



WHO: Health Licensing Office
Board of Body Art Practitioners

WHEN: November 9, 2015 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/OHLA/BAP/Pages/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.

Items For Board Action

Approval of Agenda

REVISED

7:02 am, Oct 27, 2015



Health Licensing Office
Board of Body Art Practitioners



November 9, 2015 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 – April 27, 2015
 - ◆ Approval of 2016 meeting dates
 - ◆ Approval of 2016 chair and vice chairperson
 - ◆ Approval of administrative rule schedule

Working Lunch

3. **Reports**
 - ◆ Director Report
 - ◆ Licensing and Fiscal Statistical Reports
 - ◆ Policy Report
 - Practice clarification process
 - Communications
 - ◆ Regulatory Report
4. **Public/Interest Parties Feedback**
 - ◆ Shelly Davey Dax – Short Tattoo Education Program
 - ◆ Desta Spence – Licensing Concerns
5. **Other Board Business**

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

Approval of Meeting Minutes

~

April 27, 2015



Health Licensing Office
Board of Body Art Practitioners



April 27, 2015
700 Summer Street NE, Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

Seth Dietz
Cameron Straub
Joshua Bryant
Benjamin Berry
Lisa Chambliss

MEMBERS ABSENT

Molly Ballew, chair
Wendy Blenning, vice-chair

STAFF PRESENT

Holly Mercer, Director
Sylvie Donaldson, fiscal services and licensing manager
Bob Bothwell, regulatory operations manager
Samie Patnode, policy analyst
Maria Gutierrez, board specialist
Cerynthia Murphy, qualification analyst
Sarah Kelber, Communications Coordinator
Anne Thompson, Policy Analyst

GUESTS PRESENT

Jamie Bloom
Sheila Ahern
Deborah Ludwing

Call to Order

Seth Dietz called the meeting of the Board of Body Art Practitioners to order at 10:08 a.m. Roll was called.

Approval of Agenda

Joshua Bryant made a motion with a second by Benjamin Berry to approve the agenda. Motion passed unanimously.

Approval of Minutes

Joshua Bryant made a motion with a second by Benjamin Berry to approve the minutes for November 3, 2014. Motion passed unanimously.

Executive Session

- The Board entered executive session pursuant to ORS 192-660(2) at 10:12 a.m. on April 27, 2015, for the purpose of considering information or records exempt from public inspection.
Records to be considered related to legal advice.
- Executive session concluded and the Board reconvened regular session at 12:46 p.m. It was noted that no decisions were made and no votes were made in executive session.

Director Report

Holly Mercer, Director, reported on the following:

- Update on staffing
- Transition to Oregon Health Authority currently under Director's Office, and update on moving under Public Health Division. Transition is scheduled to occur July 1, 2015
- Moving into new minutes and recording system – Granicus
- The office is looking into possibly moving to a new building location to help provide more testing areas for the licensees, and parking as professions continue to grow.

Members were provided revised informed consent document with additional information related to jewelry grade standards for initial piercings. The purpose of the addition would be to ensure the client is fully informed about the type of jewelry recommended for initial piercings. The informed consent document would also allow the client to decline the use of recommended jewelry for initial piercing. Members, discussed concerns allowing consumers to choose between potentially harmful initial jewelry and jewelry which is recommended for initial piercings by the APP.

The Board recommended having certain jewelry for initial piercings evaluated and tested to ensure they meet APP jewelry standards for initial piercings and if the standards are not met consider eliminating certain types of jewelry based on the findings from the evaluation and testing.

Mercer, stated that she would reach out to Directors Office on check in with her supervisor pertaining to consumer's choice on jeweler.

Licensing and Fiscal Statistical Reports

Sylvie Donaldson, fiscal services and licensing manager, 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 07/01/2013 -04/13/2015 was reviewed with an actual ending cash balance of 303,565.35. The ending cash balance for the period of 07/01/2013 – 06/30/2015 is projected to be 1297,518.32.

Policy Report

Samie Patnode, policy analyst, reported on:

- HB 2296 Changes name of Board of Body Art Practitioners to Board of Electrologist and Body Art Practitioners.
- HB 2642 which establishes a Board of Certified Laser Estheticians within the structure of the

Health Licensing Office. The bill creates a certification for laser estheticians who perform advanced nonablative esthetic procedures including but not limited to vein reduction, tattoo removal and pigment lentigo reduction. The bill also prohibits estheticians certified by the Board of Cosmetology from performing advanced nonablative esthetic procedures without being a certified laser esthetician.

- HB 2305 Permits individuals who complete polysomnographic program that combines education and training program to apply for polysomnographic technologist license.
- HB 2642 with the -4 amendment establishes the nine-member Board of Certified Advanced (Board) estheticians within HLO in the Oregon Health Authority (OHA). The bill authorizes the HLO to certify the practice of advanced nonablative esthetics. Certification must be renewed biennially. The bill contains an emergency clause and is effective on passage. HLO is authorized to take action before the July 1, 2016 operative date. The bill allows HLO to begin certifying individuals as of July 1, 2016, and reduces the grandfathering period from two years to 18 months. The – 4 amendment clarifies the definition of “nonablative,” adds two physicians or physician assistants as members of the Board, specifies that certificates holders are required to disclose existence of professional liability insurance as part of their client records, and stipulates that a certificate holder must enter into an agreement with a health care professional who has schedule III, IV or V prescriptive authority. The – 4 amendment does not change the fiscal determination.
- Body Piercing Training Program
Currently the 400 practical procedures required must include:
100 practical procedures in which the trainee observes the supervisor, 100 practical procedures in which the trainee assists the supervisor; and 200 practical procedures performed by the trainee under direct supervision, but without assistance.

Members discuss amount of hours currently required, and recommendation in making the following changes cutting the hours in half, and combining standard body piercing with specialty body piercing 1. The members have recommended changing the hours to 500 practical procedures.

- Specialty Body Piercing Training Program
Currently specialty level 1 training program must include 36 practical procedures which include the following:
6 practical procedures in which the trainee observes the supervisor; the trainee must observe 3 male and 3 female procedures with at least 4 different types of piercings, 10 practical procedures in which the trainee assists the supervisor; the trainee must assist a minimum of 3 male and 3 female procedures with at least 4 different types of piercings, and 20 practical procedures performed by the trainee under direct supervision, but without assistance; the trainee must perform a minimum of 3 male and 3 female procedures with at least 3 different types of piercings.

Specialty level 2 training program must include 26 practical procedures which include the following:

6 practical procedures in which the trainee observes the supervisor; the trainee must assist a

minimum of 3 different piercing procedures, 10 practical procedures in which the trainee assist the supervisor; the trainee must assist a minimum of 3 different piercing procedures, and 10 practical procedures performed by the trainee under direct supervision, but without assistance; the trainee must perform a minimum of 3 different piercing procedures.

Members discuss and deliberate in combining specialty level 1 piercings into standard piercing training program.

Joshua Bryant, and Seth Dietz will continue discussion on a committee meeting to further the discussion, and set up some sort of hour criteria to discuss at the next board meeting scheduled for July 20, 2015.

Mercer, will reach out to the Oregon Medical Board to discuss any concerns.

- Tattoo Video
Sarah Kelber, Communications Coordinator, updates the members on the tattoo video, and discusses setting up some appointments with Benjamin Berry, and Cameron Straub to further the progress of the video.

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 16 remain open. A summary of allegations received by type of complaint was provided as stated below.

Anonymous	Clients	Others
45	37	1

2013-2015 Biennium

Between July 1, 2013 and September 30, 2014, 96 complaints were received. Of the 96 complaints 42 remain open. A summary of allegations received by type of complainant was provided as stated below.

Anonymous	Clients	Other
7	11	78

Public Comment

- Jamie Bloom, stated her affiliation to the Board, and her support for HS 229. She also discussed concerns with HS 2642.

- Sheila Ahern, stated her affiliation to the Board, and her support for HS 229.

Executive Session

- The Board entered executive session pursuant to ORS 192-660(2) at 1:04 p.m. on April 27, 2015, for the purpose of considering information or records exempt from public inspection. Records to be considered related to investigative files.
- Executive session concluded and the Board reconvened regular session at 1:27 p.m. It was noted that no decisions were made and no votes were made in executive session.

Mercer and Member of the Board outlined the following recommendations:

In regards to investigation file 14-7621

- A notice of \$500 civil penalty to be issued.

MOTION:

Joshua Bryant made a motion, with a second by Benjamin Berry. Motion passed unanimously.

Other Board Business

- Members discuss safety concern regarding certain tattoo machinery being used in the shops.

The meeting adjourned at approximately 2:08 p.m.

Minutes prepared by Maria Gutierrez, board specialist

2016 Meeting Dates

BACKGROUND AND DISCUSSION:

The Board of Body Art Practitioners generally meets three times per year at 10 a.m. on Mondays.

