



**WHO:** Health Licensing Office  
Board of Electrologists and Body Art Practitioners

**WHEN:** April 25, 2016 at 10 a.m.

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

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

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

**May the public attend the meeting?**

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

**May the public attend a teleconference meeting?**

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

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

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

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

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

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

# **Approval of Agenda**



Health Licensing Office  
Board of Electrologists and Body Art Practitioners



April 25, 2016 at 10 a.m.  
700 Summer St. NE, Suite 320  
Salem, Oregon

1. **Call to Order**
2. **Items for Board Action**
  - ◆ Approval of Agenda
  - ◆ Approval of Minutes – November 9, 2015
  - ◆ Approval of Body Piercing Education/ Training

Working Lunch

3. **Reports**
  - ◆ Director Report
  - ◆ Licensing and Fiscal Statistical Reports
  - ◆ Policy Report
    - Microblading practice clarification
    - Rules Advisory Committee membership
  - ◆ Communication
    - Launch of new web site
    - Outreach on HB 2642 – Board of Advanced Estheticians
  - ◆ Regulatory Report
4. **Public/Interest Parties Feedback**
5. **Other Board Business**

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

# **Items for Board Action**

# **Approval of Minutes**

~

**November 9, 2015**



Health Licensing Office  
Board of Electrologists and Body Art Practitioners



November 9, 2015  
700 Summer Street NE, Suite 320  
Salem, Oregon

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**MINUTES**

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**MEMBERS PRESENT**

Molly Ballew, chair  
Wendy Blenning, vice-chair  
Seth Dietz  
Cameron Straub  
Joshua Bryant  
Benjamin Berry  
Lisa Chambliss

**STAFF PRESENT**

Sylvie Donaldson, fiscal services and licensing manager  
Bob Bothwell, regulatory operations manager  
Sarah Kelber, communications coordinator  
Cerynthia Murphy, qualification analyst  
Samie Patnode, policy analyst  
Maria Gutierrez, board specialist

**MEMBERS ABSENT**

**GUESTS PRESENT**

Damon Warriner  
Rivka McCormack  
Normen Slater  
Jaimee Bloom  
Desta Spence  
Shela Ahern

**Call to Order**

Molly Ballew called the meeting of the Board of Body Art Practitioners to order at 10:05 a.m. Roll was called.

**Items for Board Action**

**Approval of Agenda**

Wendy Blenning made a motion with a second by Cameron Straub to approve the agenda. Motion passed unanimously.

**Approval of Minutes**

Joshua Bryant made a motion with a second by Seth Dietz to approve the minutes for April 27, 2015. Motion passed unanimously.

**Approval of 2016 Meeting Dates**

Board members considered proposed meeting dates for 2016 as follows:

April 25, 2016 at 10 a.m.

July 18, 2016 at 10 a.m.

November 7, 2016 at 10 a.m.

**MOTION**

Wendy Blenning made a motion with a second by Cameron Straub to approve 2016 meeting dates. Motion passed unanimously.

**Approval of chair and vice chair**

Board members discussed the role of chairperson and vice chairperson and asked for nominations for 2016.

**MOTION**

Wendy Blenning made a motion with a second by Lisa Chambliss to elect Josh Bryant as chair person and Benjamin Berry as vice chairperson. Motion passed unanimously.

**Approval of administrative rule schedule**

Since the changes in 2012 the Health Licensing Office, the Board of Body Art Practitioners and stakeholders have identified several administrative rules and topics which need to be reviewed including but not limited to the following;

**Body Piercing:**

- Reduce numbers of training hours for standard body piercing;
- Transfer specialty level 1 genital piercing to standard body piercing;
- Reduce number of training hours for specialty level 2 genital piercing;
- Align initial jewelry standards with industry regulations which are enforceable; and
- Specify information required on informed consent documentation.

**Electrology:**

- Allow jewelry under gloves;
- Clean skin with antiseptic or astringent; and
- Practical examination administered at private career school.

**Tattooing:**

- Review number of hours within tattoo curriculum; and

- Use of sterilized water in tattoo ink for dilution.

Members discuss making changes to the following topics listed above.

**MOTION:**

Wendy Blenning made a motion with a second by Joshua Bryant to approve the administrative rule schedule.

**Director Report**

Sylvie Donaldson, interim director and division manager, reported on the following:

- Update on change of director
- Update on latest transition to Public Health
- Update on new minutes and recording system – Granicus

**Licensing and Fiscal Statistical Report**

Donaldson, presented an overview of statistics related to the board. Statistics include licensing statistics, license volumes and active license trends.

The statement of cash flow for the period 07/01/13 – 6/30/15 was reviewed with an actual ending cash balance of 315, 114.93. The ending cash balance for the period of 07/01/13 – 6/30/15 it was projected to be 315,114.93

**Policy Report**

Samie Patnode, policy analyst, reported on the following:

- Practice Clarification:  
The Health Licensing Office and the Board of Body Art Practitioners will determine on a case-by-case basis if a topic is broad enough to affect all licensees and therefore warrants clarification statues and rules.

Sarah Kelber, communications coordinator, reported on the following:

- Revamp of the new website
- Update on tattoo video
- Social media to be added to the website in the near future
- Customer surveys

Members, would like the office surveys emailed to a licensees for further input on customer service.

**Regulatory Report**

Bob Bothwell, regulatory operations manager, reported on enforcement activity including:

**2011-2013 Biennium**

Between July 1, 2011 and June 30, 2013, 193 complaints were received. Of the 193 complaints 0 remain open. A summary of allegations received by type of complaints was provided as stated below.

Anonymous	Client	Other
45	37	111



2013-2015 Biennium

Between July 1, 2013 and June 30, 2015, 132 complaints were received. Of the 132 complaints 8 remain open. A summary of allegations received by type of complainant was provided as stated below.

Anonymous	Client	Other
12	11	109

**Public Comment**

The office received the following written comment:

- Desta Spence provided concerns regarding the current body piercing training program and the challenges that come with finding currently licensed body piercers, and the amount of hours currently required to complete a body piercing training program.
- Shelly Davey Dax provided concerns regarding reciprocity for tattoo artists, and the difficulty tattoo artists in other states have becoming licensed in Oregon.

The following comments were received in person during the meeting:

- Rivka McCormack, stated her affiliation to the Board, and expressed her concerns with the current licensure pathways for body piercing.
- Jaimee Bloom, stated her affiliation to the Board, and expressed her concerns with the current practical examination in place for electrology and the possibility of revisions.
- Shela Ahern, stated her affiliation to the Board, and provided members with an update from the latest American Electrology Association meeting.

**Other Board Business**

The meeting adjourned at approximately 11:53 a.m.

Minutes prepared by: Maria Gutierrez, Board Specialist

**Approval of Body  
Piercing Education  
Training Program**

**ISSUE:**

Revisions to the standard and specialty level 1 and 2 genital body piercing training programs.

**BACKGROUND AND DISCUSSION:**

On January 1, 2012, the Oregon Health Licensing Office (HLO) and the Board of Body Art Practitioners (Board) adopted the Standard Body Piercing Training Program to include consistent and standardized training, training reporting, scoring forms and criteria.

On March 11, 2013, the Board adopted the Specialty Level 1 and 2 Genital Body Piercing Training Programs to also include consistent and standardized training, training reporting, scoring forms and criteria.

Since the inception of the training programs, the HLO has received extensive feedback and information from industry professionals regarding program hours being substantially too high to obtain minimum competence required to ensure safe and competent practice on the public.

On November 9, 2015, the Board of Electrologists and Body Art Practitioners requested the HLO revise the body piercing training programs to include reducing the number of hours for the programs and transferring the Specialty Level One Genital Piercing Training to the Standard Body Piercing Training Program.

**BOARD ACTION:**

To approve the revised body piercing training programs.

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## Standard Body Piercing Training - Program Information (50% + modified hours for specialty1)

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The State of Oregon, Board of Electrologists and Body Art Practitioners (EBAP) requires that all Licensed Standard Body Piercers complete ~~600~~ 4450 hours of training in a comprehensive Standard Body Piercing Training (SBPT) Program; the SBPT program includes ~~125~~ 250 hours of training in theory and ~~475~~ 900 hours of practical experience with a minimum of ~~220~~ 400 specific body piercing procedures required.

The ~~220~~ 400 practical procedures required must include:

- ~~54~~ 400 practical procedures in which the trainee observes the supervisor **performing standard body piercing procedures: (50) as listed in OAR 331-900-0005 section (a) through (r), and (4) with at least two male and two female procedures, with at least two different types of piercings, as listed in OAR 331- 905-0005;**
- ~~56~~ 400-practical procedures in which the trainee assists the supervisor **performing standard body piercing procedures: (50) as listed in OAR 331-900-0005 section (a) through (r), and (6) with at least two male and two female procedures with at least two different types of piercings as listed in OAR 331- 905-0005;** and
- ~~110~~ 200 practical procedures performed by the trainee under direct supervision, but without assistance: **(100) as listed in OAR 331-900-0005 section (a) through (r), and (10) with at least three male and three female procedures, with at least four different types of piercings as listed in OAR 331- 905-0005 ;** and

The SBPT must be completed under the direct supervision of an approved supervisor. Prior approval must be obtained from the Health Licensing Office (office) for individuals to act as a supervisor according to Oregon Administrative Rule 331-900-0050 **and 331-900-0052**; Oregon Administrative Rule 331-900-0000; "Direct supervision" means the supervisor is physically present with, and engaged in, active training of a Temporary Body Piercing License holder.

The SBPT program has been derived from several sources including The Association of Professional Piercers, Procedures Manual 2005; Barron's E-Z Anatomy and Physiology, 2010; Atlas of Human Anatomy 4<sup>th</sup> Edition, Frank H. Netter, MD; The Occupational Safety and Health Administration (OSHA), Blood Borne Pathogens; and the Centers for Disease Control and Prevention (CDC), Body Art.

The SBPT program contains specified training categories for each training segment; theory, practical and procedures. The amount of training within each category is **required**, in addition to completion of the theory portion being completed **prior** to commencing the specified practical experience and procedure training; however, the sequence of training within the theory segment will be determined by the supervisor. It is the responsibility of the trainee and supervisor to ensure all training requirements have been completed

All training forms must be completed, by the supervisor, during the SBPT. The Certification of Training Form\* must be submitted, to the office, by the supervisor upon completion of the SBPT. In addition, all forms must be maintained by the supervisor for a period of two years after the trainee has completed the SBPT. The training forms must be kept on file by the supervisor and made available for inspection by the office upon request.

The SBPT must be completed within no less than (9) nine months according to OAR 331-900-0005(15).

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## Standard Body Piercing Training - Program Information

### (30% + modified hours for specialty1)

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The State of Oregon, Board of Electrologists and Body Art Practitioners (EBAP) requires that all Licensed Standard Body Piercers complete ~~370~~ ~~4450~~ hours of training in a comprehensive Standard Body Piercing Training (SBPT) Program; the SBPT program includes ~~75~~ ~~250~~ hours of training in theory and ~~295~~ ~~900~~ hours of practical experience with a minimum of ~~140~~ ~~400~~ specific body piercing procedures required.

