

# OREGON Regulatory Update

a publication of the Oregon Health Licensing Agency, Board of Cosmetology

SPECIAL  
PULL-OUT  
SECTION

700 Summer Street NE, Suite 320 • Salem, OR 97301-1287 • Phone (503) 378-8667 • Regulatory Compliance (503) 373-2024 • [www.oregon.gov/OHLA](http://www.oregon.gov/OHLA)

**OHLA Agency Staff:** Susan K. Wilson, Director | Tricia Allbritton, Policy & Strategic Planning | Richard McNew, Administrative Services | Tim Molloy, Regulatory Operations

**Board of Cosmetology:** Michael D. Snook, Salem - Chair | Deely Klarr, Salem - Vice Chair | Linda Bergmann, Florence | Patricia A. Hall, Pendleton | Debora Masten, Salem | Judith N. Petersen, Albany | Herb Hirst, North Plains

## Special Statewide Insert

In partnership with *Northwest Stylist*, the Oregon Health Licensing Agency (OHLA) and Board of Cosmetology are bringing you the latest licensing and regulatory news. This four-page insert is being distributed to all 30,000+ licensed practitioners in Oregon.

*Northwest Stylist* is distributed FREE monthly to licensed facilities and independent contractors. If you are an individual practitioner and would like to subscribe or a facility or independent contractor who is not receiving the *Stylist*, contact the *Stylist* toll-free at 888-297-7010 or via e-mail at [editor@nwstylist.com](mailto:editor@nwstylist.com).

**Oregon Board News** is featured in *Northwest Stylist* every month and can also be accessed online at [www.nwstylist.com](http://www.nwstylist.com).

## New in 2008!

# Expanded Office Hours, Examination Times & More

To better serve agency customers, the Oregon Health Licensing Agency (OHLA) began offering expanded office hours, examination times and other new or expanded services in 2008.

- **Expanded Office Hours:** OHLA is now open during the lunch hour from 12 –1 pm, Monday through Friday. OHLA now closes at 4:30 pm instead of 5 pm.
- **Expanded Examination Times:** OHLA now offers examinations Monday through Friday.
- **By Appointment Only:** This new service allows examination candidates from out of the Salem area (90+ miles) to schedule their examination in advance of traveling to Salem. Contact OHLA Licensing Supervisor Samie Patnode at 503-373-1917 or [Samie.Patnode@state.or.us](mailto:Samie.Patnode@state.or.us).
- **New Information Kiosks:** Two new information kiosks offer free access to OHLA's Web site at [www.oregon.gov/OHLA](http://www.oregon.gov/OHLA). Review regulations to stay in compliance, renew your license online and access our library of resources and materials.
- **Americans with Disabilities Act:** A new testing room meets Americans with Disabilities Act (ADA) standards and offers more flexibility with examination scheduling.

## Exactly. . . .

One of the ways OHLA is making doing business with us more efficient: asking for exact change. We are now accepting **exact change only** for all transactions. Customers may continue to pay with credit or debit cards, or check. *Thank you!*

## Shear Numbers

How many practitioners and facilities are currently licensed in Oregon? (Numbers in parentheses +/- change from previous month.) According to Oregon Health Licensing Agency (OHLA) records as of June 2, 2008:

Practitioners . . . . .	30,530 (+239)	Barbering . . . . .	6,063 (-10)
Facilities . . . . .	4,609 (+15)	Esthetics . . . . .	13,459 (+98)
Independent contractors . . . . .	6,913 (+26)	Hair Design . . . . .	20,934 (+88)
Certificate of ID. . . . .	142 (+9)	Nail Technology . . . . .	14,832 (+88)

## Licenses Can Attend Training Workshops in Lieu of Paying Civil Fines

The Oregon Health Licensing Agency (OHLA) recently became one of the first state regulatory agencies in the nation to offer health, safety and infection control training to licensees in lieu of paying a civil fine.

“Our goal is to protect the public,” says OHLA Regulatory Operations Manager Tim Molloy. “We think that educating licensees is the most effective way to accomplish that goal.”

More than 100 licensees have participated in the initial training workshops. All of their current violations were expunged and their civil fines waived as a result.

“We were never just about issuing citations and collecting fines,” Molloy says. “We’ve always attempted to educate licensees during facility inspections. The training session takes our education efforts to a new level.”

