effects.

19 (b) "Mechanical or electrical apparatus, appliance or device" does not include lasers or intense
20 pulsed light or a device, as that term is defined by the Board of Cosmetology by rule, in collab-
21 oration with the Board of Certified Advanced Estheticians.

22 (13) "Nail technology" means any of the following manicuring or pedicuring practices performed
23 for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental
24 ailments:

25 (a) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating the nails of the
26 hands or feet.

27 (b) Massaging, cleansing, treating or beautifying the hands, arms below the elbow, feet or legs
28 below the knee.

29 (c) Applying, sculpturing or removing artificial nails of the hands or feet.

30 (14)(a) "Natural hair care" means:

31 (A) The braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving or wrapping
32 of human hair, natural fibers, synthetic fibers or hair extensions through the use of hands or simple
33 devices such as clips, combs, hairpins or needle and thread;

34 (B) The use of scissors to trim synthetic fibers, hair extensions or sewn-in weave extensions as
35 is necessary to perform the activities described in this paragraph;

36 (C) The making of customized wigs from natural hair, natural fibers, synthetic fibers or hair
37 extensions; or

38 (D) Shampooing or conditioning of the hair of an individual.

39 (b) "Natural hair care" does not include the use of scissors, except as provided in paragraph
40 (a)(B) of this subsection, penetrating chemical hair treatments, chemical hair coloring agents,
41 chemical hair straightening agents, chemical hair joining agents, permanent wave styles or chemical
42 hair bleaching agents.

43 (15) "Practitioner" means a person certified to perform services included within a field of prac-
44 tice.

45 **(16) "Provisional certificate" means a written authorization for the holder to perform in**

1 **one field of practice under the supervision of a practitioner who holds a certificate in the**
 2 **same field of practice.**

3 [(16)] (17) “Registration” means a written authorization issued to an independent contractor to
 4 hold forth to the public as a business entity providing services in a field of practice.

5 [(17)] (18) “School” means an educational establishment that has a license issued by the De-
 6 partment of Education and is operated for the purpose of teaching one or more fields of practice.
 7 For purposes of this subsection, “field of practice” does not include natural hair care.

8 [(18)] (19) “Temporary facility permit” means a written authorization issued under ORS 690.055
 9 to provide services on a temporary basis in one or more fields of practice.

10 **SECTION 5.** ORS 690.015 is amended to read:

11 690.015. (1) This section establishes prohibitions relating to the practice of hair design, barber-
 12 ing, esthetics, nail technology and natural hair care. The prohibitions under this section are subject
 13 to the exemptions under ORS 690.025. A person who commits an act prohibited under this section
 14 is subject to the penalties under ORS 690.992 in addition to any administrative action taken by or
 15 any civil penalty imposed by the Health Licensing Office under ORS 676.612.

16 (2) A person may not:

17 (a) Perform or attempt to perform services in a field of practice without an active certificate,
 18 **provisional certificate**, demonstration permit, registration or freelance license.

19 (b) Operate a facility without a license or temporary facility permit.

20 (c) Perform or attempt to perform services in a field of practice outside a licensed facility or
 21 temporary facility unless the person holds a freelance license issued under ORS 690.123.

22 (d) Practice hair design, barbering, esthetics, nail technology or natural hair care as an inde-
 23 pendent contractor without a registration.

24 (e) Display a sign or in any way advertise or purport to offer services in a field of practice
 25 without first obtaining a permit, certificate, **provisional certificate**, independent contractor regis-
 26 tration or facility license.

27 (f) Knowingly make a false statement on an application to obtain or renew a certificate, **provi-**
 28 **sional certificate**, registration, license or permit.

29 (g) Allow an individual in the employ or under the supervision or control of the person to per-
 30 form in a field of practice without a certificate, **provisional certificate** or permit.

31 (h) Sell, barter or offer to sell or barter a document evidencing a certificate, **provisional cer-**
 32 **tificate**, registration, license or permit.

