

**OREGON ADMINISTRATIVE RULES  
CHAPTER 331  
DIVISIONS 900-950**

*Permanent Rules Effective – January 1, 2014*

**Board of Body Art Practitioner**



**OREGON HEALTH LICENSING AGENCY**

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**DIVISION 900**  
**BODY PIERCING**

**331-900-0000**

**Body Piercing Definitions**

The following definitions apply to OAR chapter 331, division 900:

- (1) "Affidavit of Licensure" has the meaning set forth in OAR 331-030-0040.
- (2) "Agency" means the Oregon Health Licensing Agency.
- (3) "APP" means Association of Professional Piercers.
- (4) "Body piercing" has the definition set forth in ORS 690.350.
- (5) "Direct supervision" means the supervisor or instructor is present in the facility and actively involved in direct oversight and training of students or individuals in training.
- (6) "Earlobe piercing services" means services limited to the soft lower part of the external ear only, not to include cartilage.
- (7) "EPA" means United States Environmental Protection Agency.
- (8) "FDA" means Food and Drug Administration.
- (9) "Field of practice" has the definition set forth in ORS 690.350.
- (10) "High-level disinfectant" means a chemical agent, registered with the EPA, which has demonstrated tuberculocidal activity.
- (11) "Instruments" means equipment used during body piercing services. Types of instruments include but are not limited to needles, forceps, hemostats, tweezers, and jewelry.
- (12) "Official transcript" means:
  - (a) An original document authorized by the appropriate office in the Oregon Department of Education and certified by a career school licensed under ORS chapter 345 indicating applicant identity information, field of practice(s) enrolled under, specific hour requirements for each field of practice if applicable, enrollment information and a signature by an authorized representative on file with the Agency. Original documents must be submitted directly to the Agency from the educational institution by United States Postal Service mail or other recognized mail service providers in a sealed envelope; or
  - (b) A document authorized by the appropriate office in the Oregon Department of Education and certified by career school licensed under ORS chapter 345 providing applicant identity information, field(s) of practice studied and completed, specific hour requirements for each field of practice if applicable, enrollment information and a signature by an authorized representative on file with the Agency. Non-original documents shall only be accepted when and in the manner approved by the Agency
- (13) "Practitioner" means a person licensed to perform services included within a field of practice.

(14) "Sharps container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal. The container must be labeled with the "Biohazard" symbol.

(15) "Single point piercing", also referred to as an anchor or microdermal, means a single point perforation of any body part for the purpose of inserting an anchor with a step either protruding or flush with the skin;

(16) "Standard body piercing" includes all body piercings including cheek piercings and single point piercings defined under Subsection (15) of this rule. A standard body piercer may not perform specialty level one genital piercings and specialty level two genital piercings defined under 331-905-0000. Standard body piercing services do not include testes, deep shaft (corpus cavernosa), uvula, eyelids, or sub-clavicle piercings.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-900-0005**

#### **Standard Body Piercing Education or Training**

All education curriculum or training for standard body piercing must meet requirements set forth by the Oregon Health Licensing Agency prior to beginning education or training. The theory portion of the curriculum or training must be completed prior to the practical portion of the curriculum or training.

(1) Standard body piercing career school course of study must include 1150 hours of theory and practical education. The education must include a minimum of 250 hours of theory instruction, 900 hours of practical experience and a minimum of 400 practical operations.

(2) The 400 practical operations required under (1) of this rule must include:

(a) 100 practical operations observed by the student;

(b) 100 practical operations in which the student participated; and

(c) 200 practical operations performed by the student under direct supervision, but without assistance.

(3) The 250 hours of theory instruction required in (1) of this section must include the following:

(a) Anatomy, Physiology & Histology: 70 hours;

(b) Infection control: 50 hours;

(c) Jewelry: 15 hours;

(d) Equipment: 20 hours;

(e) Environment: 15 hours;

(f) Ethics and legalities: 15 hours;

(g) Emergencies: 5 hours;

(h) Client consultation: 30 hours.

(i) Oregon laws and rules: 20 hours; and

(j) Discretionary related to body piercing: 10 hours.

(4) The 900 hours of practical experience required in (1) of this rule must include client consultation, cleaning, disinfection and sterilization.

(5) The 400 practical operations must include the content listed in section (4) of this rule and the standard body piercing procedures listed in subsections (a) through (r) below:

(a) Ear lobe: minimum of 10;

(b) Helix: minimum of 10;

(c) Conch: minimum of 10;

(d) Industrial: minimum of 10;

(e) Rook: minimum of 10;

(f) Tragus: minimum of 10;

(g) Tongue: minimum of 10;

(h) Navel: minimum of 10;

(i) Male nipple: minimum of 10;

(j) Female nipple: minimum of 10;

(k) Eyebrow: minimum of 10;

(l) Upper Lip: minimum of 10;

(m) Lower Lip: minimum of 10;

(n) Septum: minimum of 10;

(o) Nostril: minimum of 10;

(p) Single point: minimum of 15;

(q) Cheek: minimum of 2; and

(r) Additional standard body piercings of choice: minimum of 33 procedures.

(6) As part of the approved course of study, all hours of theory must be completed prior to practical work being performed.

(7) Education must be conducted by a Department of Education, Private Career School licensed instructor who holds an active standard body piercing license.

(8) A Department of Education, Private Career School licensed instructor must provide direct

supervision of practical training on a one-to-one student/teacher ratio for students performing practical training while working on the general public.

(9) Supervised training requirements for standard body piercing temporary trainees: Standard body piercing training program must include 1150 hours of theory and practical education. The training must include a minimum of 250 hours of theory instruction, 900 hours of practical experience and a minimum of 400 practical operations.

(10) The 400 practical operations required under (9) of this rule must include:

- (a) 100 practical operations observed by the trainee;
- (b) 100 practical operations in which the trainee participated; and
- (c) 200 practical operations performed by the trainee under supervision, but without assistance.

(11) The 250 hours of theory instruction required in (9) of this section must include the following:

- (a) Anatomy, Physiology & Histology: 70 hours;
- (b) Infection control: 50 hours;
- (c) Jewelry: 15 hours;
- (d) Equipment: 20 hours;
- (e) Environment: 15 hours;
- (f) Ethics and legalities: 15 hours;
- (g) Emergencies: 5 hours;
- (h) Client consultation: 30 hours.
- (i) Oregon laws and rules: 20 hours; and
- (j) Discretionary related to body piercing: 10 hours

(12) The 900 hours of practical experience required in (9) of this rule must include client consultation, cleaning, disinfection and sterilization.

(13) The 400 practical operations must include the content listed in section (12) of this rule and the standard body piercing procedures listed in subsections (a) through (q) (r) below:

- (a) Ear lobe: minimum of 10;
- (b) Helix: minimum of 10;
- (c) Conch: minimum of 10;
- (d) Industrial: minimum of 10;
- (e) Rook: minimum of 10;
- (f) Tragus: minimum of 10;

(g) Tongue: minimum of 10;

(h) Navel: minimum of 10;

(i) Male nipple: minimum of 10;

(j) Female nipple: minimum of 10;

(k) Eyebrow: minimum of 10;

(l) Upper Lip: minimum of 10;

(m) Lower Lip: minimum of 10;

(n) Septum: minimum of 10;

(o) Nostril: minimum of 10;

(p) Single point: minimum of 15;

(q) Cheek: minimum of 2; and

(r) Additional standard body piercings of choice: minimum of 33 procedures.

(14) As part of the approved training, all hours of theory must be completed prior to practical work being performed.

(15) Training must be completed in no less than nine months from the date the Agency issues the standard body piercing temporary trainee license.

(16) A supervisor must provide direct supervision of practical training on a one-to-one trainee to trainer ratio when the trainee is working on the general public.

(17) Supervisors of a standard body piercing temporary trainee must adhere to OAR 331-900-0050

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-900-0010**

#### **Earlobe Piercing License**

(1) An earlobe piercing license is valid for one year, and is eligible for renewal. An earlobe piercing license becomes inactive on the last day of the month one year from the date of issuance.

(2) An earlobe piercing license holder must adhere to all standards within OAR 331-900-0095, 331-900-0097, 331-900-0098, 331-900-0130 and all applicable rules listed in OAR 331 Division 925.

(3) An earlobe piercing license holder, licensed under ORS 690.365, may provide earlobe

piercing services only.

(4) Upon renewal, individuals who held a technician registration for ear piercing prior to January 1, 2012, must apply for and meet the application requirements for an earlobe piercing license or apply for and meet the application requirements for a standard body piercing license.

(5) An earlobe piercing license holder licensed prior to January 1, 2014 is not required to meet application requirements listed in OAR 331-900-0015.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 1-2013, f. & cert. ef. 1-16-13

### **331-900-0015**

#### **Application Requirements for Earlobe Piercing License**

An individual applying for an Earlobe Piercing License must:

- (1) Meet the requirements of OAR 331 division 30;
- (2) Submit a completed application form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required fees;
- (3) Submit proof of being 18 years of age. Documentation may include identification listed under OAR 331-030-0000;
- (4) Submit proof of having a high school diploma or equivalent;
- (5) Submit proof of current blood borne pathogens training from an Agency approved provider;
- (6) Submit proof of current basic first aid training from an Agency approved provider;
- (7) Submit passing score of Agency approved written examinations in accordance with OAR 331-900-0060(1) and (2) within two years from the date of application;
- (8) Upon passage of all required examinations and before issuance of a license, the applicant must pay all license fees.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-900-0020**

#### **Standard Body Piercing Temporary Trainee License**

- (1) A standard body piercing temporary trainee license is valid for one year, and may be renewed one time.
- (2) A standard body piercing temporary trainee license holder, licensed under ORS 690.365, may provide standard piercing services under the direct supervision of an Agency approved supervisor pursuant OAR 331-900-0050 and 331-900-0055.
- (3) Supervisors of a standard body piercing temporary trainee must adhere to OAR 331-900-0055.
- (4) A standard body piercing temporary trainee license holder is prohibited from performing specialty level one genital piercing services defined under OAR 331-905-0000 and specialty level two genital piercing services defined under OAR 331-905-0000.
- (5) A standard body piercing temporary trainee license holder is prohibited from piercing the testes, deep shaft (corpus cavernosa), uvula, eyelids or sub-clavicle.
- (6) A standard body piercing temporary trainee license holder must adhere to all standards within OAR 331-900-0100, 331-900-0105, 331-900-0110, 331-900-0115, 331-900-0120, 331-900-0125, 331-900-0130, and all applicable rules listed in OAR 331 Division 925.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 2-2013(Temp), f. & cert. ef. 1-16-13 thru 7-14-13; HLA 3-2013, f. 3-12-13, cert. ef. 3-15-13

### **331-900-0025**

#### **Application Requirements for Standard Body Piercing Temporary Trainee License**

An individual applying for a Standard Body Piercing Temporary Trainee License must:

- (1) Meet the requirements of OAR 331 division 30;
- (2) Submit a completed application form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees;
- (3) Submit proof of being 18 years of age, documentation may include identification listed under OAR 331-030-0000;
- (4) Submit proof of having a high school diploma or equivalent; and
- (5) Submit proof of current cardiopulmonary resuscitation and basic first aid training from an Agency approved provider;
- (6) Submit proof of current blood borne pathogens training from an Agency approved provider; and
- (7) Pay applicable licensing fees.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690,

405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-900-0030**

#### **Standard Body Piercing License**

(1) A standard body piercing license holder, licensed under ORS 690.365, may perform standard body piercing services.

(2) A standard body piercing license is good for one year and becomes inactive on the last day of the month one year from the date of issuance.

(3) A standard body piercing license holder is prohibited from performing specialty level one genital piercing services defined under OAR 331-905-0000 until requirements of OAR 331-905-0040 are met and specialty level two genital piercing services defined under OAR 331-905-0000 until requirements of OAR 331-905-0050 are met.

(4) A body piercing technician licensed prior to January 1, 2012, is prohibited from performing specialty level one genital piercing services defined under OAR 331-905-0000 until requirements of OAR 331-905-0020 are met or specialty level genital piercing two services defined under OAR 331-905-0000 until requirements of OAR 331-905-0030 are met.

(5) A standard body piercing license holder is prohibited from piercing the testes, deep shaft (corpus cavernosa), uvula, eyelids or sub-clavicle.

(6) A standard body piercing license holder must adhere to all standards within OAR 331-900-0100, 331-900-0105, 331-900-0110, 331-900-0115, 331-900-0120, 331-900-0125, 331-900-0130, and all applicable rules listed in OAR 331 Division 925.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-900-0035**

#### **Application Requirements for Standard Body Piercing License**

(1) An individual applying for licensure to practice standard body piercing must:

(a) Meet the requirements of OAR 331 division 30;

(b) Submit a completed application form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees;

(c) Submit proof of current cardiopulmonary resuscitation and basic first aid training from an Agency approved provider;

(d) Submit proof of current blood borne pathogens training from an Agency approved provider;

(e) Submit proof of being 18 years of age documentation may include identification listed under OAR 331-030-0000;

(f) Submit proof of having a high school diploma or equivalent; and

(g) Provide documentation of completing a qualifying pathway.

(2) License Pathway 1- A graduate from an Oregon Licensed Career School for Standard Body Piercing must:

(a) Submit official transcript from a body piercing career school under ORS 345 showing proof of completion of required standard body piercing curriculum as approved by the Agency under OAR 331-900-0005;

(b) Pay examination fees;

(c) Submit passing score of an Agency approved written examination in accordance with OAR 331-900-0060(1)(c) within two years before the date of application;

(d) Submit a passing score of an Agency approved practical examination in accordance with OAR 331-900-0060(1)(d) within two years before the date of application;

(e) Upon passage of all required examinations and before issuance of license, applicant must pay all license fees; and

(f) An applicant is not required to provide proof of official transcripts from a body piercing career school under ORS 345 if the applicant was previously licensed as a body piercer in Oregon.

(3) License Pathway 2 — An individual qualifying for licensure as a Standard Body Piercing Temporary Trainee must:

(a) 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;

(b) Pay examination fees;

(c) Submit passing score of an Agency approved written examination for standard body piercing in accordance with OAR 331-900-0060(1)(c) within two years before the date of application;

(d) Submit a passing score of an agency approved practical examination in accordance with OAR 331-900-0060(1)(d) within two years before the date of application; and

(e) Upon passage of all required examinations and before issuance of license, applicant must pay all license fees.

(4) License Pathway 3 — An individual qualifying for licensure through Reciprocity must:

(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 requirements

pursuant to ORS 690.365. 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;

(b) Pay examination fees;

(c) Submit passing score of an Agency approved written examination in accordance with OAR 331-900-0060(1)(c) within two years before the date of application;

(d) Submit a passing score of an Agency approved practical examination in accordance with OAR 331-900-0060(1)(d) within two years before the date of application; and

(e) Upon passage of all required examinations and before issuance of license, applicant must pay all license fees.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-900-0040**

#### **Temporary Standard Body Piercing License**

(1) A temporary standard body piercing license, pursuant to ORS 690.365, is a temporary license to perform standard body piercing services on a limited basis, not to exceed 15 consecutive calendar days. A temporary standard body piercing license holder:

(a) May renew the license up to four times, in a 12 month period from the date the Agency receives the initial application. License renewal can be done consecutively with no lapse in active license dates;

(b) Must submit all requests to renew a license on a form prescribed by the Agency. Request to renew a license must be received at least 15 days before standard body piercing services are provided unless otherwise approved by the Agency;

(c) Must submit notification of a change in work location on a form prescribed by the Agency at least 24 hours before services are performed; and

(d) Must work in a licensed facility.

(2) A temporary standard body piercing license holder may only perform standard body piercing services.

(3) A temporary standard body piercing license holder is prohibited from performing specialty level one genital piercing services defined under OAR 331-905-0000 and specialty level two genital piercing services defined under OAR 331-905-0000.

(4) A temporary standard body piercing license holder is prohibited from piercing the testes, deep shaft (corpus cavernosa), uvula, eyelids or sub-clavicle.

(5) A temporary standard body piercing license holder must adhere to all standards within OAR 331-900-0100, 331-900-0105, 331-900-0110, 331-900-0115, 331-900-0120, 331-900-0125, 331-900-0130, and all applicable rules listed in OAR 331 Division 925.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13; HLA 1-2013, f. & cert. ef. 1-16-13

### **331-900-0045**

#### **Application Requirements for Temporary Standard Body Piercing License**

An individual applying for a Temporary Standard Body Piercing License must:

- (1) Meet the requirements of OAR 331 division 30;
- (2) Submit a completed application form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees and must be received at least 15 days before standard body piercing services are provided to clients;
- (3) Submit proof of being 18 years of age. Documentation may include identification listed under OAR 331-030-0000;
- (4) Submit proof of current blood borne pathogens training from an Agency approved provider;
- (5) Attest to six months of training or experience, within the last two years, performing standard body piercing services on a form prescribed by the Agency; or
- (6) Submit affidavit of licensure pursuant to OAR 331-030-0040.
- (7) For the purpose of this rule training or experience includes attendance or participation at an instructional program presented, recognized, or under the sponsorship of any permanently organized institution, agency, or professional organization or association recognized by the Agency.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-900-0050**

#### **Standard Body Piercing Supervisor**

- (1) An approved standard body piercing supervisor may supervise one standard body piercing temporary trainee per shift.
- (2) An approved standard body piercing supervisor must exercise management, guidance, and control over the activities of the standard body piercing trainee and must exercise professional judgment and be responsible for all matters relative to the standard body

piercing.

(3) An approved standard body piercing supervisor must document work done by the standard body piercing temporary trainee on a form prescribed by the Agency and maintain training documentation for a minimum of two years following completion of training.

(4) An approved supervisor must notify the Agency in writing within five calendar days if a standard body piercing temporary trainee is no longer being supervised, and must provide the number of hours of training completed on a form prescribed by the Agency.

(5) Notwithstanding any other disciplinary actions, an approved supervisor's authorization to supervise may be withdrawn by the Agency for providing incomplete or inadequate training or falsifying documentation.

(6) Supervisors must provide direct supervision to standard body piercing temporary trainees.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 2-2013(Temp), f. & cert. ef. 1-16-13 thru 7-14-13; HLA 3-2013, f. 3-12-13, cert. ef. 3-15-13

### **331-900-0055**

#### **Requirements for Standard Body Piercing Supervisor**

To be an approved supervisor for a standard body piercing temporary trainee an individual must:

(1) Submit a completed form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000;

(2) Hold an active, body piercing license issued prior to January 1, 2012 or a standard body piercing license issued after January 1, 2012, with no current or pending disciplinary action;

(3) Submit proof of having been actively practicing any combination of body piercing experience prior to January 1, 2012, or standard body piercing experience after January 1, 2012, for at least five years prior to submitting application on a form prescribed by the Agency;

(4) Submit proof of current cardiopulmonary resuscitation and basic first aid training from an Agency approved provider;

(5) Submit proof of current blood borne pathogens training from an Agency approved provider; and

(6) Have passed an Agency approved written and practical examination for standard body piercing in accordance with OAR 331-900-0060(3) and (4).

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011

### **331-900-0060**

#### **Approved Body Piercing Examinations**

The Agency has approved the following examinations for body piercing:

- (1) Oregon client care written examination;
- (2) Oregon safety, sanitation and infection control written examination;
- (3) Oregon standard body piercing written examination;
- (4) Oregon standard body piercing practical examination;

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12

### **331-900-0065**

#### **General Body Piercing Examination Information**

(1) To be eligible for examination, an applicant must meet identification requirements listed under OAR 331-030-0000.

(2) The examination is administered in English only, unless an agency approved testing contractor or vendor provides the examination in languages other than English.

(3) Examination candidates may be electronically monitored during the course of testing.

(4) Examination candidates must adhere to the maximum time allowance for each section of the examination, as established by the Agency.

(5) Taking notes, textbooks or notebooks into the examination area is prohibited.

(6) Electronic equipment and communication devices, such as personal computers, pagers and cellular telephones or any other devices deemed inappropriate by the agency, are prohibited in the examination area.

(7) Candidate conduct that interferes with the examination may result in the candidate's disqualification during or after the examination, the candidate's examination being deemed invalid, and forfeiture of the candidate's examination fees. Such conduct includes but is not limited to:

(a) Directly or indirectly giving, receiving, soliciting, and attempting to give, receive or solicit aid during the examination process;

(b) Violations of subsections (5), (6), or (7) of this rule;

(c) Removing or attempting to remove any examination-related information, notes or materials from the examination site;

(d) Failing to follow directions relative to the conduct of the examination; and

(e) Exhibiting behavior that impedes the normal progress of the examination.

(8) If the candidate is disqualified from taking the examination or the candidate's examination is deemed invalid for reasons under subsection (7) of this rule, the candidate may be required to reapply, submit additional examination fees, and request in writing to schedule a new examination date, before being considered for another examination opportunity.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12

### **331-900-0070**

#### **Written Examination Retake Requirements**

(1) Notwithstanding OAR 331-900-0060(1)(a) and (b) failed sections of the written examination may be retaken as follows:

(a) After first failed attempt — applicant may not retake for seven calendar days;

(b) After second failed attempt — applicant may not retake for seven calendar days;

(c) After third failed attempt — applicant may not retake for 30 calendar days, must pay all additional fees and must submit one of the following:

(A) An official transcript certifying completion of an additional 100 hours of instruction in theory, focused on the approved curriculum outlined in OAR 331-900-0005 from a career school licensed under 345 on a form prescribed by the agency; or

(B) Documentation from an Agency approved supervisor certifying completion of an additional 100 hours of training in theory, focused on the approved curriculum outlined in OAR 331-900-0005 on a form prescribed by the Agency.

(d) After fourth failed attempt — applicant may not retake for seven calendar days;

(e) After fifth failed attempt — applicant may not retake for seven calendar days;

(f) After sixth failed attempt — applicant may not retake for 30 calendar days, must pay all additional fees and must submit one of the following:

(A) An official transcript certifying completion of an additional 100 hours of instruction in theory, focused on the approved curriculum outlined in OAR 331-900-0005 from a career school licensed under 345 on a form prescribed by the Agency; or

(B) Documentation from an Agency approved supervisor certifying completion of an additional 100 hours of training in theory, focused on the approved curriculum outlined in OAR 331-900-0005 on a form prescribed by the Agency.

(g) After seventh failed attempt — ability to retake, requirements for retake, or both will be determined by the Agency on a case-by-case basis.

(2) Applicants retaking the examination must meet the requirements under OAR 331-030-0000.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-900-0075**

#### **Practical Examination Retake Requirements**

(1) Failed practical examinations may be retaken at a date and time determined by the Agency. Applicants retaking a failed practical must notify the Agency within 30 days before the next scheduled examination date and pay all examination fees

(2) Applicants who fail to pass the practical examination for standard body piercing after three attempts (initial examination plus two retakes) may not retake an examination for 30 calendar days, must pay all additional fees and must submit one of the following:

(a) An official transcript certifying completion of an additional 100 hours of instruction in theory, focused on the approved curriculum outlined in OAR 331-900-0005 from a career school licensed under 345 on a form prescribed by the Agency; or

(b) Documentation from an Agency approved supervisor certifying completion of an additional 100 hours of training in theory, focused on the approved curriculum outlined in OAR 331-900-0005 on a form prescribed by the Agency.