The training sessions focus on the inspection process, state statutes and administrative rules, and how licensees can most effectively stay in compliance.

### Civil Penalties Not Ultimate Goal

Licenses leave the training session with information to assist them in practicing more safely and effectively, which ultimately benefits the health and safety of consumers.



OHLA Inspector Justin Chen at training workshop.

OHLA also benefits because, as Molloy explains, offering the training session actually reduces the amount of time his staff spends on citations.

“People think that collecting civil penalties is a cash cow, but it’s not,” Molloy says.

“The disciplinary process can be very time consuming and expensive. Our ultimate goal isn’t to collect fines, it’s to keep practitioners in compliance and working while protecting the public.”

## Safety & Infection Control Training

### At-a-Glance

**Purpose:** To better educate licensees found in violation of safety and infection control violations of state requirements

**Who Is Eligible:** Licensees with current safety and infection control violations

**Where Training Is Held:** Oregon Health Licensing Agency (OHLA) in Salem

**Cost of Training:** Currently free

**Length of Training:** Approximately 1 ½ hours

**Result of Participation:** Current violations are expunged from licensee’s record, civil fines waived

**For More Information:** Regulatory Operations Hotline 503-373-2024

# Fees: Your Chance to Speak



## Taking License

Kraig Bohot

I've said it before, and I'll say it again: If you don't speak up now, I can't help you later.

Back in 2004-05, I wrote several columns on the proposed change to individual fields of practice certification (from "bundled" licensing to individual certification in barbering, esthetics, hair design and nail technology).

Hardly a peep was heard from licensees until after the public administrative rulemaking period ended and individual fields of practice certification implemented. Then, for the next two years, as licensees in the two-year certification cycle received their renewal notices, I received a regular stream of somewhat critical comments.

"Shame on you!"

"Crazy!"

"I think it is despicable that you are so money hungry...."

To be fair, communications from some licensees were more reasoned and offered constructive points.

Now, in probably a vain attempt to avoid being called "money hungry" again, I would like to explain why the Oregon Health Licensing Agency (OHLA) and the Board of Cosmetology are proposing to raise fees.

And, of course, to remind you that now is the time to speak up if you have concerns with the proposed changes.

### Two-Year License for Facilities

Wasn't it a drag to renew your facility license every year, even if you were doing it online? To align with practitioner two-year certification and in an across-the-board move affecting all OHLA-regulated professions, OHLA and the Board are proposing a two-year facility license.

I was shocked at first to see the proposed \$100 facility license fee, twice as much as the current \$50 fee, but then Richard McNew, OHLA Manager of Administrative Services who oversees the agency budget, told me the proposed fee isn't twice as much, it's for twice as long.

The proposed two-year cycle allows facility owners to worry about one less thing on their annual to-do list, renewing their facility license, and concentrate more on, well, business.

### Acknowledging Pay-for-Service

Despite the obvious benefit of a two-

year facility license, I can almost hear the hue and cry over the proposed increases in application and examination fees, particularly the jump from \$15 to \$100 for facility license application processing.

Why are application and examination fees increasing? Because processing applications takes more agency staff time and resources.

"Current application and examination fees don't reflect the services being provided," says McNew. "The proposed fees more accurately address what it takes in agency staff time and resources to provide the service."

Regarding the proposed \$5 increase in two-year certification fees for each field of practice, McNew says that everything it takes to run the agency is going up, including ever-rising gas prices that directly relate to the cost of conducting statewide inspections of nearly 5,000 cosmetology facilities as well as agency staffing and facilities expenses.

### OHLA Looking for Efficiencies

Do fees inevitably always have to go up? I cringe as much as the next consumer when my bank, credit card, mortgage or cable company raises fees.

Hopefully those companies are looking for ways to reduce the cost of doing business to keep those fees from rising too far and too fast.

OHLA is continuing to look for more efficient ways of providing the many and varied services the agency offers to approximately 70,000 license holders in 17 different health and related professions.

Whether it be offering more online services, using hybrid vehicles to reduce travel costs, or simply simplifying internal business practices (which isn't always as simple as it sounds), OHLA is working to find efficiencies while continuing to expand services.

We're now open during the lunch hour, offer examinations five days a week, and have developed fillable forms (on [www.oregon.gov/OHLA/COS](http://www.oregon.gov/OHLA/COS)) that streamline the application and licensing process.