33 (i) Purchase or procure by barter a document evidencing a certificate **or provisional certificate**
 34 with intent to use it as evidence of the person’s qualification as a practitioner.

35 (j) Materially alter with fraudulent intent a document evidencing a certificate, **provisional**
 36 **certificate**, registration, license or permit.

37 (k) Use or attempt to use a fraudulently obtained, counterfeited or materially altered document
 38 evidencing a certificate, **provisional certificate**, registration, license or permit.

39 **SECTION 6.** ORS 690.035 is amended to read:

40 690.035. [A person desiring] **In order** to obtain a certificate, **provisional certificate** or demon-
 41 stration permit, **a person** shall apply in writing to the Health Licensing Office on a form approved
 42 by the office. Each application [shall] **must** contain:

43 (1) An affirmation by the applicant that the information contained therein is accurate[. *The ap-*
 44 *plication must also include*]; **and**

45 (2) Evidence establishing to the satisfaction of the office that the applicant possesses the nec-

1 essary qualifications.

2 **SECTION 7.** ORS 690.165 is amended to read:

3 690.165. In addition to the powers otherwise granted by ORS 345.430 and 690.005 to 690.225, the
4 Board of Cosmetology shall have the power to:

5 (1) Determine whether applicants are qualified to take certification examinations.

6 (2) Administer, approve or recognize certification examinations and designate the time, place
7 and administrators of certification examinations.

8 (3) Contract for the administration of examinations as part of regional or national examinations
9 and contract with independent testing services for examination administration.

10 (4) Pursuant to ORS 676.568, direct the Health Licensing Office to issue certificates, **provisional**
11 **certificates**, registrations, licenses and permits to individuals determined by the board to be quali-
12 fied.

13 (5) Except as otherwise provided in ORS 690.205 (2) or other provision of law, adopt rules es-
14 tablishing and enforcing standards for safety, infection control, professional conduct and any other
15 matters relating to fields of practice, facilities or locations used by persons providing services reg-
16 ulated by ORS 690.005 to 690.225.

17 (6) Pursuant to ORS 676.612 and 690.167, direct the office to suspend, revoke, limit or refuse to
18 issue or renew certificates, **provisional certificates**, registrations, licenses or permits or impose a
19 period of probationary activity on the holder.

20 (7) Do any act necessary or proper to effect and carry out the duties required of the board by
21 ORS 690.005 to 690.225.

22 (8) Adopt rules prescribing standards of professional conduct for persons practicing hair design,
23 barbering, esthetics, nail technology or natural hair care.

24 (9) Consult with the office about the issuance and renewal of a license under ORS 690.055 au-
25 thORIZING a facility to provide barbering, esthetics, hair design, nail technology services or natural
26 hair care.

27 **SECTION 8.** ORS 690.195 is amended to read:

28 690.195. (1) The Health Licensing Office shall keep a record of its proceedings relating to the
29 issuance, refusal, suspension and revocation of certificates, **provisional certificates**, registrations,
30 licenses and permits and to the imposition of probation. This record shall also contain the name,
31 place of business and the date of each certificate, **provisional certificate**, registration, license and
32 permit issued by the office.

33 (2) The office shall keep a record of all complaints received, including the date of receipt, name
34 and place of business of each practitioner involved, the name and address of each complainant and
35 the nature of the complaint.

36 (3) The records of the office shall at all reasonable times be open to inspection by the public.

37 **SECTION 9.** (1) **Section 2 of this 2023 Act and the amendments to ORS 676.562, 690.005,**
38 **690.015, 690.035, 690.165 and 690.195 by sections 3 to 8 of this 2023 Act become operative on**
39 **January 1, 2024.**

40 (2) **The Board of Cosmetology and the Health Licensing Office may take any action before**
41 **the operative date specified in subsection (1) of this section that is necessary to enable the**
42 **board and the office to exercise, on and after the operative date specified in subsection (1)**
43 **of this section, all of the duties, functions and powers conferred on the board and the office**
44 **by section 2 of this 2023 Act and the amendments to ORS 676.562, 690.005, 690.015, 690.035,**
45 **690.165 and 690.195 by sections 3 to 8 of this 2023 Act.**