(3) After the fourth failed attempt — ability to retake, requirements for retake, or both will be determined by the Agency on a case-by-case basis.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12

### **331-900-0077**

#### **Renewal of an Earlobe Piercing License**

(1) A licensee is subject to the provisions of OAR chapter 331, division 30 regarding the renewal of a license and provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate license.

(2) LICENSE RENEWAL: To avoid delinquency penalties, an earlobe piercing license renewal must be made prior to the license entering inactive status. The licensee must submit the following:

(a) Renewal application form; and

(b) Payment of required renewal fee pursuant to 331-940-0000.

(3) **INACTIVE LICENSE RENEWAL:** An earlobe piercing license may be inactive for up to three years. If a license is inactive the licensee is not authorized to practice. When renewing a license after entering inactive status, the licensee holder must submit the following:

(a) Renewal application form; and

(b) Payment of delinquency and license fees pursuant to OAR 331-940-0000.

(4) **EXPIRED LICENSE:** An earlobe piercing license that has been inactive for more than three years is expired and the license holder must reapply and meet the requirements listed in OAR 331-900-0015.

(5) **LICENSE RENEWAL** —A temporary earlobe piercing license holder licensed prior to January 1, 2014 but after January 1, 2012, who is seeking a permanent earlobe piercing license is not required to take the examinations listed in OAR 331-900-0060.

### **331-900-0080**

#### **Renewal of a Standard Body Piercing License**

(1) A licensee is subject to the provisions of OAR chapter 331, division 30 regarding the renewal of a license and provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate license.

(2) **LICENSE RENEWAL:** To avoid delinquency penalties, a standard body piercing license renewal must be made prior to the license entering inactive status. The licensee must submit the following:

(a) Renewal application form;

(b) Payment of required renewal fee pursuant to 331-940-0000;

(c) Attestation of having obtained required annual continuing education under OAR 331-900-0085, on a form prescribed by the agency. Continuing education is required whether the license is current or inactive;

(d) Attestation of current certification in cardiopulmonary resuscitation from an Agency approved provider;

(e) Attestation of current first aid training by an Agency approved provider; and

(f) Attestation of current certification in blood borne pathogens training from an Agency approved provider.

(3) **INACTIVE LICENSE RENEWAL:** A standard body piercing license may be inactive for up to three years. If a license is inactive the licensee is not authorized to practice. When renewing a license after entering inactive status, the licensee holder must submit the following:

(a) Renewal application form;

(b) Payment of delinquency and license fees pursuant to OAR 331-940-0000;

(c) Attestation of having obtained required annual continuing education under OAR 331-900-0085 on a form prescribed by the Agency. Continuing education is required whether the

license is current or inactive;

(d) Attestation of current certification in cardiopulmonary resuscitation from an Agency approved provider;

(e) Attestation of current first aid training by an Agency approved provider; and

(f) Attestation of current certification in blood borne pathogens training from an Agency approved provider.

(4) EXPIRED LICENSE: A standard body piercing license that has been inactive for more than three years is expired and the license holder must reapply and meet the requirements listed in OAR 331-900-0035.

(5) LICENSE RENEWAL — STANDARD BODY PIERCERS LICENSED PRIOR TO JANUARY 1, 2012. In addition to other requirements of this rule, for the first license renewal after the effective date of this rule, an individual originally licensed prior to January 1, 2012 to practice body piercing, including earlobe piercing technician registrations, must:

(a) Submit passing score of an agency approved written examination in accordance with OAR 331-900-0060(1)(c);

(b) Submit passing score of an Agency approved practical examination in accordance with OAR 331-900-0060(1)(d); and

(c) Licensed standard body piercers are only required to pass the Board approved written and practical examination one time unless the license becomes expired.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12

### **331-900-0085**

#### **Continuing Education for Body Piercing Licensure**

(1) To maintain licensure, a standard or specialty body piercer license holder must complete a minimum of 10 hours of satisfactory continuing education every year.

(2) A standard or specialty body piercer license holder must document compliance with the continuing education requirement through attestation on the license renewal application. Licensees will be subject to the provisions of OAR 331-900-0090 pertaining to periodic audit of continuing education.

(3) Satisfactory continuing education courses must be obtained as follows:

(a) Five hours must be obtained by participation in or attendance at a course provided by:

(A) Institutions or programs accredited by a federally recognized accrediting agency;

(B) Institutions or programs approved by an agency within the Oregon Higher Education Coordinating Commission;

(C) An organization offering continuing medical education opportunities, including Accreditation Council for Continuing Medical Education;

(D) Any additional board approved professional organization, or association, hospital, or health care clinic offering continuing education related to subject matter listed in (4) of this rule.

(b) Five hours may be self-study, where subject matter meets the requirements under subsection (4) of this rule, which may include the following:

(A) Correspondence courses including online courses through completion and certification by an approved national home study organization;

(B) Review of publications, textbooks, printed material, or audio cassette(s); and

(C) Viewing of films, videos, or slides.

(4) The subject matter of the continuing education must be specifically related to body piercing. As outlined in the approved course of study under OAR 331-900-0005 (3) and (11). Continuing education may include the laws and rules regulating licensed body piercers, health care professional concerns such as safety, emergencies, client consultation, business ethics, and business practices or legalities.

(5) In order to renew, continuing education requirements must be met every year, even if the license is inactive or suspended.

(6) Obtaining and maintaining proof of participation in required continuing education is the responsibility of the licensee. The licensee must ensure that adequate proof of attainment of required continuing education is available for audit or investigation or when otherwise requested by the agency. Adequate proof of participation is listed under OAR 331-900-0090(3).

(7) Documentation of participation in continuing education requirements must be maintained for a period of five years following renewal, and must be available to the agency upon request.

(8) Current training and certification in CPR, First Aid, and Blood borne pathogens is a condition of renewal and is not eligible for continuing education credit).

(9) A licensee may carry up to 8 hours of excess continuing education hours forward to the next renewal cycle.

(10) For the purpose of this rule continuing education hours mean actual academic, classroom, or course work time, including but not limited to workshops, symposiums, or seminars. Continuing education hours do not include travel time to or from the training site, registration or check-in periods, breaks or lunch periods.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13; HLA 1-2013, f. & cert. ef. 1-16-13

### Continuing Education: Audit, Required Documentation and Sanctions

(1) The Agency will audit a select percentage of licenses to verify compliance with continuing education requirements.

(2) Licensees notified of selection for audit of continuing education attestation must submit to the agency, within 30 calendar days from the date of issuance of the notification, satisfactory evidence of participation in required continuing education in accordance with OAR 331-900-0085.

3) Evidence of successful completion of the required continuing education must include the following:

(a) Name of continuing education sponsor/provider;

(b) Course agenda – including the date of the training and breakdown of hours for each agenda item, lunch and breaks;

(c) Course outline – including a detailed summary of each topic discussed and the learning objective or training goal of each agenda item; The content of the course must have a direct relationship between the course training and subject matter related to body piercing as set forth in OAR 331-900-0085(4);

(e) Background resume of speakers or instructors; and

(f) Documentation of attendance or successful course completion. Examples include a certificate, transcript, sponsor statement or affidavit attesting to attendance, diploma.

(4) Documentation substantiating the completion of continuing education through self-study must show a direct relation to body piercing as set forth in OAR 331-900-0085(4), be submitted on forms provided by the agency and include the following:

(a) Name of sponsor or source, type of study, description of content, date of completion and duration in clock hours;

(b) Name of approved correspondence courses or national home study issues;

(c) Name of publications, textbooks, printed material or audiocassette's, including date of publication, publisher, and ISBN identifier; and

(d) Name of films, videos, or slides, including date of production, name of sponsor or producer and catalog number.

(5) If documentation of continuing education is invalid or incomplete, the licensee has 30 calendar days from the date of the deficiency notice to correct the deficiency and submit further documentation of completion of the required continuing education.

(6) Misrepresentations of continuing education or failure to complete continuing education requirements may result in disciplinary action, which may include, but is not limited to assessment of a civil penalty and suspension or revocation of the license.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360,

690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 1-2013, f. & cert. ef. 1-16-13

### **331-900-0095**

#### **Earlobe Piercing Practice Standards and Prohibitions**

(1) An earlobe piercing license holder must:

(a) Use an earlobe piercing system that pierces an individual's earlobe by use of a sterile, encapsulated single-use stud with clasp;

(b) Use an earlobe piercing system made of non-absorbent or non-porous material which can be cleaned and disinfected according to manufacturer's instructions;

(c) Use single-use prepackaged sterilized ear piercing studs for each client;

(d) Store new or sterilized ear piercing systems separately from used or soiled instruments; and

(e) Disinfect all parts of the piercing system with a high-level disinfectant.

(2) An earlobe piercer may only pierce with an earlobe piercing system; use of a needle is prohibited.

(3) An earlobe piercing system may only be used to pierce the earlobe. Use of an earlobe piercing system on other parts of the body or ear is prohibited.

(4) Piercing with a manual loaded spring operated ear piercing system is prohibited.

(5) Piercing the earlobe with any type of piercing system which does not use the pre-sterilized encapsulated stud and clasp system is prohibited.

(6) Earlobe Piercing is prohibited:

(a) On a person under 18 years of age unless the requirements of OAR 331-900-0130 are met;

(b) On a person who shows signs of being inebriated or appears to be incapacitated by the use of alcohol or drugs;

(c) On a person who shows signs of recent intravenous drug use; and

(d) On a person with sunburn or other skin diseases or disorders of the skin such as open lesions, rashes, wounds, puncture marks in areas of treatment.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 1-2013, f. & cert. ef. 1-16-13

### **331-900-0097**

## General Standards for Earlobe Piercing

(1) The cleanliness of any common area in a facility is the responsibility of each license holder. All license holders may be cited for violations found in the common area.

(2) An earlobe piercing license holder licensed to perform earlobe piercing services or a licensed facility owner must:

(a) Use and maintain appropriate equipment and instruments for providing services in the facility;

(b) Use equipment and instruments in a manner described in the manufacturer's instructions which is consistent with the manufacturer's intended use of the device by the FDA;

(c) Use equipment and instruments that are not prohibited by the Agency or the FDA for use by earlobe piercing license holders;

(d) Ensure a high-level disinfectant is used in accordance with manufacturer's instructions to disinfect surfaces where services are performed;

(e) Ensure chemicals are stored in labeled, closed containers;

(f) Ensure that single-use disposable paper products and protective gloves are used for each client. Use of towels and linens are prohibited;

(g) Ensure lavatories located within the facility are kept clean and in good working order at all times. Air blowers within lavatories can be substituted for disposable hand towels;

(h) Ensure pets or other animals not be permitted in the facility. This prohibition does not apply to service animals recognized by the American with Disabilities Act or to fish in aquariums or nonpoisonous reptiles in terrariums;

(i) Ensure all disinfecting solutions or agents be kept at adequate strengths to maintain effectiveness, be free of foreign material and be available for immediate use at all times the facility is open for business;

(j) Ensure all waste or garbage is disposed of in a covered container with a garbage liner;

(k) Ensure all waste which contains blood or other potentially infectious materials be enclosed and secured in a glove or bag then disposed of in a covered container with a garbage liner immediately following the service;

(l) Ensure disposable sharp objects that come in contact with blood or other potentially infectious materials be disposed of in a sharps container;

(m) Ensure biohazard labels or red biohazard bags are available on the facility premises; and

(n) Adhere to all Centers for Disease Control Standards.

(3) An earlobe piercing licensee must wear eye goggles, shields or a mask if spattering is possible while providing services.

(4) All substances shall be dispensed from containers in a manner to prevent contamination of the unused portion.

(5) Single use tubes or containers and applicators shall be discarded following the service.

(6) An earlobe piercing license holder is permitted to have hot and cold running water within a restroom as part of surrounding premises or adjacent to the facility.

(7) Cross contaminating from touch or air particulates in any procedure area which comes in direct contact with client is prohibited.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 1-2013, f. & cert. ef. 1-16-13

### **331-900-0098**

#### **Standards for Client Services for Earlobe Piercing Licensees**

(1) An earlobe piercing license holder must observe and adhere to the following hand washing and disposable glove standards when servicing clients:

(a) **HAND WASHING:** Hands must be washed or treated with an antibacterial hand sanitizer before and after treatment of each client, and before putting on disposable gloves and immediately after disposable gloves are removed; and

(b) Hand washing must include thoroughly washing the hands in warm, running water with liquid soap using friction on all surfaces of the hands and wrists, then rinsing hands and drying hands with a clean, disposable paper towel, or by using an antibacterial hand sanitizer by using friction on all surfaces of the hands and wrists. Use of bar soap is prohibited.

(2) An earlobe piercing license holder must observe and adhere to the following protective disposable glove standards when servicing clients:

(a) **PROTECTIVE DISPOSABLE GLOVES:** A new pair of disposable gloves must be worn during the treatment of each client;

(b) Hands must be washed in accordance with hand washing instructions listed in Subsection (1) of this rule before putting on disposable gloves and immediately after disposable gloves are removed;

(c) When a treatment session is interrupted disposable gloves must be removed and discarded. Hand washing instructions listed in Subsection (1) of this rule must be followed and a new pair of gloves put on when returning to the procedure service area;

(d) When a licensee leaves the procedure area in the middle of a earlobe piercing procedure, gloves must be removed before leaving the procedure area, hand washing instructions listed in Subsection (1) of this rule must be followed and a new pair of gloves put on when returning to the procedure area;

(e) Disposable gloves must be removed and discarded before leaving the procedure area;

(f) Torn or perforated gloves must be removed immediately, and hand washing instructions listed in Subsection (1) of this rule must be followed and gloves changed following hand washing; and

(g) The use of disposable gloves does not preclude or substitute for hand washing

instructions listed in subsection (1) of this rule.

(3) Disposable gloves must be worn during pre-cleaning, cleaning, rinsing, disinfecting and drying of equipment and instruments;

(4) A client's skin must be thoroughly cleaned with an antiseptic solution.

(5) A licensee is prohibited from wearing jewelry under gloves.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13; HLA 1-2013, f. & cert. ef. 1-16-13

### **331-900-0099**

#### **Client Records and Information for Earlobe Piercing Licensees-License Holder**

(1) An earlobe piercing license holder is responsible for maintaining and keeping copies of all client records. If client records are maintained by the facility the facility owner must provide the licensee with copies of those client records upon request. The record must include the following for each client:

(a) Name, address, telephone number and date of birth of client;

(b) Date of each service;

(c) Name and license number of the licensee providing service;

(d) Special instructions or notations relating to the client's medical or skin conditions including but not limited to diabetes, cold sores and fever blisters, psoriasis or eczema, pregnancy or breast-feeding/nursing.

(e) Complete list of the client's sensitivities to medicines or topical solutions;

(f) History of the client's bleeding disorders;

(g) Description of complications during procedure(s);

(h) Signature from the client that they have received the following information in writing and verbally:

(A) All information related to the body piercing service including possible reactions, side effects and potential complications of the service and consent to obtaining the body piercing service; and

(B) Information listed in OAR 331-900-0110 regarding informed consent for certain standard body piercing procedures.

(C) After care instructions including care following service, possible side effects and complications and restrictions.

(i) Signature from the client that they have been informed, both verbally and in writing, of all information related to the earlobe piercing services including possible reactions, side effects

and potential complications of the service and consent to obtaining the earlobe piercing service; and

(j) Proof of age or consent consisting of one of the following:

(A) If the client is of over 18, a copy of a government issued photographic identification. A copy of the government issued photographic identification must be included in the client record;

(B) If the client is a minor written parental or legal guardian consent is required. The written parental or legal guardian consent must be submitted to the licensee by the parent or legal guardian prior to piercing the minor. The consenting parent or legal guardian must be 18 years of age and present government issued photographic identification at time of written consent. A copy of the government issued photographic identification must be included in the client record.

(C) If the client is an emancipated minor, copies of legal court documents proving emancipation and government issued photographic identification is required.

(2) A licensee may obtain advice from a physician regarding medical information needed to safeguard client and licensee. Advice from a physician must be documented in the client record.

(3) For the purpose of (1) and (2) of this rule records must be kept at facility premises for a minimum of three years and must be made immediately available to the agency upon request.

(4) Client records must be typed or printed in a legible format. Client records, which are not readable by the Agency, will be treated as incomplete.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12

### **331-900-0100**

#### **Standard Body Piercing Practice Standards and Prohibitions**

(1) Piercing is prohibited:

(a) On a person under 18 years of age unless the requirements of OAR 331-900-0130 are met.

(b) On the genital or nipple of a person under the age of 18 regardless of parental consent.

(c) On testes, deep shaft (corpus cavernosa), uvula, eyelids and sub-clavicle.;

(d) On a person who shows signs of being inebriated or appears to be incapacitated by the use of alcohol or drugs;

(e) On a person who shows signs of recent intravenous drug use; and

- (f) On a person with sunburn or other skin diseases or disorders of the skin such as open lesions, rashes, wounds, puncture marks in areas of treatment.
- (2) Use of piercing guns is limited to piercing of the earlobe exclusively. No other part of the body or ear shall be pierced by use of a piercing gun.
- (3) Piercing with a manual loaded spring operated piercing gun is prohibited.
- (4) Piercing the earlobe with any type of piercing gun which does not use a pre-sterilized encapsulated stud and clasp system is prohibited.
- (5) The Agency adopts the Association of Professional Piercers 2005 Procedure Manual by reference which must be used by licensees as a standard of care for body piercing best practices. The procedure manual can be located at <http://www.safepiercing.org/publications/procedure-manual/>

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-900-0105**

#### **Initial Jewelry for Standard Body Piercing**

- (1) All standard body piercers must meet the following jewelry grade standards for initial piercings:
- (a) Surgical steel that is American Society for Testing and Materials International (ASTM) ASTM F-138 compliant or International Organization for Standardization (ISO) ISO 5832-1 compliant, ISO 10993-(6,10 or 11) compliant, or European Economic Community (EEC) Nickel Directive compliant;
- (b) Implant certified titanium (Ti6Al4V ELI) that is ASTM F-136 compliant or ISO 5832-3 compliant, or commercially pure titanium that is ASTM F-67 compliant;
- (c) Niobium;
- (d) White or yellow gold that is 14k or higher, nickel-free, and solid (no gold plated, gold-filled, or gold overlay/vermeil);
- (e) Platinum;
- (f) Biocompatible polymers (plastics) including Tygon Medical Surgical Tubing 5-50HL or 5-54HL, PTFE (Teflon), Bioplast™ or any new polymer products that are USP VI compliant;
- (g) Glass — Fused quartz glass, lead-free borosilicate, or lead-free soda-lime glass;
- (h) Any other material that the APP determines to be appropriate for use in an initial piercing;  
or
- (i) Threaded jewelry must be internally threaded and all surfaces and ends must be free of nicks, scratches, burrs and polishing compounds.

(2) A licensee must have on the facility premises a “Mill Test Certificate” for all jewelry used for initial piercings which provides evidence of a specific grade of metal with a code designation from the ASTM or ISO or other documentation approved by the agency which meets one of the requirements listed in subsection (1) of this rule.

(3) Jewelry used during earlobe piercing services defined under OAR 331-900-0000 for an initial earlobe piercing is not required to meet the jewelry grade standards of this rule.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690.405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12

### **331-900-0110**

#### **Informed Consent for Certain Standard Body Piercing Procedures**

(1) A standard body piercer must provide information prescribed by the Agency to the client, regarding the following procedures:

- (a) Nape piercing;
- (b) Single point piercing; and
- (c) General information regarding standard body piercing.

(2) Informed consent documents for standard body piercing procedures are published on the Agency’s website at <http://www.oregon.gov/OHLA/BAP/forms.shtml>.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690.405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-900-0115**

#### **General Standards for Standard Body Piercing**

(1) The cleanliness of any common in a facility is the responsibility of each license holder. All license holders may be cited for violations found in the common area.

(2) An individual licensed to perform services in a field of practice or a licensed facility owner must:

- (a) Use and maintain appropriate equipment and instruments for providing services in a field of practice at the place of business;
- (b) Use equipment and instruments in a manner described in the manufacturer’s instructions which is consistent with the manufacturer’s intended use of the device by the FDA;
- (c) Use equipment and instruments that are not prohibited for use in a field of practice by the Agency or the FDA;

- (d) Ensure a high-level disinfectant is used in accordance with manufacturer's instructions to disinfect surfaces where services are performed;
- (e) Ensure chemicals are stored in labeled, closed containers;
- (f) Ensure that single-use disposable paper products, single-use needles, sterilized jewelry and protective gloves are used for each client. Use of towels and linens are prohibited;
- (g) Have unrestricted access or availability to a sink with hot and cold running water, as part of surrounding premises or adjacent to the facility but separate from a restroom;
- (h) Ensure lavatories located within the facility are kept clean and in good working order at all times. Air blowers within lavatories can be substituted for disposable hand towels;
- (i) Ensure all waste material related to a service in a field of practice be deposited in a covered container following service for each client;
- (j) Ensure pets or other animals not be permitted in the business facility. This prohibition does not apply to service animals recognized by the American with Disabilities Act or to fish in aquariums or nonpoisonous reptiles in terrariums;
- (k) Ensure all disinfecting solutions or agents be kept at adequate strengths to maintain effectiveness, be free of foreign material and be available for immediate use at all times the facility is open for business;
- (l) Ensure all waste or garbage is disposed of in a covered container with a garbage liner;
- (m) Ensure all waste which contains blood or other potentially infectious materials be enclosed and secured in a glove or bag then disposed of in a covered container with a garbage liner immediately following the service;
- (n) Ensure disposable sharp objects that come in contact with blood or other potentially infectious materials be disposed of in a sharps container;
- (o) Ensure biohazard labels or red biohazard bags are available on the facility premises;
- (p) Adhere to all Centers for Disease Control and Prevention Standards;
- (q) Ensure that all instruments that come in direct contact with client's skin are handled using gloves; and
- (r) Ensure that all jewelry used for initial piercings is sterilized before use on a client in accordance with OAR 331-900-0125.
- (3) A licensee must wear eye goggles, shields or a mask if spattering is possible while providing services.
- (4) All substances must be dispensed from containers in a manner to prevent contamination of the unused portion. Single use tubes or containers and applicators shall be discarded following the service.
- (5) Cross contaminating from touch or air particulates in any procedure area which comes in direct contact with client is prohibited.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 1-2013, f. & cert. ef. 1-16-13; HLA 1-2013, f. & cert. ef. 1-16-13

### **331-900-0120**

#### **Standards for Client Services for Standard Body Piercing**

(1) A licensee must wash hands in accordance with Subsection (2) of this rule as follows:

(a) Prior to donning gloves to set-up of instruments used for conducting body piercing procedures;

(b) Immediately prior to donning gloves to perform a body piercing procedure;

(c) Immediately after removing gloves at the conclusion of performing a body piercing procedure and after removing gloves at the conclusion of procedures performed in the sterilization area;

(d) When leaving the work area;

(e) When coming in contact with blood or other potentially infectious materials;

(f) Before and after performing the following acts not limited to eating, drinking, smoking, applying lip cosmetics or lip balm, handling contact lenses, or using the bathroom; or

(g) When hands are visibly soiled.