The ~~140~~ ~~400~~ practical procedures required must include:

- ~~34~~ ~~400~~ practical procedures in which the trainee observes the supervisor **performing standard body piercing procedures: (30) as listed in OAR 331-900-0005 section (a) through (r), and (4) with at least two male and two female procedures, with at least two different types of piercings, as listed in OAR 331- 905-0005;**
- ~~36~~ ~~400~~ practical procedures in which the trainee assists the supervisor **performing standard body piercing procedures: (30) as listed in OAR 331-900-0005 section (a) through (r), and (6) with at least two male and two female procedures with at least two different types of piercings as listed in OAR 331- 905-0005;** and
- ~~70~~ ~~200~~ practical procedures performed by the trainee under direct supervision, but without assistance: **(60) as listed in OAR 331-900-0005 section (a) through (r), and (10) with at least three male and three female procedures, with at least four different types of piercings as listed in OAR 331- 905-0005 ;** and

The SBPT must be completed under the direct supervision of an approved supervisor. Prior approval must be obtained from the Health Licensing Office (office) for individuals to act as a supervisor according to Oregon Administrative Rule 331-900-0050 **and 331-900-0052**; Oregon Administrative Rule 331-900-0000; "Direct supervision" means the supervisor is physically present with, and engaged in, active training of a Temporary Body Piercing License holder.

The SBPT program has been derived from several sources including The Association of Professional Piercers, Procedures Manual 2005; Barron's E-Z Anatomy and Physiology, 2010; Atlas of Human Anatomy 4<sup>th</sup> Edition, Frank H. Netter, MD; The Occupational Safety and Health Administration (OSHA), Blood Borne Pathogens; and the Centers for Disease Control and Prevention (CDC), Body Art.

The SBPT program contains specified training categories for each training segment; theory, practical and procedures. The amount of training within each category is **required**, in addition to completion of the theory portion being completed **prior** to commencing the specified practical experience and procedure training; however, the sequence of training within the theory segment will be determined by the supervisor. It is the responsibility of the trainee and supervisor to ensure all training requirements have been completed

All training forms must be completed, by the supervisor, during the SBPT. The Certification of Training Form\* must be submitted, to the office, by the supervisor upon completion of the SBPT. In addition, all forms must be maintained by the supervisor for a period of two years after the trainee has completed the SBPT. The training forms must be kept on file by the supervisor and made available for inspection by the office upon request.

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## Specialty Level 12 Genital Body Piercing Training Program Information

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The State of Oregon, Board of Electrologists and Body Art Practitioners (BAP) requires that all Specialty Level 12 Genital Body Piercers complete 1626 hours of training in a comprehensive Specialty Level 12–Genital Body Piercing Training Program (SL12GBPT); the SL12GBPT program 1626 hours of practical experience with a minimum of 1626 specific body piercing procedures required.

The 1626 practical procedures required must include:

- 46 practical procedures in which the trainee observes the supervisor; the trainee must observe a minimum of 3 different piercing procedures as listed in OAR 331-905-0010;
- 640 practical procedures in which the trainee assists the supervisor; the trainee must assist a minimum of 3 different piercing procedures as listed in OAR 331-905-0010; and
- 640 practical procedures performed by the trainee under direct supervision, but without assistance; the trainee must perform a minimum of 3 different piercing procedures as listed in OAR 331-905-0010.

Individuals must obtain a Specialty Level 12 Genital Body Piercing Temporary Trainee Licensee and receive written approval by the agency prior to commencing training.

The SL12GBPT must be completed under the direct supervision of an approved supervisor. Prior approval must be obtained from the Oregon Health Licensing Agency (agency) for individuals to act as a supervisor according to Oregon Administrative Rule 331-900-0058; Oregon Administrative Rule 331-900-0000; "Direct supervision" means the supervisor is physically present with and engaged in active training of a body piercing trainee licensee.

The SL12GBPT program has been derived from several sources including the Association of Professional Piercers, Procedures Manual 2005; The Occupational Safety and Health Administration (OSHA), Blood Borne Pathogens; and the Centers for Disease Control and Prevention (CDC), Body Art.

The SL12GBPT program contains specified training for each training segment; practical and procedures. The amount of training within each category is **required** in addition to the specified sequence of the practical experience and procedure training: 1) the trainee must first “observe” the supervisor during the required number of piercing procedures and types of piercings; 2) after the trainee has completed the required observation procedures, the trainee must “assist” the supervisor during the required number of piercing procedures and types of piercings; 3) after the trainee has completed the required assisted procedures, the trainee must “perform, under direct supervision”, the required number of piercing procedures and types of piercings.

It is the responsibility of the trainee and supervisor to ensure all training requirements have been completed

All training forms must be completed, by the supervisor, during the SL12GBPT. The Certification of Training Form\* must be submitted, to the agency, by the supervisor upon completion of the SL12GBPT. In addition, all forms must be maintained by the supervisor for a period of two years after the trainee has completed the SL12GBPT. The SL12GBPT forms must be kept on file by the supervisor and made available for inspection by the agency upon request.

The SL12GBPT must be completed within no less than (2) two months according to OAR 331-905-0010.

# **Director Report**



DATE: May 1, 2016  
TO: Career School Owners and Directors  
FROM: Cerynthia Murphy, Qualification Analyst  
SUBJECT: Electronic Transmission of official transcripts from licensed career schools

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As of June 1, 2016, the Health Licensing Office (HLO) will accept official transcripts from licensed career schools via *e-mail* at [hlo.transcripts@state.or.us](mailto:hlo.transcripts@state.or.us).

Prior to HLO accepting transcripts via e-mail from your school, the attached Authorized Representative for Official Transcripts Form (*Form*) must be completed and returned to:

Health Licensing Office  
700 Summer St. N.E., Suite 320  
Salem, Oregon 97301-1287

The *Form* must list all representatives from your school who are authorized to sign official transcripts and any e-mail addresses your schools transcripts will be sent from. In addition, the *Form* must include your school stamp, seal or notary in the section provided at the bottom of the *Form*.

The fax option for submission of official transcripts to (503) 370-9004, is still available to schools, however, if your school chooses to fax transcripts, please do not submit them via e-mail and vice versa.

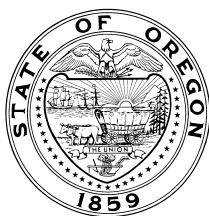
All transcripts submitted by e-mail, must contain individualized transcripts for each student, i.e., one email with one transcript, either in pdf or word format attached.

The HLO requires that the *Form* be updated annually. This *Form* must also be updated when there is a change in your schools status, i.e., authorized signature representatives, e-mail address, and physical or mailing address.

If you have any questions and/or need additional information please contact Debra Daniels at (503) 373-2009 or [debra.daniels@state.or.us](mailto:debra.daniels@state.or.us)

Enclosure: Authorization Representative for Official Transcript form





# Memo

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## OREGON HEALTH LICENSING OFFICE

### **Electrologists and Board of Body Art Practitioners**

2016 – Alliance of Professional Tattooists Conference

The Alliance of Professional Tattooists annual tattoo trade show is being held in October 2016.

The Health Licensing Office (HLO) is in the process of revising the Tattoo Curriculum, which has not had a complete revision since its implementation in 1999. The curriculum covers requirements specified in Oregon Administrative Rule 331-915-0005. All licensed career schools are required to have their curriculum approved by the HLO, prior to being issued a license to operate as a school by the Higher Education Coordination Commission.

Qualification Analyst, Cerynthia Murphy is working with Cameron Straub while completing the revisions to the curriculum. Cameron has been a licensed tattoo artist since 2005, has owned a tattoo studio in Eugene, Oregon since 2006, and has operated a licensed tattoo school since 2008.

The HLO would like to send both Cameron Straub, subject matter expert, and Qualification Analyst, Cerynthia Murphy to the convention as an educational opportunity which will be used during the process of revising the tattoo curriculum.

# **Licensing and Fiscal Statistical Reports**

# Board of Electrologists and Body Art Practitioners

Licensing Division Statistics as of April 11, 2016

2015 - 2017 Biennium

## Licenses Issued

Quarter	Body Art Facilities	Electrologists	Tattoo Artists	Body Piercing Technicians	Earlobe Piercing Technicians	Temporary Body Piercing & Earlobe Technicians	Specialty 1 & 2 Certifications	Total Licenses	
1st	46	5	22	2	24	10	1	110	
2nd	28	1	25	2	30	9	2	97	
3rd	26	1	34	2	27	3	1	94	
4th	2	-	3	-	2	-	-	7	
5th	-	-	-	-	-	-	-	-	
6th	-	-	-	-	-	-	-	-	
7th	-	-	-	-	-	-	-	-	
8th	-	-	-	-	-	-	-	-	
<b>Total:</b>	102	7	84	6	83	22	4	308	

## Renewals Processed

Quarter	Body Art Facilities	Electrologists	Tattoo Artists	Body Piercing Technician	Earlobe Piercing Technicians	Temporary Body Piercing & Earlobe Technicians	Specialty 1 & 2 Certifications	Total Renewals	% Renewed Online
1st	83	22	255	10	17	12	-	399	64.7%
2nd	76	25	189	21	9	6	-	326	62.6%
3rd	102	12	220	14	23	8	1	380	61.8%
4th	5	1	19	1	4	-	-	30	56.7%
5th	-	-	-	-	-	-	-	-	
6th	-	-	-	-	-	-	-	-	
7th	-	-	-	-	-	-	-	-	
8th	-	-	-	-	-	-	-	-	
<b>Total:</b>	266	60	683	46	53	26	1	1,135	62.9%

# Board of Electrologists and Body Art Practitioners

*Licensing Division, Examination Statistics as of April 11, 2016  
2015 - 2017 Biennium*