1 **SECTION 10.** This 2023 Act takes effect on the 91st day after the date on which the 2023
2 regular session of the Eighty-second Legislative Assembly adjourns sine die.
3 _____

SB 217

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**Board of Cosmetology
Curriculum & School
Inspections**

Senate Bill 217

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Higher Education Coordinating Commission)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that cosmetology curriculum taught by school meet standards established by Board of Cosmetology and be approved by Health Licensing Office.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to cosmetology; creating new provisions; amending ORS 345.010, 690.005, 690.015, 690.025, 690.046, 690.047, 690.155, 690.165, 690.195, 690.205, 690.225 and 690.360; repealing ORS 345.400, 345.430, 345.440 and 345.450; and prescribing an effective date.

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

REGULATION OF COSMETOLOGY

SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 690.005 to 690.225.

SECTION 2. The Health Licensing Office may adopt rules to carry out its duties under ORS 690.005 to 690.225.

SECTION 3. ORS 690.005 is amended to read:

690.005. As used in ORS 690.005 to 690.225:

(1) "Authorization" has the meaning given that term in ORS 676.562.

[(1)] (2) "Barbering" means any of the following practices, when done upon the human body for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:

(a) Shampooing, styling, cutting, singeing and conditioning of the hair of an individual.

(b) Applying hair tonics, dressings and rinses.

(c) Massaging of the scalp, face and neck and applying facial and scalp treatments with creams, lotions, oils and other cosmetic preparations, either by hand or mechanical appliances, except that the mechanical appliances may not be galvanic or faradic.

(d) Shaving, trimming or cutting of the beard or mustache.

[(2)] (3) "Certificate" means a written authorization for the holder to perform in one or more fields of practice.

[(3)] (4) "Cosmetology" means the art or science of beautifying and improving the skin, nails and hair and the study of cosmetics and their application.

[(4)] (5) "Demonstration permit" means a written authorization for a person to practice, demonstrate and teach one or more fields of practice on a temporary basis.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 [(5)] **(6)** “Esthetics” means any of the following skin care or facial care practices performed on
2 the human body or face for the purpose of keeping the skin of the human body or face healthy and
3 attractive and not for medical diagnosis or treatment of disease or physical or mental ailments:

4 (a) The use of the hands or mechanical or electric apparatuses, appliances or devices for
5 cleansing, stimulating, manipulating, exfoliating or applying lotions or creams.

6 (b) Temporary removal of hair by using lotion, cream, an appliance, wax, thread, sugar,
7 tweezers, dermaplaning, a depilatory or other means.

8 (c) Makeup artistry.

9 (d) Eyebrow and eyelash services.

10 (e) Facial and body treatments.

11 [(6)] **(7)** “Facility” means an establishment operated on a regular or irregular basis for the pur-
12 pose of providing services in one or more fields of practice.

13 [(7)] **(8)** “Field of practice” means the following cosmetology disciplines:

14 (a) Barbering.

15 (b) Esthetics.

16 (c) Hair design.

17 (d) Nail technology.

18 (e) Natural hair care.

19 [(8)] **(9)** “Freelance license” means a written authorization that allows a practitioner to practice
20 outside or away from a licensed facility.

21 [(9)] **(10)** “Hair design” means any of the following practices, when done upon the human body
22 for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental
23 ailments:

24 (a) Shaving, trimming or cutting of the beard or mustache.

25 (b) Styling, permanent waving, relaxing, cutting, singeing, bleaching, coloring, shampooing, con-
26 ditioning, applying hair products or similar work upon the hair of an individual.

27 (c) Massaging the scalp and neck when performed in conjunction with activities in paragraph
28 (a) or (b) of this subsection.

29 [(10)] **(11)** “Independent contractor” means a practitioner who qualifies as an independent con-
30 tractor under ORS 670.600 and who is not under the control and direction of a facility license
31 holder.