(2) Hand washing must include thoroughly washing the hands in warm, running water with liquid soap using friction on all surfaces of the hands and wrists, then rinsing hands and drying hands with a clean, disposable paper towel, or by using an antibacterial hand sanitizer by using friction on all surfaces of the hands and wrists.

(3) A new pair of disposable gloves must be worn during the treatment of each client.

(4) A minimum of one pair of disposable gloves must be used for each of the following stages of the body piercing procedure:

(a) Set-up of instruments used for conducting body piercing procedures and skin preparation of the body piercing procedure area;

(b) The body piercing procedure and post-procedure teardown; or

(c) Cleaning and disinfection of the procedure area after each use or between clients.

(5) Once gloves have been removed, they must be disposed of immediately and hand washing instructions listed in Subsection (2) of this rule must be followed.

(6) Torn or perforated gloves must be removed immediately, and hand washing instructions listed in Subsection (2) of this rule must be followed and gloves changed following hand washing.

(7) Disposable gloves must be removed before leaving the area where body piercing procedures are performed.

(8) When a licensee leaves the body piercing procedure area in the middle of a body piercing procedure, gloves must be removed before leaving the procedure area, hand washing instructions listed in Subsection (2) of this rule must be followed and a new pair of gloves put on when returning to the procedure area.

(9) The use of disposable gloves does not preclude or substitute for hand washing instructions listed in subsection (2) of this rule.

(10) A client's skin must be thoroughly cleaned with an antiseptic solution.

(11) A licensee is prohibited from wearing jewelry under gloves.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12

### **331-900-00125**

#### **Approved Sterilization Standards for Standard Body Piercing**

(1) Needles must be single use, used on one client, then properly disposed of in an approved sharps container defined under OAR 331-900-0000.

(2) All non-sterilized or reusable instruments that come in direct contact with a client's skin or are exposed to blood or other potentially infectious materials must be cleaned and sterilized before use on a client or re-use on another client.

(3) New gloves must be worn during any cleaning or sterilization procedure.

(4) The cleaning and sterilization process listed in subsection (5) of this rule is not required if single-use prepackaged sterilized instruments, obtained from suppliers or manufacturers are used.

(5) Approved cleaning and sterilization process for non-sterilized or reusable instruments includes the following ordered method after each use:

(a) Clean non-sterilized or reusable instruments by manually brushing or swabbing visible foreign matter and rinsing the instruments with warm water and an appropriate detergent solution to remove blood and other potentially infectious materials;

(b) Clean, non-sterilized or reusable instruments, must be rinsed and placed in an ultrasonic cleaner filled with an appropriate ultrasonic solution including but not limited to an enzymatic cleaner. The ultrasonic unit must be used according to the manufacturer's instructions. The ultrasonic unit must operate at 40 to 60 kilohertz. All hinged instruments (including but not limited to piercing forceps) must be in the open position. The ultrasonic cleaner must remain covered when in use;

(c) Remove non-sterilized or reusable instruments from the ultrasonic unit. All instruments must be rinsed, air dried, and individually packaged in sterilization pouches that include use of a color change indicator strip to assure sufficient temperature during each sterilization cycle, the date the sterilization was performed must be applied to the sterilization pouch; OR

(A) Instruments which are sterilized in an autoclave which the manufacturer does not require packaging instruments use of a color change indicator strip must be used immediately after sterilization process is complete. Storage of sterilized Instruments using this method is prohibited;

(d) Non-sterilized or reusable instruments must be sterilized by using an autoclave sterilizer, steam or chemical, registered and listed with the FDA;

(e) A steam sterilization integrator must be used to monitor the essential conditions of steam sterilization for each autoclaved load or cycle. Results must be recorded in a log book for each sterilization cycle. Each steam sterilization integrator must indicate the date the sterilization cycle took place. Steam sterilization integrators must be kept for a minimum of sixty days; and

(f) After sterilization, the sterilized instruments must be stored in individually packaged sterilization pouches that include a color change indicator strip listed under (5)(c) of this rule and in a dry, disinfected, closed cabinet or other tightly-covered container reserved for the storage of such instruments.

(6) Use of a biological monitoring system (“spore tests”) must be done at least once a month, verified through an independent laboratory, to assure all microorganisms have been destroyed and sterilization achieved.

(7) The ultrasonic unit listed in subsection (5)(c) of this rule must be used, cleaned, and maintained in accordance with manufacturer’s instructions and a copy of the manufacturer’s recommended procedures for the operation of the ultrasonic unit must be kept on file at the body art facility.

(8) All sterilization pouches with color change indicator strips listed in subsection (5)(c) of this rule must contain a chemical/temperature and/or humidity sensitive tapes, strips or pellets for monitoring each sterilization cycle.

(9) Sterilization pouches with color change indicator strips listed in subsection (5)(c) of this rule and steam sterilization integrators listed in (5)(e) of this rule must be available at all times for inspection by the Agency.

(10) Biological spore test results listed in subsection (6) of this rule must be immediately available at all times for inspection by the Agency and kept at facility premises for a minimum of two years.

(11) The autoclave listed in subsection (5)(e) must be used, cleaned, and maintained in accordance with manufacturer’s instructions and a copy of the manufacturer’s recommended procedures for the operation of the autoclave must be kept on file at the body art facility.

(12) The expiration date for sterilized instruments is one year from the date of sterilization unless the integrity of the package is compromised.

(13) Sterilized instruments may not be used if the package integrity has been breached, is wet or stained, or the expiration date has exceeded without first meeting the requirements listed in Subsection (5) of this rule.

(14) All sterilized instruments used in body piercing procedures must remain stored in sterile packages and in a dry, disinfected, closed cabinet or other tightly-covered container reserved for the storage of such instruments until just prior to the performance of a body piercing procedure.

(15) If a biological spore test listed in subsection (6) of this rule, result is positive, a licensee must discontinue the use of that sterilizer (autoclave) until it has been serviced and a negative spore test has been recorded before putting that sterilizer back into service. Until a negative spore test has been received, the licensee must:

(a) Use an alternative sterilizer (autoclave);

(b) Use only sterilized instruments that have a sterilization date on or before the date before the last negative spore test was recorded; or

(c) Use only single use instruments.

(16) Following a negative spore test instruments which were sterilized following the receipt of the negative spore test must be repackaged and sterilized pursuant to subsection (5) of this rule, before use.

(17) Following a negative spore test the licensee or facility must contact all clients in writing who may have received services prior to receiving the negative spore test results.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12

### **331-900-0130**

#### **Client Records and Information for Standard Body Piercing**

(1) A licensee is responsible for maintaining and keeping copies of all client records. If client records are maintained by the facility the facility owner must provide the licensee with copies of those client records upon request. The record must include the following for each client:

(a) Name, address, telephone number and date of birth of client;

(b) Date of each service, procedure location on the body and type of service performed on client;

(c) Name and license number of the licensee providing service;

(d) Special instructions or notations relating to the client's medical or skin conditions including but not limited to diabetes, cold sores and fever blisters, psoriasis or eczema, pregnancy or breast-feeding/nursing;

(e) Complete list of the client's sensitivities to medicines or topical solutions;

(f) History of the client's bleeding disorders;

(g) Type of jewelry;

(h) Description of complications during procedure(s);

(i) Signature from the client that they have received the following information in writing and verbally:

(A) All information related to the body piercing service including possible reactions, side

effects and potential complications of the service and consent to obtaining the body piercing service;

(B) Information listed in OAR 331-900-0110 regarding informed consent for certain standard body piercing procedures;

(C) After care instructions including care following service, possible side effects and complications and restrictions; and

(j) The licensee must obtain proof of age or consent consisting of one of the following:

(A) If the client is of over 18, a copy of a government issued photographic identification. A copy of the government issued photographic identification must be included in the client record; or

(B) If the client is a minor written parental or legal guardian consent is required. The written parental or legal guardian consent must be submitted to the licensee by the parent or legal guardian prior to piercing the minor. The consenting parent or legal guardian must be 18 years of age and present government issued photographic identification at time of written consent. A copy of the government issued photographic identification must be included in the client record: or

(C) If the client is an emancipated minor, copies of legal court documents proving emancipation and government issued photographic identification is required.

(2) A licensee may obtain advice from physicians regarding medical information needed to safeguard client and licensee. Advice from the physician must be documented in the client record.

(3) For the purpose of (1) and (2) of this rule records must be maintained at facility premises for a minimum of three years and must be made immediately available to the agency upon request.

(4) Client records must be typed or printed in a legible format. Client records, which are not readable by the Agency, will be treated as incomplete.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12

## DIVISION 905

### SPECIALITY BODY PIERCING

#### 331-905-0000

#### Specialty Body Piercing Definitions

The following definitions apply to OAR chapter 331, division 900:

- (1) "Affidavit of Licensure" has the meaning set forth in OAR 331-030-0040.
- (2) "Agency" means the Oregon Health Licensing Agency.
- (3) "APP" means Association of Professional Piercers.
- (4) "Body piercing" has the definition set forth in ORS 690.350.
- (5) "Direct supervision" means the supervisor or instructor is present in the facility and actively involved in direct oversight and training of students.
- (6) "EPA" means United States Environmental Protection Agency.
- (7) "FDA" means Food and Drug Administration.
- (8) "Field of practice" has the definition set forth in ORS 690.350.
- (9) "High-level disinfectant" means a chemical agent, registered with the EPA, which has demonstrated tuberculocidal activity.
- (10) "Instruments" means equipment used during body piercing services. Types of instruments include but are not limited to needles, forceps, hemostats, tweezers, and jewelry.
- (11) "Official transcript" means:
  - (a) An original document authorized by the appropriate office in the Oregon Department of Education and certified by an educational institution indicating applicant identity information, field of practice(s) enrolled under, specific hour requirements for each field of practice if applicable, final practical examination scores for each field of practice, enrollment information and a signature by an authorized representative on file with the agency. Original documents must be submitted directly to the agency from the educational institution by United States Postal Service mail or other recognized mail service providers in a sealed envelope;
- (12) "Practitioner" means a person licensed to perform services included within a field of practice.
- (13) "Sharps container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal. The container must be labeled with the "Biohazard" symbol.
- (14) "Specialty level one genital piercing" includes the following:
  - (a) Male genital piercings including the scrotum, frenum, foreskin, or the perineum behind the scrotum, and the piercing of the penis through the urethra, perineum behind the scrotum (Guiche) and exiting on the underside of the penis (called a "Prince Albert"); and
  - (b) Female genital piercing including the labia majora, labia minors, piercings of the clitoral

hood, and perineum between the vagina and the anus (fourchette).

(15) "Specialty level two genital piercing" includes the following:

(a) Male genital piercings including: a vertical piercing through the glans of the penis (called an "apadravya"), horizontal piercing through the glans of the penis (called an "ampallang"), a piercing through the corona or ridge of the glans of the penis (called a "dydoe"), a piercing of the penis entering through the urethra and exiting on the upper side of the penis (called a "reverse Prince Albert"); and

(b) Female genital piercings including the clitoris, a piercing in which jewelry is inserted below the hood behind the clitoris (called a "triangle"), and a piercing of the vagina through the urethra and exiting on the upper side of the vagina (called a "Princess Albertina").

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 14-2011(Temp), f. 12-30-11, cert. ef. 1-1-12 thru 6-25-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 6-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-28-13 f & cert. ef. 7-1-13

### **331-905-0005**

#### **Specialty Level One Genital Piercing Education or Training**

Beginning on January 1, 2013, all education curriculum or training for specialty level one genital piercing must meet requirements set forth by the Oregon Health Licensing Agency prior to beginning training or education.

**(1) Education Requirements for Specialty Level One Genital Piercing Student:** An individual must obtain a standard body piercing license prior to beginning education for specialty level one genital piercing. The specialty level one genital piercing career school course of study must include 36 hours of practical education and a minimum of 36 practical operations.

(2) The 36 practical operations required must include:

(a) 6 practical operations observed by the student which must include a minimum of 3 female genital piercings and a minimum of 3 male genital piercings. Out of the 6 practical operations the student must observe at least 4 different piercing procedures listed in subsection (3) of this rule;

(b) 10 practical operations in which the student participated which must include a minimum of 3 female genital piercings and a minimum of 3 male genital piercings. Out of the 10 practical operations the student must participate in at least 4 different piercing procedures listed in subsection (3) of this rule; and

(c) 20 practical operations performed by the student under direct supervision, but without assistance which must include a minimum of 6 female genital piercings and a minimum of 6 male genital piercings. Out of the 20 practical operations the student must perform at least 4 different piercing procedures listed in subsection (3) of this rule.

(3) The 36 piercings included in the practical training must include at least 3 different piercing procedures listed in Subsection (a) through (i) below of this rule:

- (a) Scrotum;
- (b) Frenum;
- (c) Foreskin;
- (d) Perineum behind the scrotum (Guiche);
- (e) Piercing of the penis through the urethra and exiting on the underside of the penis (Prince Albert);
- (f) Labia majora;
- (g) Labia minora;
- (h) Piercing of the perineum between the vagina and the anus (fourchette); and
- (i) Piercing of the clitoral hood.

(4) Education must be conducted by a Department of Education, Private Career School licensed instructor who holds an active specialty level one genital piercing license.

(5) A Department of Education, Private Career School licensed instructor must provide direct supervision of practical training on a one-to-one student/teacher ratio for students performing practical training while working on the general public.

**(6) Supervised Training Requirements for Specialty Level One Genital Piercing**

**Temporary Trainee:** An individual must obtain a standard body piercing license prior to beginning training for specialty level one genital piercing. The specialty level one genital piercing training program must include 36 hours of practical training and a minimum of 36 practical operations.

(7) The 36 practical operations required must include:

(a) 6 practical operations observed by the trainee which must include a minimum of 3 female genital piercings and a minimum of 3 male genital piercings. Out of the 6 practical operations the trainee must observe at least 4 different piercing procedures listed in subsection (8) of this rule;

(b) 10 practical operations in which the trainee participated which must include a minimum of 3 female genital piercings and a minimum of 3 male genital piercings. Out of the 10 practical operations the trainee must participate in at least 4 different piercing procedures listed in subsection (8) of this rule; and

(c) 20 practical operations performed by the trainee under direct supervision, but without assistance which must include a minimum of 3 female genital piercings and a minimum of 3 male genital piercings. Out of the 20 practical operations the trainee must perform at least 3 different piercing procedures listed in subsection (8) of this rule.

(8) The 36 piercings included in the practical training must include at least 3 different piercing procedures listed below in subsection (a) through (i) of this rule:

- (a) Scrotum;
- (b) Frenum;
- (c) Foreskin;

- (d) Perineum behind the scrotum (Guiche);
- (e) Piercing of the penis through the urethra and exiting on the underside of the penis (Prince Albert);
- (f) Labia majora;
- (g) Labia minora;
- (h) Piercing of the perineum between the vagina and the anus (fourchette); and
- (i) Piercing of the clitoral hood.

**(9)** Training must be completed in no less than two months from the date the Agency issues a specialty level one genital piercing temporary trainee license.

**(10)** A supervisor must provide direct supervision of practical training on a one-to-one trainee to trainer ratio for trainees performing practical training while the trainee is working on the general public.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 14-2011(Temp), f. 12-30-11, cert. ef. 1-1-12 thru 6-25-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 6-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-28-13 f & cert. ef. 7-1-13

### **331-905-0010**

#### **Specialty Level Two Genital Piercing Education or Training**

Beginning on January 1, 2013, all education curriculum or training for specialty level two genital piercing must meet requirements set forth by the Oregon Health Licensing Agency prior to beginning training or education.

**(1) Education Requirements for Specialty Level Two Genital Piercing Student:** An individual must obtain a standard body and specialty level one genital piercing license prior to beginning education for specialty level two genital piercing. The specialty level two genital piercing career school course of study must include 26 hours of practical education and a minimum of 26 practical operations.

(2) The 26 practical operations required must include:

(a) 6 practical operations observed by the student. Out of the 6 practical operations the student must observe at least 3 different piercing procedures listed in subsection (3) of this rule;

(b) 10 practical operations in which the student participated. Out of the 10 practical operations the student must participate in at least 3 different piercing procedures listed in subsection (3) of this rule; and

(c) 10 practical operations performed by the student under direct supervision, but without assistance. Out of the 10 practical operations the student must perform at least 3 different

piercing procedures listed in subsection (3) of this rule.

(3) The 26 piercings included in the practical training must include at least 3 different piercing procedures listed in Subsection (a) through (g) below:

(a) Piercing of the penis entering through the urethra and exiting on the upper side of the penis (reverse Prince Albert);

(b) Piercing through the corona or ridge of the glans of the penis (dydoe);

(c) Horizontal piercing through the glans of the penis (ampallang);

(d) Vertical piercing through the glans of the penis (apadravya);

(e) Clitoris;

(f) Piercing in which jewelry is inserted below the hood behind the clitoris (triangle);

(g) Any piercing of the female genitals through the urethra; and

(h) Any other genital piercings not listed in specialty level one genital piercing.

(4) As part of the approved course of study, all hours of theory must be completed prior to practical work being performed.

(5) Education must be conducted by a Department of Education, Private Career School licensed instructor who holds an active specialty level two genital piercing license.

(6) A Department of Education, Private Career School licensed instructor must provide direct supervision of practical training on a one-to-one student/teacher ratio for students performing practical training while working on the general public.

**(7) Supervised Training Requirements for Specialty Level Two Genital Piercing**

**Temporary Trainee:** An individual must obtain a standard body and specialty level one genital piercing license prior to beginning training for specialty level two genital piercing. The specialty level two genital piercing training program must include 26 hours of practical training and a minimum of 26 practical operations. The training must include a minimum of

(8) The 26 practical operations required must include:

(a) 6 practical operations observed by the trainee. Out of the 6 practical operations the trainee must observe at least 3 different piercing procedures listed in subsection (9) of this rule;

(b) 10 practical operations in which the trainee participated. Out of the 10 practical operations the trainee must participate in at least 3 different piercing procedures listed in subsection (9) of this rule; and

(c) 10 practical operations performed by the trainee under direct supervision, but without assistance. Out of the 10 practical operations the trainee must perform at least 3 different piercing procedures listed in subsection (9) of this rule.

(9) The 26 piercings included in the practical training must include at least three different piercing procedures listed in Subsection (a) through (h) below and must include content listed in subsection (12) of this rule:

(a) Piercing of the penis entering through the urethra and exiting on the upper side of the

penis (reverse Prince Albert);

(b) Piercing through the corona or ridge of the glans of the penis (dydoe);

(c) Horizontal piercing through the glans of the penis (ampallang);

(d) Vertical piercing through the glans of the penis (apadravya);

(e) Clitoris;

(f) Piercing in which jewelry is inserted below the hood behind the clitoris (triangle);

(g) Any piercing of the female genitals through the urethra; and

(h) Any other genital piercings not listed in specialty level one genital piercing.

(10) Training must be completed in no less than 2 months from the date the Agency issues a specialty level two genital piercing temporary trainee license.

(11) A supervisor must provide direct supervision of practical training on a one-to-one trainee to trainer ratio for trainees performing practical training while the trainee is working on the general public.

Stat. Auth.: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 14-2011(Temp), f. 12-30-11, cert. ef. 1-1-12 thru 6-25-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12, HLA 6-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-28-13 f & cert. ef 7-1-13

### **331-905-0011**

#### **Specialty Level One Genital Piercing Trainee**

(1) A specialty level one genital piercing temporary trainee license is valid for one year, and may not be renewed.

(2) A specialty level one genital piercing temporary trainee license holder may perform services defined under OAR 331-905-0000(14).

(3) A specialty level one genital piercing temporary trainee license holder, licensed under ORS 690.365, may provide specialty level one genital piercing services under the direct supervision of an Agency approved supervisor pursuant OAR 331-905-0052 and 331-905-0055.

(4) Supervisors of a specialty level one genital piercing temporary trainee must adhere to OAR 331-905-0055.

(5) A specialty level one genital piercing temporary trainee license holder must adhere to all standards within OAR 331-905-0090, 331-905-0095, 331-905-0100, 331-905-0105, 331-905-110, 331-905-0115, 331-905-0120 and all applicable rules listed in OAR 331 Division 925.

Stat. Auth.: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35  
Hist.: HLA 10-2012, f. & cert. ef. 6-25-12

### **331-905-0012**

#### **Application Requirements for Specialty Level One Genital Piercing Temporary Trainee License**

An individual applying for a Specialty Level One Genital Piercing Temporary Trainee License must:

- (1) Meet the requirements of OAR 331 division 30;
- (2) Submit a completed application form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees;
- (3) Submit proof of being 18 years of age, documentation may include identification listed under OAR 331-030-0000;
- (4) Submit proof of having a high school diploma or equivalent;
- (5) Submit proof of current cardiopulmonary resuscitation and basic first aid training from an Agency approved provider;
- (6) Submit proof of current blood borne pathogens training from an Agency approved provider;
- (7) Submit proof of having a current standard body piercing license which is active with no current or pending disciplinary action; and
- (8) Pay applicable licensing fees.

Stat. Auth.: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415

Hist.: HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-905-0013**

#### **Specialty Level Two Genital Piercing Temporary Trainee**

- (1) A specialty level two genital piercing temporary trainee license is valid for one year, and may not be renewed.
- (2) A specialty level two genital piercing temporary trainee license holder may perform services defined under OAR 331-905-0000(15).
- (3) A specialty level two genital piercing temporary trainee license holder, licensed under ORS 690.365, may provide specialty level two genital piercing services under the direct supervision of an Agency approved supervisor pursuant OAR 331-905-0058 and 331-905-

0060.

(4) Supervisors of a specialty level two genital piercing temporary trainee must adhere to OAR 331-905-0060.

(5) A specialty level two genital piercing temporary trainee license holder must adhere to all standards within OAR 331-905-0090, 331-905-0095, 331-905-0100, 331-905-0105, 331-905-110, 331-905-0115, 331-905-0120 and all applicable rules listed in OAR 331 Division 925

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12

### **331-905-0014**

#### **Application Requirements for Specialty Level Two Genital Piercing Temporary Trainee License**

An individual applying for a Specialty Level Two Genital Piercing Temporary Trainee License must:

- (1) Meet the requirements of OAR 331 division 30;
- (2) Submit a completed application form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees;
- (3) Submit proof of being 18 years of age, documentation may include identification listed under OAR 331-030-0000;
- (4) Submit proof of having a high school diploma or equivalent;
- (5) Submit proof of current cardiopulmonary resuscitation and basic first aid training from an Agency approved provider;
- (6) Submit proof of current blood borne pathogens training from an Agency approved provider;
- (7) Submit proof of having a current specialty level one genital piercing license which is active with no current or pending disciplinary action; and
- (8) Pay applicable licensing fees.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415

Hist.: HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-905-0015**

#### **Specialty Level One Genital Piercing License Issued to a Body Piercer Licensed Prior to January 1, 2012**

(1) A specialty level one genital piercing license holder may perform standard body piercing services defined under OAR 331-900-0000(16).