Those are just a few of the more noticeable examples of how OHLA is looking to maximize how we provide licensing and regulatory services to our licensees while protecting the health, safety and consumer rights of the public.

Kraig Bohot is Communications Coordinator at the Oregon Health Licensing Agency (OHLA), a state consumer protection agency providing centralized regulatory oversight of multiple health and related professions. He can be reached at (503) 373-1939 or at [kraig.bohot@state.or.us](mailto:kraig.bohot@state.or.us).

# Proposed Fee Changes: At-a-Glance

**Two-Year Facility, Independent Contractor Licenses:** Licensees renew every two years rather than annually

**Field of Practice Certification:** \$5 increase to \$38 per field of practice for two-year certification (currently \$33 per field of practice for two-year certification)

**Application Fees:** Proposed fees ranging from \$100 for a facility application to \$50 for an independent contractor application

**Examination Fees:** Proposed increase from \$25 per examination section to \$50 per examination section

**Late Fees:** From a flat \$25 fee to \$25 per month in expired status

**Miscellaneous:** Affidavit of Licensure fee from \$15 to \$50, Replacement License fee from \$5 to \$25, Temporary Facility Permit from \$35 to \$100

**Renew Online & Save** – OHLA plans to offer \$3 off practitioner certification renewals if licensees renew online at [www.oregon.gov/OHLA](http://www.oregon.gov/OHLA). The incentive is expected to be offered starting September 1, 2008, when the proposed rules and related fee changes become effective.

FEE CHANGE DETAIL REPORT		Two Year Renewal Cycle			
Board of Cosmetology	2007-2009 Data		2009-2011 Data		
Fee Title/Description	Current Fee	Administrative Fee Change Effective 09/01/08	New Fee	09-11 Payers	Total 09-11 Revenue
Administrative Service Assessment / Rebate	\$ -	\$ -	\$ -		\$ -
Application	\$ 15.00	\$ 25.00	\$ 25.00	6,328	\$ 158,200
Application - Facility	\$ 15.00	\$ 100.00	\$ 100.00	1,349	\$ 134,900
Application - Independent Contractor	\$ 15.00	\$ 50.00	\$ 50.00	2,497	\$ 124,850
Application - Certificate of Identification (Freelance)	\$ 15.00	\$ 25.00	\$ 25.00	322	\$ 8,050
Application - Demonstration Permit	\$ 15.00	\$ 25.00	\$ 25.00	1	\$ 25
Application by Reciprocity	\$ 15.00	\$ 50.00	\$ 50.00	2,712	\$ 135,600
Application - Temporary Facility	\$ 15.00	\$ 50.00	\$ 50.00	11	\$ 550
Original Certificate	\$ 33.00	\$ 38.00	\$ 38.00	5,524	\$ 209,912
Original License - Facility	\$ 50.00	\$ 100.00	\$ 100.00	1,349	\$ 134,900
Original Registration - Independent Contractor	\$ 50.00	\$ 75.00	\$ 75.00	2,477	\$ 185,775
Original Certificate of Identification (Freelance)	\$ 50.00	\$ 100.00	\$ 100.00	320	\$ 32,000
Original Certificate by Reciprocity	\$ 33.00	\$ 38.00	\$ 38.00	2,712	\$ 103,056
Permit - Temporary Facility	\$ 35.00	\$ 100.00	\$ 100.00	11	\$ 1,100
Permit - Demonstration	\$ 15.00	\$ 50.00	\$ 50.00	4	\$ 200
Certificate Renewal	\$ 33.00	\$ 38.00	\$ 38.00	42,859	\$ 1,628,642
Online - Certificate Renewal	\$ 33.00	\$ 35.00	\$ 35.00	4,602	\$ 161,070
License Renewal - Facility	\$ 50.00	\$ 100.00	\$ 100.00	3,918	\$ 391,800
Registration Renewal - Independent Contractor	\$ 50.00	\$ 100.00	\$ 100.00	6,500	\$ 650,000
Reciprocity	\$ 50.00	\$ -	\$ -		\$ -
Examination	\$ 25.00	\$ 50.00	\$ 50.00	10,710	\$ 535,500
Examination - Certificate of Identification (Freelance)	\$ 15.00	\$ 50.00	\$ 50.00	332	\$ 16,600
Delinquency - per month	\$ 25.00	\$ 25.00	\$ 25.00	10,088	\$ 252,200
Replacement	\$ 5.00	\$ 25.00	\$ 25.00	1,571	\$ 39,275
Administrative NSF Processing Fee	\$ 25.00	\$ -	\$ 25.00	131	\$ 3,275
Affidavit of Licensure	\$ 15.00	\$ 50.00	\$ 50.00	2,543	\$ 127,150
Information Packets	\$ 7.50	\$ -	\$ 7.50	53	\$ 398
Other	\$ -	\$ -	\$ -	1	\$ -
<b>SUB TOTAL</b>					\$ 5,035,027.50
<b>Fines &amp; Collections</b>					\$ 210,000.00
<b>Total</b>					\$ 5,245,027.50
<b>09-11 Revenue Required</b>					\$ 5,211,225.00