32 [(11)] **(12)** “License” means a written authorization issued under ORS 690.055 to a person to
33 operate a facility or freelance business for providing services related to one or more fields of prac-
34 tice to the public.

35 [(12)(a)] **(13)(a)** “Mechanical or electrical apparatus, appliance or device” includes, but is not
36 limited to, galvanic current, high-frequency microcurrents, light-emitting diode therapy and
37 microdermabrasion that does not penetrate beyond the epidermis except through natural physiolog-
38 ical effects.

39 (b) “Mechanical or electrical apparatus, appliance or device” does not include lasers or intense
40 pulsed light or a device, as that term is defined by the Board of Cosmetology by rule, in collab-
41 oration with the Board of Certified Advanced Estheticians.

42 [(13)] **(14)** “Nail technology” means any of the following manicuring or pedicuring practices
43 performed for cosmetic purposes and not for medical diagnosis or treatment of disease or physical
44 or mental ailments:

45 (a) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating the nails of the

1 hands or feet.

2 (b) Massaging, cleansing, treating or beautifying the hands, arms below the elbow, feet or legs
3 below the knee.

4 (c) Applying, sculpturing or removing artificial nails of the hands or feet.

5 [(14)(a)] (15)(a) “Natural hair care” means:

6 (A) The braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving or wrapping
7 of human hair, natural fibers, synthetic fibers or hair extensions through the use of hands or simple
8 devices such as clips, combs, hairpins or needle and thread;

9 (B) The use of scissors to trim synthetic fibers, hair extensions or sewn-in weave extensions as
10 is necessary to perform the activities described in this paragraph;

11 (C) The making of customized wigs from natural hair, natural fibers, synthetic fibers or hair
12 extensions; or

13 (D) Shampooing or conditioning of the hair of an individual.

14 (b) “Natural hair care” does not include the use of scissors, except as provided in paragraph
15 (a)(B) of this subsection, penetrating chemical hair treatments, chemical hair coloring agents,
16 chemical hair straightening agents, chemical hair joining agents, permanent wave styles or chemical
17 hair bleaching agents.

18 [(15)] (16) “Practitioner” means a person certified to perform services included within a field of
19 practice.

20 [(16)] (17) “Registration” means a written authorization issued to an independent contractor to
21 hold forth to the public as a business entity providing services in a field of practice.

22 [(17)] (18) “School” means an educational establishment that [*has a license issued by the De-*
23 *partment of Education and is operated for the purpose of teaching one or more fields of practice. For*
24 *purposes of this subsection, “field of practice” does not include natural hair care*] **offers a program**
25 **of study in one or more fields of practice other than natural hair care, including, but not**
26 **limited to, a career school licensed under ORS 345.010 to 345.450, a community college or an**
27 **educational establishment operated by a school district.**

28 [(18)] (19) “Temporary facility permit” means a written authorization issued under ORS 690.055
29 to provide services on a temporary basis in one or more fields of practice.

30 **SECTION 4.** ORS 690.015 is amended to read:

31 690.015. (1) This section establishes prohibitions relating to the practice of hair design, barber-
32 ing, esthetics, nail technology and natural hair care. The prohibitions under this section are subject
33 to the exemptions under ORS 690.025. A person who commits an act prohibited under this section
34 is subject to the penalties under ORS 690.992 in addition to any administrative action taken by or
35 any civil penalty imposed by the Health Licensing Office under ORS 676.612.

36 (2) A person may not:

37 (a) Perform or attempt to perform services in a field of practice without an active [*certificate,*
38 *demonstration permit, registration or freelance license*] **authorization.**

39 (b) Operate a facility without a license or temporary facility permit.

40 (c) Perform or attempt to perform services in a field of practice outside a licensed facility or
41 temporary facility unless the person holds a freelance license issued under ORS 690.123.