(2) A specialty level one genital piercing license holder may perform specialty level one services defined under OAR 331-905-0000(14).

(3) A specialty level one genital piercing license is valid for one year and becomes inactive on the last day of the month one year from the date of issuance.

(4) A specialty level one genital piercing license holder must adhere to all standards within OAR 331-905-0090, 331-905-0095, 331-905-0100, 331-905-0105, 331-905-110, 331-905-0115, 331-905-0120 and all applicable rules listed in OAR 331 Division 925.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 14-2011(Temp), f. 12-30-11, cert. ef. 1-1-12 thru 6-25-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-905-0020**

#### **Application Requirements for Specialty Level One Genital Piercer Licensed as Body Piercer Prior to January 1, 2012**

(1) An individual applying for licensure who obtained an Oregon body piercing license before January 1, 2012, to qualify for a specialty level one genital piercing license, that individual must:

(a) Meet the requirements of OAR 331 division 30;

(b) Submit a completed application form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees;

(c) Submit proof of current cardiopulmonary resuscitation and basic first aid training from an Agency approved provider;

(d) Submit proof of current blood borne pathogens training from an Agency approved provider;

(e) Submit proof of being 18 years of age documentation may include identification listed under OAR 331-030-0000;

(f) Submit proof of having a high school diploma or equivalent;

(g) Submit proof of having a current standard body piercing license which is active with no current or pending disciplinary action;

(h) Submit copies of client records demonstrating proof of having successfully performed a minimum of 36 specialty level one genital piercings listed in OAR 331-905-0005(3). The 36 specialty level one genital piercings must have been performed before January 1, 2012, if done in Oregon. Client records must demonstrate proof of having performed at least 3 different piercing procedures listed in OAR 331-905-0005(3). Each client record submitted must clearly identify the type of genital piercing procedure by labeling each record with the

same descriptive language listed in OAR 331-905-0005(3); and

(i) Pay all licensing fees.

(2) Experience claimed under subsections (1)(g) and (1)(h) of this rule is subject to independent verification by the Agency.

Stat. Auth.: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats. Implemented: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 14-2011(Temp), f. 12-30-11, cert. ef. 1-1-12 thru 6-25-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-905-0025**

#### **Specialty Level Two Genital Piercing License Issued to a Body Piercer Licensed Prior to January 1, 2012**

(1) A specialty level two genital piercing license holder may perform standard body piercing services defined under OAR 331-900-0000(16)..

(2) A specialty level two genital piercing license holder may perform specialty level one services defined under OAR 331-905-0000(14).

(3) A specialty level two genital piercing license holder may perform specialty level two services defined under OAR 331-905-0000(15).

(4) A specialty level two genital piercing license is valid for one year and becomes inactive on the last day of the month one year from the date of issuance.

(5) A specialty level two genital piercing license holder must adhere to all standards within OAR 331-905-0090, 331-905-0095, 331-905-0100, 331-905-0105, 331-905-110, 331-905-0115, 331-905-0120 and all applicable rules listed in OAR 331 Division 925.

Stat. Auth.: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 14-2011(Temp), f. 12-30-11, cert. ef. 1-1-12 thru 6-25-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-905-0030**

#### **Application Requirements for Specialty Level Two Genital Piercer Licensed as a Body Piercer Prior to January 1, 2012**

(1) An individual applying for licensure who obtained an Oregon body piercing license before January 1, 2012, to qualify for a specialty level two genital piercing license, that individual must:

(a) Meet the requirements of OAR 331 division 30;

(b) Submit a completed application form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required

application fees;

(c) Submit proof of current cardiopulmonary resuscitation and basic first aid training from an Agency approved provider;

(d) Submit proof of current blood borne pathogens training from an Agency approved provider;

(e) Submit proof of being 18 years of age documentation may include identification listed under OAR 331-030-0000;

(f) Submit proof of having a high school diploma or equivalent;

(g) Submit proof of having a current specialty level one genital piercing license which is active with no current or pending disciplinary action;

(h) Submit copies of client records demonstrating proof of having successfully performed a minimum of 26 specialty level two genital piercings listed in OAR 331-905-0010(3). The 26 specialty level two genital piercings must have been performed before January 1, 2012, if done in Oregon. Client records must demonstrate proof of having performed at least 3 different piercing procedures listed in OAR 331-905-0010(3). Each client record submitted must clearly identify the type of genital piercing procedure by labeling each record with the same descriptive language listed in OAR 331-905-0010(3); and

(i) Pay all licensing fees.

(2) Experience claimed under subsections (1)(g) and (1)(h) of this rule is subject to independent verification by the Agency.

Stat. Auth.: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats. Implemented: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 14-2011(Temp), f. 12-30-11, cert. ef. 1-1-12 thru 6-25-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-905-0035**

#### **Specialty Level One Genital Piercing License**

(1) A specialty level one genital piercing license holder may perform standard body piercing services defined under OAR 331-900-0000(16).

(2) A specialty level one genital piercing license holder may perform specialty level one services defined under OAR 331-905-0000(14).

(3) A specialty level one genital piercing license is valid for one year and becomes inactive on the last day of the month one year from the date of issuance.

(4) A specialty level one genital license holder must adhere to all standards within OAR 331-905-0090, 331-905-0095, 331-905-0100, 331-905-0105, 331-905-110, 331-905-0115, 331-905-0120 and all applicable rules listed in OAR 331 Division 925.

Stat. Auth.: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390,

690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35  
Hist.: HLA 14-2011(Temp), f. 12-30-11, cert. ef. 1-1-12 thru 6-25-12; HLA 3-2012(Temp), f. &  
cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-905-0040**

#### **Application Requirements for Specialty Level One Genital Piercing License**

(1) An individual applying for licensure to practice specialty level one genital piercing must:

- (a) Meet the requirements of OAR 331 division 30;
- (b) Submit a completed application form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees;
- (c) Submit proof of current cardiopulmonary resuscitation and basic first aid training from an Agency approved provider;
- (d) Submit proof of current blood borne pathogens training from an Agency approved provider;
- (e) Submit proof of being 18 years of age documentation may include identification listed under OAR 331-030-0000;
- (f) Submit proof of having a high school diploma or equivalent; and
- (g) Provide documentation of completing a qualifying pathway.

#### **(2) License Pathway 1 — Graduate from an Oregon Licensed Career School for Specialty Level One Genital Piercing must:**

- (a) Submit official transcript from a specialty level one genital piercing career school under ORS 345 showing proof of completion of required specialty level one genital piercing curriculum as approved by the Agency under OAR 331-905-0005 (1) through (5);
- (b) If applicable, pay examination fees;
- (c) Submit passing score of the Agency approved standard body piercing written examinations in accordance with OAR 331-900-0060 (2) and (3). Completion of the written examination is not required if the applicant has passed the examinations listed under OAR 331-900-0060 (2) and (3) within two years before the date of application; and
- (d) Upon passage of all required examinations, if applicable, and before issuance of license, applicant must pay all license fees.

#### **(3) License Pathway 2 — Qualification through Specialty Level One Genital Piercing Temporary Trainee License:**

- (a) Submit documentation approved by the Agency showing proof of having completed required specialty level one genital training listed under OAR 331-905-0005 (6) through (10), and verified by a supervisor approved under OAR 331-905-0055, on a form prescribed by the Agency;
- (b) If applicable, pay examination fees;
- (c) Submit passing score of the Agency approved standard body piercing written

examinations in accordance with OAR 331-900-0060 (2) and (3). Completion of the written examination is not required if the applicant has passed the examinations listed under OAR 331-900-0060 (2) and (3) within two years before the date of application; and

(d) Upon passage of all required examinations, if applicable, and before issuance of license, applicant must pay all license fees.

Stat. Auth.: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 14-2011(Temp), f. 12-30-11, cert. ef. 1-1-12 thru 6-25-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12 ; HLA 6-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-28-13 f & cert. ef 7-1-13

### **331-905-0045**

#### **Specialty Level Two Genital Piercing License**

(1) A specialty level two genital piercing license may perform standard body piercings services defined under OAR 331-900-0000(16).

(2) A specialty level two genital piercing license may perform specialty level one services defined under OAR 331-905-0000(14).

(3) A specialty level two genital piercing license may perform specialty level two services defined under OAR 331-905-0000(15).

(4) A specialty level two genital piercing license is valid for one year and becomes inactive on the last day of the month one year from the date of issuance.

(5) A specialty level two genital license holder must adhere to all standards within OAR 331-905-0090, 331-905-0095, 331-905-0100, 331-905-0105, 331-905-110, 331-905-0115, 331-905-0120 and all applicable rules listed in OAR 331 Division 925.

Stat. Auth.: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats. Implemented: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 14-2011(Temp), f. 12-30-11, cert. ef. 1-1-12 thru 6-25-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-905-0050**

#### **Application Requirements for Specialty Level Two Genital Piercing License**

(1) An individual applying for licensure to practice specialty level two genital piercing must:

(a) Meet the requirements of OAR 331 division 30;

(b) Submit a completed application form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees;

(c) Submit proof of current cardiopulmonary resuscitation and basic first aid training from an Agency approved provider;

- (d) Submit proof of current blood borne pathogens training from an Agency approved provider;
- (e) Submit proof of being 18 years of age documentation may include identification listed under OAR 331-030-0000;
- (f) Submit proof of having a high school diploma or equivalent; and
- (g) Provide documentation of completing a qualifying pathway;

**(2) License Pathway 1 — Graduate from an Oregon Licensed Career School for Specialty Level Two Genital Piercing:**

- (a) Submit official transcript from a specialty level two genital piercing career school under ORS 345 and showing proof of completion of required specialty level two genital piercing curriculum as approved by the Agency under OAR 331-905-0010 (1) through (6);
- (b) If applicable, pay examination fees;
- (c) Submit passing score of the Agency approved standard body piercing written examinations in accordance with OAR 331-900-0060 (2) and (3). Completion of the written examination is not required if the applicant has passed the examinations listed under OAR 331-900-0060 (2) and (3) within two years before the date of application; and
- (d) Upon passage of all required examinations, if applicable, and before issuance of license, applicant must pay all license fees.

**(3) License Pathway 2 — Qualification through Specialty Level Two Genital Piercing Temporary Trainee License:**

- (a) Submit documentation approved by the Agency showing proof of having completed required specialty level two genital training listed under OAR 331-905-0010 (7) through (11), verified by a supervisor approved under OAR 331-905-0060 on a form prescribed by the Agency;
- (b) If applicable, pay examination fees;
- (c) Submit passing score of the Agency approved standard body piercing written examinations in accordance with OAR 331-900-0060 (2) and (3). Completion of the written examination is not required if the applicant has passed the examinations listed under OAR 331-900-0060 (2) and (3) within two years before the date of application; and
- (d) Upon passage of all required examinations, if applicable, and before issuance of license, applicant must pay all license fees.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 14-2011(Temp), f. 12-30-11, cert. ef. 1-1-12 thru 6-25-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 6-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-28-13 f & cert. ef. 7-1-13

### **331-905-0052**

#### **Specialty Level One Genital Piercing Supervisor**

(1) An approved supervisor may supervise one specialty level one genital piercing trainee per shift.

(2) An approved supervisor must exercise management, guidance, and control over the activities of the specialty level one genital piercing and must exercise professional judgment and be responsible for all matters relative to the specialty level one genital piercing trainee.

(3) Supervisors must document work done by the specialty level one genital piercing trainee on a form prescribed by the Agency and maintain training documentation for a minimum of two years following completion of training.

(4) An approved supervisor must notify the Agency in writing within five calendar days if a specialty level one genital piercing trainee is no longer being supervised, and must provide the number of hours of training completed on a form prescribed by the Agency.

(5) Notwithstanding any other disciplinary actions, an approved supervisor's authorization to supervise may be withdrawn by the Agency for providing incomplete or inadequate training or falsifying documentation.

(6) Supervisors must provide direct supervision to specialty level one genital piercing trainees.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats. Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 1-2013, f. & cert. ef. 1-16-13

### **331-905-0055**

#### **Requirements for Specialty Level One Genital Piercing Supervisor**

(1) To be an approved supervisor for a specialty level one genital piercing temporary trainee an individual must:

(a) Submit a completed form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000;

(b) Submit proof of having a specialty level one genital piercing license which is active with no current or pending disciplinary action;

(c) Submit proof of having been actively practicing any combination of body piercing experience prior to January 1, 2012, or standard body piercing experience after January 1, 2012, for at least five years prior to submitting application on a form prescribed by the Agency;

(d) Submit proof of current cardiopulmonary resuscitation and basic first aid training from an Agency approved provider; and

(e) Submit proof of current blood borne pathogens training from an Agency approved

provider.

(2) A specialty level one genital piercing supervisor must adhere to all standards within OAR 331-905-0090, 331-905-0095, 331-905-0100, 331-905-0105, 331-905-110, 331-905-0115, 331-905-0120 and all applicable rules listed in OAR 331 Division 925.

Stat. Auth.: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 14-2011(Temp), f. 12-30-11, cert. ef. 1-1-12 thru 6-25-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-905-0058**

#### **Specialty Level Two Genital Piercing Supervisor**

(1) An approved supervisor may supervise one specialty level two genital piercing temporary trainee per shift.

(2) An approved supervisor must exercise management, guidance, and control over the activities of the specialty level two genital piercing temporary trainee and must exercise professional judgment and be responsible for all matters relative to the specialty level two genital piercing trainee.

(3) Supervisors must document work done by the specialty level two genital piercing temporary trainee on a form prescribed by the Agency and maintain training documentation for a minimum of two years following completion of training..

(4) An approved supervisor must notify the Agency in writing within five calendar days if a specialty level two genital piercing temporary trainee is no longer being supervised, and must provide the number of hours of training completed on a form prescribed by the Agency.

(5) Notwithstanding any other disciplinary actions, an approved supervisor's authorization to supervise may be withdrawn by the Agency for providing incomplete or inadequate training or falsifying documentation.

(6) Supervisors must provide direct supervision to specialty level two genital piercing temporary trainees.

Stat. Auth.: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats. Implemented: ORS 676.607,676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 1-2013, f. & cert. ef. 1-16-13

### **331-905-0060**

#### **Requirements for Specialty Level Two Genital Piercing Supervisor**

(1) To be an approved supervisor for a specialty level two genital piercing temporary trainee an individual must:

(a) Submit a completed form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000;

- (b) Submit proof of having a specialty level one genital piercing license which is active with no current or pending disciplinary action;
- (c) Submit proof of having a specialty level two genital piercing license which is active with no current or pending disciplinary action;
- (d) Submit proof of having been actively practicing any combination of body piercing experience prior to January 1, 2012, or standard body piercing experience after January 1, 2012, for at least five years prior to submitting application on a form prescribed by the Agency;
- (e) Submit proof of current cardiopulmonary resuscitation and basic first aid training from an Agency approved provider; and
- (f) Submit proof of current blood borne pathogens training from an Agency approved provider.

(2) A specialty level two genital piercing supervisor must adhere to all standards within OAR 331-905-0090, 331-905-0095, 331-905-0100, 331-905-0105, 331-905-110, 331-905-0115, 331-905-0120 and all applicable rules listed in OAR 331 Division 925.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats. Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 14-2011(Temp), f. 12-30-11, cert. ef. 1-1-12 thru 6-25-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-905-0075**

#### **General Specialty Body Piercing Examination Information**

- (1) To be eligible for examination, an applicant must meet identification requirements listed under OAR 331-030-0000.
- (2) The examination is administered in English only, unless an agency approved testing contractor or vendor provides the examination in languages other than English.
- (3) Examination candidates may be electronically monitored during the course of testing.
- (4) Examination candidates must adhere to the maximum time allowance for each section of the examination, as established by the Agency.
- (5) Taking notes, textbooks or notebooks into the examination area is prohibited.
- (6) Electronic equipment and communication devices, such as personal computers, pagers and cellular telephones or any other devices deemed inappropriate by the agency, are prohibited in the examination area.
- (7) Candidate conduct that interferes with the examination may result in the candidate's disqualification during or after the examination, the candidate's examination being deemed invalid, and forfeiture of the candidate's examination fees. Such conduct includes but is not limited to:
  - (a) Directly or indirectly giving, receiving, soliciting, and attempting to give, receive or solicit aid during the examination process;

- (b) Violations of subsections (5), (6), or (7) of this rule;
- (c) Removing or attempting to remove any examination-related information, notes or materials from the examination site;
- (d) Failing to follow directions relative to the conduct of the examination; and
- (e) Exhibiting behavior that impedes the normal progress of the examination.

(8) If the candidate is disqualified from taking the examination or the candidate's examination is deemed invalid for reasons under subsection (7) of this rule, the candidate may be required to reapply, submit additional examination fees, and request in writing to schedule a new examination date, before being considered for another examination opportunity.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12

### **331-905-0080**

#### **Written Examination Retake Requirements**

(1) Individuals failing the written examination must meet the requirements listed under OAR 331-900-0070 before taking the examination a subsequent time.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35 HLA 6-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-28-13 f & cert. ef 7-1-13

### **331-905-0085**

#### **Renewal of a Specialty Level One Genital or Specialty Level Two Genital Piercing License**

(1) A licensee is subject to the provisions of OAR chapter 331, division 30 regarding the renewal of a license and provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate license.

(2) LICENSE RENEWAL: To avoid delinquency penalties, specialty level one genital or specialty level two genital piercing license renewal must be made prior to the license entering inactive status. The licensee must submit the following:

- (a) Renewal application form;
- (b) Payment of required renewal fee pursuant to 331-940-0000;
- (c) Attestation of having obtained required annual continuing education under OAR 331-900-0085, on a form prescribed by the agency. Continuing education is required whether the license is current or inactive;
- (d) Attestation of current certification in cardiopulmonary resuscitation from an Agency approved provider;

- (e) Attestation of current first aid training by an Agency approved provider; and
- (f) Attestation of current certification in blood borne pathogens training from an Agency approved provider.

NOTE: A licensee is not required to renew the standard body piercing license if renewing a specialty level one genital or specialty level two genital piercing license.

NOTE: A licensee is not required to renew the specialty level one genital license if renewing the specialty level two genital piercing license.

(3) **INACTIVE LICENSE RENEWAL:** A specialty level one genital or specialty level two genital piercing license may be inactive for up to three years. If a license is inactive the licensee is not authorized to practice. When renewing a license after entering inactive status, the licensee holder must submit the following:

- (a) Renewal application form;
- (b) Payment of delinquency and license fees pursuant to OAR 331-940-0000;
- (c) Attestation of having obtained required annual continuing education under OAR 331-900-0085 on a form prescribed by the Agency. Continuing education is required whether the license is current or inactive;
- (d) Attestation of current certification in cardiopulmonary resuscitation from an Agency approved provider;
- (e) Attestation of current first aid training by an Agency approved provider; and
- (f) Attestation of current certification in blood borne pathogens training from an Agency approved provider.

(4) **EXPIRED LICENSE:** A specialty level one genital or specialty level two genital piercing license that has been inactive for more than three years is expired and the license holder must reapply and meet the requirements listed in OAR 331-905-0040 or 331-905-0050.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 10-2012, f. & cer

### **331-905-0090**

#### **Specialty Body Piercing Practice Standards and Prohibitions**

- (1) Piercing is prohibited:
  - (a) On the genital or nipple of a person under the age of 18 regardless of parental consent;
  - (b) On testes, deep shaft (corpus cavernosa), uvula, eyelids and sub-clavicle;
  - (c) On a person who shows signs of being inebriated or appears to be incapacitated by the use of alcohol or drugs;
  - (d) On a person who shows signs of recent intravenous drug use;

(e) On a person with sunburn or other skin diseases or disorders of the skin such as open lesions, rashes, wounds, or puncture marks in areas of treatment;

(2) Use of piercing guns is limited to piercing of the earlobe exclusively. No other part of the body or ear shall be pierced by use of a piercing gun.

(3) Piercing with a manual loaded spring operated piercing gun is prohibited.

(4) Piercing the earlobe with any type of piercing gun which does not use a pre-sterilized encapsulated stud and clasp system is prohibited.

(5) The Agency adopts the Association of Professional Piercers 2005 Procedure Manual by reference which must be used by licensees as a standard of care for body piercing best practices. The procedure manual can be located at <http://www.safepiercing.org/publications/procedure-manual/>

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12

### **331-905-0095**

#### **General Standards for Specialty Body Piercing**

(1) The cleanliness of any common in a facility is the responsibility of each license holder. All license holders may be cited for violations found in the common area.

(2) An individual licensed to perform services in a field of practice or a licensed facility owner must:

(a) Use and maintain appropriate equipment and instruments for providing services in a field of practice at the place of business;

(b) Use equipment and instruments in a manner described in the manufacturer's instructions which is consistent with the manufacturer's intended use of the device by the FDA;

(c) Use equipment and instruments that are not prohibited for use in a field of practice by the Agency or the FDA;

(d) Ensure a high-level disinfectant is used in accordance with manufacturer's instructions to disinfect surfaces where services are performed;

(e) Ensure chemicals are stored in labeled, closed containers;

(f) Ensure that single-use disposable paper products, single-use needles, sterilized jewelry and protective gloves are used for each client. Use of towels and linens are prohibited;

(g) Have unrestricted access or availability to a sink with hot and cold running water, as part of surrounding premises or adjacent to the facility but separate from a restroom;

(h) Ensure lavatories located within the facility are kept clean and in good working order at all times. Air blowers within lavatories can be substituted for disposable hand towels;

(i) Ensure all waste material related to a service in a field of practice be deposited in a

covered container following service for each client;

(j) Ensure pets or other animals not be permitted in the business facility. This prohibition does not apply to service animals recognized by the American with Disabilities Act or to fish in aquariums or nonpoisonous reptiles in terrariums;

(k) Ensure all disinfecting solutions or agents be kept at adequate strengths to maintain effectiveness, be free of foreign material and be available for immediate use at all times the facility is open for business;

(l) Ensure all waste or garbage is disposed of in a covered container with a garbage liner;

(m) Ensure all waste which contains blood or other potentially infectious materials be enclosed and secured in a glove or bag then disposed of in a covered container with a garbage liner immediately following the service;

(n) Ensure disposable sharp objects that come in contact with blood or other potentially infectious materials be disposed of in a sharps container;

(o) Ensure biohazard labels or red biohazard bags are available on the facility premises;

(p) Adhere to all Centers for Disease Control and Prevention Standards; and

(q) Ensure that all instruments that come in direct contact with client's skin are handled using gloves.