ISSUE:

With the end of 2015 approaching it is necessary for the Board to approve meeting dates for 2016.

The Health Licensing Office proposes the following meeting dates:

April 25, 2016 at 10 a.m.
July 18, 2016 at 10 a.m.
November 7, 2016 at 10 a.m.

(Note: If the need arises additional meetings may be scheduled during the interim including conference calls.)

BOARD ACTION:

The Board approves meeting dates for the year 2015. Approved meeting dates:

_____, 2016 at 10 a.m.

_____, 2016 at 10 a.m.

_____, 2016 at 10 a.m.

**2016 Chair & Vice
Chair Person**

BACKGROUND AND DISCUSSION:

Molly Ballew has served as Chair for the Board of Body Art Practitioners, and Wendy Blenning has served as Vice-Chair during the year 2015.

ISSUE:

In preparation of 2016, it is necessary for the Board to nominate and elect a Chair and Vice-Chairperson.

Role of the Chairperson in Meetings

- Officially call the meeting to order
- Keep order and impose any reasonable restrictions necessary for the efficient and orderly conduct of the meeting
- Direct the “flow” of the meeting and to ensure the meeting is conducted in a professional manner. Some key points regarding meeting protocol include:
 - Board members wishing to speak need to wait to be addressed by the Chair
 - Once addressed by the Chair, the board member must state his or her last name prior to speaking for the record
 - The Chair guides members through the process of making motions
 - If public comment is being accepted by the board, audience members must wait to be addressed by the Chair and state their full name and affiliation to the board
- Officially enter/exit Executive Session
- Officially adjourn the meeting

Role of the Chairperson Outside of Meetings

- Collaborate with the Director regarding the board budget - On occasion, the Director may contact the Chair to discuss the board budget regarding current and future revenues and expenditures and possible fee increases or decreases.
- Assist in generating meeting agendas - On occasion, the board specialist or analyst may contact the Chair to discuss the agenda for an upcoming meeting. The Chair may be asked to comment on topics to be discussed and the format or order in which the topics should be presented at the meeting.

Role of the Vice-Chairperson

It is the responsibility of the Vice-Chair to assume the responsibilities of the Chair in the event of an absence, or if the chairperson is no longer a member of the board for any reason.

BOARD ACTION:

The Board nominates and elects a Chair and Vice-Chair for the remainder of 2015 and the year 2016.

Chair:

Vice-Chair:



Board of Body Art Practitioners

Member Appointment Status Update

Board Membership in General:

Pursuant to ORS 690.401 the Board of Body Art Practitioners consists of seven members appointed by the governor including:

- Two members licensed to perform body piercing, dermal implanting or scarification;
- One member licensed to practice electrolysis;
- Two members licensed to perform tattooing;
- One member of the public who does not possess the professional qualifications of the other members; and
- One member licensed as a health care provider under ORS Chapters 677, 678 or 685.

Terms in office are four years; with an appointee eligible to serve a maximum of two consecutive terms or until a successor is appointed.

Current Appointment Information:

Member Position Type	Member Name	Full Term # or Partial Term	Start of Current Term	Term Expiration
Tattoo Artist	Ben Berry	1 st Full	02/01/2012	01/31/2016
Public Member	Wendy Blenning	1 st Full	02/01/2012	01/31/2016
Body Piercer	Seth Dietz	1 st Full	02/01/2012	01/31/2016
Electrologist	Molly Ballew	2 nd Full	02/01/2012	01/31/2016
Body Piercer	Joshua Bryant	1 st Full	05/01/2013	04/30/2017
Tattoo Artist	Cameron Straub	1 st Full	05/01/2013	04/30/2017
Oregon Healthcare Provider	Lisa Chambliss	1 st Full	10/14/2014	01/31/2016

*Highlight indicates that member is not eligible to reappoint at end of term.

How to Apply to be a Member:

Helpful information on how to apply to be a member is available online at:

<http://www.oregon.gov/gov/Pages/boards.aspx>

In general, interested applicants are asked to review the membership handbook and submit a completed interest form to the Governor's Office of Executive Appointments. (Interest form attached) Completed interest forms can be submitted by any of the following methods:

- Fax interest form to 503-373-0840 (secure fax);
- Email scanned interest form to executive.appointments@das.state.or.us; or
- Mail interest form to:

Office of the Governor
Executive Appointments
900 Court Street NE, Room 160
Salem, OR 97301-4075

Please contact the Office of Executive Appointments if you have questions about the appointment process or about the status of your application.

**Approval of
Administrative Rule
Schedule**

BACKGROUND AND DISCUSSION:

The 2011 Legislature passed HB 2013 which merged the Body Piercing Licensing Program with the Advisory Council for Electrologists, Permanent Color Technicians and Tattoo Artists creating the Board of Body Art Practitioners (Board) within the Health Licensing Office (HLO). New regulations for all fields of practice (body piercing, tattooing and electrology) began on January 1, 2012 following an extensive and expedited administrative rulemaking process.

ISSUE:

Since the changes in 2012 the HLO, the Board 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.

BOARD ACTION:

Approve administrative rule schedule.



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 . 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/OHLA/BAP/Pages/laws_rules.aspx

Director Report

Licensing and Fiscal Statistical Reports

Board of Body Art Practitioners

Licensing Division Statistics as of **June 30, 2015** *

2013 - 2015 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	62	17	150	11	8	38	12	298	
2nd	45	4	57	7	-	29	2	144	
3rd	65	1	39	4	28	6	5	148	
4th	28	2	36	2	38	3	-	109	
5th	21	1	43	1	41	3	-	110	
6th	29	3	30	-	34	2	-	98	
7th	50	-	31	1	30	4	-	116	
8th	29	1	30	3	29	6	-	98	
Total:	329	29	416	29	208	91	19	1,121	

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	39	12	171	9	-	10	5	246	58.9%
2nd	30	23	138	20	-	4	4	219	54.8%
3rd	80	13	204	17	-	1	7	322	59.0%
4th	59	10	241	18	5	-	1	334	57.8%
5th	93	22	250	11	6	-	14	396	58.1%
6th	57	25	165	18	2	1	2	270	62.2%
7th	96	15	226	13	11	2	10	373	62.2%
8th	82	10	263	22	18	-	3	398	61.3%
Total:	536	130	1,658	128	42	18	46	2,558	59.3%

* Note that the licensing and exam tables reflect activities through June 30, 2015 only since they are based on the 2013-15 biennium, and the remaining charts and graphs in this report are more current, including activity on through October 28th. Licensing and exam activities for the July timeframe onward will be included in future updates to these tables once we shift to the 2015-17 biennium.

Board of Body Art Practitioners

Licensing Division, Examination Statistics as of **June 30, 2015** *
2013 - 2015 Biennium

