



Practice Clarification

OREGON HEALTH LICENSING AGENCY

Cosmetology Mobile Units

October 14, 2013

On June 15, 2013 and August 1, 2013, the Oregon Health Licensing Agency (Agency) received the following question regarding cosmetology business licensure from Rich Donald and Morgan Fisher.

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

Question 1: *Can an individual certified in a field of practice (barbering, hair design, esthetics, nail technology and natural hair care) have a mobile facility?*

Short Answer 1: No. However, an individual certified in a field of practice who obtains a freelance authorization may provide services in a mobile unit/trailer.

Descriptive Answer 1: No, because the cosmetology law does not include a category for a “mobile facility.” A mobile facility does not appear to fall within the definition of a “facility” under ORS 690.005(7). ORS 690.005(7) defines “facility” as “an establishment operated on a regular or irregular basis for the purpose of providing services in one or more fields of practice.” The central question here is whether a mobile unit/trailer would be an “establishment” under this definition. The term “establishment” appears to reference a fixed place of business, not one that is mobile. It appears that a mobile unit/trailer would not fall within this definition.

Question 2: *Can an individual certified in a field of practice provide services in a mobile unit with a freelance authorization?*

Short Answer 2: Yes an individual certified in a field of practice may provide cosmetology services in a mobile unit/trailer with a freelance authorization.

Descriptive Answer: ORS 690.005(9) defines “freelance authorization” as “a written authorization that allows a practitioner to practice outside or away from a licensed facility.” With a freelance authorization, an individual certified in a field of practice may practice cosmetology outside a licensed facility—including in a mobile trailer.

When practicing under a freelance authorization, a practitioner must still comply with the safety and infection control requirements under ORS 690.015 and 690.205.

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