(3) A licensee must wear eye goggles, shields or a mask if spattering is possible while providing services.

(4) All substances shall be dispensed from containers in a manner to prevent contamination of the unused portion. Single use tubes or containers and applicators shall be discarded following the service.

(5) Cross contaminating from touch or air particulates in any procedure area which comes in direct contact with client is prohibited.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats. Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13; HLA 1-2013, f. & cert. ef. 1-16-13

**331-905-0100**

### **Standards for Client Services for Specialty Body Piercing**

(1) A licensee must wash hands in accordance with Subsection (2) of this rule as follows:

(a) Prior to donning gloves to set-up of instruments used for conducting body piercing procedures;

(b) Immediately prior to donning gloves to perform a body piercing procedure;

(c) Immediately after removing gloves at the conclusion of performing a body piercing procedure and after removing gloves at the conclusion of procedures performed in the

sterilization area;

(d) When leaving the work area;

(e) When coming in contact with blood or other potentially infectious materials;

(f) Before and after performing the following acts not limited to eating, drinking, smoking, applying lip cosmetics or lip balm, handling contact lenses, or using the bathroom; and

(g) When hands are visibly soiled.

(2) Hand washing must include thoroughly washing the hands in warm, running water with liquid soap using friction on all surfaces of the hands and wrists, then rinsing hands and drying hands with a clean, disposable paper towel, or by using an antibacterial hand sanitizer by using friction on all surfaces of the hands and wrists.

(3) A new pair of disposable gloves must be worn during the treatment of each client;

(4) A minimum of one pair of disposable gloves must be used for each of the following stages of the body piercing procedure:

(a) Set-up of instruments used for conducting body piercing procedures and skin preparation of the body piercing procedure area;

(b) The body piercing procedure and post-procedure teardown; and

(c) Cleaning and disinfection of the procedure area after each use or between clients.

(5) Once gloves have been removed, they must be disposed of immediately and hand washing instructions listed in Subsection (2) of this rule must be followed.

(6) Torn or perforated gloves must be removed immediately, and hand washing instructions listed in Subsection (2) of this rule must be followed and gloves changed following hand washing.

(7) Disposable gloves must be removed before leaving the area where body piercing procedures are performed.

(8) When a licensee leaves the body piercing procedure area in the middle of a body piercing procedure, gloves must be removed before leaving the procedure area, hand washing instructions listed in Subsection (2) of this rule must be followed and a new pair of gloves put on when returning to the procedure area.

(9) The use of disposable gloves does not preclude or substitute for hand washing instructions listed in subsection (2) of this rule.

(10) A client's skin must be thoroughly cleaned with an antiseptic solution.

(11) A licensee is prohibited from wearing jewelry under gloves.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12

**331-905-0105**

## Approved Sterilization for Specialty Body Piercing

(1) Needles must be single use, used on one client, then properly disposed of in an approved sharps container defined under OAR 331-905-0000.

(2) All non-sterilized or reusable instruments that come in direct contact with a client's skin or are exposed to blood or other potentially infectious materials must be cleaned and sterilized before use on a client or re-use on another client.

(3) New gloves must be worn during any sterilization procedure.

(4) The cleaning and sterilization process listed in subsection (5) of this rule is not required if single-use prepackaged sterilized instruments, obtained from suppliers or manufacturers are used.

(5) Approved cleaning and sterilization process for non-sterilized or reusable instruments includes the following ordered method after each use:

(a) Clean non-sterilized or reusable instruments by manually brushing or swabbing visible foreign matter and rinsing the instruments with warm water and an appropriate detergent solution to remove blood and other potentially infectious materials;

(b) Clean, non-sterilized or reusable instruments must be rinsed and placed in an ultrasonic cleaner filled with an appropriate ultrasonic solution including but not limited to an enzymatic cleaner. The ultrasonic unit must be used according to the manufacturer's instructions. The ultrasonic unit must operate at 40 to 60 kilohertz. All hinged instruments (including but not limited to piercing forceps) must be in the open position. The ultrasonic cleaner must remain covered when in use;

(c) Remove non-sterilized or reusable instruments from the ultrasonic unit. All instruments must be rinsed, air dried, and individually packaged in sterilization pouches that include use of a color change indicator strip to assure sufficient temperature during each sterilization cycle, the date the sterilization was performed must be applied to the sterilization pouch; OR

(A) Instruments which are sterilized in an autoclave which the manufacturer does not require packaging instruments use of a color change indicator strip must be used immediately after sterilization process is complete. Storage of sterilized Instruments using this method is prohibited;

(d) Non-sterilized or reusable instruments must be sterilized by using an autoclave sterilizer, steam or chemical, registered and listed with the FDA;

(e) A steam sterilization integrator must be used to monitor the essential conditions of steam sterilization for each autoclaved load or cycle. Results must be recorded in a log book for each sterilization cycle. Each steam sterilization integrator must indicate the date the sterilization cycle took place; and

(f) After sterilization, the sterilized instruments must be stored in individually packaged sterilization pouches that include a color change indicator strip listed under (5)(c) of this rule and in a dry, disinfected, closed cabinet or other tightly-covered container reserved for the storage of such instruments.

(6) Use of a biological monitoring system ("spore tests") must be done at least once a month, verified through an independent laboratory, to assure all microorganisms have been destroyed and sterilization achieved.

(7) The ultrasonic unit listed in subsection (5)(b) of this rule must be used, cleaned, and maintained in accordance with manufacturer's instructions and a copy of the manufacturer's recommended procedures for the operation of the ultrasonic unit must be kept on file at the body art facility.

(8) All sterilization pouches with color change indicator strips listed in subsection (5)(c) of this rule must contain a chemical/temperature and/or humidity sensitive tapes, strips or pellets for monitoring each sterilization cycle.

(9) Sterilization pouches with color change indicator strips listed in subsection (5)(c) of this rule and steam sterilization integrators listed in (5)(e) of this rule must be available at all times for inspection by the Agency. Steam sterilization integrators must be kept for a minimum of sixty days.

(10) Biological spore test results listed in subsection (6) of this rule must be immediately available at all times for inspection by the Agency and kept at facility premises for a minimum of two years.

(11) The autoclave listed in subsection (5)(d) must be used, cleaned, and maintained in accordance with manufacturer's instructions and a copy of the manufacturer's recommended procedures for the operation of the autoclave must be kept on file at the body art facility.

(12) The expiration date for sterilized instruments is one year from the date of sterilization unless the integrity of the package is compromised.

(13) Sterilized instruments may not be used if the package integrity has been breached, is wet or stained, or the expiration date has exceeded without first meeting the requirements listed in Subsection (5) of this rule.

(14) All sterilized instruments used in body piercing procedures must remain stored in sterile packages and in a dry, disinfected, closed cabinet or other tightly-covered container reserved for the storage of such instruments until just prior to the performance of a body art procedure.

(15) If a spore test result listed in subsection (6) of this rule, is positive, a licensee must discontinue the use of that sterilizer (autoclave) until it has been serviced and a negative spore test has been recorded before putting that sterilizer back into service. Until a negative spore test has been received, the licensee must:

(a) Use an alternative sterilizer (autoclave);

(b) Use only sterilized instruments that have a sterilization date on or before the date before the last negative spore test was recorded; or

(c) Use only single use instruments.

(16) Following a negative spore test pursuant to subsection (6) of this rule, instruments which were sterilized following the receipt of the negative spore test must be repackaged and sterilized pursuant to subsection (5) of this rule, before use.

(17) Following a negative spore test pursuant to subsection (6) of this rule the licensee or facility must contact all clients in writing who may have received services prior to receiving the negative spore test results.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35  
Hist.: HLA 10-2012, f. & cert. ef. 6-25-12

331-905-0110

### Client Records and Information for Specialty Body Piercing

(1) A licensee is responsible for maintaining and keeping copies of all client records. If client records are maintained by the facility the facility owner must provide the licensee with copies of those client records upon request. The record must include the following for each client:

- (a) Name, address, telephone number and date of birth of client;
- (b) Date of each service, procedure location on the body and type of service performed on client;
- (c) Name and license number of the licensee providing service;
- (d) Special instructions or notations relating to the client's medical or skin conditions including but not limited to diabetes, cold sores and fever blisters, psoriasis or eczema, pregnancy or breast-feeding/nursing;
- (e) Complete list of the client's sensitivities to medicines or topical solutions;
- (f) History of the client's bleeding disorders;
- (g) Type of jewelry;
- (h) Description of complications during procedure(s);
- (i) Signature from the client that they have received the following information in writing and verbally:
  - (A) All information related to the body piercing service including possible reactions, side effects and potential complications of the service and consent to obtaining the body piercing service;
  - (B) Information listed in OAR 331-905-0065 regarding informed consent for specialty body piercing procedures; and
  - (C) After care instructions including care following service, possible side effects and complications and restrictions.
- (l) Proof of age or consent consisting of one of the following:
  - (A) If the client is of over 18, a copy of a government issued photographic identification. A copy of the government issued photographic identification must be included in the client record; or
  - (B) If the client is a minor written parental or legal guardian consent is required. The written parental or legal guardian consent must be submitted to the licensee by the parent or legal guardian prior to piercing the minor. The consenting parent or legal guardian must be 18 years of age and present government issued photographic identification at time of written consent. A copy of the government issued photographic identification must be included in the client record; or

(C) If the client is an emancipated minor, copies of legal court documents proving emancipation and government issued photographic identification is required.

(2) A licensee may obtain advice from physicians regarding medical information needed to safeguard client and licensee. Advice from the physician must be documented in the client record.

(3) For the purpose of (1) and (2) of this rule records must be maintained at facility premises for a minimum of three years and must be made immediately available to the agency upon request.

(4) Client records must be typed or printed in a legible format. Client records, which are not readable by the Agency, will be treated as incomplete.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12

### **331-905-0115**

#### **Informed Consent for Specialty Body Piercing Procedures**

(1) A specialty level one genital piercer must provide information prescribed by the Agency to the client, regarding specialty level one genital piercings.

(2) A specialty level two genital piercer must provide information prescribed by the Agency to the client, regarding specialty level two genital piercings.

(3) Informed consent documents for certain body piercing procedures listed in Subsection (1) and (2) of this rule is published on the Agency's website at <http://www.oregon.gov/OHLA/BAP/forms.shtml>.

(4) A specialty level one genital piercer must disclose to each client receiving a specialty level one genital piercing the number of specific specialty level one genital piercings which the piercer has completed on clients and which the piercer can verify on a form prescribed by the Agency.

(5) A specialty level two genital piercer must disclose to each client receiving a specialty level two genital piercing the number of specific specialty level two genital piercings which the piercer has completed on clients and which the piercer can verify on a form prescribed by the Agency.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12

### **331-905-0120**

#### **Initial Jewelry for Specialty Genital Piercing Services**

(1) All specialty genital piercers must meet the following jewelry standards for initial piercings:

(a) Surgical steel that is American Society for Testing and Materials International (ASTM) ASTM F-138 compliant or International Organization for Standardization (ISO) ISO 5832-1 compliant, ISO 10993-(6,10 or 11) compliant, or European Economic Community (EEC) Nickel Directive compliant;

(b) Implant certified titanium (Ti6Al4V ELI) that is ASTM F-136 compliant or ISO 5832-3 compliant, or commercially pure titanium that is ASTM F-67 compliant;

(c) Niobium;

(d) White or yellow gold that is 14k or higher, nickel-free, and solid (no gold plated, gold-filled, or gold overlay/vermeil);

(e) Platinum;

(f) Biocompatible polymers (plastics) including Tygon Medical Surgical Tubing 5-50HL or 5-54HL, PTFE (Teflon), Bioplast™ or any new polymer products that are USP VI compliant;

(g) Glass — Fused quartz glass, lead-free borosilicate, or lead-free soda-lime glass;

(h) Any other material that the APP determines to be appropriate for use in an initial piercing;

(i) Threaded jewelry must be internally threaded and all surfaces and ends must be free of nicks, scratches, burrs and polishing compounds.

(2) A licensee must have on the facility premises a “Mill Test Certificate” for all jewelry used for initial piercings which provides evidence of a specific grade of metal with a code designation from the ASTM or ISO or other documentation approved by the agency which meets one of the requirements listed in subsection (1) of this rule.

(3) Jewelry used for initial piercings must be sterilized before use on each client in accordance with OAR 331-905-0105.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12

**DIVISION 910**  
**ELECTROLOGY**

**331-910-0000**

**Definitions**

The following definitions apply to OAR chapter 331, division 910:

- (1) "Affidavit of Licensure" has the meaning set forth in OAR 331-030-0040.
- (2) "Agency" means the Oregon Health Licensing Agency.
- (3) "Direct supervision" means the supervisor or instructor is present in the facility and actively involved in direct oversight and training of students.
- (4) "EPA" means United States Environmental Protection Agency.
- (5) "FDA" means Food and Drug Administration.
- (6) "Field of practice" has the definition set forth in ORS 690.350.
- (7) "High-level disinfectant" means a chemical agent, registered with the EPA, which has demonstrated tuberculocidal activity.
- (8) "Instruments" means equipment used during electrology services. Types of instruments include but are not limited to needles (filaments) and tweezers.
- (9) "Sharps container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal. The container must be labeled with the "Biohazard" symbol.
- (10) "Official transcript" means:
  - (a) An original document authorized by the appropriate office in the Oregon Department of Education and certified by a career school licensed under ORS 345 indicating applicant identity information, field of practice(s) enrolled under, specific hour requirements for each field of practice if applicable, enrollment information and a signature by an authorized representative on file with the Agency. Original documents must be submitted directly to the Agency from the educational institution by United States Postal Service mail or other recognized mail service providers in a sealed envelope; or
  - (b) A document authorized by the appropriate office in the Oregon Department of Education and certified by career school licensed under ORS 345 indicating applicant identity information, field of practice(s) enrolled under, specific hour requirements for each field of practice if applicable, enrollment information and a signature by an authorized representative on file with the Agency. Non-original documents shall only be accepted when, and in the manner, approved by the Agency
- (11) "Practitioner" means a person licensed to perform services included within a field of practice.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-910-0005**

#### **Approved Course of Study for Electrology**

To be approved by the agency, a course of study must include, at least 600 hours of training instruction. The course must include at least 235 hours of theory and at least 365 hours of practical experience in the following areas:

- (1) Oregon Laws and rules: 15 hours of training in theory.
- (2) Bacteriology: 20 hours of training in theory.
- (3) Infection control, safety and sterilization: 20 hours of training in theory and 15 hours of practical training.
- (4) Anatomy and physiology: 20 hours of training in theory.
- (5) Endocrinology: 20 hours of training in theory.
- (6) Structure, dynamics and diseases of skin and hair: 30 hours of training in theory.
- (7) Circulatory and nervous system: 20 hours of training in theory.
- (8) Electricity: 15 hours of training in theory.
- (9) Electrolysis (galvanic): 20 hours of training in theory and 115 hours of practical training.
- (10) Thermolysis: 20 hours of training in theory and 115 hours of practical training.
- (11) Combinations of electrolysis and thermolysis (blend): 20 hours of training in theory and 110 hours of practical training.
- (12) Draping and positioning: 5 hours of training in theory and 5 hours of practical training.
- (13) Professional ethics and business practices: 10 hours of training in theory and 5 hours of practical training.
- (14) As part of the approved course of study, all hours of theory must be completed prior to practical work being performed on the general public.
- (15) Training must be conducted by an Oregon licensed electrologist registered as a teacher by the Department of Education, Private Career Schools.
- (16) A registered teacher must provide direct supervision of practical training on a one-to-one student/teacher ratio for students performing practical training while the student is working on the general public.
- (17) For the purpose of this rule direct supervision means the teacher is present and actively involved in direct oversight and training of students.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12

### **331-910-0010**

#### **Electrology Temporary License**

(1) An electrology temporary license pursuant to ORS 690.365 is a temporary license to perform electrology services on a limited basis, not to exceed 15 consecutive calendar days. An electrology temporary license holder;

(a) May renew the license up to four times in a 12 month period from the date the Agency receives the initial application. License renewals can be done consecutively with no lapse in active license dates;

(b) Must submit all requests to revive a license on a form prescribed by the Agency and received 15 days before electrology services are provided unless otherwise approved by the Agency;

(c) Must submit notification of a change in work location at least 24 hours before services are performed on a form prescribed by the Agency; and

(d) Must work in a licensed facility.

(2) An electrology temporary license holder must adhere to standards within OAR 331-910-0065, 331-910-0070, 331-910-0075, 331-910-0080, 331-910-0085 and all applicable rules listed in OAR 331 Division 925.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 2-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13; HLA 1-2013, f. & cert. ef. 1-16-13

### **331-910-0015**

#### **Application Requirements for Electrology Temporary License**

An individual applying for a Electrology Temporary License must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees and must be received at least 15 days before electrology services are provided to clients;

(3) Submit proof of being 18 years of age. Documentation may include identification listed under OAR 331-030-0000;

(4) Submit proof of having a high school diploma or equivalent;

(5) Submit proof of current training in blood-borne pathogens; and

(6) Attest to six months of training or experience, within the last two years, performing electrology on a form prescribed by the Agency; or

(7) Submit affidavit of licensure pursuant to OAR 331-030-0040.

(8) For the purpose of this rule training or experience includes attendance or participation at an instructional program presented, recognized, or under the sponsorship of any permanently organized institution, agency, or professional organization or association recognized by the Agency.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 2-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-910-0020**

#### **Electrology License**

(1) An electrologist, licensed under ORS 690.365, may perform electrology services.

(2) An electrologist license is good for one year and becomes inactive on the last day of the month one year from the date of issuance.

(3) An electrology license holder must adhere to standards within OAR 331-910-0065, 331-910-0070, 331-910-0075, 331-910-0080, 331-910-0085 and all applicable rules listed in OAR 331 Division 925.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 2-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-910-0025**

#### **Application Requirements for Electrology License**

(1) An individual applying for licensure to practice electrology must:

(a) Meet the requirements of OAR 331 division 30;

(b) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required

application fees;

(c) Submit documentation showing proof of being 18 years of age documentation which may include identification listed under OAR 331-030-0000;

(d) Submit proof of having a high school diploma or equivalent; and

(e) Provide documentation of completing a qualifying pathway.

(2) License Pathway 1 – Graduate from a Oregon Licensed Career School for Electrology must:

(a) Submit official transcript from a licensed electrology school under ORS 345 showing proof of completion of required electrology curriculum as determined by the agency under OAR 331-910-0005;

(b) Pay examination fees;

(c) Submit passing score of an Agency approved written examination in accordance with OAR 331-910-0030(1)(a) within two years from the date of application;

(d) Submit passing score of an Agency approved practical examination in accordance with OAR 331-910-0030(1)(b) within two years from the date of application; and

(e) Upon passage of all required examinations and before issuance of license, applicant must pay all license fees.

(f) An applicant is not required to provide proof of official transcripts in a field of practice if the applicant was previously licensed as an electrologist in Oregon.

(3) License Pathway 2 – Individual Qualifying for Licensure Through Reciprocity must:

(a) Submit an affidavit of licensure pursuant to OAR 331-030-0040 demonstrating proof of holding a current electrology license, which is active with no current or pending disciplinary. The licensing requirements must be substantially equivalent to Oregon licensing requirements pursuant to ORS 690.365 or if not substantially equivalent the applicant must demonstrate to the satisfaction of the Agency that the applicant has been employed or working as an electrologist full time for three of the last five years;

(b) Pay examination fees;

(c) Submit passing score of an Agency approved written examination in accordance with OAR 331-910-0030(1)(a) within two years from the date of application;

(d) Submit passing score of an Agency approved practical examination in accordance with OAR 331-910-0030(1)(b) within two years from the date of application; and

(e) Upon passage of all required examinations and before issuance of license, applicant must pay all license fees.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 2-2012(Temp), f. & cert. ef. 3-1-12 thru

### **331-910-0030**

#### **Approved Examination for Electrology**

The Agency has selected the following examinations for electrology:

- (1) Written examination for electrology; and
- (2) Oregon electrology practical examination.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12

### **331-910-0035**

#### **General Examination Information**

(1) To be eligible for examination, an applicant must meet identification requirements listed under OAR 331-030-0000.

(2) The examination is administered in English only, unless an Agency approved testing contractor or vendor provides the examination in languages other than English.

(3) Examination candidates may be electronically monitored during the course of testing.

(4) Examination candidates must adhere to the maximum time allowance for each section of the examination, as established by the Agency.

(5) Notes, note taking, textbooks, notebooks, electronic equipment and communication devices, such as personal computers, pagers and cellular telephones or any other devices deemed inappropriate by the agency, are prohibited in the examination area.

(6) Taking notes, textbooks or notebooks into the written examination area is prohibited.

(7) Electronic equipment and communication devices, such as personal computers, pagers and cellular telephones or any other devices deemed inappropriate by the agency, are prohibited in the written examination area.

(8) Candidate conduct that interferes with the examination may result in the candidate's disqualification during or after the examination, the candidate's examination being deemed invalid, and forfeiture of the candidate's examination fees. Such conduct includes but is not limited to:

(a) Directly or indirectly giving, receiving, soliciting, and attempting to give, receive or solicit aid during the examination process;

(b) Violations of subsections (5), (6), or (7) of this rule;

(c) Removing or attempting to remove any examination-related information, notes or materials from the examination site;

(d) Failing to follow directions relative to the conduct of the examination; and

(e) Exhibiting behavior that impedes the normal progress of the examination.

(9) If the candidate is disqualified from taking the examination or the candidate's examination is deemed invalid for reasons under subsection (8) of this rule, the candidate may be required to reapply, submit additional examination fees, and request in writing to schedule a new examination date, before being considered for another examination opportunity.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12

### **331-910-0040**

#### **Written Examination Retake Requirements**

(1) Failed sections of a written or examination may be retaken as follows:

(a) After first failed attempt — applicant may not retake for seven calendar days;

(b) After second failed attempt — applicant may not retake for seven calendar days;

(c) After third failed attempt — applicant may not retake for 30 calendar days, must pay all additional fees and must submit an official transcript certifying completion of an additional 100 hours of instruction in theory, focused on the approved curriculum outlined in OAR 331-910-0005 from a career school licensed under ORS 345 on a form prescribed by the Agency;

(d) After fourth failed attempt — applicant may not retake for seven calendar days;

(e) After fifth failed attempt — applicant may not retake for seven calendar days;

(f) After sixth failed attempt — applicant may not retake for 30 calendar days, must pay all additional fees and must submit an official transcript certifying completion of an additional 100 hours of instruction in theory, focused on the approved curriculum outlined in OAR 331-910-0005 from a career school licensed under ORS 345 on a form prescribed by the agency;

(g) After seventh failed attempt — ability to retake, requirements for retake, or both will be determined by the Agency on a case-by-case basis.