Examination Report

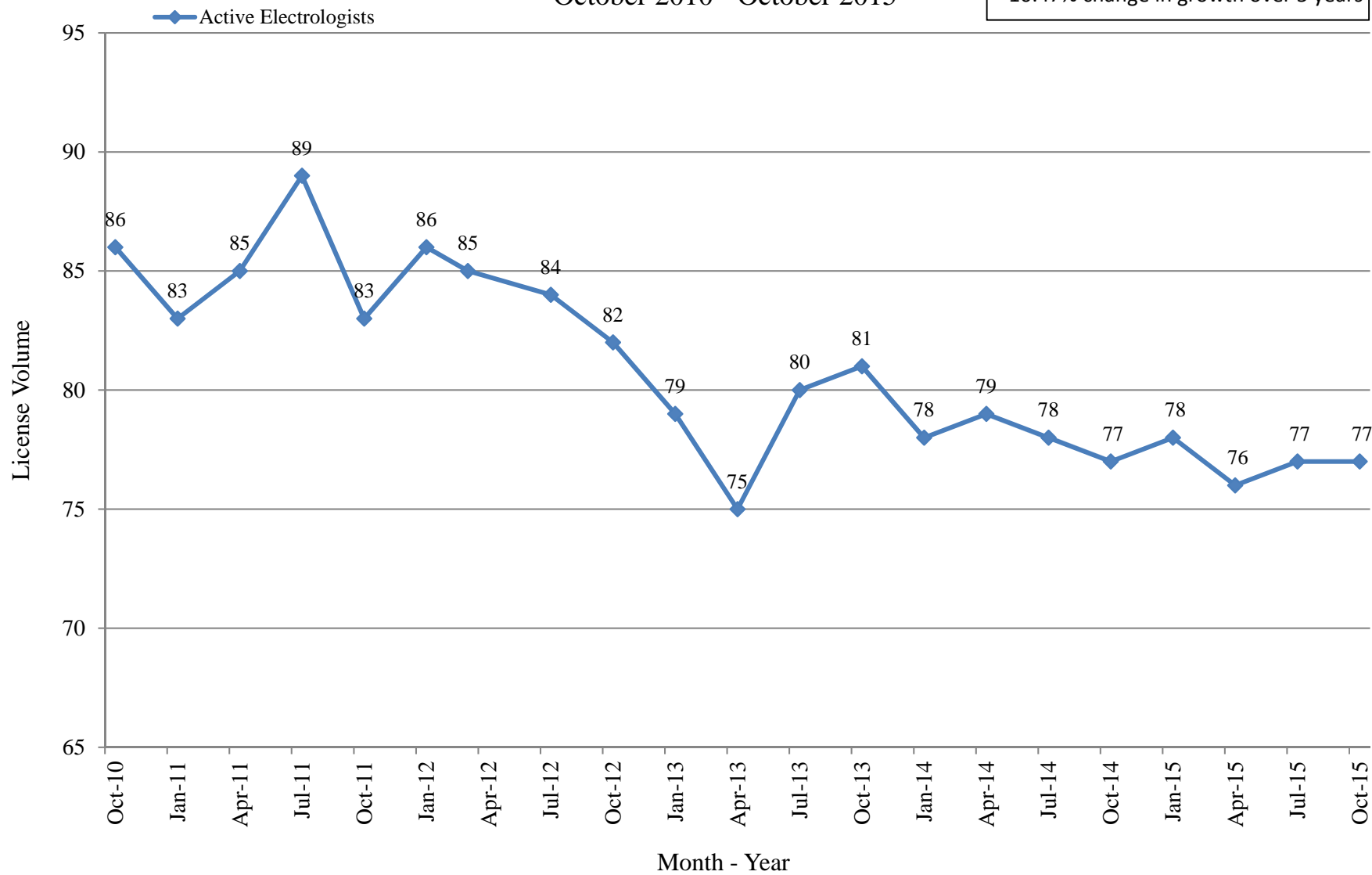
Quarter	Electrologist Written			Quarter	Electrologist Practical		
	Passed	Failed	% Passed		Passed	Failed	% Passed
1st	-	-	0%	1st	-	-	0%
2nd	1	-	100%	2nd	1	-	100%
3rd	-	-	0%	3rd	-	-	0%
4th	1	-	100%	4th	1	1	50%
5th	-	-	0%	5th	-	-	0%
6th	2	1	67%	6th	2	1	67%
7th	-	-	0%	7th	-	-	0%
8th	4	3	57%	8th	6	1	86%
Total	8	4	67%	Total	10	3	77%
Quarter	Tattoo Skills Assessment			Quarter	Tattoo Written		
	Passed	Failed	% Passed		Passed	Failed	% Passed
1st	23	6	79%	1st	25	3	89%
2nd	23	3	88%	2nd	23	2	92%
3rd	25	4	86%	3rd	29	2	94%
4th	34	1	97%	4th	33	2	94%
5th	32	5	86%	5th	32	1	97%
6th	26	2	93%	6th	29	-	100%
7th	26	2	93%	7th	27	3	90%
8th	27	5	84%	8th	26	1	96%
Total	216	28	89%	Total	224	14	94%
Quarter	Body Piercing Written			Quarter	Body Piercing Practical		
	Passed	Failed	% Passed		Passed	Failed	% Passed
1st	10	4	71%	1st	9	2	82%
2nd	9	2	82%	2nd	7	2	78%
3rd	2	2	50%	3rd	3	-	100%
4th	-	1	0%	4th	1	-	100%
5th	2	2	50%	5th	1	-	100%
6th	2	1	67%	6th	-	3	0%
7th	2	3	40%	7th	4	-	100%
8th	3	2	60%	8th	3	1	75%
Total	30	17	64%	Total	28	8	78%

* See note below licensing statistics table for details.

Board of Body Art Practitioners

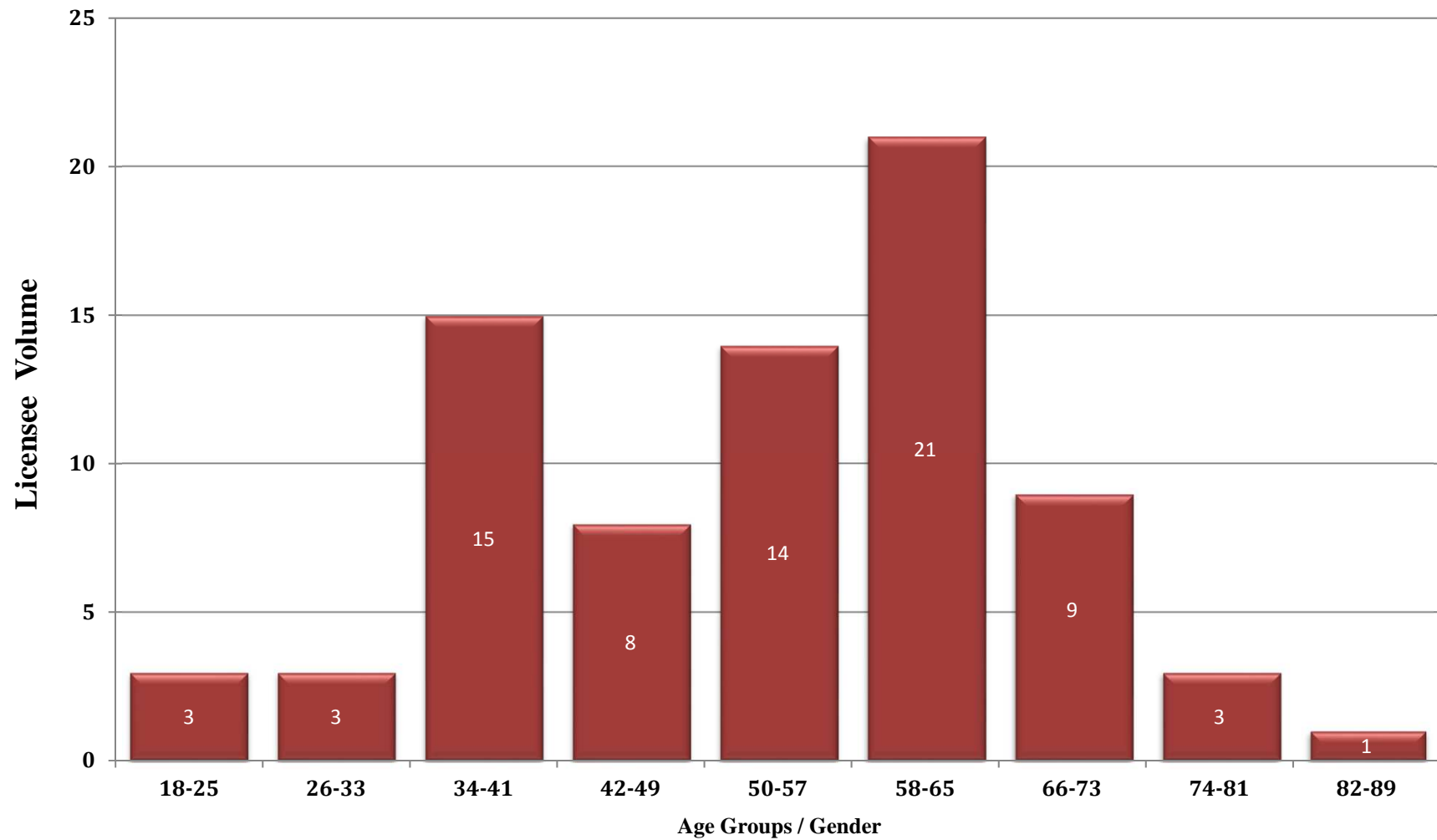
5 Year Active Electrologist License Trend
October 2010 - October 2015

0.00% change in growth over 1 year
-10.47% change in growth over 5 years



Board of Body Art Practitioners

Active Electrologist Licensee Volume
Grouped by age and gender as of October 28, 2015
2013-2015