## Comment on Proposed Fee Changes

OHLA plans to file proposed revisions to agency Oregon Administrative Rules (OAR) that revise licensing fees for all OHLA-regulated professions.

Following is a tentative administrative rulemaking schedule:

**June 13:** Notice of Proposed Rulemaking / Hearing to be filed

**July 23:** Public Rulemaking Hearing

**September 1:** Effective date for adoption of proposed rule changes

Questions and comments about the proposed rules should be sent to Dixie Bryant, OHLA Operations and Policy Analyst Lead, at 503-373-1911 or via e-mail at [dixie.l.bryant@state.or.us](mailto:dixie.l.bryant@state.or.us).

For more information, visit [www.oregon.gov/OHLA](http://www.oregon.gov/OHLA).

## Licensing Line Provides Latest in Regulatory News

Don't be left at the station without your regulatory information. Catch the latest news from the Oregon Health Licensing Agency (OHLA) and learn about developments in the multiple health and related professions the agency regulates.

Travel on the *Licensing Line* without leaving the comfort of your computer.

It's free, and easy to join our more than 1,800 subscribers. Just visit [www.oregon.gov/OHLA/licensingline.shtml](http://www.oregon.gov/OHLA/licensingline.shtml) and follow the link to subscribe.

## Interested in Serving on the Board of Cosmetology?

The Oregon Health Licensing Agency (OHLA) is currently looking to fill recent vacancies on the nine volunteer citizen boards and councils the agency oversees, including the Board of Cosmetology. Appointments are made by the Governor's Office of Executive Appointments.

Interested? Contact OHLA Operations and Policy Analyst Lead Dixie Bryant at 503-373-1911 or via e-mail at [dixie.l.bryant@state.or.us](mailto:dixie.l.bryant@state.or.us) for more information on the specific board or council opening.

Learn more about volunteer citizen board and council service and how to apply at [www.oregon.gov/OHLA/OHLHowtoapplyboard.shtml](http://www.oregon.gov/OHLA/OHLHowtoapplyboard.shtml).

## Laser Tattoo Removal Not within Esthetics Scope of Practice

Estheticians may not remove tattoos with lasers, the Oregon Health Licensing Agency (OHLA) and the Board of Cosmetology confirmed at the Board of Cosmetology May 12 meeting.

OHLA and the Board of Cosmetology clarified the existing scope of practice for estheticians in Oregon after receiving inquiries from practitioners and the public regarding laser tattoo removal.

OHLA and the Board of Cosmetology recommend that consumers consult with a dermatologist for tattoo removal. Unlicensed "tattoo removal specialists" are not held to any state health and safety standards and **SHOULD NOT** be a viable option for consumers.

Tattoos are inserted in or below the dermal layer of skin. While recently revised Oregon Administrative Rules (OAR) 817-015-0050 for skin care services eliminated the limitation of providing services only on the epidermis, OHLA and the Board of Cosmetology believe at this time that laser tattoo removal is not within the esthetics scope of practice.

Estheticians in Oregon currently are allowed to use lasers and other devices for hair removal, skin rejuvenation and any other service that is within the esthetics scope of practice and whose **intended use** is specifically for services within their professional scope.

## Board Cautions against Cross-Contamination from Roll-On Waxing Systems

The Oregon Health Licensing Agency (OHLA) and Board of Cosmetology caution practitioners certified in esthetics from using roll-on waxing systems that provide a potential route for cross contamination through reuse of the roller head or through the reuse of wax.