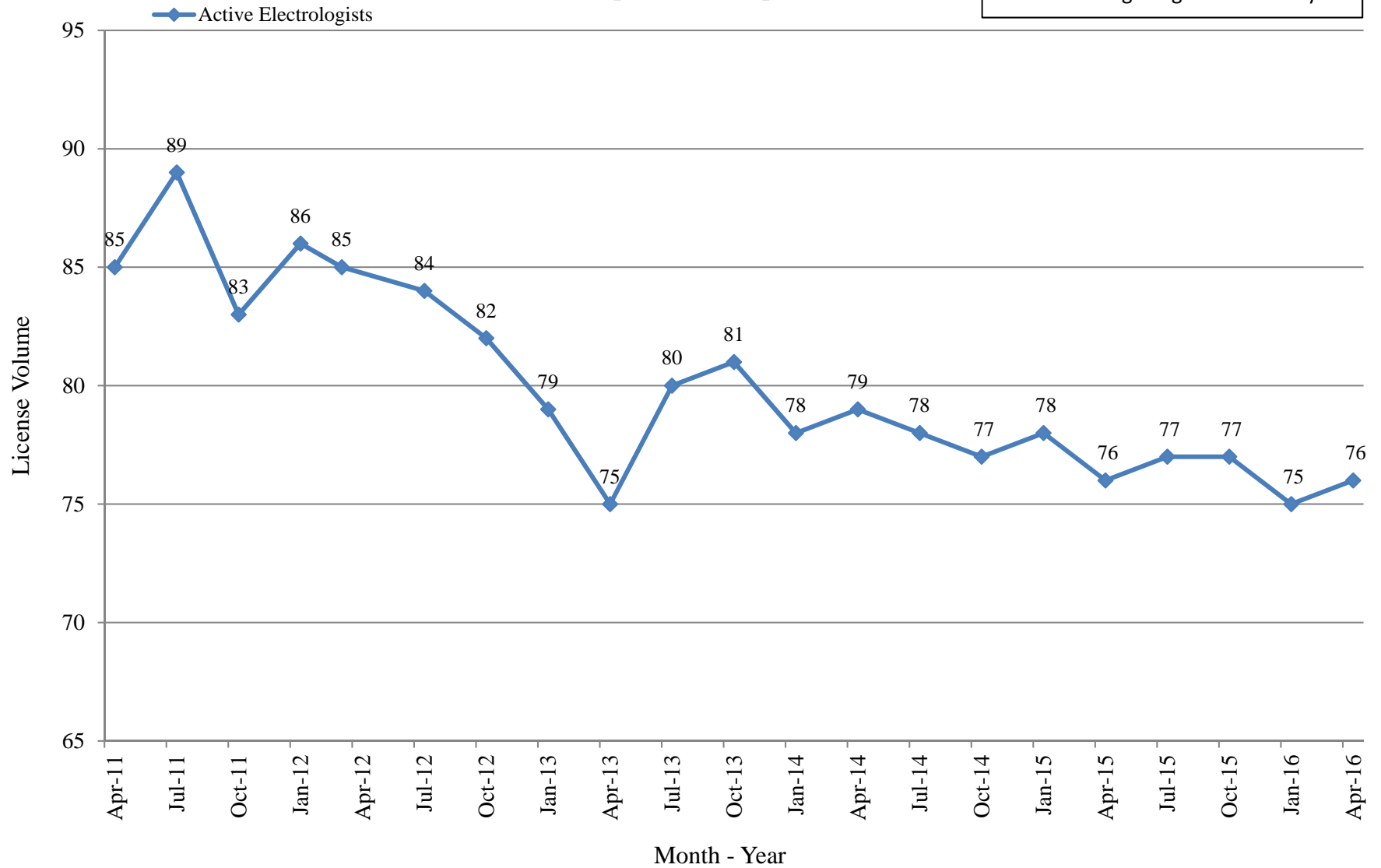
## Examination Report

Quarter	Electrologist Written			Quarter	Electrologist Practical		
	Passed	Failed	% Passed		Passed	Failed	% Passed
1st	2	1	67%	1st	-	-	
2nd	2	-	100%	2nd	1	1	50%
3rd	-	-		3rd	1	-	100%
4th	-	-		4th	-	-	
5th	-	-		5th	-	-	
6th	-	-		6th	-	-	
7th	-	-		7th	-	-	
8th	-	-		8th	-	-	
<b>Total</b>	<b>4</b>	<b>1</b>	<b>80%</b>	<b>Total</b>	<b>2</b>	<b>1</b>	<b>67%</b>
Quarter	Tattoo Skills Assessment			Quarter	Tattoo Written		
	Passed	Failed	% Passed		Passed	Failed	% Passed
1st	23	2	92%	1st	20	5	80%
2nd	21	4	84%	2nd	24	1	96%
3rd	30	2	94%	3rd	32	1	97%
4th	2	-	100%	4th	2	-	100%
5th	-	-		5th	-	-	
6th	-	-		6th	-	-	
7th	-	-		7th	-	-	
8th	-	-		8th	-	-	
<b>Total</b>	<b>76</b>	<b>8</b>	<b>90%</b>	<b>Total</b>	<b>78</b>	<b>7</b>	<b>92%</b>
Quarter	Body Piercing Written			Quarter	Body Piercing Practical		
	Passed	Failed	% Passed		Passed	Failed	% Passed
1st	1	-	100%	1st	1	-	100%
2nd	5	2	71%	2nd	2	1	67%
3rd	1	-	100%	3rd	3	1	75%
4th	-	-		4th	-	-	
5th	-	-		5th	-	-	
6th	-	-		6th	-	-	
7th	-	-		7th	-	-	
8th	-	-		8th	-	-	
<b>Total</b>	<b>7</b>	<b>2</b>	<b>78%</b>	<b>Total</b>	<b>6</b>	<b>2</b>	<b>75%</b>

# Board of Electrologists and Body Art Practitioners

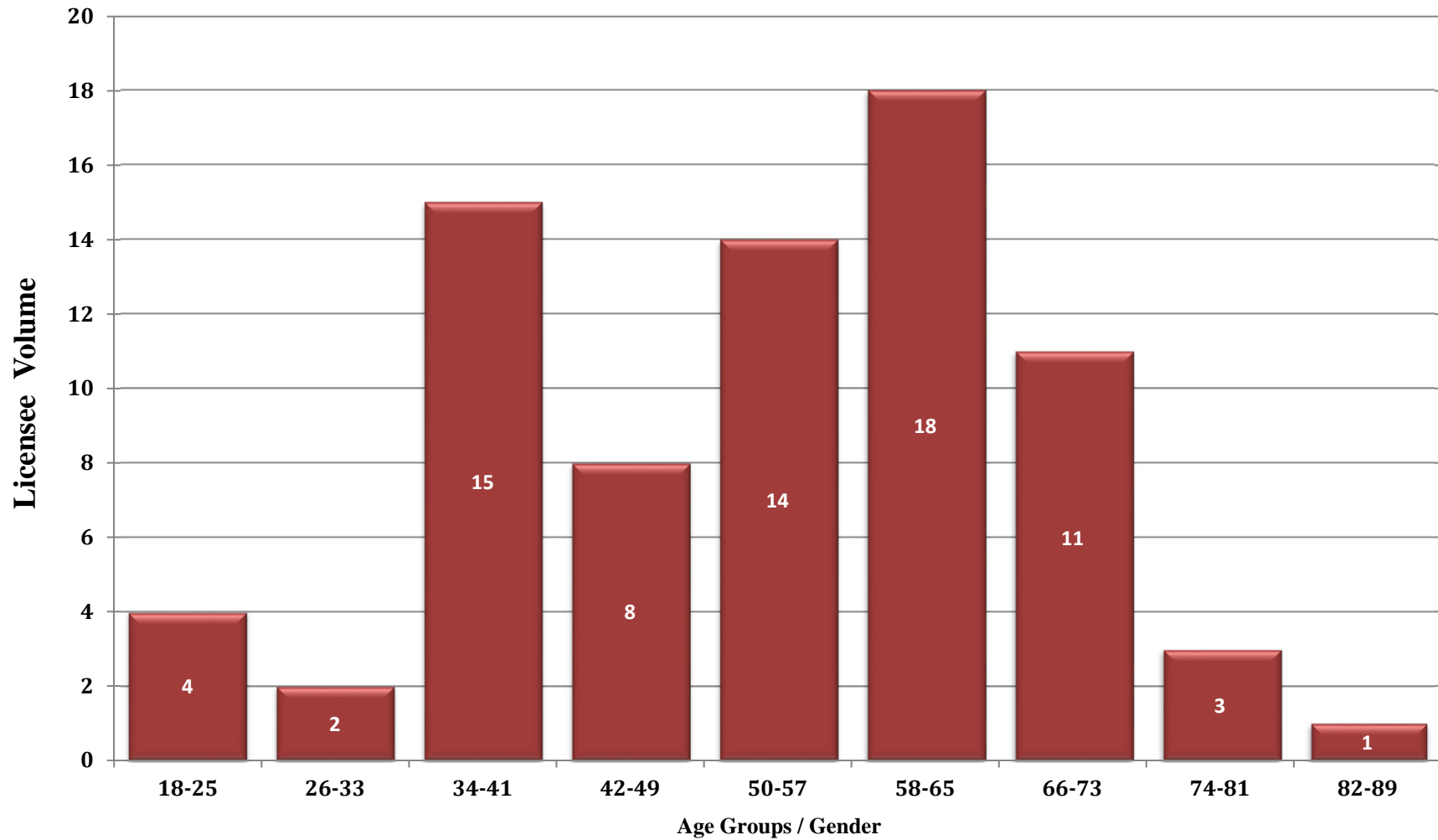
5 Year Active Electrologist License Trend  
April 2011 - April 2016

0.00% change in growth over 1 year  
-10.59% change in growth over 5 years



# Board of Electrologists and Body Art Practitioners

Active Electrologist Licensee Volume  
Grouped by age and gender as of April 11, 2016  
2015-2017