(2) Applicants retaking the examination must meet the requirements under OAR 331-030-0000.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 2-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-910-0045**

## **Practical Examination Retake Requirements**

(1) Failed practical examinations may be retaken at a date and time determined by the Agency. Applicants retaking a failed practical must notify the Agency within 30 days before the next scheduled examination date and pay all examination fees.

(2) Applicants who fail to pass the practical examination for electrology after three attempts (initial examination plus two retakes):

(a) Must wait 30 calendar days to retake the practical examination;

(b) Must pay all additional fees;

(c) Must submit an official transcript certifying completion of an additional 100 hours of instruction in theory, focused on the approved curriculum outlined in OAR 331-910-0005 from a career school licensed under ORS 345 on a form prescribed by the agency;

(3) After third failed attempt — ability to retake, requirements for retake, or both will be determined by the Agency on a case-by-case basis.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 2-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-910-0050**

#### **Renewal of Electrology License**

(1) A licensee is subject to the provisions of OAR chapter 331, division 30 regarding the renewal of a license and provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate license.

(2) Electrology renewal under this rule is valid for one year.

(3) LICENSE RENEWAL: To avoid delinquency penalties, an electrology license renewal must be made prior to the license entering inactive status. The licensee must submit the following:

(a) Renewal application form;

(b) Payment of required renewal fee pursuant to 331-940-0000; and

(c) Attestation of having obtained required annual continuing education under OAR 331-910-0055, on a form prescribed by the agency. Continuing education is required whether the license is current or inactive;

(4) INACTIVE LICENSE RENEWAL: An electrology license may be inactive for up to three years. A licensee who is inactive is not authorized to practice. When renewing after entering inactive status, the license holder must submit the following:

(a) Renewal application form;

(b) Payment of delinquency and license fees pursuant to OAR 331-940-0000; and

(c) Attestation of having obtained required annual continuing education under OAR 331-910-0055, on a form prescribed by the agency. Continuing education is required whether the license is current or inactive;

(5) EXPIRED LICENSE: An electrology license that has been inactive for more than three years is expired and the license holder must reapply and meet the requirements listed in OAR 331-910-0025.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690.405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12

### **331-910-0055**

#### **Continuing Education for Electrology License**

(1) To maintain licensure, a licensed electrologist must complete a minimum of eight hours of satisfactory continuing education every year.

(2) A licensee must document compliance with the continuing education requirement through attestation on the license renewal application. Licensees will be subject to the provisions of OAR 331-910-0060 pertaining to periodic audit of continuing education.

(3) Satisfactory continuing education must be obtained as follows:

(a) Four hours must be obtained by participation in or attendance at a course provided by:

(A) Institutions or programs accredited by a federally recognized accrediting agency;

(B) Institutions or programs approved by an agency within the Oregon Higher Education Coordinating Commission;

(C) An organization offering continuing medical education opportunities, including Accreditation Council for Continuing Medical Education;

(D) Any additional board approved professional organization, or association, hospital, or health care clinic offering continuing education related to subject matter listed in (4) of this rule.

(b) Four hours may be self-study, where subject matter meets the requirements under subsection (4) of this rule, which may include the following:

(A) Correspondence courses including online courses through completion and certification by an approved national home study organization;

(B) Review of publications, textbooks, printed material, or audio cassette(s);

(C) Viewing of films, videos, or slides;

(4) The subject matter of the continuing education must be specifically related to electrology and as outlined in the approved course of study under OAR 331-910-0005 (1) through (13).

Continuing education may include the laws and rules regulating licensed electrologists, infection control and sterilization, and professional ethics and business practices.

(5) In order to renew, continuing education requirements must be met every year, even if the license is inactive or suspended.

(6) Obtaining and maintaining proof of participation in required continuing education is the responsibility of the licensee. The licensee must ensure that adequate proof of attainment of required continuing education is available for audit or investigation or when otherwise requested by the agency. Adequate proof of participation is listed under OAR 331-910-0060(3).

(7) Documentation of participation in continuing education requirements must be maintained for a period of five years following renewal, and must be available to the agency upon request.

(8) A licensee may carry up to 8 hours of excess continuing education hours forward to the next renewal cycle.

(9) For the purpose of this rule continuing education hours mean actual academic, classroom, or course work time, including but not limited to workshops, symposiums, or seminars. Continuing education hours do not include travel time to or from the training site, registration or check-in periods, breaks or lunch periods.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 2-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-910-0060**

#### **Continuing Education: Audit, Required Documentation and Sanctions**

(1) The Oregon Health Licensing Agency will audit a select percentage of licenses to verify compliance with continuing education requirements.

(2) Licensees notified of selection for audit of continuing education attestation must submit to the Agency, within 30 calendar days from the date of the issuance of the notification, satisfactory evidence of participation in required continuing education in accordance with OAR 331-910-0055.

(3) Evidence of successful completion of the required continuing education must include the following:

(a) Name of continuing education sponsor/provider;

(b) Course agenda – including the date of the training and breakdown of hours for each agenda item, lunch and breaks;

(c) Course outline – including a detailed summary of each topic discussed and the learning objective or training goal of each agenda item; The content of the course must have a direct relationship between the course training and subject matter related to electrology as set forth

in OAR 331-910-0055(4);

(e) Background resume of speakers or instructors; and

(f) Documentation of attendance or successful course completion. Examples include a certificate, transcript, sponsor statement or affidavit attesting to attendance, diploma.

(4) Documentation substantiating completion of continuing education through self-study, must show a direct relation to electrology as set forth in OAR 331-910-0055(4), be submitted on forms provided by the agency and include the following:

(a) Name of sponsor or source, type of study, description of content, date of completion and duration in clock hours;

(b) Name of approved correspondence courses or national home study issues;

(c) Name of publications, textbooks, printed material or audio-recorded material, including date of publication, publisher, and ISBN Identifier; and

(d) Name of films, videos, or slides, including date of production, name of sponsor or producer and catalog number.

(5) If documentation of continuing education is invalid or incomplete, the licensee has 30 calendar days from the date of the deficiency notice to correct the deficiency and submit further documentation of completion of the required continuing education.

(6) Misrepresentations of continuing education or failure to complete continuing education requirements may result in disciplinary action, which may include, but is not limited to assessment of a civil penalty and suspension or revocation of the license.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 1-2013, f. & cert. ef. 1-16-13

### **331-910-0065**

#### **Electrology Practice Standards and Prohibitions**

(1) Electrologists are prohibited from performing services on treatment areas with high propensity towards bacterial colonization, such as nostrils and ear canals.

(2) Electrologists must first obtain written authorization from a physician licensed under ORS 677 when any of the following exists:

(a) Request for hair removal from moles;

(b) Removal of eyelashes; or

(c) The client has a pacemaker, implantable neuromodulators or other implantable electronic devices;

(4) An electrologist may use towels and linens when providing electrology services. When using towels and linens the following standards must be met:

(a) Clean linens must be used for each client;

(b) Use of a common towel is prohibited;

(c) Clean towels and linens must be enclosed in a clean storage area or in a closed container until needed;

(d) Used linens must be disposed of or stored in a closed or covered container until laundered; and

(e) Used linens must be laundered either by a regular commercial laundering or by a noncommercial laundering process which includes use of commercial laundry detergent manufactured for the specific purpose of cleaning clothes, linens or other washable fabric, and immersion in hot water during the wash cycle.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 2-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-910-0070**

#### **Standards for Client Services for Electrology**

(1) An electrologist must observe and adhere to the following hand washing and disposable glove standards when servicing clients:

(a) **HAND WASHING:** Hands must be washed or treated with an antibacterial hand sanitizer before and after treatment of each client, and before putting on disposable gloves and immediately after disposable gloves are removed; and

(b) Hand washing must include thoroughly washing the hands in warm, running water with liquid soap using friction on all surfaces of the hands and wrists, then rinsing hands and drying hands with a clean, disposable paper towel, or by using an antibacterial hand sanitizer by using friction on all surfaces of the hands and wrists. Use of bar soap is prohibited.

(2) An electrologist must observe and adhere to the following protective disposable glove standards when servicing clients:

(a) **PROTECTIVE DISPOSABLE GLOVES:** A new pair of disposable gloves must be worn during the treatment of each client;

(b) Hands must be washed in accordance with hand washing instructions listed in Subsection (1) of this rule before putting on disposable gloves and immediately after disposable gloves are removed;

(c) When a treatment session is interrupted disposable gloves must be removed and discarded. A new pair of disposable gloves must be put on when returning to the electrology service area;

(d) When a licensee leaves the electrology procedure area in the middle of an electrology procedure, gloves must be removed before leaving the procedure area, hand washing instructions listed in Subsection (1) of this rule must be followed and a new pair of gloves put on when returning to the procedure area;

(e) Disposable gloves must be removed before leaving the area where electrology services are performed;.

(f) Torn or perforated gloves must be removed immediately, and hand washing instructions listed in Subsection (1) of this rule must be followed and gloves changed following hand washing; and

(g) The use of disposable gloves does not preclude or substitute for hand washing instructions listed in subsection (1) of this rule.

(3) Disposable gloves must be worn during pre-cleaning, cleaning, rinsing, sterilizing and drying of equipment and instruments and disinfecting of surfaces;

(4) A client's skin must be thoroughly cleaned with an astringent. If flammable the astringent should be allowed to dry.

(5) A licensee is prohibited from wearing jewelry under gloves.

Stat. Auth: ORS 676.607 & 676.615

Stats. Implemented: ORS 676.606, 676.607, 690.350, 690.365, 690.390 & 690.405

Hist.: HLA 2-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-910-0075**

#### **Sterilization Standards for Electrology**

(1) Needles (filaments) must be single use, used on one client, then properly disposed of in an approved sharps container defined under OAR 331-910-0000.

(2) All non-sterilized instruments or reusable instruments that come in direct contact with a client's skin or are exposed to blood or bodily fluid must be cleaned, disinfected and sterilized before use on a client or re-use on another client.

(3) New gloves must be worn during any sterilization procedure.

(4) The cleaning, disinfection and sterilization process listed in Subsection (5) of this rule is not required if single-use prepackaged sterilized instruments, obtained from suppliers or manufacturers are used.

(5) Approved cleaning, disinfection and sterilization process for non-sterilized instruments or reusable instruments includes the following ordered method after each use:

(a) Clean non-sterilized instruments or reusable instruments by manually brushing or swabbing visible foreign matter and rinsing the instruments with warm water and an appropriate detergent solution to remove blood and bodily fluids;

(b) Disinfect non-sterilized instruments or reusable instruments by immersing instruments in a high level disinfectant. Instruments must be fully submerged to ensure contact with all surfaces for an amount of time specified in the manufacturer's instructions. If the electrologist

is using an autoclave listed in subsection (e) of this rule the electrologist is not required to immerse instruments in a high level disinfectant.

(c) Clean and disinfected non-sterilized instruments or reusable instruments must be rinsed and placed in an ultrasonic unit that operates at 40 to 60 hertz which is filled with an appropriate ultrasonic solution including but not limited to an enzymatic cleaner, or rinsed, patted dry and submerged and soaked in a protein dissolving detergent or enzyme cleaner, followed by a thorough rinse. The ultrasonic cleaner must remain covered when in use;

(d) Remove non-sterilized instruments or reusable instruments from the ultrasonic unit or protein dissolving detergent or enzyme cleaner. All instruments must be rinsed, air dried, and individually packaged in sterilization pouches that include use of a chemical indicator strip to assure sufficient temperature during each sterilization cycle. The date the sterilization was performed must be applied to the sterilization pouch;

(e) Individually packaged non-sterilized instruments or reusable instruments must be sterilized by using autoclave sterilizer (steam or chemical), or dry heat sterilizer registered and listed with the FDA;

(f) After sterilization, the sterilized instruments must be stored in a dry, disinfected, closed cabinet or other tightly-covered container reserved for the storage of such instruments.

(6) Use of a biological monitoring system ("spore tests") must be done at least once a month, verified through an independent laboratory, to assure all microorganisms have been destroyed and sterilization achieved.

(7) All sterilization pouches listed in Subsection (5)(d) of this rule must contain a color indicator strip which measures temperature control and general functioning of the equipment.

(8) The ultrasonic unit listed in subsection (5)(c) of this rule must be used, cleaned, and maintained in accordance with manufacturer's instructions and a copy of the manufacturer's recommended procedures for the operation of the ultrasonic unit must be kept on file at the body art facility.

(9) The autoclave sterilizer (steam or chemical), or dry heat sterilizer listed in Subsection (5)(e) of this rule must be used, cleaned, and maintained in accordance with manufacturer's instructions and a copy of the manufacturer's recommended procedures for the operation of the autoclave sterilizer (steam or chemical), or dry heat sterilizer must be kept on file at the facility.

(10) Biological spore test results listed in subsection (6) of this rule must be immediately available at all times for inspection by the Agency and kept at facility premises for a minimum of two years. Biological spore test results must be on laboratory letterhead and must contain the test date, and the name, model and serial number (if applicable) of the sterilizer tested.

(11) The expiration date for sterilized instruments is one year from the date of sterilization unless the integrity of the package is compromised.

(12) Sterilized instruments may not be used if the package integrity has been breached is wet or stained, or the expiration date has exceeded without first meeting the requirements listed in Subsection (5) of this rule.

(13) All sterilized instruments used during electrology services must remain stored in sterile packages and in a dry, disinfected, closed cabinet or other tightly covered container reserved

for the storage of such instruments until just prior to the performance of an electrology procedure.

(14) If a biological spore test listed in subsection (6) of this rule, result is positive, a licensee must discontinue the use of that autoclave sterilizer (steam or chemical), or dry heat sterilizer until it has been serviced and a negative spore test has been recorded before putting that sterilizer back into service. Until a negative spore test has been received, the licensee must:

(a) Use an alternative autoclave sterilizer (steam or chemical), or dry heat sterilizer;

(b) Use only sterilized instruments that have a sterilization date before the date the last negative spore test was recorded; or

(c) Use only single use instruments.

(15) Following a negative biological spore test reusable instruments which were sterilized following the receipt of the negative spore test must be repackaged and sterilized pursuant to Subsection (5) of this rule, before use.

(17) Following a negative spore test the licensee or facility must contact all clients in writing who may have received services prior to receiving the negative spore test results.

Stat. Auth: ORS 676.607 & 676.615

Stats. Implemented: ORS 676.606, 676.607, 690.350, 690.365, 690.390 & 690.405

Hist.: HLA 2-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-910-0080**

#### **General Standards**

(1) The cleanliness of any common in a facility is the responsibility of each license holder. All license holders may be cited for violations found in the common area.

(2) An electrologist licensed to perform services or a licensed facility owner must:

(a) Use and maintain appropriate equipment and instruments for providing services in a field of practice at the place of business;

(b) Use equipment and instruments in a manner described in the manufacturer's instructions which is consistent with the manufacturer's intended use of the device by the FDA;

(c) Use equipment and instruments that are not prohibited for use in a field of practice by the Agency or the FDA;

(d) Ensure a high-level disinfectant is used in accordance with manufacturer's instructions to disinfect surfaces where services are performed;

(e) Ensure chemicals are stored in labeled, closed containers;

(f) Ensure that single-use disposable paper products, single-use needles (filaments) and protective gloves are used for each client;

(g) Ensure lavatories located within the facility are kept clean and in good working order at all times. Air blowers within lavatories can be substituted for disposable hand towels;

(h) Ensure all waste material related to a service in a field of practice be deposited in a

covered container following service for each client;

(i) Ensure pets or other animals not be permitted in the business facility. This prohibition does not apply to service animals recognized by the American with Disabilities Act or to fish in aquariums or nonpoisonous reptiles in terrariums;

(j) Ensure all disinfecting solutions or agents be kept at adequate strengths to maintain effectiveness, be free of foreign material and be available for immediate use at all times the facility is open for business;

(k) Ensure all waste or garbage is disposed of in a covered container with a garbage liner;

(l) Ensure all waste which contains blood or other potentially infectious materials be enclosed and secured in a glove or bag then disposed of in a covered container with a garbage liner immediately following the service;

(m) Ensure disposable sharp objects that come in contact with blood or must be disposed of in a sharps container;

(n) Ensure biohazard labels or red biohazard bags are available on the facility premises;

(o) Adhere to all Centers for Disease Control and Prevention Standards;

(p) Have unrestricted access or availability to a sink with hot and cold running water, as part of surrounding premises or adjacent to the facility. If the sink is located within a restroom the licensee must ensure that the sink is disinfected with a high level disinfectant upon completion of a electrolysis procedure or following the sterilization of equipment; and

(q) Ensure that all instruments that come in direct contact with client's skin are handled using gloves.

(3) An electrologist licensee must wear eye goggles, shields or a mask if spattering is possible while providing services.

(4) Cross contaminating from touch or air particulates in any procedure area which comes in direct contact with client is prohibited.

Stat. Auth: ORS 676.607 & 676.615

Stats. Implemented: ORS 676.606, 676.607, 690.350, 690.365, 690.390 & 690.405

Hist.: HLA 2-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

**331-910-0085**

### **Client Records**

(1) A licensee is responsible for maintaining and keeping copies of all client records. If client records are maintained by the facility the facility owner must provide the licensee with copies of those client records upon request. The record must include the following for each client:

(a) Name, address, telephone number and date of birth of client;

(b) Date of each service, procedure location on the body;

(c) Name and license number of the licensee providing service. If more than one licensee is providing services on one client the licensee must initial the date of each service performed;

(d) Special instructions or notations relating to the client's medical or skin conditions including but not limited to diabetes, cold sores and fever blisters, psoriasis or eczema, pregnancy or breast-feeding/nursing;

(e) Complete list of the client's sensitivities to medicines or topical solutions;

(f) History of the client's bleeding disorders;

(g) Description of complications during procedure(s); and

(h) Signature from the client that they have received the following information in writing and verbally:

(A) All information related to the electrology service including possible reactions, side effects and potential complications of the service and consent to obtaining the electrology service; and

(B) After care instructions including care following service, possible side effects and complications and restrictions.

(2) A licensee may obtain advice from a physician regarding medical information needed to safeguard client and licensee. Advice from the physician must be documented in the client record.

(3) For the purpose of (1) and (2) of this rule records must be maintained at facility premises for a minimum of three years and must be made immediately available to the agency upon request.

(4) Client records must be typed or printed in a legible format. Client records, which are not legible to the Agency, will be treated as incomplete.

Stat. Auth: ORS 676.607 & 676.615

Stats. Implemented: ORS 676.606, 676.607, 690.350, 690.365, 690.390 & 690.405

Hist.: HLA 2-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

## DIVISION 915

### TATTOO

331-915-0000

#### Tattoo Definitions

The following definitions apply to OAR chapter 331, division 915:

- (1) "Affidavit of Licensure" has the meaning set forth in OAR 331-030-0040.
- (2) "Agency" means the Oregon Health Licensing Agency.
- (3) "Direct supervision" means the supervisor or instructor is present in the facility and actively involved in direct oversight and training of students.
- (4) "EPA" means United States Environmental Protection Agency.
- (5) "FDA" means Food and Drug Administration.
- (6) "Field of practice" has the definition set forth in ORS 690.350.
- (7) "High-level disinfectant" means a chemical agent, registered with the EPA, which has demonstrated tuberculocidal activity.
- (8) "Instruments" means equipment used during tattooing services. Types of instruments include but are not limited to needles and tubes.
- (9) "Sharps container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal. The container must be labeled with the "Biohazard" symbol.
- (10) "Official transcript" means:
  - (a) An original document authorized by the appropriate office in the Oregon Department of Education and certified by a career school licensed under ORS 345 indicating applicant identity information, field of practice(s) enrolled under, specific hour requirements for each field of practice if applicable, enrollment information and a signature by an authorized representative on file with the Agency. Original documents must be submitted directly to the Agency from the educational institution by United States Postal Service mail or other recognized mail service provider in a sealed envelope; or
  - (b) A document authorized by the appropriate office in the Oregon Department of Education and certified by a career school licensed under ORS 345 indicating applicant identity information, field of practice(s) enrolled under, specific hour requirements for each field of practice if applicable, enrollment information and a signature by an authorized representative on file with the Agency. Non-original documents shall only be accepted when, and in the manner, approved by the Agency.
- (11) "Practitioner" means a person licensed to perform services included within a field of practice.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690,

405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-915-0005**

#### **Approved Course of Study for Tattooing**

- (1) To be approved by the Oregon Health Licensing Agency, a course of study must include at least 360 hours of instruction. The course must include at least 210 hours of theory and at least 150 hours of practical work.
- (2) For the purposes of determining qualification for licensure, practical work must include a minimum of 50 completed procedures. "Completed procedure" means a tattoo which has been finished on a live human being, including any touchups or additional work following initial healing, and the client is released from service.
- (3) All practical applications performed during training in the subject areas listed in subsection (4) of this rule are counted toward meeting the minimum 150 hours of practical tattooing experience.
- (4) A course of study must include, but is not limited to, the following areas:
  - (a) Needles and needle bars — metal or plastic device used to attach the needle to a tattoo machine: 20 hours of theory;
  - (b) Tattoo machines and equivalent equipment: 20 hours of theory;
  - (c) Equipment/Supplies: 20 hours of theory;
  - (d) Safety, Infection Control and Sterilization: 40 hours of theory;
  - (e) Basic color theory and pigments: 10 hours of theory;
  - (f) Design, art and placement: 10 hours of theory;
  - (g) Skin: 20 hours of theory;
  - (h) Client services 20 hours of theory;
  - (i) Business operations, including exposure control plan and federal regulations: 40 hours of theory;
  - (j) Oregon Laws and Rules: 10 hours of theory training.
- (5) As part of the approved course of study, all hours of theory must be completed prior to practical work being performed on the general public.
- (6) Training must be conducted by an Oregon licensed tattoo artist registered as a teacher by the Department of Education, Private Career Schools.
- (7) A registered teacher must provide direct supervision of practical training on a one-to-one student/teacher ratio for students performing practical training while the student is working on the general public.

(8) For the purpose of this rule direct supervision means the teacher is present and actively involved in direct oversight and training of students.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12

### **331-915-0010**

#### **Tattoo License**

(1) A tattoo artist licensed under ORS 690.365 may perform tattooing services.

(2) A tattoo license is good for one year and becomes inactive on the last day of the month one year from the date of issuance.

(3) A tattoo license holder must adhere to all standards under OAR 331-915-0065, 331-915-0070, 331-915-0075, 331-915-0080, 331-915-0085 and all applicable rules listed in OAR 331 Division 925.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-915-0015**

#### **Application Requirements for Tattoo License**

(1) An individual applying for licensure to practice tattooing must:

(a) Meet the requirements of OAR 331 division 30;

(b) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees;

(c) Submit documentation having completed blood borne pathogens training from an agency approved provider;

(d) Submit documentation having completed cardiopulmonary resuscitation and basic first aid training from an agency approved provider;

(e) Submit documentation showing proof of being 18 years of age documentation may include identification listed under OAR 331-030-0000;

(f) Submit proof of having a high school diploma or equivalent; and

(g) Provide documentation of completing a qualifying pathway.