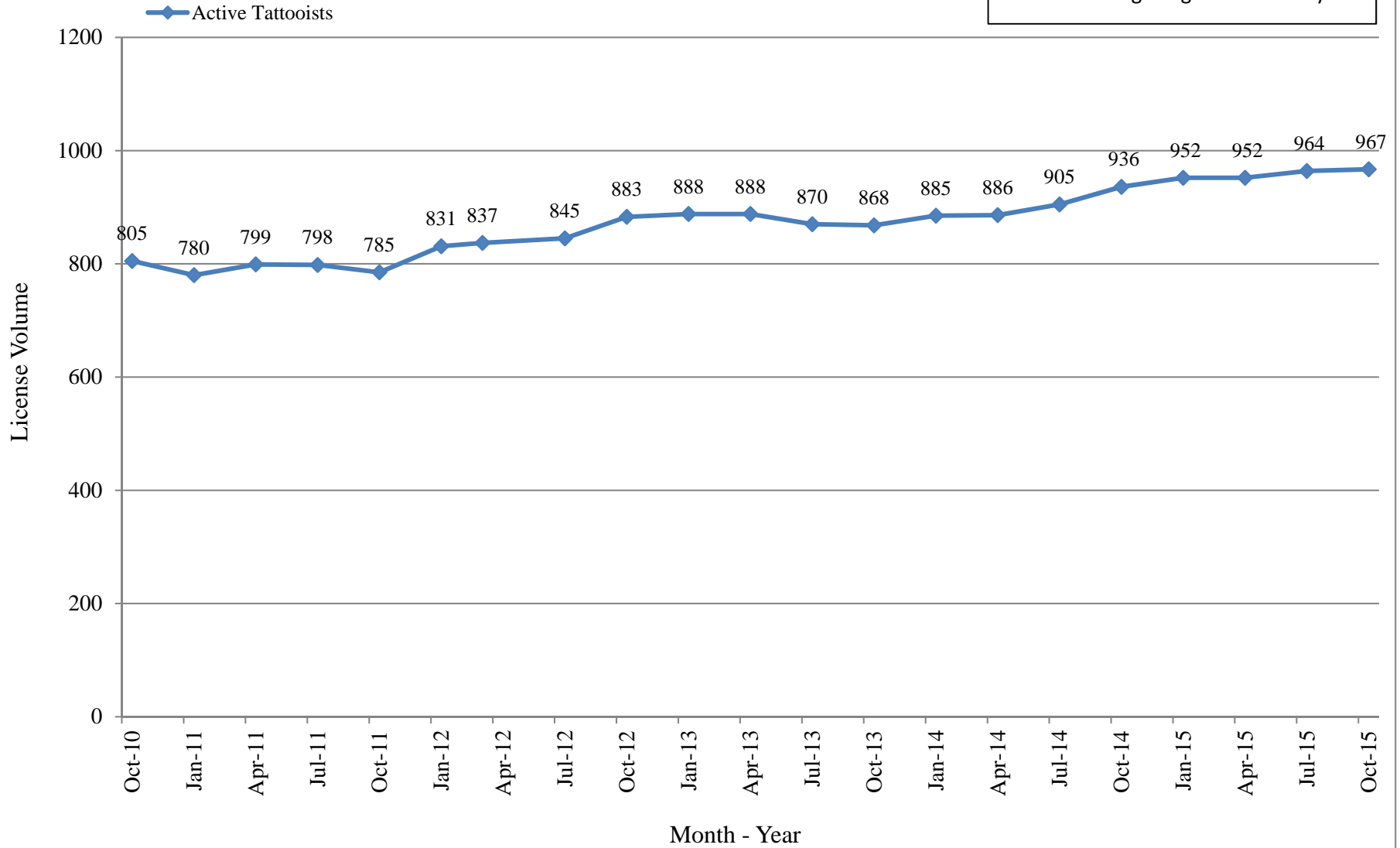
Female
77

Total Volume: 77

Board of Body Art Practitioners

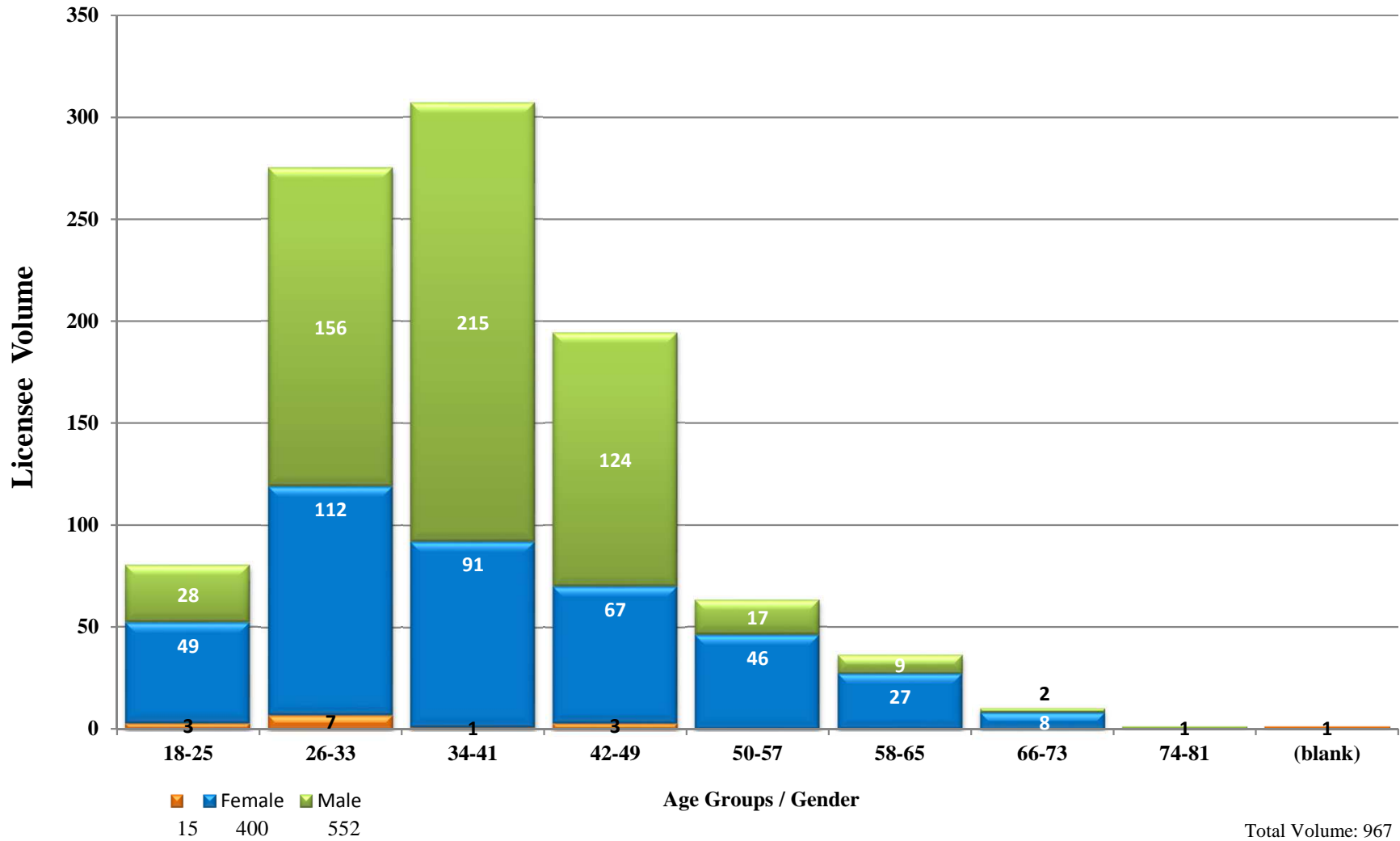
5 Year Active Tattooist License Trend
October 2010 - October 2015

+3.31% change in growth over 1 year
+20.12% change in growth over 5 years



Board of Body Art Practitioners

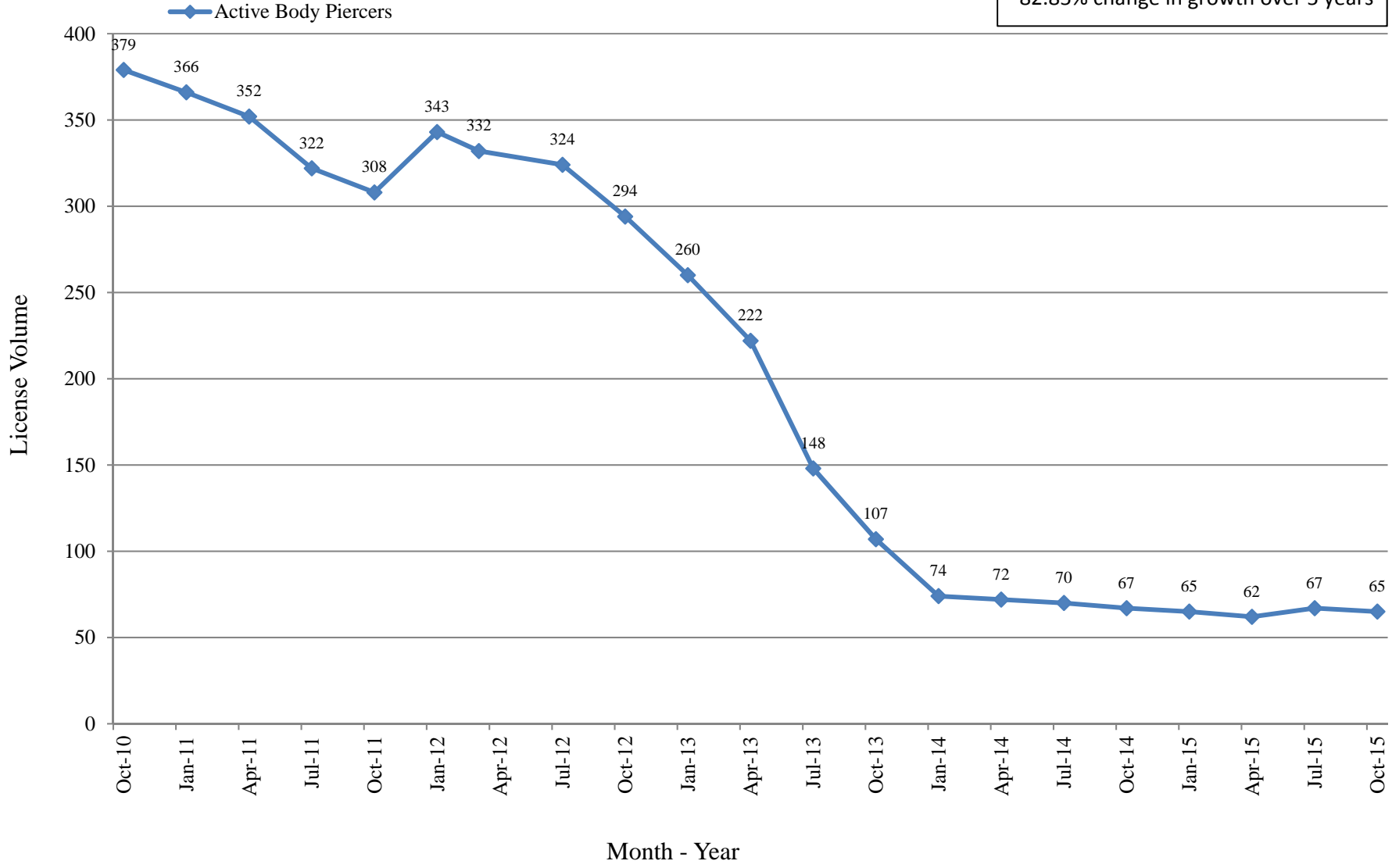
Active Tattooist Licensee Volume
Grouped by age and gender as of October 28, 2015
2013-2015