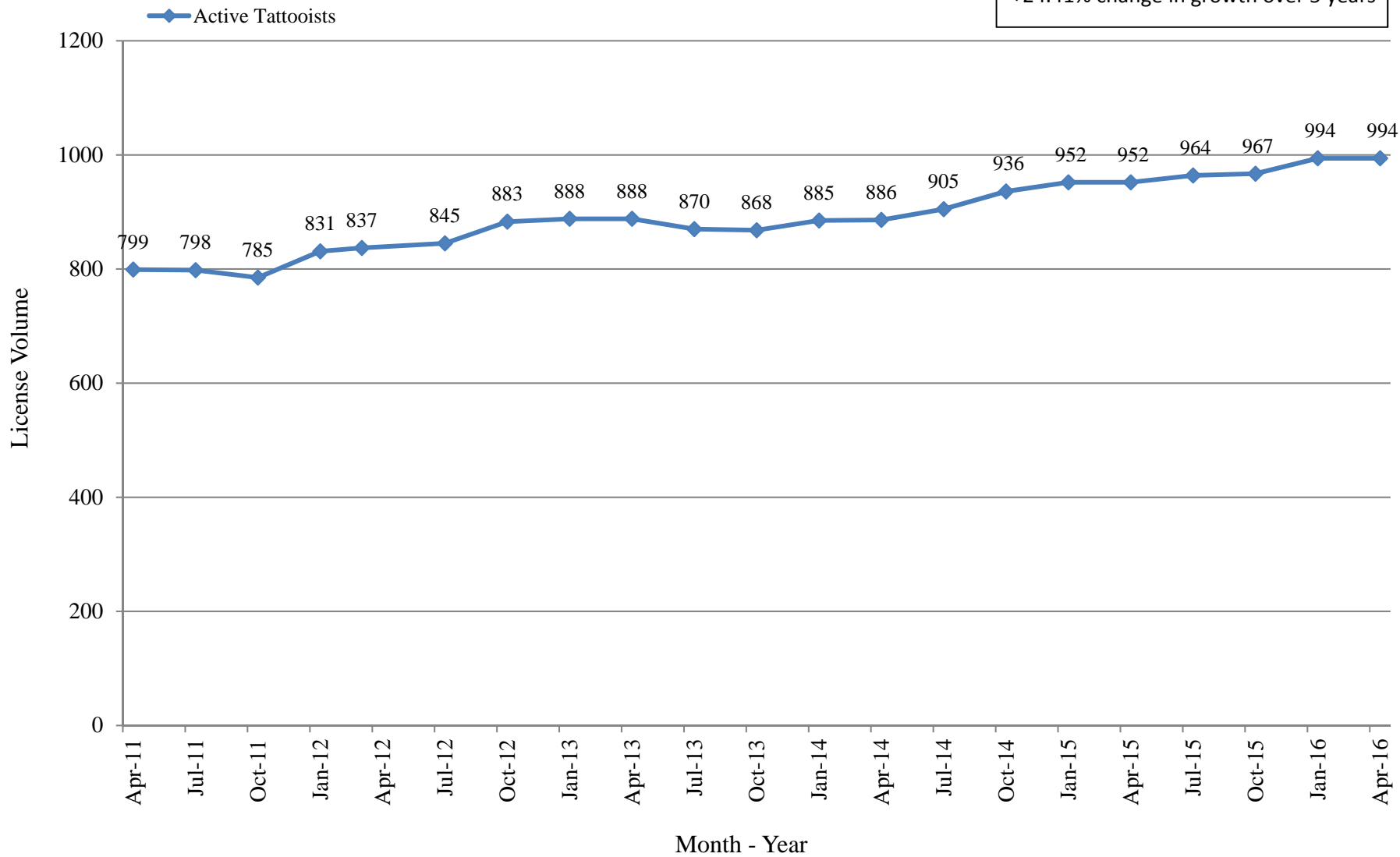
Female  
76

Total Volume: 76

# Board of Electrologists and Body Art Practitioners

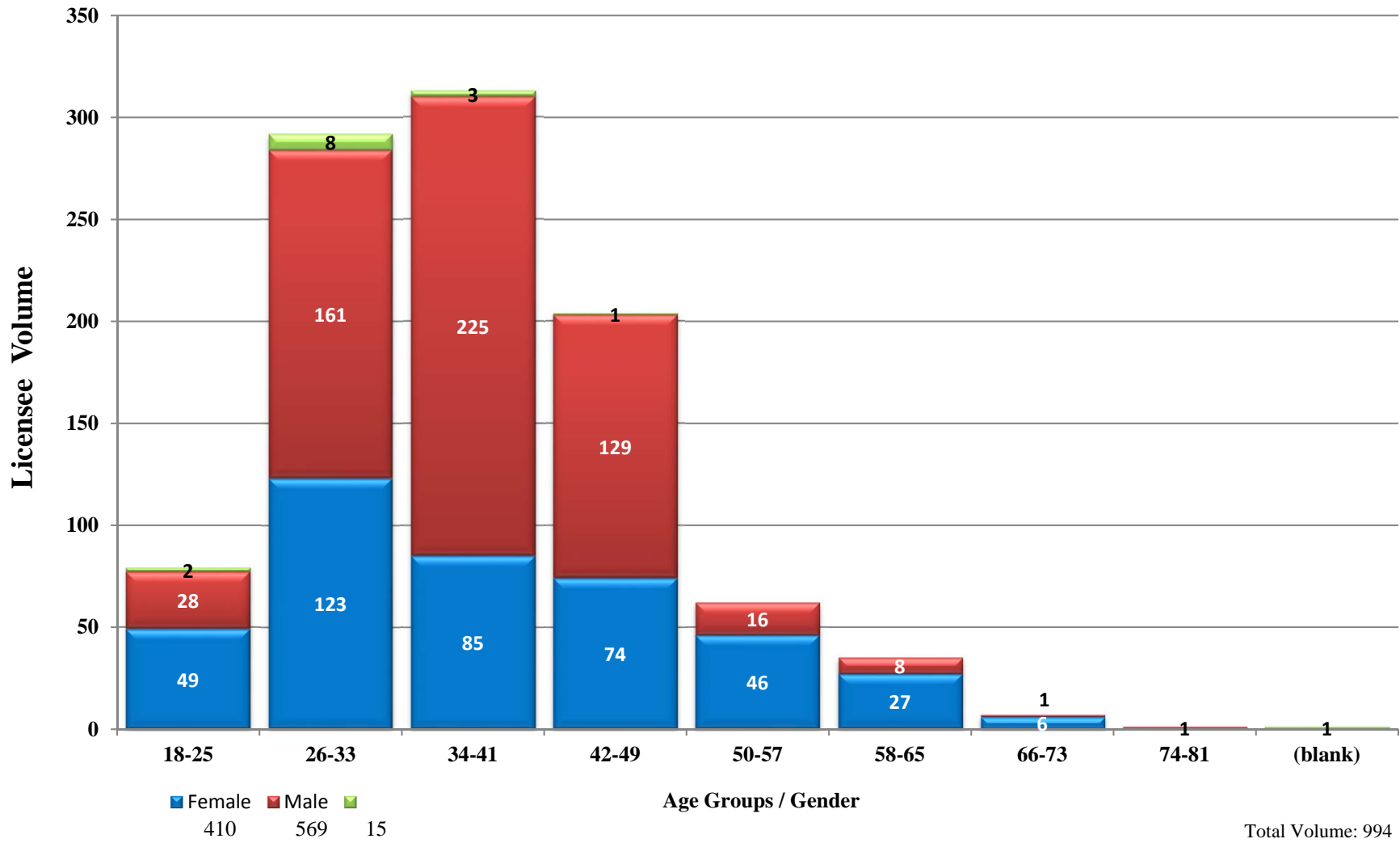
5 Year Active Tattooist License Trend  
April 2011 - April 2016

+4.41% change in growth over 1 year  
+24.41% change in growth over 5 years



# Board of Electrologists and Body Art Practitioners

Active Tattooist Licensee Volume  
 Grouped by age and gender as of April 11, 2016  
 2015-2017

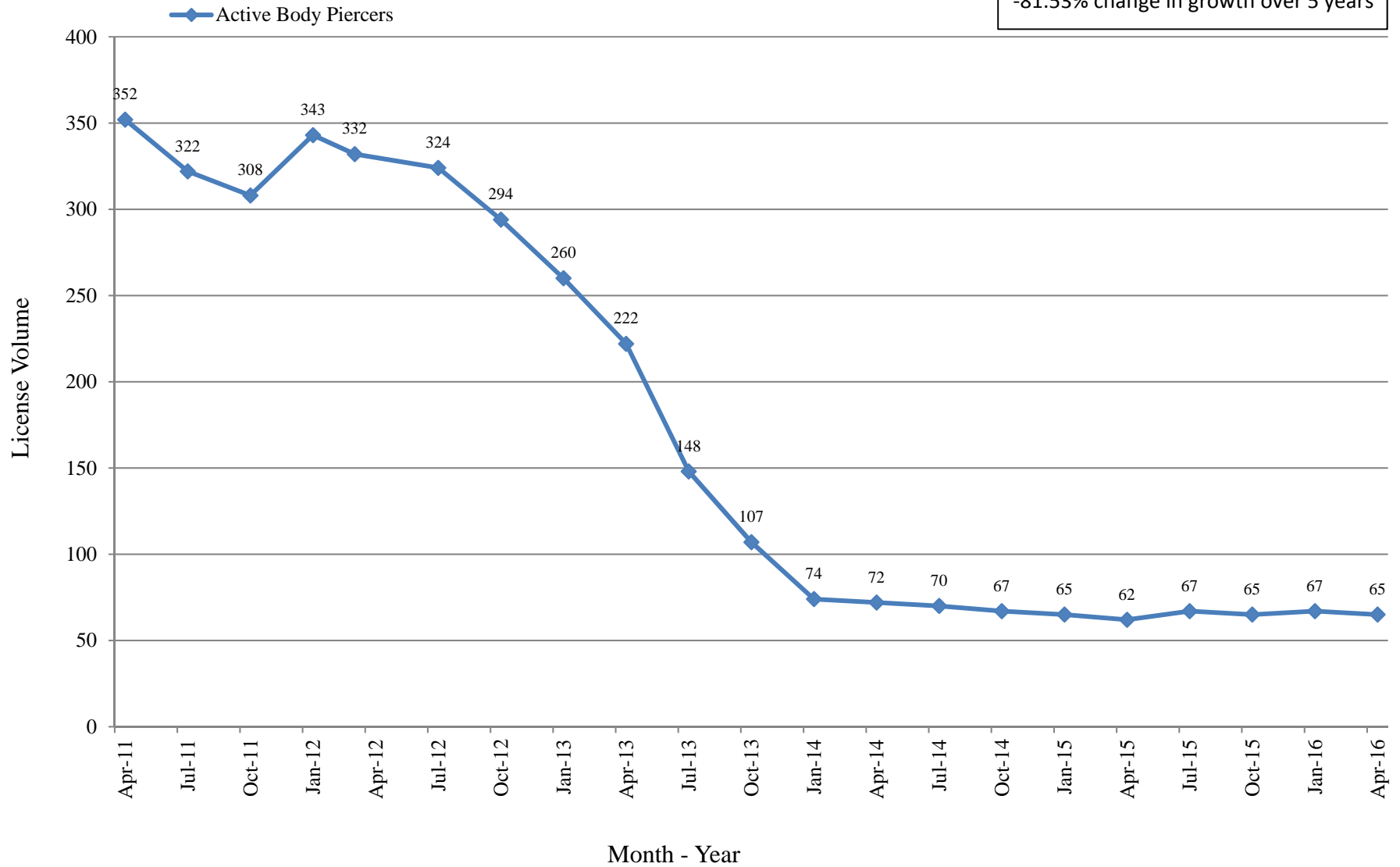




# Board of Electrologists and Body Art Practitioners

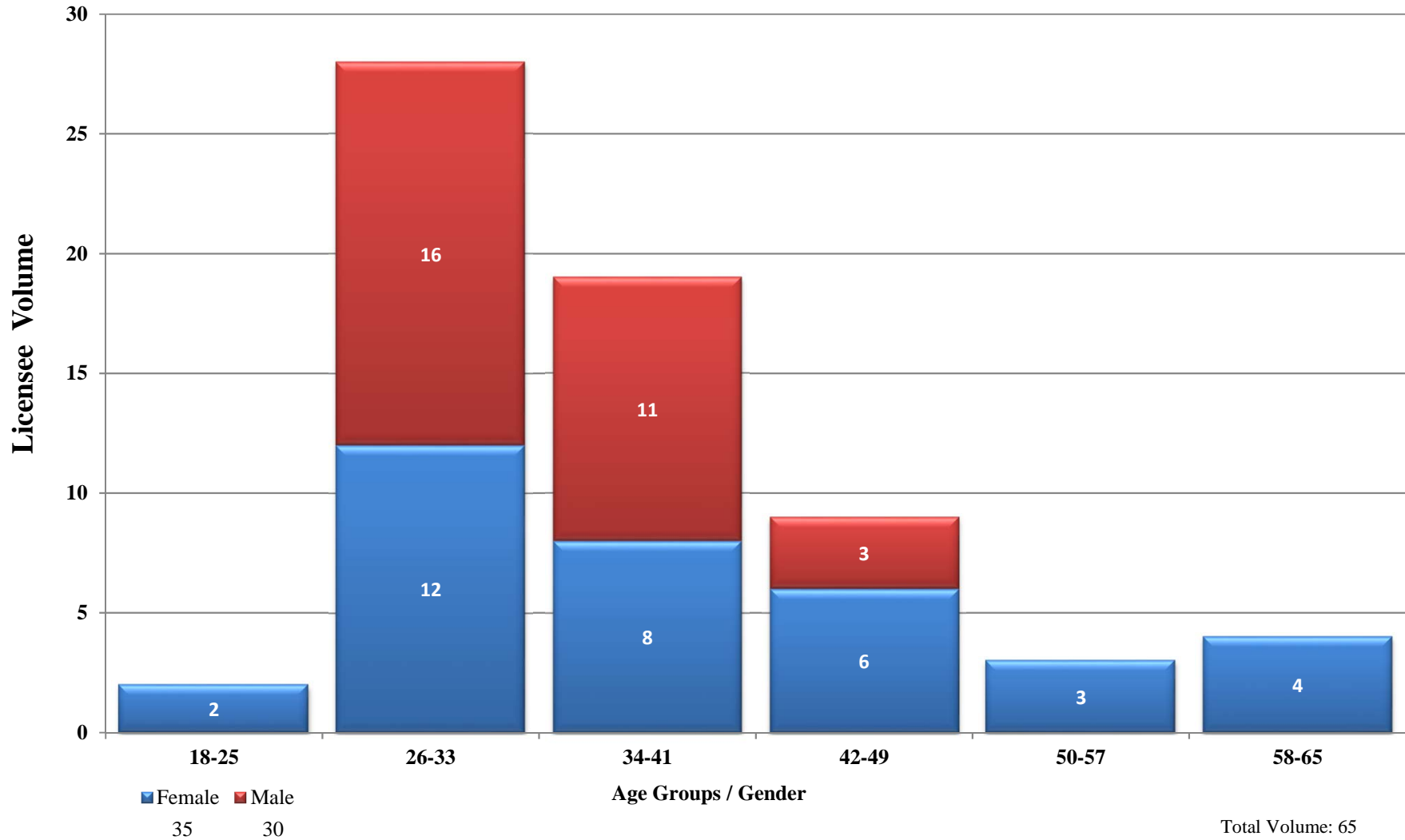
5 Year Active Body Piercer License Trend  
April 2011 - April 2016