42 (d) Practice hair design, barbering, esthetics, nail technology or natural hair care as an inde-
43 pendent contractor without [*a registration*] **an authorization.**

44 (e) Display a sign or in any way advertise or purport to offer services in a field of practice
45 without first obtaining [*a permit, certificate, independent contractor registration or facility license*] **an**

1 **authorization.**

2 (f) Knowingly make a false statement on an application to obtain or renew [*a certificate, registra-*
3 *tion, license or permit*] **an authorization.**

4 (g) Allow an individual in the employ or under the supervision or control of the person to per-
5 form in a field of practice without [*a certificate or permit*] **an authorization.**

6 (h) Sell, barter or offer to sell or barter a document evidencing [*a certificate, registration, license*
7 *or permit*] **an authorization.**

8 (i) Purchase or procure by barter a document evidencing [*a certificate*] **an authorization** with
9 intent to use it as evidence of the person's qualification as a practitioner.

10 (j) Materially alter with fraudulent intent a document evidencing [*a certificate, registration, li-*
11 *cence or permit*] **an authorization.**

12 (k) Use or attempt to use a fraudulently obtained, counterfeited or materially altered document
13 evidencing [*a certificate, registration, license or permit*] **an authorization.**

14 **SECTION 5.** ORS 690.025 is amended to read:

15 690.025. (1) ORS 690.005 to 690.225 do not apply to:

16 (a) Persons who perform service without compensation in case of emergency or in domestic ad-
17 ministration.

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

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

23 (d) Persons engaged in rendering emergency medical assistance as defined in ORS 30.800.

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

26 (f) Commissioned medical and surgical officers and personnel of the United States Armed Ser-
27 vices while operating on a military base and personnel of correctional institutions while operating
28 on the premises of a correctional facility.

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

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

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

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

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

SECTION 6. ORS 690.046 is amended to read:

690.046. (1) To qualify for certification as a practitioner of hair design, barbering, esthetics, nail technology or natural hair care, an applicant shall:

(a) If the applicant is applying for certification to practice hair design, barbering, esthetics or nail technology[, *successfully complete all courses required by rule of the State Board of Education for graduation from a school teaching one or more fields of practice*]:

(A) Complete the education requirements in the field of practice for which certification is sought that are adopted by the Board of Cosmetology by rule and approved by the Health Licensing Office; and

(B) Submit satisfactory evidence from a school to the office that demonstrates the applicant has successfully completed the education described in subparagraph (A) of this paragraph.

(b) Successfully pass the certification examination approved, administered or recognized by the board [*of Cosmetology for*] **in** the field of practice [*in*] **for** which certification is sought.

(c) Pay the applicable fees established under ORS 676.576.

(d) Meet any additional requirements the board [*of Cosmetology*] may impose by rule [*for*] **in the field of practice for which** certification [*in a particular field of practice*] **is sought.**

(2) The office may waive all or part of the education described in subsection (1) of this section and allow an applicant who meets all of the other requirements of subsection (1) of this section to take the certification examination if:

(a) For an applicant who holds an active authorization issued in another state or territory of the United States:

(A) The office determines that the applicant's education or training, including any education or training obtained in the military, is substantially equivalent to the certification requirements described in subsection (1) of this section and any rules adopted under subsection (1) of this section; and

(B) The applicant's active authorization has not been subject to disciplinary action by the authorizing body.

(b) For an applicant who has received education or training outside of this state and does not hold an active authorization issued by another jurisdiction, the office determines the applicant is qualified to take the certification examination based on:

(A) An assessment of evidence submitted by the applicant, as prescribed by the office by rule, regarding the applicant's out-of-state education or training in the field of practice for which certification is sought; or

(B) If the evidence described in this paragraph is unavailable or insufficient, an assessment of the applicant's skills based on a school's evaluation and recommendation.

[(2)] **(3)** A person who is certified to practice hair design or barbering under this section is authorized to practice natural hair care.