Board of Body Art Practitioners

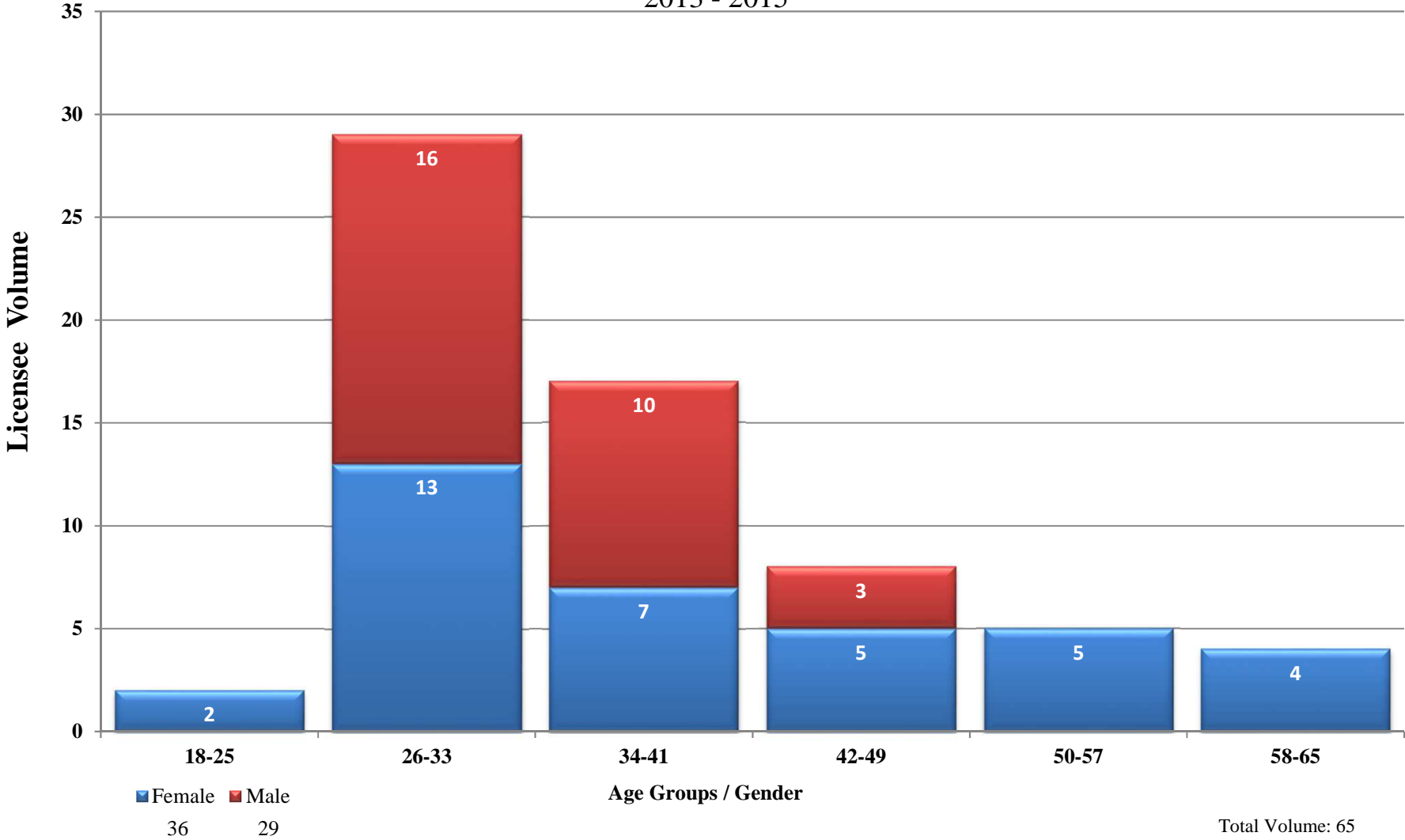
5 Year Active Body Piercer License Trend
October 2010 - October 2015

-2.99% change in growth over 1 year
-82.85% change in growth over 5 years



Board of Body Art Practitioners

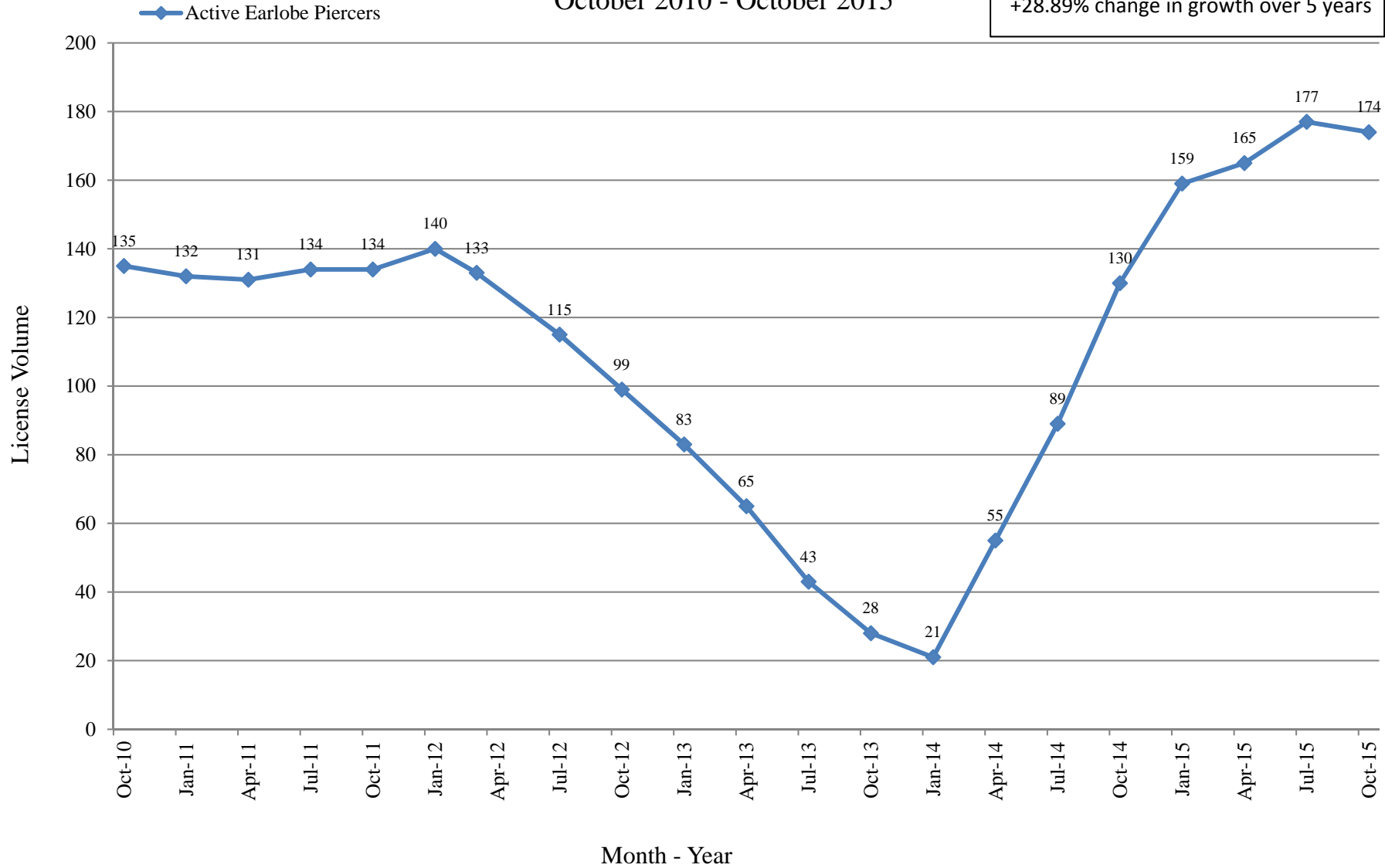
Active Body Piercing Licensee Volume
Grouped by age and gender as of October 28, 2015
2013 - 2015