+4.84% change in growth over 1 year  
-81.53% change in growth over 5 years



# Board of Electrologists and Body Art Practitioners

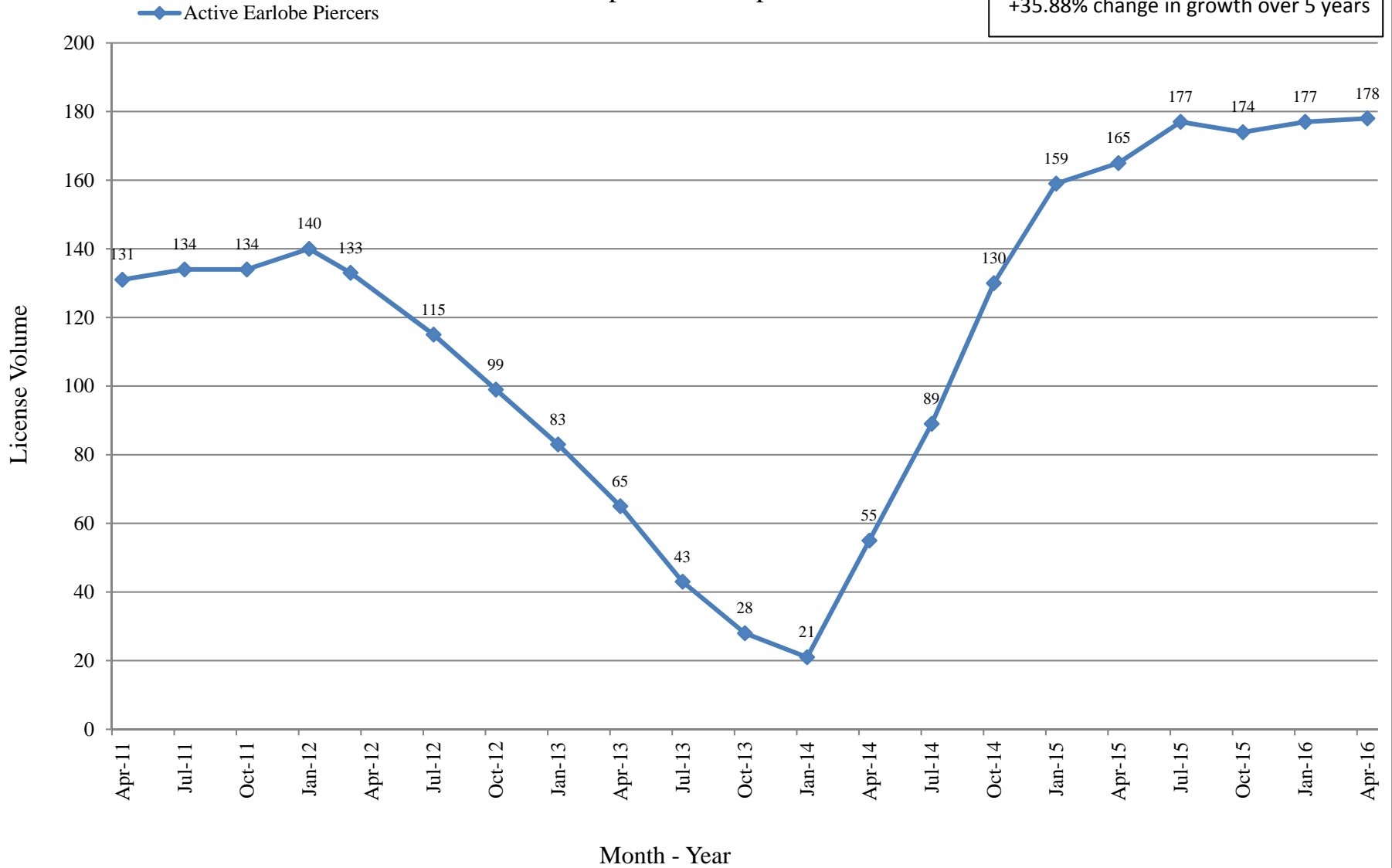
Active Body Piercing Licensee Volume  
Grouped by age and gender as of April 11, 2016  
2015 - 2017



# Board of Electrologists and Body Art Practitioners

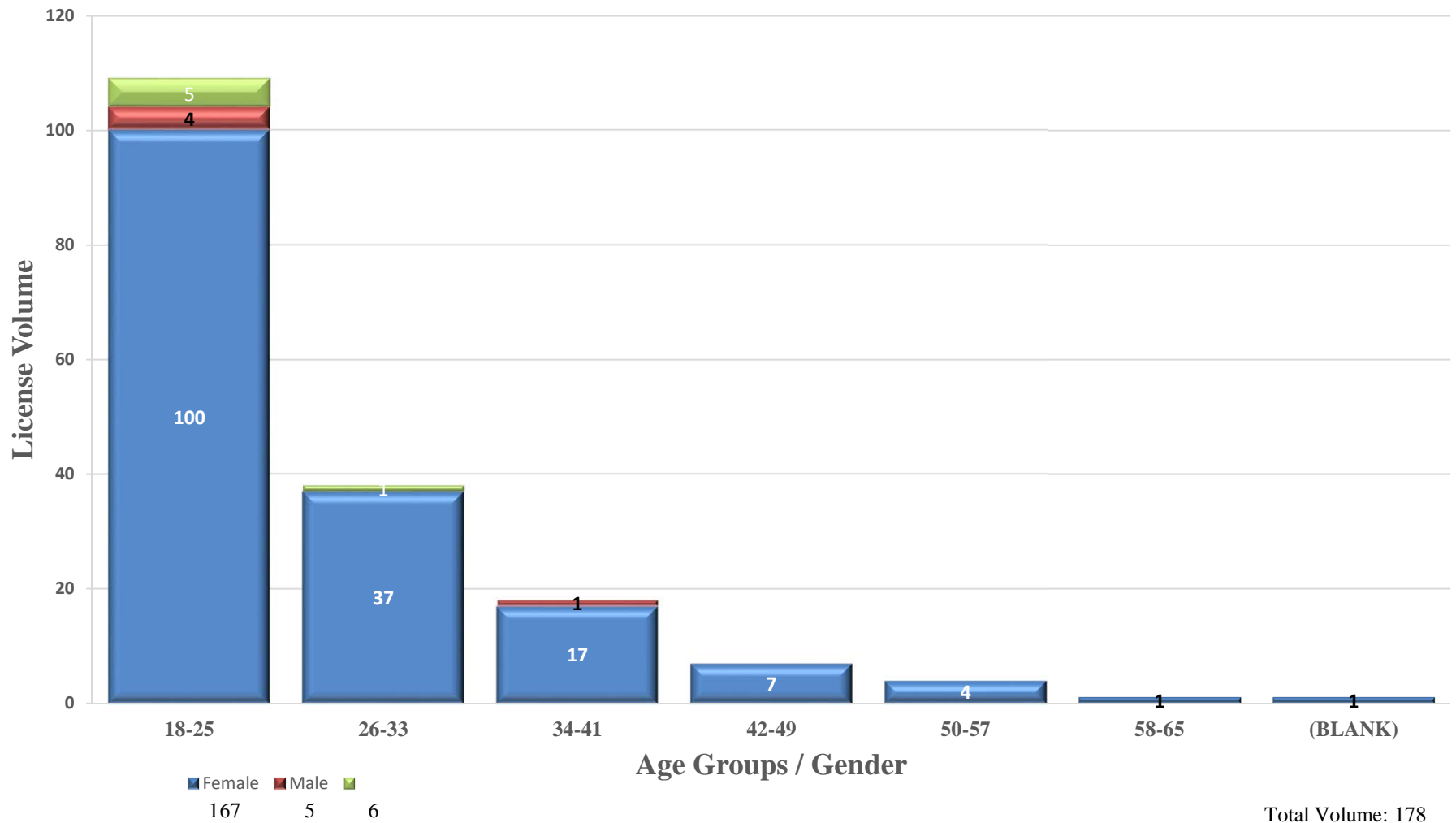
5 Year Active Earlobe Piercer License Trend  
April 2011 - April 2016

+7.88% change in growth over 1 year  
+35.88% change in growth over 5 years



# Board of Electrologists and Body Art Practitioners

Active Earlobe Piercing Licensee Volume  
Grouped by age and gender as of April 11, 2016  
2015 - 2017



<b>HEALTH LICENSING OFFICE</b>	
<b>Fund 3850 - ELECTROLOGISTS &amp; BODY ART PRACTITIONERS</b>	
<b>STATEMENT OF CASH FLOW</b>	
<b>FOR THE PERIOD 07/01/15 - 04/11/16</b>	
CURRENT	
<b>15-17' Beginning Cash Balance</b>	\$ 307,562.90
Revenues	\$ 204,138.43
Expenditures	\$ 148,964.28
Less: Accrued Expenditures	\$ -
Less: Total Expenditures	\$ (148,964.28)
Subtotal: Resources Available	\$ 362,737.05
Change in (Current Assets)/Liabilities	\$ -
<b>Ending Cash Balance (Actual)</b>	<b>\$ 362,737.05</b>
Indirect Charges are calculated using the following rates:	
* Based on average Licensee Volume	
Shared Assessment %	2.40%
Examination %	3.96%
Small Board Qualification %	28.82%
Inspection %	8.23%

<b>HEALTH LICENSING OFFICE</b>	
<b>Fund 3850 - ELECTROLOGISTS &amp; BODY ART PRACTITIONERS</b>	
<b>STATEMENT OF CASH FLOW</b>	
<b>FOR THE PERIOD 07/01/13- 06/30/15</b>	
PROJECTED	
<b>15-17' Beginning Cash Balance</b>	\$ 307,562.90
Revenues	\$ 481,564.32
Expenditures	\$ 451,892.84
Less: Accrued Expenditures	\$ -
Less: Total Expenditures	\$ (451,892.84)
Subtotal: Resources Available	\$ 337,234.38
Change in (Current Assets)/Liabilities	\$ -
<b>Ending Cash Balance (Projection)</b>	<b>\$ 337,234.38</b>
Indirect Charges are calculated using the following rates:	
* Based on average Licensee Volume	
Shared Assessment %	2.40%
Examination %	3.96%
Small Board Qualification %	28.82%
Inspection %	8.23%

# **Policy Report**

# Practice Clarification

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## Microblading

# **Rules Advisory Committee Membership**





# RULES ADVISORY COMMITTEE

HEALTH LICENSING OFFICE

BOARD OF BODY ART PRACTITIONERS

## RULES ADVISORY COMMITTEES

Rules Advisory Committees (RACs) provide an opportunity for external experts, individuals, entities and advocates to provide input to Health Licensing Office (HLO) about proposed rulemaking. RAC members will have the opportunity to review and comment on proposed rules, the Statement of Need and Fiscal Impact and the rulemaking notice. The RAC's role is advisory and therefore consensus is not necessary.