(2) License Pathway 1 — Graduate from an Oregon Licensed Career School for Tattooing:

(a) Submit official transcript from a tattooing career school under ORS 345, and approved by the Agency showing proof of completion of required tattooing curriculum as determined by the agency under OAR 331-915-0005;

(b) Pay examination fees;

(c) Submit passing score of an Agency approved written examination in accordance with OAR 331-915-0030(1)(a) within two years from the date of application;

(d) Submit passing score of an Agency approved practical skills assessment examination in accordance with OAR 331-915-0030(1)(b) within two years from the date of application; and

(e) Upon passage of all required examinations and before issuance of registration license, applicant must pay all license fees.

(f) An applicant is not required to provide proof of official transcripts in a field of practice if the applicant was previously licensed as a tattoo artist in Oregon.

(3) License Pathway 2 — Individual Qualifying for Licensure Through Reciprocity must:

(a) Submit an affidavit of licensure pursuant to OAR 331-030-0040 demonstrating proof of holding a current license as a tattoo artist, which is active with no current or pending disciplinary action. The licensing requirements must be substantially equivalent to Oregon licensing requirements pursuant to ORS 690.365 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;

(b) Pay examination fees;

(c) Submit passing score of an Agency approved written examination in accordance with OAR 331-915-0030(1)(a) within two years from the date of application;

(d) Submit passing score of an Agency approved practical skills assessment examination in accordance with OAR 331-915-0030(1)(b) within two years from the date of application; and

(e) Upon passage of all required examinations and before issuance of a license, applicant must pay all license fees.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-915-0020**

#### **Temporary Tattoo License**

(1) A temporary tattoo license pursuant to ORS 690.365 is a temporary license to perform tattooing services on a limited basis, not to exceed 15 consecutive calendar days. A temporary tattoo license holder;

(a) May renew the license up to four times in a 12 month period from the date the Agency receives the initial application. License renewal can be done consecutively with no lapse in active license dates;

(b) Must submit all requests to renew a license on a form prescribed by the Agency. Request to renew a license must be received at least 15 days before tattooing services are provided unless otherwise approved by the Agency;

(c) Must submit notification of a change in work location at least 24 hours before services are performed on a form prescribed by the Agency; and

(d) Must work in a licensed facility.

(2) A temporary tattoo license holder must adhere to all standards under OAR 331-915-0065, 331-915-0070, 331-915-0075, 331-915-0080, 331-915-0085 and all applicable rules listed in OAR 331 Division 925.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13; HLA 1-2013, f. & cert. ef. 1-16-13

### **331-915-0025**

#### **Application Requirements for Temporary Tattoo License**

An individual applying for a Temporary Tattoo License must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees and must be received at least 15 days before tattooing services are provided to clients;

(3) Submit proof of being 18 years of age. Documentation may include identification listed under OAR 331-030-0000;

(4) Submit proof of current training in blood-borne pathogens; and

(5) Attest to six months of training or experience, within the last two years, performing tattooing on a form prescribed by the Agency; or

(6) Submit affidavit of licensure pursuant to OAR 331-030-0040.

(7) For the purpose of this rule training or experience includes attendance or participation at an instructional program presented, recognized, or under the sponsorship of any permanently organized institution, agency, or professional organization or association recognized by the Agency.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 7-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; HLA 8-2012(Temp), f. & cert. ef. 5-3-12 thru 10-16-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-915-0030**

#### **Approved Examination for Tattoo**

The Agency has approved the following examinations for tattooing:

- (1) Oregon written examination; and
- (2) Oregon practical skills assessment examination.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12

### **331-915-0035**

#### **General Tattooing Examination Information**

(1) To be eligible for examination, an applicant must meet identification requirements listed under OAR 331-030-0000.

(2) The examination is administered in English only, unless an agency approved testing contractor or vendor provides the examination in languages other than English.

(3) Examination candidates may be electronically monitored during the course of testing.

(4) Examination candidates must adhere to the maximum time allowance for each section of the examination, as established by the Agency.

(5) Notes, note taking, textbooks, notebooks, electronic equipment and communication devices, such as personal computers, pagers and cellular telephones or any other devices deemed inappropriate by the agency, are prohibited in the examination area.

(6) Taking notes, textbooks or notebooks into the written examination area is prohibited.

(7) Electronic equipment and communication devices, such as personal computers, pagers and cellular telephones or any other devices deemed inappropriate by the agency, are prohibited in the written examination area.

(8) Candidate conduct that interferes with the examination may result in the candidate's disqualification during or after the examination, the candidate's examination being deemed invalid, and forfeiture of the candidate's examination fees. Such conduct includes but is not limited to:

(a) Directly or indirectly giving, receiving, soliciting, and attempting to give, receive or solicit aid during the examination process;

- (b) Violations of subsections (5), (6) or (7) of this rule;
- (c) Removing or attempting to remove any examination-related information, notes or materials from the examination site;
- (d) Failing to follow directions relative to the conduct of the examination; and
- (e) Exhibiting behavior that impedes the normal progress of the examination.

(9) If the candidate is disqualified from taking the examination or the candidate's examination is deemed invalid for reasons under subsection (8) of this rule, the candidate may be required to reapply, submit additional examination fees, and request in writing to schedule a new examination date, before being considered for another examination opportunity.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12

### **331-915-0040**

#### **Written Examination Retake Requirements**

(1) Failed sections of the written examination may be retaken as follows:

- (a) After first failed attempt — applicant may not retake for seven calendar days;
- (b) After second failed attempt — applicant may not retake for seven calendar days;
- (c) After third failed attempt — applicant may not retake for 30 calendar days, must pay all additional fees and must submit an official transcript certifying completion of an additional 100 hours of instruction in theory, focused on the approved curriculum outlined in OAR 331-915-0005 from a career school licensed under ORS 345 on a form prescribed by the agency;
- (d) After fourth failed attempt — applicant may not retake for seven calendar days;
- (e) After fifth failed attempt — applicant may not retake for seven calendar days;
- (f) After sixth failed attempt — applicant may not retake for 30 calendar days, must pay all additional fees and must submit an official transcript certifying completion of an additional 100 hours of instruction in theory, focused on the approved curriculum outlined in OAR 331-915-0005 from a career school licensed under ORS 345 on a form prescribed by the Agency;
- (g) After seventh failed attempt — ability to retake, requirements for retake, or both will be determined by the Agency on a case-by-case basis.

(2) Applicants retaking the examination must meet the requirements under OAR 331-030-0000.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-915-0045**

#### **Practical Examination Retake Requirements**

- (1) Failed practical examinations may be retaken at a date and time determined by the Agency. Applicants retaking a failed practical must notify the Agency within 30 days before the next scheduled examination date and pay all examination fees
- (2) Applicants who fail to pass the practical examination for tattooing after three attempts (initial examination plus two retakes):
  - (a) Must wait 30 calendar days to retake the practical examination;
  - (b) Must pay all additional fees;
  - (c) Must submit an official transcript certifying completion of an additional 100 hours of instruction in theory, focused on the approved curriculum outlined in OAR 331-910-0005 from a career school licensed under ORS 345 on a form prescribed by the agency;
- (3) After fourth failed attempt — ability to retake, requirements for retake, or both will be determined by the Agency on a case-by-case basis.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-915-0050**

#### **Renewal of a Tattoo License**

- (1) A licensee is subject to the provisions of OAR chapter 331, division 30 regarding the renewal of a license and provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate license.
- (2) Tattoo license renewal under this rule is valid for one year.
- (3) LICENSE RENEWAL: To avoid delinquency penalties, a tattoo license renewal must be made prior to the license entering inactive status. The licensee must submit the following:
  - (a) Renewal application form;
  - (b) Payment of required renewal fee pursuant to 331-940-0000;
  - (c) Attestation of having obtained required annual continuing education under OAR 331-915-0055, on a form prescribed by the agency. Continuing education is required whether the license is current or inactive;
  - (d) Attestation of current certification in cardiopulmonary resuscitation from an Agency approved provider;

- (e) Attestation of current first aid training from an Agency approved provider; and
- (f) Attestation of current certification in blood borne pathogens training from an Agency approved provider.

(4) **INACTIVE LICENSE RENEWAL:** A tattoo license may be inactive for up to three years. A licensee who is inactive is not authorized to practice. When renewing after entering inactive status, the licensee holder must submit the following:

- (a) Renewal application form;
- (b) Payment of delinquency and license fees pursuant to OAR 331-940-0000;
- (c) Attestation of having obtained required annual continuing education under OAR 331-915-0055, on a form prescribed by the agency. Continuing education is required whether the license is current or inactive;
- (d) Attestation of current certification in cardiopulmonary resuscitation from an Agency approved provider;
- (e) Attestation of current first aid training an Agency approved provider; and
- (f) Attestation of current certification in blood borne pathogens training from an Agency approved provider.

(5) **EXPIRED LICENSE:** A tattoo license that has been inactive for more than three years is expired and the license holder must reapply and meet the requirements listed in OAR 331-915-0015.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12

### **331-915-0055**

#### **Continuing Education for Tattoo License**

- (1) To maintain licensure, a tattoo license holder must complete a minimum of 10 hours of satisfactory continuing education every year.
- (2) A tattoo license holder must document compliance with the continuing education requirement through attestation on the license renewal application. Licensees will be subject to the provisions of OAR 331-915-0060 pertaining to periodic audit of continuing education.
- (3) Satisfactory continuing education must be obtained as follows:
  - (a) Five hours must be obtained by participation in or attendance at a course provided by:
    - (A) Institutions or programs accredited by a federally recognized accrediting agency;
    - (B) Institutions or programs approved by an agency within the Oregon Higher Education Coordinating Commission;
    - (C) An organization offering continuing medical education opportunities, including

Accreditation Council for Continuing Medical Education;

(D) Any additional board approved professional organization, or association, hospital, or health care clinic offering continuing education related to subject matter listed in (4) of this rule.

(b) Five hours may be self-study, where subject matter meets the requirements under subsection (4) of this rule, which may include the following:

(A) Correspondence courses including online courses through completion and certification by an approved national home study organization;

(B) Review of publications, textbooks, printed material, or audio cassette(s);

(C) Viewing of films, videos, or slides;

(4) The subject matter of the continuing education must be specifically related to tattooing. As outlined in the approved course of study under OAR 331-915-0005 (4). Continuing education may include the laws and rules regulating licensed tattooists, safety and sterilization, color theory, design, art and placement, client services, and business operations.

(5) Continuing education is required for renewal, every year, even if the license has been inactive or suspended.

(6) Obtaining and maintaining proof of participation in required continuing education is the responsibility of the licensee. The licensee must ensure that adequate proof of attainment of required continuing education is available for audit or investigation or when otherwise requested by the agency. Adequate proof of participation is listed under OAR 331-915-0060(3).

(7) Documentation of participation in continuing education requirements must be maintained for a period of five years following renewal, and must be available to the agency upon request.

(8) Current training and certification in CPR, First Aid, and Blood borne pathogens is a condition of renewal and is not eligible for continuing education credit.

(9) A tattoo license holder may carry up to 8 hours of excess continuing education hours forward to the next renewal cycle.

(10) For the purpose of this rule continuing education hours mean actual academic, classroom, or course work time, including but not limited to workshops, symposiums, or seminars. Continuing education hours do not include travel time to or from the training site, registration or check-in periods, breaks or lunch periods.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 1-2013, f. & cert. ef. 1-16-13

### **331-915-0060**

#### **Continuing Education: Audit, Required Documentation and Sanctions**

- (1) The Agency will audit a select percentage of licenses to verify compliance with continuing education requirements.
- (2) Licensees notified of selection for audit of continuing education attestation must submit to the agency, within 30 calendar days from the date of the issuance of the notification, satisfactory evidence of participation in required continuing education in accordance with OAR 331-915-0055.
- (3) Evidence of successful completion of the required continuing education must include the following:
  - (a) Name of continuing education sponsor/provider;
  - (b) Course agenda – including the date of the training and breakdown of hours for each agenda item, lunch and breaks;
  - (c) Course outline – including a detailed summary of each topic discussed and the learning objective or training goal of each agenda item; The content of the course must have a direct relationship between the course training and subject matter related to tattooing as set forth in OAR 331-915-0055(4);
  - (e) Background resume of speakers or instructors; and
  - (f) Documentation of attendance or successful course completion Examples include certificate, transcript, sponsor statement or affidavit attesting to attendance, and diploma.
- (4) Documentation substantiating the completion of continuing education through self-study must show a direct relation to tattooing as set forth in OAR 331-915-0055(4), be submitted on forms provided by the agency and include the following:
  - (a) Name of sponsor or source, type of study, description of content, date of completion and duration in clock hours;
  - (b) Name of approved correspondence courses or national home study issues;
  - (c) Name of publications, textbooks, printed material or audiocassette's, including date of publication, publisher, and ISBN identifier; and
  - (d) Name of films, videos, or slides, including date of production, name of sponsor or producer and catalog number.
- (5) If documentation of continuing education is invalid or incomplete, the licensee has 30 calendar days from the date of the deficiency notice to correct the deficiency and submit further documentation of completion of the required continuing education.
- (6) Misrepresentations of continuing education or failure to complete continuing education requirements may result in disciplinary action, which may include, but is not limited to assessment of a civil penalty and suspension or revocation of the license.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 1-2013, f. & cert. ef. 1-16-13

## 331-915-0065

### Tattoo Practice Standards and Prohibitions

(1) Inks, dyes, or pigments must be purchased from a commercial supplier or manufacturer. Products banned or restricted by the Food and Drug Administration must not be used.

(2) A tattoo license holder must disinfect plastic or acetate stencil used to transfer the design to the client's skin, if not using disposable stencils. If the plastic or acetate stencil is reused the licensee must thoroughly clean and rinse and immerse in a high level disinfectant according to the manufacturer's instructions.

(3) Upon completion of a tattoo service, the following procedures are required:

(a) The skin must be cleansed; excluding the area surrounding the eyes, with a clean single-use paper product saturated with an antiseptic solution;

(b) A clean covering must be placed over designs and adhered to the skin; and

(c) An absorbent material must be incorporated into the covering to prevent the spread of bodily fluids and cross contamination, unless the clean covering listed in subsection (3)(a) of this rule is an impenetrable barrier which prevents the spread of bodily fluids and cross contamination.

(4) Tattooing services may be performed on a person under 18 years of age when authorized or prescribed by a physician's statement.

(5) Tattooing is prohibited:

(a) On a person who shows signs of being inebriated or appears to be incapacitated by the use of alcohol or drugs;

(b) On a person who show signs of intravenous drug use;

(c) On a person with sunburn or other skin diseases or disorders such as open lesions, rashes, wounds, puncture marks in areas of treatment;

(d) On a person under 18 years of age, regardless of parental or legal guardian consent unless the requirements of subsection (4) of this rule are met.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 1-2013, f. & cert. ef. 1-16-13

## 331-915-0070

### General Standards for Tattooing

(1) The cleanliness of any common area in a facility is the responsibility of each license holder. All license holders may be cited for violations found in the common area.

(2) An individual licensed to perform services in a field of practice or a licensed facility owner

must:

- (a) Use and maintain appropriate equipment and instruments for providing services in a field of practice at the place of business;
  - (b) Use equipment and instruments in a manner described in the manufacturer's instructions which is consistent with the manufacturer's intended use of the device by the FDA;
  - (c) Use equipment and instruments that are not prohibited for use in a field of practice by the Agency or the FDA;
  - (d) Ensure a high-level disinfectant is used in accordance with manufacturer's instructions to disinfect surfaces where services are performed;
  - (e) Ensure chemicals are stored in labeled, closed containers;
  - (f) Ensure that single-use disposable paper products, single-use needles, and protective gloves are used for each client. Use of towels and linens are prohibited;
  - (g) Have unrestricted access or availability to a sink with hot and cold running water, as part of the surrounding premises or adjacent to the facility but separate from a restroom;
  - (h) Ensure lavatories located within the facility are kept clean and in good working order at all times. Air blowers within lavatories can be substituted for disposable hand towels;
  - (i) Ensure all waste material related to a service in a field of practice be deposited in a covered container following service for each client;
  - (j) Ensure pets or other animals not be permitted in the business facility. This prohibition does not apply to service animals recognized by the American with Disabilities Act or to fish in aquariums or nonpoisonous reptiles in terrariums;
  - (k) Ensure all disinfecting solutions or agents be kept at adequate strengths to maintain effectiveness, be free of foreign material and be available for immediate use at all times the facility is open for business;
  - (l) Ensure all waste or garbage is disposed of in a covered container with a garbage liner;
  - (m) Ensure all waste which contains blood or other potentially infectious materials be enclosed and secured in a glove or bag then disposed of in a covered container with a garbage liner immediately following the service;
  - (n) Ensure disposable sharp objects that come in contact with blood and/or body fluids be disposed of in a sharps container;
  - (o) Ensure biohazard labels or red biohazard bags are available on the facility premises;
  - (p) Adhere to all Centers for Disease Control and Prevention Standards;. and
  - (q) Ensure that all instruments that come in direct contact with client's skin are handled using gloves.
- (3) A licensee must wear eye goggles, shields or a mask if spattering is possible while providing services.
- (4) All substances must be dispensed from containers in a manner to prevent contamination of the unused portion. Single use tubes or containers and applicators shall be discarded

following the service.

(5) Cross contaminating from touch or air particulates in any procedure area which comes in direct contact with client is prohibited.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13; HLA 1-2013, f. & cert. ef. 1-16-13

### **331-915-0075**

#### **Standards for Client Services for Tattooing**

(1) A licensee must wash hands in accordance with Subsection (2) of this rule as follows:

(a) Prior to donning gloves to set-up of instruments used for conducting a tattoo procedure;

(b) Immediately prior to donning gloves to perform a tattoo procedure;

(c) Immediately after removing gloves at the conclusion of performing a tattoo procedure and after removing gloves at the conclusion of procedures performed in the sterilization area;

(d) When leaving the work area;

(e) When coming in contact with blood or other potentially infectious materials;

(f) Before and after performing the following acts not limited to eating, drinking, smoking, applying lip cosmetics or lip balm, handling contact lenses, or using the bathroom; or

(g) When hands are visibly soiled.

(2) Hand washing must include thoroughly washing the hands in warm, running water with liquid soap using friction on all surfaces of the hands and wrists, then rinsing hands and drying hands with a clean, disposable paper towel, or by using an antibacterial hand sanitizer by using friction on all surfaces of the hands and wrists.

(3) A new pair of disposable gloves must be worn during the treatment of each client;

(4) A minimum of one pair of disposable gloves must be used for each of the following stages of the tattooing procedure as follows:

(a) Set-up of instruments used for conducting tattooing procedures and skin preparation of the tattooing procedure area;

(b) The tattooing procedure and post-procedure teardown; and

(c) Cleaning and disinfection of the procedure area after each use or between clients.

(5) Once gloves have been removed, they must be disposed of immediately and hand washing instructions listed in Subsection (2) of this rule must be followed.

(6) Torn or perforated gloves must be removed immediately, and hand washing instructions listed in Subsection (2) of this rule must be followed and gloves changed following hand

washing.

(7) Disposable gloves must be removed before leaving the area where tattoo procedures are performed.

(8) When a licensee leaves the tattooing procedure area in the middle of a tattooing procedure, gloves must be removed before leaving the procedure area, hand washing instructions listed in Subsection (2) of this rule must be followed and a new pair of gloves put on when returning to the procedure area.

(9) The use of disposable gloves does not preclude or substitute for hand washing instructions listed in subsection (2) of this rule.

(10) A client's skin must be thoroughly cleaned with an antiseptic solution.

(11) A licensee is prohibited from wearing jewelry under gloves.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12

### **331-915-0080**

#### **Approved Sterilization Standards for Tattooing**

(1) Needles must be single use, used on one client, then properly disposed of in an approved sharps container defined under OAR 331-915-0000.

(2) All non-sterilized or reusable instruments that come in direct contact with a client's skin or are exposed to blood or other potentially infectious materials must be cleaned and sterilized before use on a client or re-use on another client.

(3) New gloves must be worn during any sterilization procedure.

(4) The cleaning and sterilization process listed in subsection (5) of this rule is not required if single-use prepackaged sterilized instruments, obtained from suppliers or manufacturers are used.

(5) Approved cleaning and sterilization process for non-sterilized or reusable instruments includes the following ordered method after each use:

(a) Place non-sterilized instruments or reusable instruments in an ultrasonic cleaner filled with an appropriate ultrasonic solution including but not limited to an enzymatic cleaner. The ultrasonic unit must be used according to the manufacturer's instructions. The ultrasonic unit must operate at 40 to 60 kilohertz. The ultrasonic cleaner must remain covered when in use;

(b) Remove non-sterilized or reusable instruments from the ultrasonic unit. Clean non-sterilized or reusable instruments by manually brushing or swabbing visible foreign matter and rinsing the instruments with warm water and an appropriate detergent solution to remove blood and other potentially infectious materials;

(c) Remove non-sterilized or reusable instruments from the ultrasonic unit. All instruments must be rinsed, air dried, and individually packaged in sterilization pouches that include use

of a color change indicator strip to assure sufficient temperature during each sterilization cycle, the date the sterilization was performed must be applied to the sterilization pouch; OR

(A) Instruments which are sterilized in an autoclave which the manufacturer does not require packaging instruments use of a color change indicator strip must be used immediately after sterilization process is complete. Storage of sterilized Instruments using this method is prohibited;

(d) Non-sterilized or reusable instruments must be sterilized by using an autoclave sterilizer, steam or chemical, registered and listed with the FDA;

(e) A steam sterilization integrator must be used to monitor the essential conditions of steam sterilization for each autoclaved load or cycle. Results must be recorded in a log book for each sterilization cycle. Each steam sterilization integrator must indicate the date the sterilization cycle took place. Steam sterilization integrators must be kept for a minimum of sixty days; and

(f) After sterilization, the sterilized instruments must be stored in individually packaged sterilization pouches that include a color change indicator strip listed under (5)(c) of this rule and in a dry, disinfected, closed cabinet or other tightly-covered container reserved for the storage of such instruments.

(6) Use of a biological monitoring system ("spore tests") must be done at least once a month, verified through an independent laboratory, to assure all microorganisms have been destroyed and sterilization achieved.

(7) The ultrasonic unit listed in subsection (5)(a) of this rule must be used, cleaned, and maintained in accordance with manufacturer's instructions and a copy of the manufacturer's recommended procedures for the operation of the ultrasonic unit must be kept on file at the body art facility.

(8) All sterilization pouches with color change indicator strips listed in subsection (5)(c) of this rule must contain a chemical/temperature and/or humidity sensitive tapes, strips or pellets for monitoring each sterilization cycle.

(9) Sterilization pouches with color change indicator strips listed in subsection (5)(c) of this rule and steam sterilization integrators listed in (5)(e) of this rule must be available at all times for inspection by the Agency.