Board of Body Art Practitioners

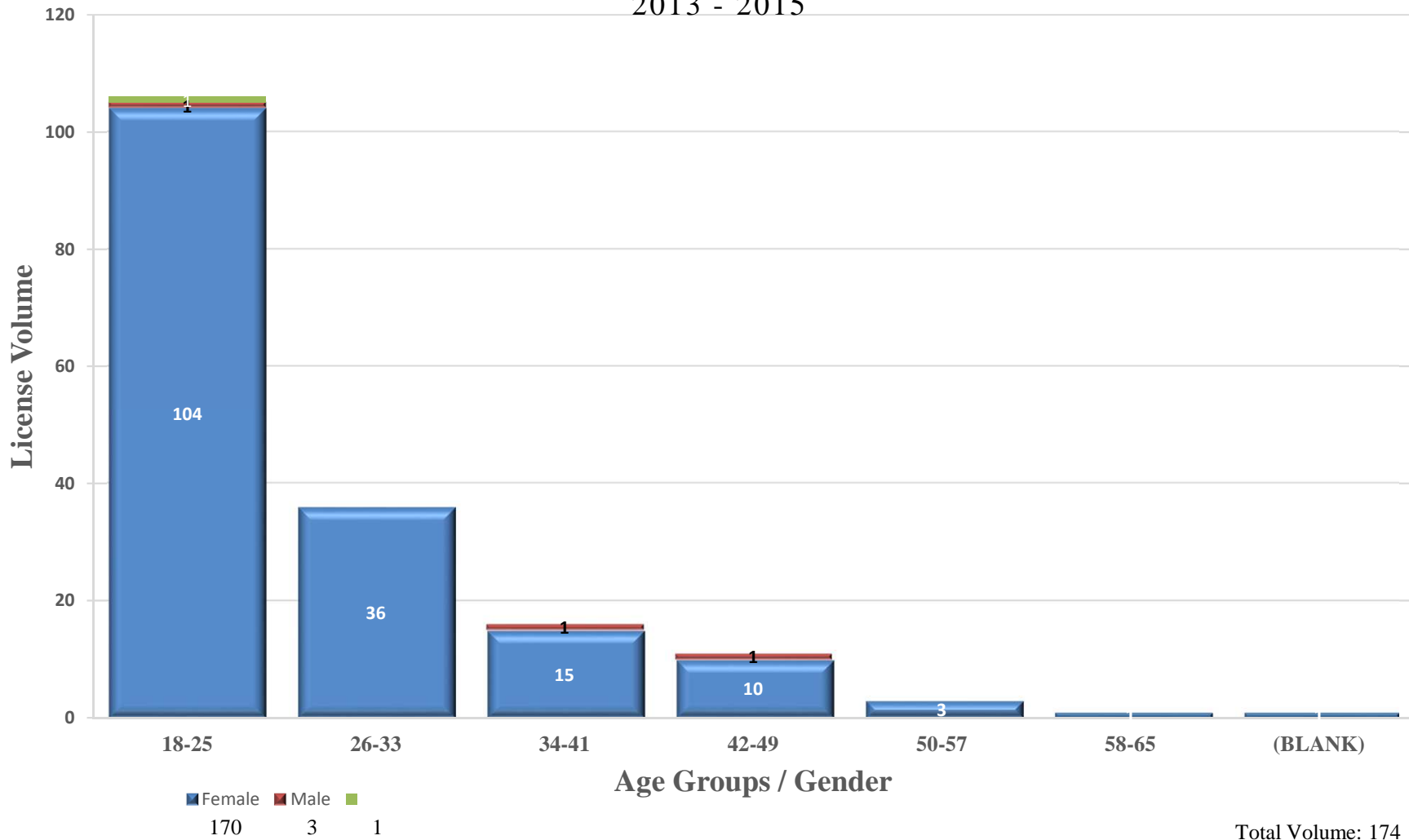
5 Year Active Earlobe Piercer License Trend
October 2010 - October 2015

+33.85% change in growth over 1 year
+28.89% change in growth over 5 years



Board of Body Art Practitioners

Active Earlobe Piercing Licensee Volume
Grouped by age and gender as of October 28, 2015
2013 - 2015



HEALTH LICENSING OFFICE Fund 7850 - BODY ART PRACTITIONERS BOARD STATEMENT OF CASH FLOW FOR THE PERIOD 07/01/13 - 06/30/15	
CURRENT	
13-15' Beginning Cash Balance	\$ 313,918.31
Revenues	\$ 478,786.62
Expenditures	\$ 477,590.00
Less: Accrued Expenditures	\$ -
Less: Total Expenditures	\$ (477,590.00)
Subtotal: Resources Available	\$ 315,114.93
Change in (Current Assets)/Liabilities	\$ -
Ending Cash Balance (Actual)	\$ 315,114.93
Indirect Charges are calculated using the following rates:	
*Based on Licensee Volume as of May 20, 2013	
Shared Assessment %	2.60%
Examination %	2.60%
Small Board Qualification %	30.90%
Inspection %	7.93%

HEALTH LICENSING OFFICE Fund 7850 - BODY ART PRACTITIONERS BOARD STATEMENT OF CASH FLOW FOR THE PERIOD 07/01/13- 06/30/15	
PROJECTED	
13-15' Beginning Cash Balance	\$ 313,918.31
Revenues	\$ 478,786.62
Expenditures	\$ 477,590.00
Less: Accrued Expenditures	\$ -
Less: Total Expenditures	\$ (477,590.00)
Subtotal: Resources Available	\$ 315,114.93
Change in (Current Assets)/Liabilities	\$ -
Ending Cash Balance (Projection)	\$ 315,114.93
Indirect Charges are calculated using the following rates:	
*Based on Licensee Volume as of May 20, 2013	
Shared Assessment %	2.60%
Examination %	2.60%
Small Board Qualification %	30.90%
Inspection %	7.93%

Policy Report

Practice Clarification Process Revisions



HEALTH LICENSING OFFICE

Kate Brown, Governor

Oregon
Health
Authority

700 Summer St NE, Suite 320

Salem, OR 97301-1287

Phone: (503)378-8667

Fax: (503)585-9114

<http://www.oregon.gov/OHLA>

Date

Name

Adrs

City, State, Zip

Dear Name:

Health Licensing Office (HLO) and the (Board Name) do not provide individualized advice on how the law applies to practice in the field. If you do not have an attorney and need one to provide you with legal advice about the statutes and rules governing your licensure, the [Oregon State Bar](#) has information on how to hire a lawyer in Oregon.

If you wish to make a complaint against a person for violating HLO and the Board's statutes or rules, a [complaint form](#) is available on the HLO website or by mail.

If you wish to make a public comment on the statutes and rules governing your licensure, interested party feedback is encouraged at all [public meetings](#).

Information on how to obtain a [license](#) is available on the HLO website.

If you believe HLO and the Board's rules need to be amended, you may file a rule petition with HLO for consideration. Please note that any rules must fit within HLO and Board's current statutory authority. Please also know that the Board will consider your petition but may not adopt your proposed rule. The statute that governs rule petitions is [ORS 183.390](#).

If you believe HLO and the Board's statutes need to be amended, information about the legislative process is also available on the [Oregon Legislative](#) website.

Please know that HLO and its Boards remain neutral on substantive bills proposing changes to its laws and cannot act on your behalf in any proposals to change the governing statutes.

If you have further questions please contact me at (503) 373-1917 or at samie.patnode@state.or.us or visit the [HLO web page](#).