SECTION 7. ORS 690.047 is amended to read:

690.047. [(1) *For purposes of this section, "field of practice" does not include natural hair care.*]

[(2) *The Board of Cosmetology may waive all or part of the educational requirement for an applicant in a field of practice and allow the applicant to take the certification examination, provided that:*]

[(a) *The applicant's education or training, including relevant education or training obtained in the military, is determined by the board to be substantially equivalent to Oregon certification*

1 requirements;]

2 [(b) The applicant is otherwise qualified to take the examination; and]

3 [(c) The applicant holds an active certification that was issued in another state or a territory of the
4 United States and has not been subject to disciplinary action by the other certifying body.]

5 [(3)] The Health Licensing Office may issue a specialty certificate in a field of practice **other**
6 **than natural hair care** to a practitioner who has:

7 [(a)] (1) Completed post-graduate education approved by the office that is separate from the ed-
8 ucation or training required for entry-level certification;

9 [(b)] (2) Passed an examination approved or recognized by the Board of Cosmetology; and

10 [(c)] (3) Paid the applicable fees established under ORS 676.576.

11 **SECTION 8.** ORS 690.155 is amended to read:

12 690.155. (1) There is established within the Health Licensing Office the Board of Cosmetology
13 consisting of seven members appointed by the Governor. At all times the membership of the board
14 shall be so constituted that:

15 (a) [Six] **Five** members of the board shall be practitioners with active [certificates] **authori-**
16 **zations.**

17 (b) **One member shall be a practitioner with an active authorization who is a represen-**
18 **tative of a career school licensed under ORS 345.010 to 345.450 who teaches in one or more**
19 **fields of practice.**

20 [(b)] (c) One member shall be a public member who is not a practitioner.

21 (2) The term of office of each member of the board is four years, but a member serves at the
22 pleasure of the Governor. Vacancies shall be filled by the Governor by appointment for the unex-
23 pired term. A member shall hold the member's office until the appointment and qualification of a
24 successor. A member is eligible for reappointment. If a person serves two consecutive full terms, a
25 period of at least four years must elapse before the person is again eligible for appointment to serve
26 on the board.

27 (3) The Director of the Health Licensing Office, or a designated representative, shall serve as
28 an ex officio member of the board but without the right to vote.

29 **SECTION 9.** ORS 690.165 is amended to read:

30 690.165. In addition to the powers otherwise granted by ORS [345.430 and] 690.005 to 690.225,
31 the Board of Cosmetology shall have the power to:

32 (1) Determine whether applicants are qualified to take certification examinations, **except as**
33 **that power is vested in the Health Licensing Office under ORS 690.046.**

34 (2) Administer, approve or recognize certification examinations and designate the time, place
35 and administrators of certification examinations.

36 (3) Contract for the administration of examinations as part of regional or national examinations
37 and contract with independent testing services for examination administration.

38 (4) Pursuant to ORS 676.568, direct the [Health Licensing] office to issue [certificates, registra-
39 tions, licenses and permits] **authorizations** to individuals determined by the board to be qualified.

40 (5) Except as otherwise provided in ORS 690.205 (2) or other provision of law, adopt rules es-
41 tablishing and enforcing standards for safety, infection control, professional conduct, **curriculum**
42 and any other matters relating to fields of practice, facilities or locations used by persons providing
43 services regulated by ORS 690.005 to 690.225.

44 (6) Pursuant to ORS 676.612 and 690.167, direct the office to suspend, revoke, limit or refuse to
45 issue or renew [certificates, registrations, licenses or permits] **authorizations** or impose a period of

1 probationary activity on the holder.

2 (7) Do any act necessary or proper to effect and carry out the duties required of the board by
3 ORS 690.005 to 690.225.

4 (8) Adopt rules prescribing standards of professional conduct for persons practicing hair design,
5 barbering, esthetics, nail technology or natural hair care.

6 (9) Consult with the office about the issuance and renewal of a license under ORS 690.055 [*au-*
7 *thorizing a facility to provide barbering, esthetics, hair design, nail technology services or natural hair*
8 *care*].

