

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

FILED 9-15-15 4:03 PM ARCHIVES DIVISION SECRETARY OF STATE
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Health Licensing Office, Board of Cosmetology Agency and Division	817 Administrative Rules Chapter Number
Samantha Patnode Rules Coordinator	(503) 373-1917 Telephone
Health Licensing Office, Board of Cosmetology, 700 Summer St. NE, Suite 320, Salem, OR 97301-1287 Address	

RULE CAPTION

Amend civil penalties by increasing fines for frequent violations and better ability to suspend/revoke authorizations.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

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

RULEMAKING ACTION

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

ADOPT:
AMEND:
OAR 817-090-0025, 817-090-0035, 817-090-0080, 817-090-0090, 817-090-0100

REPEAL:
OAR 817-090-0050

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

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

Statutory Authority:
ORS 676.612, 676.615, 676.992, 690.015, 690.165, 690.167

Other Authority:

Statutes Implemented:
ORS 676.992, 690.015, 690.025, 690.165, 690.167, 690.992

RULE SUMMARY

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

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

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

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

11-30-2015 5:00 p.m. Last Day (m/d/yyyy) and Time for public comment	Samantha Patnode Rules Coordinator Name	samie.patnode@state.or.us Email Address
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*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

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

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ARCHIVES DIVISION
SECRETARY OF STATE

Health Licensing Office, Board of Cosmetology
Agency and Division

817
Administrative Rules Chapter Number

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

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

In the Matter of:

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

Repealing OAR 817-090-0050

Statutory Authority:

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

Other Authority:

Statutes Implemented:

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

Need for the Rule(s):

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

Documents Relied Upon, and where they are available:

Board meeting minutes, proprietary database information and inspection information.

All documents are available at the Health Licensing Office, 700 Summer Street NE, Suite 320, Salem, OR 97301-1287. To obtain information or copies of information please contact Samantha Patnode, Policy Analyst, at 503-373-1917, during normal business hours Monday through Friday between 7:30am to 4:30pm. Email: samie.patnode@state.or.us

Fiscal and Economic Impact:

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

Statement of Cost of Compliance:

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

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

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

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

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

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

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

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

3rd and 4th offense.

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

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

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

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

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

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

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

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

Administrative Rule Advisory Committee consulted?: No

If not, why?:

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

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

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

DIVISION 90

CIVIL PENALTIES

817-090-0025

Schedule of Penalties for Facility and Independent Contractor Registration Violations

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

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

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

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

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

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

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

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

(A) 1st offense: \$200;

(B) 2nd offense: \$500;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) 1st offense: \$200

(B) 2nd offense: \$500

(C) 3rd offense: \$1000

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

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

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

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

Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0020; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12; BOC 1-2012(Temp), f. 3-1-12, cert. ef. 3-12-12 thru 9-1-12; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0035

Schedule of Penalties for Practitioner Violations

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

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

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

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

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

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

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

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

(A) 1st offense: \$200;

(B) 2nd offense: \$500;

(C) 3rd offense: \$1000

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

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

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

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

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

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

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

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

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

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

(a) 1st offense: \$100;

(b) 2nd offense: \$200;

(c) 3rd offense: \$500.

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

(a) 1st offense: \$500;

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

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

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

(a) 1st offense: \$500;

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

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

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

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

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

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

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

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

Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96, Renumbered from 817-090-0020; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12; BOC 1-2012(Temp), f. 3-1-12, cert. ef. 3-12-12 thru 9-1-12; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-090-0050

Schedule of Penalties for Freelance Authorization Violations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96, Renumbered from 817-090-0020; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14~~

817-090-0080

Schedule of Fines for Dispensing of Cosmetic Preparations Violations

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

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

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

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

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

(a) 1st offense: \$1000;

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

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

Stat. Auth.: ORS 690.165, 690.205 & 690.995

Stats. Implemented: ORS 690.165, 690.205 & 690.995

Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2007, f. 10-31-07, cert. ef. 11-1-07; BOC 2-2011, f. & cert. ef. 5-5-11

817-090-0090

Schedule of Penalties for Disinfecting Requirements of Tools and Implements Violations

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

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

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

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

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

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

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

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

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

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

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

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

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

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

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

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

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

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

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

817-090-0100

Schedule of Penalties for Clean Conditions Violations

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

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

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

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

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

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

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000

(4) Failing to keep storage drawers for c

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

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

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

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

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

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

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

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

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

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

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

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

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

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

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