Sincerely,

Samantha Patnode
Policy Analyst



Board of Cosmetology



Agency / Boards ▾

About Us

Contact Us

Fees

Forms

How to Get Licensed

Laws and Rules

License Look-up

Meeting Information

Opportunities

Publications

Related Links

Scope of Practice

Consumer Help

License Update

Financial Aid Available

Tools for Schools

Scope of Practice

[Fields of Practice](#)

[Scope of practice questions](#)

[Practice Clarification, FAQs, and Response Letters](#)

[More information](#)

Fields of Practice

Applicants may obtain certification in one or more of four individual fields of practice as defined in [Oregon Revised Statutes \(ORS\) 690.005](#):

Barbering

Barbering is a separate discipline from hair design. Barbers shampoo, cut, style, condition and singe (lightly burn hair ends with a lighted wax taper) hair, but they cannot provide chemical hair treatments (see *Hair Design*).

Barbers also shave, trim and cut the beard, and massage the scalp, face and neck, applying facial and scalp treatments with creams, lotions, oils and other cosmetic preparations, either by hand or mechanical appliances, but such appliances shall not be galvanic (direct electrical current) or faradic (interrupted, or alternating, electrical current).

Esthetics

Estheticians provide services to keep skin healthy and attractive. Estheticians use their hands or mechanical or electrical apparatuses or appliances for cleansing, stimulating, manipulating, exfoliating or applying lotions or creams and for the temporary removal of hair, makeup artistry, facial and body wrapping, and facial and body waxing.

Hair Design

Hair designers shampoo, cut, style, condition and singe (see *Barbering*) hair and apply chemical treatments such as coloring, dyeing, relaxing and permanent waves. They also temporarily curl and braid hair as well as shave, trim and cut the beard or mustache.

Hair designers also massage the scalp and neck, but not the face, if in conjunction with the above services.

Nail Technology

Nail technicians cut, trim, clean, polish, color or tint the natural nails on hands and feet and massage, cleanse, treat and beautify the hands, arms (below the elbow) and legs (below the knee). They also apply, sculpt and remove artificial nails.

Natural Hair Care

"Natural hair care" means the braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving or wrapping of human hair, natural fibers, synthetic fibers or hair extensions through the use of hands or simple devices such as clips, combs, hairpins or needle and thread.

Scissors may be used to trim synthetic fibers, hair extensions or sewn-in weave extensions as is necessary to perform natural hair care activities or to make customized wigs from natural hair, natural fibers, synthetic fibers or hair extensions.

Natural hair care does not include the use of scissors except when trimming synthetic fibers, hair extensions or sewn-in weave extensions as is necessary to perform natural hair care activities or to make customized wigs from natural hair, natural fibers, synthetic fibers or hair extensions.

Natural hair care also does not include the use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles or chemical hair bleaching agents.

[▲ Back to the top](#)

Scope of practice questions

Do you have a question about how a law or rule impacts your

individualized practice?

Please know that the Health Licensing Office (HLO) and its boards do not provide individualized advice on how the law applies to practice in the field. Here are some resources:



- If you are looking for an attorney to provide you with legal advice about the statutes and rules governing your licensure, the [Oregon State Bar](#) has information on how to hire a lawyer.
- If you wish to make a complaint against a person for violating HLO and the board's statutes or rules, you may use this [complaint form](#).
- If you wish to make a public comment on the statutes and rules governing your licensure, interested party feedback is encouraged at all [public meetings](#).
- Guidance on how to obtain [a license](#) is available on the [HLO website](#).
- If you believe HLO and the board's rules need to be amended, you may file a rule petition with HLO for consideration. Please note that any rules must fit within HLO and the board's current statutory authority. Please also know that the board will consider your position but might not adopt your proposed rule. The statute that governs rule petitions is [ORS 183.390](#).
- If you believe HLO and the board's statutes need to be amended, information about the legislative process is also available on the [Oregon Legislature's website](#).

Please know the HLO and its boards remain neutral on substantive bills proposing changes to its laws and cannot act on your behalf in any proposals to change the governing statutes.

If you have further questions, please contact Board Specialist Maria Gutierrez at 503-373-1906.

 [Back to the top](#)

Practice Clarification, FAQs, and Response Letters

[Providing cosmetology services within a hospital, long term care or residential facility](#)

[Nail technology: Nail pterygium](#)

[Cosmetology student volunteer services](#)

[Service animals in cosmetology facilities](#)

[Clarification regarding eyelash services](#)

[Clarification regarding mobile units](#)

[Clarification regarding cosmetology exemptions: pageants and weddings](#)

[Airbrush Tanning - April 2012](#)

[Face Painting & Application of Temporary Tattoos - April 2012](#)

[Hair Extensions & Attaching Hair Feathers - April 2012](#)

[Skin & Micro Needling - April 2012](#)

[Removal of Permanent Tattoos by use of Laser Therapy, Dermabrasion or ElimInk - April 2012](#)

[Cosmetic Injectables e.g. Botox - April 2013](#)

 [Back to the top](#)

More information

For more information contact Samie Patnode, Policy Analyst at (503) 373-1917 or samie.patnode@state.or.us.

 [Back to the top](#)

OREGON.GOV

State Directories
Agencies A to Z
Oregon Administrative Rules
Oregon Revised Statutes

WEB SITE LINKS

Text Only Site
Accessibility
Oregon.gov
File Formats

PDF FILE ACCESSIBILITY

Adobe Reader, or equivalent, is required to view PDF files. Click the "Get Adobe Reader" image to get a free download of the reader from Adobe.

Communicaton

Regulatory Report

Health Licensing Office



700 Summer St. NE, Suite 320
Salem, OR 97301-1287
Phone: (503) 378-8667
Fax: (503) 370-9004
Web: www.oregon.gov/oha/hlo
E-mail: hlo.info@state.or.us

Board of Body Art Practitioners

November 9, 2015

2011 – 2013 Biennium

Between July 1, 2011 and June 30, 2013, 193 complaints were received by the Office. Total open 0. Total closed 193.

ANONYMOUS	CLIENTS	OTHER
45	37	111

2013 – 2015 Biennium

Between July 1, 2013 and June 30, 2015, 132 complaints were received by the Office. Total open 8. Total closed 124.

ANONYMOUS	CLIENTS	OTHER
12	11	109

2015 – 2017 Biennium

Between July 1, 2015 and September 30, 2015, 12 complaints were received by the Office. Total open 4. Total closed 8.

ANONYMOUS	CLIENTS	OTHER
5	0	7

Other: Licensees
General Public
Internal
Law Enforcement

Public/Interested Parties Feedback

Shelly Davey Dax

~

**Short Tattoo Education
Program**

From: Shelly Davey Dax [<mailto:gardenofink@live.com>]

Sent: Wednesday, September 09, 2015 3:59 PM

To: Murphy Cerynthia

Subject: BIG QUESTION Cerynthia

I have been concerned for a long time about people coming from other states who have been tattooing for a long time and move to Oregon and can't get a license without going to school (unless they have full time tax returns, as per rule).

I have been approached several times in the last year by people who are AMAZING tattooers, who want to get licensed in Oregon, and I find it ridiculous that they would have to do the 150 hours of tattooing, when they are already very good (some better than me!)

Here is the current rule:

Reciprocity

- Submit an affidavit of licensure demonstrating proof of current license, which is active with no current or pending disciplinary action, as a tattoo artist. The licensing must be substantially equivalent to Oregon licensing requirements. Or if not substantially equivalent the applicant must demonstrate to the satisfaction of the agency that the applicant has been employed or working as a tattoo artist full time for three of the last five years.
- Pay examination fees
- Submit passing score of an approved written examination

So if they ARE tattooing in another state that has no LICENSE per say (like at least half the states) and yet they have 3 or more years of tattoo experience BUT they cannot PROVE they've been "working full time 3 of the last 5 years" then they are stuck. (Typically the state makes them show tax returns to "prove" full time 3 of last 5 years".)

So the people who fall through the cracks (as I described above), according to laws and rules would simply have to go to an Oregon tattoo school (pay full price) and do the full 360 hours. (210 theory and 150 tattoo procedures). There is no exception currently.

I am getting more calls from people like this. Who are very talented, experienced but can't prove they've been working full time for 3 years.

So my inquiry is if we can create a "short program" just for these people. That covers minimum requirements of the state (like "laws and rules", "Safety, Infection Control & Sanitation", "Skin" and any other minimum relevant subjects BUT not have to go through the full program of 360 hours.

I've had ONE student this last year who came from another state and was extremely talented/experienced, but they still had to do the whole program. (I gave them a little break on price but according to state they still must do the full 360 ours.)

I've had several calls from people out of state and even out of country...asking the same questions...who are REALLY amazing tattoopers.

So I am proposing a short program for these folks.

Does that make sense?

I sent this to Peter Gertenrich at the HECC too.