The waxing system **MUST** meet the requirement of **Oregon Administrative Rule (OAR) 817-010-0055, Materials in Contact with a Client:**

All chemical substances, including paraffin wax, used within a field of practice shall be dispensed from containers in a manner to prevent contamination of the unused portion.

Roll-on waxing systems present a potential for cross contamination due to the roll-on applicator being applied to human skin and hair, which harbor microorganisms that may spread infections and disease.

# RENEW ONLINE

**IT'S SECURE, SPEEDY AND SAVES YOU A STAMP!**

The Oregon Health Licensing Agency (OHLA) now offers online renewals. All you need is your credit card number and expiration date, as well as your licensing or registration information.

[www.oregon.gov/OHLA](http://www.oregon.gov/OHLA)



## New Resources for Licensees

### Prepare for Your Next Facility Inspection with Self-Inspection Checklist

It pays to be prepared! OHLA's Regulatory Operations Division has created a new facility self-inspection checklist to help guide facilities and practitioners in preparing for facility inspections.

Conducting a monthly self-inspection will assist in maintaining compliance with state regulations and help reduce or eliminate the number of violations cited during OHLA inspections.

Ultimately, staying in compliance means you'll be serving your clients better by protecting their health and safety.

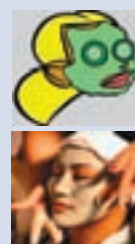
OHLA has also created a sample client record form for estheticians and nail technicians, who are required to obtain and keep client records.

Visit [www.oregon.gov/OHLA/COS](http://www.oregon.gov/OHLA/COS) to download the self-inspection checklist and sample client record form or call OHLA Regulatory Operations Compliance Hotline at 503-373-2024.



### Safe Salons Campaign Promotes Salon Safety, Health and Infection Control

Protect yourself and your clients by reviewing the information in this public and practitioner education campaign developed by OHLA and the Board of Cosmetology. Visit [www.oregon.gov/OHLA/COS](http://www.oregon.gov/OHLA/COS) for more information.



### Facial Forward: Esthetics Explained

Originally launched in 2006, this public education campaign describes recent regulatory changes in esthetics and clarifies the esthetic scope of practice at [www.oregon.gov/OHLA/COS](http://www.oregon.gov/OHLA/COS).

**FACIAL FORWARD: 2008** provides an update with a focus on laser safety and potential legislation / new requirements for 2009 and beyond (also at [www.oregon.gov/OHLA/COS](http://www.oregon.gov/OHLA/COS)).

### Nail Salon Indoor Air Quality Brochure

Oregon OSHA has produced a new brochure describing steps nail technicians can take to prevent exposure to potentially harmful chemicals and fumes.

OR-OSHA produced the brochure as part of the newly formed Oregon Collaborative for Healthy Nail Salons (OCHNS). The Oregon Health Licensing Agency (OHLA) is a member of the group, which also includes the following state agencies and non-profit organizations:

- Center for Research on Occupational and Environmental Toxicology (CROET)
- Immigrant and Refugee Community Organization (IRCO)
- Multnomah County Health Department
- Oregon Department of Environmental Quality
- Organizing People-Activating Leaders (OPAL)
- Zero Waste Alliance

Download the brochure, which is also translated in Vietnamese, on OHLA's Web site at [www.oregon.gov/OHLA/COS](http://www.oregon.gov/OHLA/COS), or request copies by contacting OHLA Communications Coordinator Kraig Bohot at 503-373-1939 or via e-mail at [kraig.bohot@state.or.us](mailto:kraig.bohot@state.or.us).

**SPECIAL  
PULL-OUT  
SECTION**

## New Laser Safety and Client Record Rules

### ADOPTED

Oregon Administrative Rule (OAR) 817-015-0070

### AMENDED

OAR 817-010-0065, 817-015-0050, 817-015-0065

### GOAL

To clarify practice standards and client records relating to skin care services and laser hair removal treatments prior to 2009 legislation.

### RULE SUMMARY

- Streamlines and clarifies requirements and standards for use of manual or mechanical devices and equipment in the performance of services
- Specifies documentation requirements, including new client records related to laser treatments
- Specifies required adherence to the American National Standards for Safe Use of Lasers (ANSI) in performing laser skin care services.