## ADMINISTRATIVE RULE TOPICS

Since the changes in 2012 the HLO, the Board of Electrologists and Body Art Practitioners and stakeholders have identified several administrative rules and topics which need to be reviewed including but not limited to the following:

### Body Piercing:

- Reduce number of training hours for standard body piercing;
- Transfer specialty level 1 genital piercing to standard body piercing;
- Reduce number of training hours for specialty level 2 genital piercing;
- Align initial jewelry standards with industry regulations which are enforceable; and
- Specify information required on informed consent documentation.

### Electrology:

- Allow jewelry under gloves;
- Clean skin with antiseptic or astringent; and
- Practical examination administered at private career school.

### Tattooing:

- Review number of hours within tattoo curriculum; and
- Use of sterilized water in tattoo ink for dilution.

### Miscellaneous:

- Update citations;
- Health Licensing Office name change;
- Clean up grammatical issues and confusing language; and
- Changes to civil penalty citations.

**RAC MEMBERSHIP RECOMMENDATIONS**

**Body Piercing Membership**

Member Type	Suggested Member

**Electrology Membership**

Member Type	Suggested Member

**Tattooing Membership**

Member Type	Suggested Member



# HEALTH LICENSING OFFICE

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

Phone: 503-378-8667 | Fax: 503-370-9004

[www.oregon.gov/oha/hlo](http://www.oregon.gov/oha/hlo) | Email: [hlo.info@state.or.us](mailto:hlo.info@state.or.us)

## **APPLICATION TO SERVE ON RULES ADVISORY COMMITTEE**

### **HLO Scheduling Information**

**Board/Council Name:**

**Subject Matter:**

**Applications accepted through:**

### **Applicant Information**

**Applicant Name:**

**Address:**

**City:**

**State:**

**Zip:**

**Phone:**  Home  Cell

**Business Phone:**

**Email:**

**Organization:**

**Title:**

**What perspective do you represent? (attach additional pages if necessary)**

**Why are you interested in participating in this exercise? (attach additional pages if necessary)**

**In addition to answering the questions above, please submit with this application a resume or vitae describing your related experience, content expertise and collaborative efforts you have been involved in and how you contributed.**



# ADMINISTRATIVE RULE SCHEDULE

## HEALTH LICENSING OFFICE BOARD OF BODY ART PRACTITIONERS

Date	Action	Time
November 9, 2015	Approve administrative rulemaking schedule &	10 am
April 25, 2016	Provide input on membership for the Rules Advisory Committee (RAC)	10 am
May 1-May 20, 2016	Recruit and determine RAC membership	
June 13, 2016	RAC including fiscal impact - Body Piercing	10 am
June 14, 2016	RAC including fiscal impact - Tattooing	10 am
June 15, 2016	RAC including fiscal impact - Electrology	10 am
July 18, 2016	Board meeting approve proposed administrative rules	10 am
September 1, 2016	Notice of proposed rules in Oregon Bulletin	
September 26, 2016	Public rule hearing	10 am
September 20, 2016	Last day for public comment	5 pm
November 7, 2016	Board meeting review public comment, hearing officer report and adopt permanent rules	10 am
January 1, 2017	Effective date of permanent rule	
July 1, 2017	Effective date for changes to education, training program or examinations	

Comments received prior to September 1, 2016 will not be considered by the Health Licensing Office or the Board of Body Art Practitioners.

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

All meetings are held at the Health Licensing Office, Rhoades Conference Room, 700 Summer St, Suite 320, Salem, OR 97301, unless otherwise specified. Members of the public are invited and encouraged to attend all board and committee meetings. However, audience members will not be allowed to participate.

For current information regarding administrative rules or the rulemaking process visit the Web at <http://www.oregon.gov/oha/hlo/Pages/Board-Body-Art-Practitioners-Tattoo-Artists-Laws-Rules.aspx>

# Communication

**Launch New**  
**HLO Website**

**Board of Certified**  
**Advanced Esthetics**

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**HB 2642**



Date: April 25, 2016  
To: Estheticians & Stakeholders  
From: Samie Patnode, Policy Analyst  
Subject: Board of Certified Advanced Estheticians – HB 2642

During the 2015 Legislative Session, House Bill 2642 was enacted, which created the Board of Certified Advanced Estheticians (Board) in Oregon. The purpose of the Board is to oversee and regulate the practice of advanced nonablative esthetics, including the use of lasers and other devices registered with the U.S. Food and Drug Administration.

The Oregon Governor's Office recently appointed seven members of the Board. Due to specific language in HB 2642, Section 14, the board does not become operative until July 1, 2016. The board's first meeting is scheduled for 9 a.m. July 11, 2016, in Salem, location to be determined.

## **Rules Advisory Committee**

During the interim, the Health Licensing Office is drafting temporary administrative rules. These will provide specific requirements for obtaining certification in advanced esthetics as of July 1, 2016, including provisions for a temporary certificate for those who have been providing nonablative esthetic services but do not meet grandfathering requirements.

HLO has been receiving input from a Rules Advisory Committee, which met in March and April and is next scheduled to meet at 10 a.m. May 23, 2016 at the Health Licensing Office's Rhoades Conference Room, on the third floor of the Veterans Building, 700 Summer St. NE, Salem, OR. Board members are not participating in the RAC as the purpose of the committee is to seek input from people other than the decision-makers.

## **Temporary Administrative Rules**

RACs provide an opportunity for external experts, individuals, entities and advocates to provide input to Oregon Health Authority (OHA) and HLO about administrative rules. In this specific instance, the RAC is focusing on temporary administrative rules. RAC members will have the opportunity to review and comment on draft temporary administrative rule language and other draft documents, such as the Statement of Need and Justification. The RAC's role is advisory, and therefore consensus is not necessary; however, all comments, suggestions and concerns will be considered by HLO.



OHA and HLO consider RAC meetings to be public meetings, and anyone is welcome to attend, observe and listen. Members of the public may also make comments during the designated time on the agenda.

Once the proposed temporary rules have been drafted and published in the Oregon Bulletin, there will be a formal time frame for the public to comment on the rules in writing or in person at a rules hearing.

## **Board Member Recruitment**

The law requires that the Governor's Office appoint all nine board members. To date, seven members have been appointed to the Board. We are currently recruiting for an additional physician, physician assistant or nurse practitioner and a public member.

To apply to be on the Board, submit the Executive Appointments Interest Form to the Governor's Office, which must include background page, resume, statement of interest and biography. The Governor's Office provides a detailed description on how to apply for Board membership on its website. For more information, contact the Office of Executive Appointments at 503-378-2317 or email at [executive.appointments@oregon.gov](mailto:executive.appointments@oregon.gov). For more information on how to apply, including the Governor's Executive Appointments interest form, go to [www.oregon.gov/gov/admin/Pages/How\\_To\\_Apply.aspx](http://www.oregon.gov/gov/admin/Pages/How_To_Apply.aspx)

## **Rules Advisory Committee Ongoing Recruitment**

HLO and the Board will continue to collect RAC interest forms for individuals interested in serving on the RAC. As the need for subject matter experts arises, individuals interested in serving on a RAC will be notified. To obtain a RAC interest form go to [http://www.oregon.gov/oha/hlo/Documents/CAE\\_HLO\\_Rules\\_Advisory\\_Committee\\_Interest\\_Form.pdf](http://www.oregon.gov/oha/hlo/Documents/CAE_HLO_Rules_Advisory_Committee_Interest_Form.pdf). Interest forms can be sent to the following:

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

Fax: (503) 585-9114  
Email: [samie.patnode@state.or.us](mailto:samie.patnode@state.or.us)

For questions regarding the rulemaking process, contact Samie Patnode at (503) 373-1917 or by email at [samie.patnode@state.or.us](mailto:samie.patnode@state.or.us)

## **Stay Informed of New Information**

You can stay informed of new information through HLO's administrative mailing list. There are several ways to notify HLO that you want to be on the administrative mailing list.

- Compose an email to [maria.s.gutierrez@dhs.oha.state.or.us](mailto:maria.s.gutierrez@dhs.oha.state.or.us) with name, address, email, phone number and which program you would like to receive information on (Board of Certified Advanced Estheticians) and how you would like to receive the information (by

postal mail or email).

- Send by postal mail the Request to be Added to the HLO Contact List form or other written request that includes name, address, email, phone number and which program you would like to receive information on (Board of Certified Advanced Estheticians), as well as how you would like to receive the information (by postal mail or by email). To locate the Request to be Added to the HLO Contact list form go to [http://www.oregon.gov/oha/hlo/Forms/HLO Request to Add to Contacts List.pdf](http://www.oregon.gov/oha/hlo/Forms/HLO_Request_to_Add_to_Contacts_List.pdf)

You can also follow the Board's website, including a regularly updated blog, at [www.oregon.gov/OHA/hlo/Pages/Board-Certified-Advanced-Estheticians.aspx](http://www.oregon.gov/OHA/hlo/Pages/Board-Certified-Advanced-Estheticians.aspx), as well as the HLO Facebook and Cosmetology pages at [www.facebook.com/OregonHLO](http://www.facebook.com/OregonHLO) and [www.facebook.com/OregonCosmetology](http://www.facebook.com/OregonCosmetology).



Date: April 25, 2016

To: Stakeholders

From: Samie Patnode, Policy Analyst

Subject: Board of Certified Advanced Estheticians (HB 2642) and tattoo removal

The 2015 Legislature passed House Bill 2642, creating the Board of Certified Advanced Estheticians (Board) within the Health Licensing Office (HLO) to oversee the safe practice of advanced nonablative esthetics and to ensure that individuals who are practicing advanced nonablative esthetics are qualified to perform services on the public. One of the modalities listed within the bill is nonablative tattoo removal.

This means that as of July 1, 2016, nonablative tattoo removal with a laser or other device that is registered with the US Food & Drug Administration will be in the scope of practice for certified advanced estheticians.

Oregon Revised Statutes (ORS) 690.350 defines the professions within the Board of Electrologists and Body Art Practitioners as follows:

- (1) “Body piercing” means the puncturing of a part of the body of a live human being to create a permanent hole for ornamentation or decoration. ...
- (3)(a) “Earlobe piercing” means the puncturing of the soft lower part of the external ear of a live human being for ornamentation or decoration.
  - (b) “Earlobe piercing” does not include the puncturing of ear cartilage.
- (4) “Electrolysis” means the process by which hair, with a series of treatments, is permanently removed from the skin by inserting a needle-conductor into the hair follicle and directing electrical energy toward the hair cell. The word “electrolysis” is used in generic form in ORS 690.350 to 690.410 and refers to modalities of galvanic electrolysis, thermolysis and combinations thereof. ...

- (9) “Tattooing” means the process by which a live human being is marked or colored by insertion of nontoxic dyes or pigments to form indelible marks for ornamentation or decoration.

Tattoo removal does not fall within the scope of these definitions. Individuals who wish to continue performing nonablative tattoo removal after July 1, 2016, will have to become certified in advanced esthetics, unless they are exempt in statute. (HB 2642 does not apply to licensed health care professionals whose scope of practice includes advanced nonablative esthetics procedures or to students in an advanced nonablative esthetics training and education program.)

Grandfathering is available for people who have been performing advanced nonablative esthetics prior to the passage of House Bill 2642 who meet the bill’s requirements. The bill provides two grandfathering pathways: An individual must be at least 18 years old, be certified as an esthetician under the Board of Cosmetology, pass an examination, as well as meet one of these sets of requirements:

- Pathway 1 – Provide proof to the office of having been employed for not less than 500 hours as a laser operator under the supervision of a health care professional whose scope of practice includes the practice of advanced nonablative esthetics procedures
- Pathway 2 – Provide proof to the office of having completed 40 hours of education related to laser theory and fundamentals and of having completed 24 hours of practical experience performing each modality listed in the definition of advanced nonablative esthetics procedures (skin rejuvenation, photo rejuvenation, body contouring, dyschromia reduction, cellulite reduction, hair removal or reduction and nonablative tattoo removal).