Shelly

Desta Spence

~

Licensing Concerns

My name is Desta Spence. I own two high-end internationally reputed tattoo/piercing studios in Oregon. I am a decade plus member of the Association of Professional Piercers (APP) whose guidelines were instrumental in the development of Oregon's "new" rules and regulations. I am a well-respected and connected industry leader of 20yrs. I turned down an offer to be on the Board of Directors as one of the two industry representatives due to time constraints but offered one of my senior piercers in my stead where he continues diligently trying to help get the current rules/laws in line with actual public health and safety. I went on to practically donate my time as one of the first proctors administering the practical exams that determined competency. I am currently recognized as an Oregon supervisor capable of training body piercers. I attend APP conferences annually and still take a minimum of 10 classes/roundtables. I teach courses at Fakir Intensives, the only certified school of Body Piercing. I also am in a position of closing my doors to revenue 2/5 days a week due to components of current law that render me almost incapable of legally staffing my busy studios.

I met news of Oregon's intention to regulate our industry with HEARTY enthusiasm...followed by a depressing and increasingly defeated diminished respect for the process/system and a total destruction of my optimism. I have sent numerous letters and emails and attended board meetings to try and guide this process in a healthy and constructive direction. I have lost my patience and my hope and my politeness now and have finally gone so far as to contact a lawyer to try and find some way to at least survive.

There are a number of minor and major issues with current licensure...primarily the ability to get qualified applicants licensed and the lack of statues governing use of implant jewelry. I will touch on the jewelry issue here for a second at the end of this letter but today I want to keep a tight focus on the (in)ability to staff a legitimately thriving business.

In order to obtain a license to practice basic body piercing in the State of Oregon you must qualify through one of 3 pathways.

License Pathway 1- A graduate from an Oregon Licensed Career School for Standard Body Piercing

Almost 3yrs later and there is NO COMPLIANT LICENSED CAREER PIERCING SCHOOL. It is unlikely that one will exist given that the delineated training requirements necessitate a minimum of 9months of one-on-one supervision rendering it unprofitable.

When it comes to the Oregon model of tattoo/piercing education the old adage those who can do...those who can't teach is sadly true. The old time-honored method of apprenticeships may not exactly have made a level playing field as it catered to nepotism but it did ensure that qualified applicants were hand-selected by a mentor who was willing to put his/her name and reputation on their trainees work. It did mean that an apprentice had a place to continue to grow their skills under the guidance of the studio that had initially trained them. We only need to look at the results of the Tattoo school system here in Oregon to see the tragedy that could befall piercing. Oregon's tattoo students get pumped out of tattoo schools at an alarming rate. Kids watch the reality TV shows, look at the cost of higher education and jump into the first hack shop that will train them. I can't hire an experienced/known body piercing or tattoo

artist but I could hire a graduate from one of the pay to play schools if I chose to put my clients and myself at risk. Take a poll of the licensed tattooists in Oregon and ask what they think of the school system! You will find a very adamant hatred of them and not from the standpoint of competition...but from the standpoint of competency. They are an embarrassment to the State of Oregon and to the industry.

I just had to dismiss a tattooist who came with 5 months post-graduate experience from one of those schools because she simply couldn't tattoo. She had not been trained properly. Her cross-contamination put herself, the studio and the public at large at risk. But she was licensable. She was one of dozens who have come to my studio with their portfolios of garbage over the years. When they can't get a job in a reputable shop they simply open their own and mar the public until their reputation requires them to relocate and open again under a different shop name. I fail to see how this serves the public safety. I have also had to pay the ridiculous cost of licensing out of state tattooists through one of these schools when the artist in question was already trained, experienced and talented but couldn't achieve reciprocity based on Oregon requirements in our largely unregulated industry. These professionals have had to endure the waste of time and money of unnecessary schooling hoops because they couldn't get reciprocity...and that is for tattooing where there are schools in existence. For piercing we don't even have that option.

We need to have an industry specific, peer-regulated review process to solve this inadequacy. Allow applicants to send documents and perform a practical exam in front of governing board of industry leaders. Elect 12 and have them sit in on applicants 5 at a time and vote. Though far-reaching and future thinking regulations are appealing in some way, requiring something that doesn't exist serves No one.

License Pathway 2- Submit documentation approved by the Agency showing proof of having completed training listed under OAR [331-900-0005](#), verified by a supervisor approved under OAR [331-900-0055](#), on a form prescribed by the Agency;

Current regulations mandate over 1150hrs of education...comparable to the requirements of an Associate's Degree. I would have to charge \$15,000 or in order to justify that amount of my professional time and energy. Very few students have the willingness or ability to pay 15k for a career that averages \$10-15 per hour making it unrealistic. A tattooist making permanent marks on the skin and involving the same blood borne pathogen exposure requires less training time and earns \$100-140 an hour.

Additionally, I am required to teach one on one and in very specific delineation. The minimum 9 months that providing this education would require is extended unnecessarily by the specificity of the regulations. 10 tongue, 10 helix, 10 navels, 10 eyebrows...etc. Given that piercing is fashion and fashions come and go it may be another 3yrs before I perform 10 eyebrows, let alone when my apprentice is there to witness and then do supervised procedures. The amount of procedures needs to not be delineated but an overall body piercing relevant anatomical knowledge and the ability to accurately pierce marks is

essential. I can teach that on 2 tongues and 20 navels. It is the same physical skill and knowledge base. Basic anatomical understanding that is specific to body piercing and not far reaching into irrelevant areas such as bones needs to be addressed. One-to-one student/teacher ratio is too restrictive... I can show the same thing to two students and make it worth my and their time and money I suggest making the training requirements more in line with those required of phlebotomists...a comparable career with actual licensed schools available training multiple individuals at once and dictating less than 1/4 of the hours that body piercers are required to meet. We as piercers are being legislated out of business.

And now we get to the heart of the REAL problem...because a sufficient pool of competent piercers exists to hire from...if only the law allowed.

License Pathway 3 — An individual qualifying for licensure through Reciprocity

a) Submit an affidavit of licensure pursuant to OAR 331-030-0040 demonstrating proof of current license as a body piercer, which is active with no current or pending disciplinary action. The licensing must be substantially equivalent to Oregon licensing. Or if not substantially equivalent the applicant must demonstrate to the satisfaction of the Agency that the applicant has been employed or working as a body piercer full time for three of the last five years

Current regulations mandate that a piercer come from a state with equivalent licensure...of the 50 United States, less than 1/3 have qualify. This drastically cuts my hiring pool and makes it likely that I will train a novice rather than hire a seasoned professional and that I will keep an inferior but trained employee rather than risk having an opening I cannot fill. It also means that at a point in my personal career where I should be tending to the back end of my business I am on the front line piercing. It means that I cannot schedule needed surgery for a hip replacement because I cannot afford to take the time off.

Side note: if I can train a body piercer in 9months why can I only hire someone who comes with 3 or more years of proven experience? And if all it takes is 3/5 years of piercing experience then why do I have 2 10+yr veterans wasting money on temporary licenses while they go round and round with the state trying to get licensed. An affidavit from known industry leaders could stand as proof of their experience...as would a 30 second Google search with their names and the word "piercer."

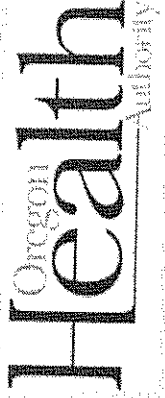
Proposal: Given that the Association of Professional Piercers is where the majority of the statutes, rules and regulations were derived from it make sense to have a year of membership qualify as sufficient proof of qualification to take the Oregon written and practical exams!?! Ultimately when it comes down to it the written and practical exams should be sufficient to prove intellectual understanding and physical competency.

Quick side notes: “The subject matter of the continuing education must be specifically related to body piercing.” BUT THERE ARE NO SCHOOLS BESIDES FAKIR AND APP. Those two avenues are too limiting and often unattainable financially for many piercers. Piercers self-regulate...we live this industry. We are on the message boards and arguing and debating and holding in-shop training all the time. None of which the state dictates or accepts. A temporary license can be given to anyone showing 6months training...this should reflect the current licensing standards for a trainee, 9months, for continuity. It should be reasonable to get a temporary license...but not easier than a real license. And it should be possible to afford to keep a temporary licensed piercer long enough to jump through the state hoops which given the way they run you around that agency is a minimum of 6 months.

I want to believe in the process and I want to be a part of the solution not the problem. I don't want to be a rabble-rouser or a whistle-blowing malcontent. I just want to operate my business with a small but handpicked talented crew of committed professionals bringing revenue and beauty and happiness in a safe and conscientious environment. Please help me do this by fixing some of these overly restrictive illogical regulations.

**Desta Spence
Adorn Body Art**

Other Board Business



Health Licensing Office
 Board of Body Art Practitioners
 November 9, 2015

****PLEASE PRINT****

Name (First, Last)	Representing	Request to Comment (yes/no)
Damon WARETNER	Forbidden School of Body Art	NO
Rivka McCormack	self	yes
Norman Slater	Memento Ink	No
Janice Bloom	OAKC President	YES
Dolsta Spence	ADORN	yes
Sheila Ahern	OAKC	yes