### What is the purpose of the rule change?

The Oregon Health Licensing Agency (OHLA), under Oregon Revised Statutes (ORS) 676.605 through 676.625, and ORS 690, is mandated to ensure that all Oregon consumers are able to access competent and qualified professionals.

Consumer protection standards and regulatory oversight must keep pace with consumer service demands and changes or advances in industry technology, products or devices; client service delivery systems; practice standards and client safety requirements; and current scientific infection control techniques.

### Who is affected by the rule changes?

Currently certified and practicing estheticians who provide advanced skin care services, such as laser hair removal, lymphatic drainage, microdermabrasion and chemical peels, vacuum massage, and other skin care and body treatments involving use of manual or mechanical devices to deliver services within the practitioner's scope of practice.

### When do the new rules become effective?

The rules were filed and became effective June 1, 2008.

### Questions?

Contact OHLA Agency Board & Rule Analyst **Cerynthia Murphy** at 503-373-1816 or Policy & Strategic Planning Division Manager **Trish Allbritton** at 503-373-2088.

## Laser Safety & Client Records Rule Changes: Highlights

Following are administrative rule changes excerpted from the newly adopted rules that can be found at [www.oregon.gov/OHLA/COS/COSlaws\\_rules.shtml](http://www.oregon.gov/OHLA/COS/COSlaws_rules.shtml).

### Oregon Administrative Rules (OAR)

**Bold** = Rule additions

~~Strikethrough~~ = Rule deletions

#### OAR 817-010-0065:

##### Requirements and Standards

(12) Practitioners may not use any manual or mechanical device or equipment unless the use is **part of the delivery of services within the practitioner's scope of practice under ORS 690, and is consistent with the manufacturer's intended use of the device and with** client health and safety. In determining whether the use of any manual or mechanical device or equipment is consistent with client health and safety, the agency will consider the information provided in the documentation required by section (11) of this rule.

(13) The documentation requirements described in section (11) of this rule apply to specialized items used in the practice of barbering, esthetics, hair design or nail technology and may not apply to those items used in the delivery of basic services, which have been defined as an "article", "equipment", or "materials and supplies" in OAR chapter 817, division 005, such as scissors, combs, orangewood sticks, shampoo bowls, styling chairs or nail files.

(15) Practitioners, facility owners and independent contractors providing laser hair removal skin care services, shall comply with requirements of the March 16, 2007 edition of the American National Standards for Safe Use of Lasers (ANSI) Z136.1-2007. ANSI publications may be obtained from Laser Institute of America, 13501 Ingenuity Drive, Suite 128, Orlando, Florida 32826 – ISBS-13: 9877-0-912035-65-9 & ISBN-10:0-912035-65-X.

#### OAR 817-015-0050: Skin Care Services

(1) Estheticians may use only those chemicals or products, natural or synthetic, and manual mechanical devices designed for skin care services ~~of the epidermis.~~

#### OAR 817-015-0070: Laser Hair Removal Client Assessment and Records

Practitioners providing laser hair

removal services must adhere to the following practice standards in rendering acceptable client skin care:

(1) Maintain an accurate client record, which includes complete past and current health history obtained from each client before service. The assessment shall be updated and evaluated on a current basis, and must include the following:

- (a) Name, address, telephone number, and date of birth.
- (b) Client medical history information relevant to providing services.
- (c) Prior methods of controlling or removing hair.
- (d) Condition of skin tissue before initial service and any subsequent change.
- (e) Pattern and structure of hair growth initially presented and any changes.
- (f) Client consultation, evidence of informed consent (may be in the form of an acronym such as "PARQ" to denote procedures, alternatives, risks and questions).
- (g) Date and duration of each service.
- (h) Area of hair removal service, and use of energy fluence, pulse duration and spot size.
- (i) Observation of skin reaction(s) to service(s).
- (j) Any other information deemed appropriate to client service.

(2) Documentation must be legibly written or computerized. Client documentation, written or archived electronically by computer, must be retained for a minimum of two years and available upon request by the agency.

(3) Provide each client with a clear and concise explanation of the process and likely outcome of laser hair removal services before providing the service:

- (a) Laser hair removal procedures.
- (b) Modality to be used.
- (c) Hair growth / re-growth cycles.
- (d) Recommended schedule for service.
- (e) Possible adverse reactions after service.
- (f) Post-service care.