To learn more about the Board of Certified Advanced Estheticians and how to become certified, go to [www.oregon.gov/oha/hlo/Pages/Board-Certified-Advanced-Estheticians.aspx](http://www.oregon.gov/oha/hlo/Pages/Board-Certified-Advanced-Estheticians.aspx). A Rules Advisory Committee is currently working on certification rules. The next meeting is slated for 10 a.m. Monday, May 23 at the Health Licensing Office, Suite 320, 700 Summer St. NE, Salem, OR, 97301.

If you have further questions, contact HLO policy analyst Samie Patnode at [samie.patnode@state.or.us](mailto:samie.patnode@state.or.us) or 503-373-1917.



Date: April 15, 2016

To: Stakeholders

From: Samie Patnode, Policy Analyst

Subject: Board of Certified Advanced Estheticians (HB 2642) and hair removal

The 2015 Legislature passed House Bill 2642, creating the Board of Certified Advanced Estheticians (Board) within the Health Licensing Office (HLO) to oversee the safe practice of advanced nonablative esthetics and to ensure that individuals who are practicing advanced nonablative esthetics are qualified to perform services on the public. One of the modalities listed within the bill is hair removal or reduction using a laser or other device registered with the United States Food and Drug Administration.

Oregon Revised Statutes (ORS) 690.350 defines electrolysis as follows: “(4) ‘Electrolysis’ means the process by which hair, with a series of treatments, is permanently removed from the skin by inserting a needle-conductor into the hair follicle and directing electrical energy toward the hair cell. The word ‘electrolysis’ is used in generic form in ORS 690.350 to 690.410 and refers to modalities of galvanic electrolysis, thermolysis and combinations thereof.”

House Bill 2642 does not change the scope of practice of electrolysis, but as of July 1, 2016, other forms of hair removal or reduction, “using a laser or other device registered with the United States Food and Drug Administration for nonablative procedures,” will fall within the scope of practice of certified advanced estheticians.

Individuals who wish to perform these types of hair removal and reduction outside the definition of electrolysis after July 1, 2016, will have to become certified in advanced esthetics, unless they are exempt in statute. (HB2642 does not apply to licensed health care professionals whose scope of practice includes advanced nonablative esthetics procedures or to students in an advanced nonablative esthetics training and education program.)

Grandfathering is available for people who have been performing advanced nonablative esthetics prior to the passage of House Bill 2642 and who meet the bill's requirements. The bill provides two grandfathering pathways: An individual must be at least 18 years old, be certified as an esthetician under the Board of Cosmetology, pass an examination, as well as meet one of these sets of requirements:

- Pathway 1: Provide proof to the office of having been employed for not less than 500 hours as a laser operator under the supervision of a health care professional whose scope of practice includes the practice of advanced nonablative esthetics procedures
- Pathway 2: Provide proof to the office of having completed 40 hours of education related to laser theory and fundamentals and of having completed 24 hours of practical experience performing each modality listed in the definition of advanced nonablative esthetics procedures (skin rejuvenation, photo rejuvenation, body contouring, dyschromia reduction, cellulite reduction, hair removal or reduction and nonablative tattoo removal).

To learn more about the Board of Certified Advanced Estheticians and how to become certified, go to [www.oregon.gov/oha/hlo/Pages/Board-Certified-Advanced-Estheticians.aspx](http://www.oregon.gov/oha/hlo/Pages/Board-Certified-Advanced-Estheticians.aspx). A Rules Advisory Committee is currently working on certification rules. The next meeting is slated for 10 a.m. Monday, May 23 at the Health Licensing Office, Suite 320, 700 Summer St. NE, Salem, OR, 97301.

If you have further questions, contact HLO policy analyst Samie Patnode at [samie.patnode@state.or.us](mailto:samie.patnode@state.or.us) or 503-373-1917.



# ADMINISTRATIVE RULE SCHEDULE

## HEALTH LICENSING OFFICE

### BOARD OF CERTIFIED ADVANCED ESTHETICIANS

Date	Action	Time
<b>Temporary Administrative Rules – Grandfathering Requirements</b>		
March 21, 2016	Rules Advisory Committee review and provide input on temporary administrative rules to become effective on June 1, 2016.	10 am
April 11, 2016	If necessary the Rules Advisory Committee continue to review and provide input on temporary administrative rules to become effective on June 1, 2016.	10 am
June 1, 2016	Effective date of temporary administrative rule	
July 1, 2016	Begin issuing certification for advanced estheticians	
December 23, 2016	Temporary Administrative Rules expire (180 days)	
<b>Permanent Administrative Rules – Certification Requirements and Scope of Practice</b>		
July 11, 2016	New board member orientation and board meeting to approve administrative rulemaking schedule & provide input regarding Rules Advisory Committee membership	10 am
July 15-August 1, 2016	Determine Rules Advisory Committee membership	
August 15-16, 2016 Back to back meetings	Rules Advisory Committee meeting including fiscal impact	10 am
August 15-16, 2016 Back to back meetings	Rules Advisory Committee meeting	10 am
August 22, 2016	Board of Cosmetology meeting	10 am
September 5-7, 2016	Board meeting approve proposed administrative rules	10 am
October 1, 2016	Notice of proposed administrative rules in Oregon Bulletin	
October 10-20, 2016	Public rule hearing	10 am
October 24, 2016	Board of Cosmetology meeting	
October 28, 2016	Last day for public comment	5 pm
November 14-18, 2016	Board meeting review public comment, hearing officer report and adopt permanent administrative rules. Approve 2017 rulemaking schedule.	10 am
December 1, 2016	Permanent Administrative Rules effective	

<b>Permanent Administrative Rules – Education and Training</b>		
January 19, 2017	Board Meeting provide input on Rules Advisory Committee	
February 1-15, 2016	Determine Rules Advisory Committee membership	
February 17, 2017 March 7, 2017 March 21, 2017	Rules Advisory Committee meeting including fiscal impact	10 am
February 17, 2017 March 7, 2017 March 21, 2017	Rules Advisory Committee meeting	10 am
April 4-6, 2017	Board meeting approve proposed administrative rules	10 am
May 1, 2017	Notice of proposed rules in Oregon Bulletin	
May 24, 2017	Public rule hearing	10 am
May 29, 2017	Last day for public comment	5 pm
June 13-15, 2017	Board meeting review public comment, hearing officer report and adopt permanent rules	10 am
July 1, 2017	Permanent Administrative Rules filed. Note some rules will become effective on July 1, 2017 and others will become effective January 1, 2018	

The Health Licensing Office (HLO) will begin a series of ongoing rulemaking to implement the requirements of [HB 2642](#) from the 2015 Legislative Session. The initial temporary rules will be adopted by HLO not the Board of Certified Advanced Estheticians due to statutory language preventing the Board from meeting before July 1,

The initial rulemaking will be filed as temporary rules which are effective for 180 days. HLO will draft the temporary rule and utilize the Rules Advisory Committee to provide input and recommendations before the temporary rule becomes effective. The temporary rule will provide requirements including application and supervision to obtain a certification in advanced esthetics on July 1, 2016. These requirements are broadly described under Section 8 of HB 2642, the rule will expand on the law and provide clearer guidance for certification process as it relates to grandfathering and certification provisions.



The second phase of rulemaking will be for the Board to adopt permanent rules, including temporary rules which will expire on December 23, 2016. This phase will also include specifying scope of practice for basic and advanced esthetics. For example an individual certified in esthetics through Board of Cosmetology may perform temporary hair removal or reduction by waxing, tweezing or threading but are prohibited from performing temporary hair removal or reduction by use of a laser. The use of a laser would be limited to certified advanced estheticians or to individuals specified in ORS 676.635.

The third phase of rulemaking will be to establish advanced nonablative esthetics training and education requirements for implementation on January 1, 2018 when the grandfathering provisions expire. The training and education may require curriculum/course of study, practical application, supervision (direct/indirect) and timeline to obtain the training and education.

Please send all public comment or questions to:

Samie Patnode, Policy Analyst

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

[samie.patnode@state.or.us](mailto:samie.patnode@state.or.us) . Work: (503) 373-1917

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

<http://www.oregon.gov/OHA/hlo/Pages/Board-Certified-Advanced-Estheticians.aspx>

**Enrolled**  
**House Bill 2642**

Sponsored by Representatives HOYLE, DOHERTY, HUFFMAN (Presession filed.)

CHAPTER .....

AN ACT

Relating to nonablative procedures; creating new provisions; amending ORS 676.583 and 676.992; and declaring an emergency.

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

**SECTION 1. As used in sections 1 to 7 of this 2015 Act:**

(1) “Advanced nonablative esthetics procedure” means a procedure that uses a laser or other device registered with the United States Food and Drug Administration for nonablative procedures performed on the skin or hair, including, but not limited to, procedures performed in conjunction with one of the following modalities:

- (a) Skin rejuvenation;
- (b) Photo rejuvenation;
- (c) Body contouring;
- (d) Dyschromia reduction;
- (e) Cellulite reduction;
- (f) Hair removal or reduction; and
- (g) Nonablative tattoo removal.

(2) “Certified advanced esthetician” means a person certified to practice advanced nonablative esthetics procedures under sections 1 to 7 of this 2015 Act.

(3) “Esthetician” means a person certified to practice esthetics under ORS 690.005 to 690.225.

(4) “Nonablative” means involving an action performed on the skin or hair of a person that does not result in the wounding of skin or underlying tissue.

**SECTION 2.** (1) A person may not practice advanced nonablative esthetics procedures or use a title, word or abbreviation, including the designation certified advanced esthetician, that indicates that the person is authorized to practice advanced nonablative esthetics procedures unless the person is certified by the Board of Certified Advanced Estheticians under section 3 of this 2015 Act.

(2) Notwithstanding ORS 677.080, a certified advanced esthetician may practice advanced nonablative esthetics procedures.

(3) This section does not apply to:

(a) A person who is a licensed health care professional if the person’s scope of practice includes the practice of advanced nonablative esthetics procedures; or

(b) A student enrolled in an advanced nonablative esthetics education program or training program or in an advanced nonablative esthetics program that combines education and training.

**SECTION 3.** (1) Except as provided in subsection (3) of this section, the Health Licensing Office shall issue a certificate to practice advanced nonablative esthetics procedures to an applicant who:

- (a) Is at least 18 years of age;
- (b) Is an esthetician in good standing with the Board of Cosmetology;
- (c) Successfully completes:

(A) Subject to subsection (2) of this section, an advanced nonablative esthetics education program or training program, or an advanced nonablative esthetics program that combines education and training, that is approved by the Board of Certified Advanced Estheticians; or

(B) A nationally recognized program that is approved by the Board of Certified Advanced Estheticians and through which individuals are certified to use lasers or other devices for purposes related to practicing advanced nonablative esthetics procedures;

(d) Passes an examination adopted by the Board of Certified Advanced Estheticians by rule; and

(e) Pays the applicable fees established under ORS 676.592.

(2) An education program described in subsection (1)(c)(A) of this section must be:

(a) If the program is located in this state, licensed through the Higher Education Coordinating Commission; or

(b) If the program is not located in this state, substantially equivalent to a program licensed through the Higher Education Coordinating Commission.