9 **(10) Pursuant to ORS 690.046, direct the office to approve a school's curriculum.**

10 **SECTION 10.** ORS 690.195 is amended to read:

11 690.195. (1) The Health Licensing Office shall keep a record of [*its*] **the office's** proceedings
12 relating to the issuance, refusal, suspension and revocation of [*certificates, registrations, licenses and*
13 *permits*] **authorizations** and to the imposition of probation. This record [*shall*] **must** also contain
14 the name, place of business and [*the*] date of each [*certificate, registration, license and permit*] **au-**
15 **thorization** issued by the office.

16 (2) The office shall keep a record of all complaints received, including the date of receipt, **the**
17 name and place of business of each practitioner involved, the name and address of each complainant
18 and the nature of the complaint.

19 (3) The records of the office shall at all reasonable times be open to inspection by the public.

20 **SECTION 11.** ORS 690.205 is amended to read:

21 690.205. (1) The Board of Cosmetology may adopt rules for the administration of ORS [*345.440*
22 *and*] 690.005 to 690.225 and for prescribing safety and infection control requirements for facilities.
23 Infection control requirements for facilities shall be subject to the approval of the Oregon Health
24 Authority. [*A copy of the rules adopted by the board shall be furnished by the board to the owner or*
25 *manager of each facility.*]

26 (2) Notwithstanding subsection (1) of this section, the board may not prohibit the use of the fa-
27 cility for domestic purposes if the part devoted to domestic purposes is in a completely separate
28 room not used by customers, with walls extending from floor to ceiling and with any connecting
29 doors kept closed while the facility is in actual operation.

30 (3) Rules adopted by the board prescribing safety and infection control requirements for facili-
31 ties shall be adopted in accordance with the procedures set forth in ORS chapter 183.

32 **SECTION 12.** ORS 690.225 is amended to read:

33 690.225. (1) In addition to any other duties prescribed by law, the Health Licensing Office shall
34 provide for the inspection of facilities [*and schools licensed to teach practitioner skills under ORS*
35 *345.010 to 345.450*].

36 (2) Inspections conducted under this section shall determine whether the facilities comply with
37 the health, safety, infection control and licensing rules of the Board of Cosmetology [*and whether*
38 *the schools comply with the health, safety and infection control requirements under ORS 345.010 to*
39 *345.450 and rules of the office. A report of the results of the inspection shall be submitted to the Higher*
40 *Education Coordinating Commission*].

41 **SECTION 13.** ORS 690.360 is amended to read:

42 690.360. (1) A person may not:

43 (a) Perform or attempt to perform services in a field of practice without a license to perform
44 services in that field of practice;

45 (b) Perform or attempt to perform services in a field of practice outside a licensed facility;

1 (c) Display a sign or in any way advertise or purport to offer services in a field of practice
2 without a license to perform services in that field of practice;

3 (d) Operate a facility, display a sign or in any way advertise or purport to offer services in a
4 field of practice in a facility without a license to operate a facility or a temporary license to operate
5 a facility;

6 (e) Knowingly make a false statement on an application to obtain or renew a license;

7 (f) Allow an individual in the employ or under the supervision or control of the person to per-
8 form services in a field of practice without a license to perform services in that field of practice;

9 (g) Sell, barter or offer to sell or barter a document evidencing a license;

10 (h) Purchase or procure by barter a document evidencing a license with intent to use the doc-
11 ument as evidence of the person’s qualification to provide services in a field of practice;

12 (i) Materially alter with fraudulent intent a license or temporary license; or

13 (j) Use or attempt to use a fraudulently obtained, counterfeited or materially altered license or
14 temporary license.

15 (2) ORS 690.350 to 690.410 do not limit, preclude or otherwise interfere with the practice of
16 other persons or health care providers licensed in this state.

17 (3) Subsection (1)(a), (b) or (d) of this section does not apply to:

18 (a) A student while engaged in training at the direction of and under the direct supervision of
19 the faculty of a school [*licensed under ORS 345.010 to 345.450 to teach a field of practice*]; or

20 (b) An individual self-administering body piercing.