(3) The office shall issue a certificate to practice advanced nonablative esthetics procedures to an applicant who:

(a) Is an esthetician in good standing with the Board of Cosmetology;

(b) Is authorized and in good standing to practice advanced nonablative esthetics procedures in a state where the requirements to practice nonablative esthetics procedures are substantially similar to the requirements to practice advanced nonablative esthetics procedures in this state; and

(c) Pays the applicable fee established under ORS 676.592.

(4) The office shall issue a temporary certificate to perform advanced nonablative esthetics procedures to an applicant who:

(a) Is an esthetician in good standing with the Board of Cosmetology;

(b) Meets any qualifications prescribed by the office by rule; and

(c) Pays the applicable fee established under ORS 676.592.

**SECTION 4.** (1) A certificate issued under section 3 (1) or (3) of this 2015 Act must be renewed annually. To renew a certificate under this section, a certified advanced esthetician must submit to the Health Licensing Office:

(a) A renewal application;

(b) Proof that the certified advanced esthetician has completed any continuing education requirements established by the Board of Certified Advanced Estheticians by rule; and

(c) The applicable renewal fee established under ORS 676.592.

(2) A temporary certificate issued under section 3 (4) of this 2015 Act expires as prescribed by the office by rule.

**SECTION 5.** (1) There is established the Board of Certified Advanced Estheticians within the Health Licensing Office, consisting of:

(a) Nine members appointed by the Governor; and

(b) The section manager of the Radiation Protection Services Section of the Oregon Health Authority, or the section manager's designee.

(2) Of the nine members appointed by the Governor:

(a) Five must be certified advanced estheticians;

(b) Two must be physicians or physician assistants licensed under ORS chapter 677 or nurse practitioners licensed under ORS 678.375 to 678.390; and

(c) Two must be public members who are residents of this state.

(3) The board member described in subsection (1)(b) of this section is a nonvoting ex officio member of the board.

(4) The term of office of each appointed member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(5) The voting members of the board shall select one of the voting members as chairperson and another voting member as vice chairperson. The board shall establish the terms of service for the chairperson and the vice chairperson and the duties and powers of the chairperson and the vice chairperson.

(6) A majority of the voting members of the board constitutes a quorum for the transaction of business.

(7) Official action by the board requires the approval of a majority of the voting members of the board.

(8) The board shall meet at a place, day and hour determined by the board. The board also may meet at other times and places specified by the call of the chairperson or of a majority of the voting members of the board.

**SECTION 6.** (1) In addition to the powers granted to the Board of Certified Advanced Estheticians by sections 1 to 7 of this 2015 Act, the board shall have the power to:

(a) Adopt rules and take actions necessary to carry out the duties of the board under sections 1 to 7 of this 2015 Act.

(b) Adopt rules establishing sanitation and safety requirements for advanced nonablative esthetics procedures.

(c) Adopt rules establishing a professional code of conduct for certified advanced estheticians.

(d) Adopt any other rule necessary to regulate certified advanced estheticians.

(e) Provide advice to the Health Licensing Office on issues related to advanced nonablative esthetics procedures.

(f) Compile information related to advanced nonablative esthetics procedures and direct the office to disseminate the information to certified advanced estheticians.

(2) In adopting rules under subsection (1)(b) of this section, the board shall adopt rules:

(a) Requiring a certified advanced esthetician to conduct all advanced nonablative esthetics procedures in a facility for which a license has been issued under ORS 690.055;

(b) Requiring a certified advanced esthetician to maintain client disclosure forms that include, at a minimum, disclosure of the existence of professional liability insurance; and

(c) Requiring a certified advanced esthetician to enter into an agreement with:

(A) A physician licensed under ORS chapter 677 or a nurse practitioner licensed under ORS 678.375 to 678.390; or

(B) A licensed health care professional who works at the same location as the certified advanced esthetician and who has the authority to prescribe drugs listed in Schedule III, IV or V.

(3) The purpose of an agreement described in subsection (2)(c) of this section is to provide a certified advanced esthetician with a licensed health care professional to whom the certified advanced esthetician may refer a client of the certified advanced esthetician.

**SECTION 7.** In the manner provided by ORS chapter 183 for contested cases, and after consultation with the Board of Certified Advanced Estheticians, the Health Licensing Office may impose a form of discipline described in ORS 676.612 against any person certified under section 3 of this 2015 Act for a violation of the provisions of sections 1 to 7 of this 2015 Act or of a rule adopted under sections 1 to 7 of this 2015 Act, or for commission of a prohibited act listed in ORS 676.612.

**SECTION 8.** Notwithstanding the requirements listed in section 3 (1)(c) of this 2015 Act, the Health Licensing Office shall, until January 1, 2018, issue a certificate to practice advanced nonablative esthetics procedures to an applicant who, in lieu of those requirements:

(1) Provides proof to the office of having been employed for not less than 500 hours as a laser operator under the supervision of a health care professional whose scope of practice includes the practice of advanced nonablative esthetics procedures; or

(2) Provides proof to the office of having completed 40 hours of education related to laser theory and fundamentals and of having completed 24 hours of practical experience performing each modality listed in section 1 (1) of this 2015 Act.

**SECTION 9.** (1) Notwithstanding the term of office specified by section 5 of this 2015 Act, of the members first appointed to the Board of Certified Advanced Estheticians:

(a) Two shall serve for terms ending December 31, 2016.

(b) Two shall serve for terms ending December 31, 2017.

(c) Two shall serve for terms ending December 31, 2018.

(d) Three shall serve for terms ending December 31, 2019.

(2) Notwithstanding the requirements for board membership specified by section 5 (2)(a) of this 2015 Act, the members first appointed to the board under section 5 (2)(a) of this 2015 Act may be estheticians who have at least three years' experience practicing advanced nonablative esthetics procedures.

**SECTION 10.** ORS 676.583 is amended to read:

676.583. Pursuant to ORS 676.586, the Health Licensing Office shall provide administrative and regulatory oversight and centralized service for the following boards and councils:

(1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;

(2) Board of Cosmetology, as provided in ORS 690.005 to 690.225;

(3) State Board of Denture Technology, as provided in ORS 680.500 to 680.565;

(4) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;

(5) Respiratory Therapist and Polysomnographic Technologist Licensing Board, as provided in ORS 688.800 to 688.840;

(6) Environmental Health Registration Board, as provided in ORS chapter 700;

(7) Board of Body Art Practitioners, as provided in ORS 690.350 to 690.410;

(8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.170;

(9) Sex Offender Treatment Board, as provided in ORS 675.360 to 675.410;

(10) Nursing Home Administrators Board, as provided in ORS 678.710 to 678.820; [and]

(11) Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485[.]; and

**(12) Board of Certified Advanced Estheticians, as provided in sections 1 to 7 of this 2015 Act.**

**SECTION 11.** ORS 676.992 is amended to read:

676.992. (1) Except as provided in subsection (3) of this section, and in addition to any other penalty or remedy provided by law, the Health Licensing Office may impose a civil penalty not to exceed \$5,000 for each violation of the following statutes and any rule adopted [*thereunder*] **under the following statutes:**

(a) ORS 688.701 to 688.734 (athletic training);

(b) ORS 690.005 to 690.225 (cosmetology);

(c) ORS 680.500 to 680.565 (denture technology);

(d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct entry midwifery);

(e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe piercing, dermal implanting and scarification);

(f) ORS 694.015 to 694.170 (dealing in hearing aids);

(g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);

(h) ORS chapter 700 (environmental sanitation);

(i) ORS 675.360 to 675.410 (sex offender treatment);

(j) ORS 678.710 to 678.820 (nursing home administrators);

- (k) ORS 691.405 to 691.485 (dietitians);
- (L) ORS 676.612 (prohibited acts); [and]
- (m) ORS 676.800 (applied behavior analysis)[.]; and

**(n) Sections 1 to 7 of this 2015 Act (advanced nonablative esthetics procedure).**

(2) The office may take any other disciplinary action that it finds proper, including but not limited to assessment of costs of disciplinary proceedings, not to exceed \$5,000, for violation of any statute listed in subsection (1) of this section or any rule adopted under any statute listed in subsection (1) of this section.

(3) Subsection (1) of this section does not limit the amount of the civil penalty resulting from a violation of ORS 694.042.

(4) In imposing a civil penalty [pursuant to] **under** this section, the office shall consider the following factors:

- (a) The immediacy and extent to which the violation threatens the public health or safety;
- (b) Any prior violations of statutes, rules or orders;
- (c) The history of the person incurring a penalty in taking all feasible steps to correct any violation; and
- (d) Any other aggravating or mitigating factors.

(5) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(6) The moneys received by the office from civil penalties under this section shall be deposited in the Health Licensing Office Account and are continuously appropriated to the office for the administration and enforcement of the laws the office is charged with administering and enforcing that govern the person against whom the penalty was imposed.

**SECTION 12. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2, chapter \_\_\_\_\_, Oregon Laws 2015 (Enrolled Senate Bill 5526), for the biennium beginning July 1, 2015, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, tobacco tax receipts, provider taxes, Medicare receipts and federal funds for indirect cost recovery, Supplemental Security Income recoveries, Women, Infants and Children Program food rebates, the Coordinated School Health Program, the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program, homeland security and emergency preparedness and response services, but excluding lottery funds and federal funds not described in section 2, chapter \_\_\_\_\_, Oregon Laws 2015 (Enrolled Senate Bill 5526), collected or received by the Oregon Health Authority, is increased by \$386,294 for the purpose of carrying out the provisions of this 2015 Act.**

**SECTION 13. Notwithstanding any other law limiting expenditures, the amount of \$118,249 is established for the biennium beginning July 1, 2015, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Higher Education Coordinating Commission, for the purpose of carrying out the provisions of this 2015 Act.**

**SECTION 14. (1) Sections 1 to 9 of this 2015 Act and the amendments to ORS 676.583 and 676.992 by sections 10 and 11 of this 2015 Act become operative on July 1, 2016.**

**(2) The Health Licensing Office may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the office to exercise, on or after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the office by sections 1 to 9 of this 2015 Act and the amendments to ORS 676.583 and 676.992 by sections 10 and 11 of this 2015 Act.**

**SECTION 15. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.**

**Passed by House June 30, 2015**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

**Passed by Senate July 2, 2015**

.....  
Peter Courtney, President of Senate

**Received by Governor:**

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

**Approved:**

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

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

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

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

# **Regulatory Report**



# Health Licensing Office



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## **Board of Electrologists and Body Art Practitioners**

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*April 25, 2016*

### ***2013 – 2015 Biennium***

Between July 1, 2013 and June 30, 2015, 132 complaints were received by the Office. Total open 0. Total closed 132.

<b>ANONYMOUS</b>	<b>CLIENTS</b>	<b>OTHER</b>
12	11	109

### ***2015 – 2017 Biennium***

Between July 1, 2015 and March 31, 2016, 36 complaints were received by the Office. Total open 15. Total closed 21.

<b>ANONYMOUS</b>	<b>CLIENTS</b>	<b>OTHER</b>
8	3	25

Other: Licensees  
General Public  
Internal  
Law Enforcement

# **Public/Interest Parties Feedback**

# **Other Board Business**



**Health Licensing Office**

**Board of Electrologist and Body Art Practitioners**

April 25, 2016

**\*\*PLEASE PRINT\*\***

Name (First, Last)	Representing	Request to Comment (Yes/no)
Tamee Bbon OPE LE Sneila Ahern LE, OPE	OALE OALE	YES <del>NO</del> yes?
Rivka McCormack	Self	Yes