21
22 **CONFORMING AMENDMENTS**

23
24 **SECTION 14.** ORS 345.010 is amended to read:

25 345.010. As used in ORS 345.010 to 345.450 and 345.992 to 345.997:

26 (1) “Agent” means an individual who is employed by or for a career school, or is working on
27 behalf of the school under a contract, for the purpose of actively procuring students, enrollees or
28 subscribers of the school by solicitation in any form that is made at a place or places other than
29 the school office or place of business of the school.

30 [(2) “Barbering” has the meaning given that term in ORS 690.005.]

31 [(3)] (2) “Career school” or “school” means any private proprietary professional, technical, home
32 study, correspondence, business or other school instruction, organization or person that offers any
33 instruction or training for the purpose or purported purpose of instructing, training or preparing
34 persons for any profession.

35 [(4) “Esthetics” has the meaning given in ORS 690.005.]

36 [(5) “Hair design” has the meaning given in ORS 690.005.]

37 [(6)] (3) “License” means the authority the career school has been granted to operate under ORS
38 345.010 to 345.450.

39 [(7) “Nail technology” has the meaning given in ORS 690.005.]

40 [(8)] (4) “Registration” means the approval by the Higher Education Coordinating Commission
41 of a teacher or agent to instruct in or to represent the school.

42
43 **CONTINUITY OF CURRICULA**

44
45 **SECTION 15.** A school that teaches a curriculum that was approved by the Higher Edu-

1 cation Coordinating Commission before the operative date specified in section 18 of this 2023
2 Act may continue to teach the curriculum after the operative date specified in section 18 of
3 this 2023 Act unless the Health Licensing Office determines that the curriculum must be
4 approved by the office pursuant to rules adopted by the Board of Cosmetology under ORS
5 690.005 to 690.225.

6
7 **REPEALS**

8
9 **SECTION 16.** ORS 345.400, 345.430, 345.440 and 345.450 are repealed.

10
11 **UNIT CAPTIONS**

12
13 **SECTION 17.** The unit captions used in this 2023 Act are provided only for the conven-
14 ience of the reader and do not become part of the statutory law of this state or express any
15 legislative intent in the enactment of this 2023 Act.

16
17 **OPERATIVE AND EFFECTIVE DATES**

18
19 **SECTION 18.** (1) Section 2 of this 2023 Act, the amendments to ORS 345.010, 690.005,
20 690.015, 690.025, 690.046, 690.047, 690.155, 690.165, 690.195, 690.205, 690.225 and 690.360 by
21 sections 3 to 14 of this 2023 Act and the repeal of ORS 345.400, 345.430, 345.440 and 345.450
22 by section 16 of this 2023 Act become operative on July 1, 2024.

23 (2) The Board of Cosmetology, the Higher Education Coordinating Commission and the
24 Health Licensing Office may take any action before the operative date specified in subsection
25 (1) of this section that is necessary to enable the board, the commission and the office to
26 exercise, on and after the operative date specified in subsection (1) of this section, all of the
27 duties, functions and powers conferred on the board, the commission and the office by sec-
28 tion 2 of this 2023 Act, the amendments to ORS 345.010, 690.005, 690.015, 690.025, 690.046,
29 690.047, 690.155, 690.165, 690.195, 690.205, 690.225 and 690.360 by sections 3 to 14 of this 2023
30 Act and the repeal of ORS 345.400, 345.430, 345.440 and 345.450 by section 16 of this 2023 Act.

31 **SECTION 19.** This 2023 Act takes effect on the 91st day after the date on which the 2023
32 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Public/Interested Parties' Feedback

Other Board Business



**Health Licensing Office
Board of Cosmetology
January 23, 2023**

****PLEASE PRINT****

Name (First, Last) and Email	Representing	Request to Comment (yes/no)
Deveon Reynold – dreynolds2489@gmail.com		No
Alysia Read – info@unsprung.net		No
Karen Dieckman – karen@phagans-schools.com		No
Whitney Berrier – whitney@aestheticbodydesign.com		No
Olivia Nelson – hautewaxbb@gmail.com		No