(10) Biological spore test results listed in subsection (6) of this rule must be immediately available at all times for inspection by the Agency and kept at facility premises for a minimum of two years.

(11) The autoclave listed in subsection (5)(d) must be used, cleaned, and maintained in accordance with manufacturer's instructions and a copy of the manufacturer's recommended procedures for the operation of the autoclave must be kept on file at the body art facility.

(12) The expiration date for sterilized instruments is one year from the date of sterilization unless the integrity of the package is compromised.

(13) Sterilized instruments may not be used if the package integrity has been breached, is wet or stained, or the expiration date has exceeded without first meeting the requirements listed in Subsection (5) of this rule.

(14) All sterilized instruments used in tattooing procedures must remain stored in sterile

packages and in a dry, disinfected, closed cabinet or other tightly-covered container reserved for the storage of such instruments until just prior to the performance of a tattooing procedure.

(15) If a biological spore test listed in subsection (6) of this rule, result is positive, a licensee must discontinue the use of that sterilizer (autoclave) until it has been serviced and a negative spore test has been recorded before putting that sterilizer back into service. Until a negative spore test has been received, the licensee must:

- (a) Use an alternative sterilizer (autoclave);
- (b) Use only sterilized instruments that have a sterilization date on or before the date that last negative spore test was recorded; or
- (c) Use only single use instruments.

(16) Following a negative spore test instruments which were sterilized following the receipt of the negative spore test must be repackaged and sterilized pursuant to subsection (5) of this rule, before use.

(17) Following a negative spore test the licensee or facility must contact all clients in writing who may have received services prior to receiving the negative spore test results.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12

### **331-915-0085**

#### **Client Records and Information for Tattooing**

(1) A licensee is responsible for maintaining and keeping copies of all client records. If client records are maintained by the facility the facility owner must provide the licensee with copies of those client records upon request. The record must include the following for each client:

- (a) Name, address, telephone number and date of birth of client;
- (b) Date of each service, procedure location on the body;
- (c) Name and license number of the licensee providing service;
- (d) Special instructions or notations relating to the client's medical or skin conditions including but not limited to diabetes, cold sores and fever blisters, psoriasis or eczema, pregnancy or breast-feeding/nursing;
- (e) Complete list of the client's sensitivities to medicines or topical solutions;
- (f) History of the client's bleeding disorders;
- (g) Description of complications during procedure(s); and
- (h) Signature from the client that they have received the following information in writing and verbally:

(A) All information related to the tattooing service including possible reactions, side effects and potential complications of the service and consent to obtaining the tattooing service; and

(B) After care instructions including care following service, possible side effects and complications and restrictions.

(2) A licensee may obtain advice from a physician regarding medical information needed to safeguard client and licensee. Advice from the physician must be documented in the client record.

(3) A licensee must obtain proof of age for all clients; a copy of a government issued photographic identification must be included in the client record.

(4) A physician may authorize or prescribe a tattoo service be performed on a client who is a minor pursuant to OAR 331-915-0065. Written authorization or prescription from the physician is required. The physician authorization or prescription must be submitted to the licensee by the physician prior to tattooing the minor. A copy of the minor's photographic identification must be included in the client record.

(5) For the purpose of Subsection (1) through (4) of this rule records must be maintained on the facility premises for a minimum of three years and must be made immediately available to the agency upon request.

(6) Client records must be typed or printed in a legible format. Client records, which are not legible to the Agency, will be treated as incomplete.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12

**DIVISION 920**

**DERMAL IMPLANTING AND SCARIFICATION STANDARDS**

**331-920-0000**

**Dermal Implanting Prohibitions**

Dermal implanting services defined under ORS 690.350 are prohibited until education and training programs can be implemented.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12

**331-920-0005**

**Scarification Prohibited**

Scarification services defined under ORS 690.350 are prohibited until education and training programs can be implemented.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12

## DIVISION 925

### FACILITY LICENSING, RENEWAL AND STANDARDS

#### 331-925-0000

##### Facility License

(1) A location, where services are performed in a field of practice defined under ORS 690.350 must be licensed as a facility under ORS 690.365.

(2) The holder of a facility license must be a natural person.

[NOTE: a natural person is a living individual human being. The facility license holder may be a facility owner, facility manager, or any other natural person.]

(3) A facility license is valid for one year and becomes inactive on the last day of the month one year from the date of issuance.

(4) A facility license is not transferable; the license is not transferable from person-to-person or from location to location. If an existing facility moves or relocates to a new physical address, the facility license holder must submit a new application and meet requirements of OAR 331-925-0005. A natural person may hold more than one facility license, but must submit a separate application, pay required fees and qualify for a facility license for each location.

(5) An electrology, body piercing or tattoo facility licensed before January 1, 2012, are valid only for the fields of practice for which those licenses were issued. In order to add additional fields of practice the owner must apply and qualify for a new body art facility license pursuant to OAR 331-925-0005.

(6) A facility must adhere to all standards within OAR chapter 331, division 925.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

#### 331-925-0005

##### Application Requirements for Facility Licensure

An individual applying for a facility license must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required fees;

(3) Submit proof of being 18 years of age. Documentation may include identification listed under OAR 331-030-0000;

- (4) Provide a map or directions to the facility if it is located in a rural or isolated area;
- (5) Provide a list of licensees providing services in the facility;
- (6) Provide proof of a current registration as required by Secretary of State, Corporations Division pursuant to ORS 648.007; and
- (7) Hold a current Assumed Business Name (ABN) filing if applicant is operating an assumed business name prior to applying for a facility license.

NOTE: ABN is not required if business includes the real and true name of each owner. Refer to Secretary of State, Corporations Division under ORS 648.005 through 648.990.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-925-0010**

#### **Temporary Facility License**

- (1) A temporary facility license holder defined under ORS 690.350 and licensed under 690.365, may perform services in a field of practice under 690.350.
- (2) The holder of a temporary facility license must be a natural person.
- (3) A temporary facility license is valid for a limited time not to exceed 15 consecutive calendar days, at settings such as fairs, carnivals or bazaars.
- (4) A facility must adhere to all standards within OAR chapter 331, division 925.
- (5) A temporary facility license is not an event facility license pursuant to OAR 331-925-0030 which is comprised of individual booths where services in a field of practice are performed.
- (6) If a facility owner licensed under OAR 331-925-0000 intends to operate a facility on a limited basis, away from the facility address on file with the Agency, they must obtain a temporary facility license.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-925-0015**

#### **Application Requirements for Temporary Facility License**

To be issued a temporary facility license the applicant must:

- (1) Meets the requirements of OAR 331 division 30;
- (2) Submit a completed application form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required fees;
- (3) Proof of being 18 years of age. Documentation may include identification listed under OAR 331-030-0000,
- (4) Provide a map or directions to the facility if it is located in a rural or isolated area;
- (5) Provide a list of licensees providing services in the facility;
- (6) Provide proof of a current registration as required by Secretary of State, Corporations Division pursuant to ORS 648.007;
- (7) Hold a current Assumed Business Name (ABN) filing if applicant is operating under an assumed business name prior to applying for a facility license;

NOTE: ABN is not required if business includes the real and true name of each owner. Refer to Secretary of State, Corporations Division under ORS 648.005 through 648.990.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-925-0020**

#### **Mobile Facility License**

(1) Mobile facility license, defined as a facility under ORS 690.350 means an authorization issued under 690.365 to operate a mobile place of business outside of or away from a permanent physical location within an approved enclosed transportable vehicle, such as recreational vehicles or trailers, which has the ability to transport the business operation to multiple locations in the State of Oregon during specific approved periods of time.

(2) A mobile facility is limited to no more than 15 consecutive calendar days at one physical location.

(3) A mobile facility must adhere to all standards within OAR chapter 331, division 925.

(4) The holder of a mobile facility license must be a natural person.

[NOTE: a natural person is a living individual human being. The mobile facility license holder may be a facility owner, facility manager, or any other natural person.]

(5) A mobile facility license is not transferable; the license is not transferable from person-to-person. Requirements under OAR 331-925-0025 must be met.

(6) A mobile facility license holder must comply with the following requirements:

(a) Submit written notification on a form prescribed by the Agency for each new physical

location where services will be provided in a field of practice. The notification form must be received by the Agency at least 24 hours before services are performed at the new physical location and may be submitted by regular United States Postal Service or by electronic mail or in person at the office;

(b) Remain stationary while services in a field of practice are performed;

(c) Provide each client, verbally and in writing; the mobile facility name, mobile facility license number, license number and name of the person providing service, permanent address on file with the Agency and telephone number; and

(d) Display the mobile facility name on file with the Agency on the outside of the mobile facility which is easily visible from the street.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-925-0025**

#### **Application Requirements for Mobile Facility License**

To be issued a mobile facility license the applicant must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required fees;

(3) Submit proof of being 18 years of age. Documentation may include identification listed under OAR 331-030-0000;

(4) Provide a map or directions to the facility if it is located in a rural or isolated area;

(5) Provide a list of licensees providing services in the facility;

(6) Provide proof of a current registration as required by Secretary of State, Corporations Division pursuant to ORS 648.007; and

(7) Hold a current Assumed Business Name (ABN) filing if applicant is operating under an assumed business name prior to applying for a facility license.

NOTE: ABN is not required if business includes the real and true name of each owner. Refer to Secretary of State, Corporations Division under ORS 648.005 through 648.990.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru

### **331-925-0030**

#### **Event Facility License**

(1) Event facility license defined as a facility under ORS 690.350 means an authorization issued under 690.365 to operate a facility on an irregular basis outside and away from a permanent physical location for specific approved period of time not to exceed 15 consecutive calendar days, for convention, educational, demonstration and exhibition purposes.

(2) An event facility is comprised of individual booths where services in a field of practice are provided.

(3) A representative of the event facility must be available at all times when services are being provided.

(4) An event facility must be inspected by the Agency before services are provided in a field of practice.

(5) An event facility must adhere to all standards within OAR chapter 331, division 925.

(6) Event facility owners must provide a hot and cold running water station for every 10 licensed individuals in a field of practice.

(7) The holder of an event facility license must be a natural person.

[NOTE: a natural person is a living individual human being. The event facility license holder may be an event facility owner, event facility manager, or any other natural person.]

(8) An event facility license is not transferable; the license is not transferable from person-to-person. Requirements under OAR 331-925-0035 must be met.

(9) For the purpose of this rule a "booth" is 10 feet by 10 feet or 100 square feet of floor space and limited to two licensees.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-925-0035**

#### **Application Requirements for an Event Facility License**

To be issued an event facility license the applicant must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit completed application form prescribed by the Agency and payment of the required application fees which must be received by the Agency 30 days before the start of the event;

(3) Submit documentation showing proof of being 18 years of age documentation may

include identification listed under OAR 331-030-0000;

(4) Provide a map or directions to the facility if it is located in a rural or isolated area;

(5) Provide proof of a current registration as required by Secretary of State, Corporations Division pursuant to ORS 648.007;

(6) Hold a current Assumed Business Name (ABN) filing if applicant is operating under an assumed business name prior to applying for a facility license; and

(7) Pay all licensing fees.

[NOTE: ABN is not required if business includes the real and true name of each owner. Refer to Secretary of State, Corporations Division under ORS 648.005 through 648.990.]

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-925-0040**

#### **Renewal of a Facility or Mobile Facility License**

(1) A licensee is subject to the provisions of OAR chapter 331, division 30 regarding the renewal of a license and provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate license.

(2) Renewal of a facility license issued under OAR 331-925-0005 or 331-925-0025 this rule is valid for one year.

(3) LICENSE RENEWAL: To avoid delinquency penalties, a facility or mobile facility license renewal must be made prior to the license entering inactive status. The licensee must submit the following:

(a) Renewal application form; and

(b) Payment of required renewal fee pursuant to 331-940-0000.

(4) INACTIVE LICENSE RENEWAL: A facility or mobile facility license may be inactive for up to three years. A licensee who is inactive is not authorized to practice. When renewing after entering inactive status, the licensee holder must submit the following:

(a) Renewal application form; and

(b) Payment of delinquency and license fees pursuant to OAR 331-940-0000.

(5) EXPIRED LICENSE: A facility or mobile facility license that has been inactive for more than three years is expired and the license holder must reapply and meet the requirements listed in 331-925-0005 or 331-925-0025.

(6) LICENSE RENEWAL — FACILITY LICENSE ISSUED PRIOR TO JANUARY 1, 2012. Electrology, body piercing and tattoo facilities and mobile facilities licensed before January 1,

2012 must apply and qualify for a new body art facility license pursuant to OAR 331-925-0005 or 331-925-0025 on or before the electrology, body piercing or tattoo license becomes inactive. The applicant must designate a natural person as the facility or mobile license holder.

(7) If a facility changes ownership, the new owner must apply for a new facility license.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-925-0045**

#### **Posting Requirements**

Licensees are subject to the requirements of OAR 331-030-0020.

- (1) All facility licenses must be posted in public view.
- (2) All facility license holders must post the most recent inspection certificate in public view on the facility premises.
- (3) Each booth within an event facility must post the inspection certificate in public view within the booth.
- (4) A licensee in a field of practice performing services in any facility must post a current active license in public view. A licensee in a field of practice may temporarily conceal the address printed on the license document with a covering that is removable.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-925-0050**

#### **Facility Standards**

Facility standards apply to all licensees under ORS 690.350 unless otherwise specified by rule.

- (1) A facility license holder licensed under OAR chapter 331, division 925 must:
  - (a) Require each individual working within the facility premises providing services in a field of practice be licensed with the Agency;
  - (b) Provide a screened or separated area away from public access and viewing, isolated from a reception or waiting area, when services are conducted upon breasts, nipples, genitals or buttocks;

(c) Allow an agency representative to inspect the facility or conduct an investigation. Obstructing or hindering the normal progress of an investigation or the inspection, threatening or exerting physical harm, or enabling another individual or employee to impede an investigation or inspection may result in disciplinary action;

(d) Ensure waste from toilets or lavatories be discharged directly into a public sewer or by a method meeting the requirements of ORS Chapter 454;

(e) Have a sterilization area separated from public areas, service areas and restrooms where decontamination and sterilization of reusable instruments is performed. This rule does not apply to electrology license holders and earlobe piercing license holders;

(f) All surfaces in areas where decontamination and sterilization of reusable instruments are performed must be non-porous;

(g) Hand washing accommodations must be provided in work areas where licensees are exposed to hazardous materials, which will have a harmful effect on or be absorbed through the skin if the contamination is not removed;

(h) Maintain washing accommodations in a clean and sanitary condition; and

(i) Ensure all floors, walls and procedure surfaces including counters, tables, and chairs are easily cleanable, non-absorbent and non-porous where services are provided;

(2) When body piercing or tattoo services are provided in a cosmetology facility, body piercing or tattoo services must be separated from cosmetology services by use of a solid barrier to prevent contact with irritants. Electrology services are excluded from this rule.

(3) The facility must comply with all applicable rules and regulations of the Agency and other federal, state, county and local agencies. This includes the following:

(a) Building, fire, plumbing and electrical codes, and with exit and fire standards established by the Building Codes Agency, the Office of the State Fire Marshal;

(b) Oregon Indoor Clean Air Act as it appears in ORS 433.835 through 433.875;

(c) Occupational Safety and Health Act Blood Borne Pathogens Standards under 29 CFR 1910:1030 this includes but is not limited to: individuals providing services in a field of practice, facility owners; and other employees on the facility premises;

(d) ORS Chapter 654 and the Oregon Safe Employment Act if an employee/employer relationship exists; and

(e) All applicable Occupational Safety and Health Act standards if an employee/employer relationship exists.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats. Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415

Hist.: HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 1-2013, f. & cert. ef. 1-16-13

**331-925-0055**

## **Standards for Facilities Located in Residence**

A facility located in a residence must comply with all standards listed in OAR chapter 331, division 925 in addition to the following criteria, unless otherwise specified by rule:

- (1) Have an identifying house number or a sign, which is easily visible from the street and indicates the location of the facility;
- (2) Be equipped with the structures, accommodations, and equipment which the Agency requires for all facilities; and
- (3) The living area of the home must be separated from the facility by solid walls extending from floor to ceiling with any connecting doors kept closed while the facility is in actual operation.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415

Hist.: HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12

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**DIVISION 940**

**BOARD OF BODY ART — FEES**

**331-940-0000**

**Fees**

(1) Applicants and licensees are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

(A) Standard Body Piercing — \$50.

(B) Specialty Body Piercing Level 1 — \$50.

(C) Specialty Body Piercing Level 2 — \$50.

(D) Electrology — \$50.

(E) Tattoo — \$50.

(F) Reciprocity Per Field of Practice — \$150.

(G) Facility — \$100.

(H) Mobile Facility — \$100.

(I) Event Facility — \$100.

(J) Temporary Facility License — \$100.

(K) Temporary Practitioner Per Field of Practice — \$50.

(L) Standard Body Piercing Trainee — \$50.

(M) Ear Lobe Piercing — \$25.

(b) Examination:

(A) Written — \$50.

(B) Practical — \$100.

(c) Original Issuance of License:

(A) Standard Body Piercing Trainee — \$50.

(B) Standard Body Piercing — \$50.

(C) Specialty Body Piercing Level 1 — \$50.

(D) Specialty Body Piercing Level 2 — \$50.

(E) Electrology — \$25.

- (F) Tattoo — \$50.
- (G) License for a Field of Practice by Reciprocity — \$50.
- (H) Facility — \$150.
- (I) Mobile Facility — \$150.
- (J) Event Facility:
- (i) Up to 100 booths: \$725.
  - (ii) 101 to 200 booths: \$1,450.
  - (iii) 201 to 300 booths: \$2,175.
  - (iv) 301 to 400 booths: \$2,900.
  - (v) 401 to 500 booths: \$3,625.
- (K) Temporary Practitioner Per Field of Practice — \$20.
- (L) Temporary Facility — \$50.
- (M) Earlobe Piercing— \$25.
- (d) Renewal of License Online:
- (A) Standard Body Piercing — \$45.
  - (B) Electrology — \$20.
  - (C) Tattoo — \$45.
  - (D) Earlobe — \$20.
  - (E) Body Art Facility — \$125.
  - (F) Mobile Facility License — \$125.
- (e) Renewal of License Over-the-Counter or Through the Mail:
- (A) Standard Body Piercing Trainee — \$50.
  - (B) Standard Body Piercing — \$50.
  - (C) Specialty Body Piercing Level 1 — \$50.
  - (D) Specialty Body Piercing Level 2 — \$50.
  - (E) Electrology — \$25.
  - (F) Tattoo — \$50.
  - (G) Earlobe — \$25.
- (H) Temporary Practitioner Per Field of Practice — \$20.
- (I) Body Art Facility — \$150.
- (J) Mobile Facility License — \$150.

(f) Other administrative fees:

(A) Delinquency — \$50 per year, up to three years.

(B) Replacement License — \$25.

(C) Duplicate License — \$25 per copy with maximum of three.

(D) Affidavit of Licensure — \$50.

(E) Information Packets — \$10.

(F) Administrative Processing Fee — \$25.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 4-2012(Temp), f. & cert. ef. 3-5-12 thru 9-1-12; HLA 11-2012, f. & cert. ef. 7-25-12

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## DIVISION 950

### BOARD OF BODY ART CIVIL PENALTIES

#### 331-950-0010

##### Schedule of Penalties for Facility License Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of facility license 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) Operating or purporting to operate a facility without a valid facility license is a violation of ORS 690.360(d):

(a) Never licensed:

(A) 1st offense: \$500;

(B) 2nd offense: \$1000;

(C) 3rd offense: \$2500.

(b) Inactive or expired license:

(A) 1st offense: \$200;

(B) 2nd offense: \$500;

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

(c) License or Authorization, 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) Allowing an employee or individual unlicensed, inactive, suspended, expired or with a revoked license to practice in a field of practice is a violation of ORS 690.360(f) or OAR 331-925-0050(1)(a).

(a) Allowing and unlicensed or revoked license:

(A) 1st offense: \$1000;

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

(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.

(b) Allowing an employee or individual with inactive, suspended, or expired license:

(A) 1st offense: \$200;

(B) 2nd offense: \$500;

(C) 3rd offense: \$1000.

(3) Failing to allow an Agency enforcement officer to inspect the facility when it is open for business is a violation of OAR 331-925-0050(1)(c) and will result in monetary penalties and any other actions allowed by law.

(a) 1st offense: \$1500;

(b) 2nd offense: \$2500;

(c) 3rd offense: \$5000.

(4) Operating or purporting to operate an event facility without first obtaining a current valid event facility permit is a violation of ORS 690.360(d).

(a) \$5000 per violation;

(5) Failing to meet the specifications and standards required under OAR 331-925-0005(3) in a facility may result in an emergency suspension of the facility license until the violation is corrected.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-950-0020**

#### **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 a license to perform services in that field of practice of ORS 690.360(1)(a) or (c).

(a) License or authorization never held:

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

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

(C) 3rd offense: Monetary penalty or any other actions allowed by law including refusal to issue a new authorization to practice.

(b) License or authorization inactive or expired:

(A) 1st offense: \$200;

(B) 2nd offense: \$500;

(C) 3rd offense: \$1000.

(c) License or authorization suspended or revoked:

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

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

(C) 3rd offense: Monetary penalty or 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 or attempting to perform services in a field of practice outside a licensed facility is a violation of ORS 690.360(1)(b)

(a) 1st offense: \$500;

(b) 2nd offense: \$1000;

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

(3) A body piercing trainee license holder performing body piercing when not under the direct supervision of their supervisor is a violation of OAR 331-900-0020 for standard body piercing; or OAR 331-905-0011 or 331-905-0013 for specialty body piercing:

(a) 1st offense: \$500;

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

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

(4) Failing, as a supervisor, to provide supervision to their trainee in accordance with OAR 331-900-0050 for standard body piercing; OAR 331-905-0052 for specialty level one body piercing, OAR 331-905-0058 for specialty level two body piercing in addition to any other disciplinary actions, an approved supervisor's authorization to supervise may be withdrawn by the Agency:

(a) 1st offense: \$500;

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

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

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 | 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-950-0030**

#### **Schedule of Penalties for License Violations**

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of license 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) Altering with fraudulent intent or fraudulent use of a license or authorization issued by the agency is a violation of ORS 690.360(1)(i) or ORS 690.360(1)(j):

- (a) 1st offense: \$1,500;
- (b) 2nd offense: \$3,500;
- (c) 3rd offense: \$5,000.

(2) Failing to post a valid license or authorization issued by the agency or the most recent inspection certificate in public view is a violation of OAR 331-925-0045

- (a) 1st offense: \$100
- (b) 2nd offense: \$200
- (c) 3rd offense: \$500

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-950-0040**

#### **Schedule of Penalties for Board of Body Art Standards Violations**

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of Board of Body Art Standards Violations 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) Any violation of a Mobile Facility License listed in OAR 331-925-0020:

- (a) 1st offense: \$500;
- (b) 2nd offense: \$1,000;
- (c) 3rd offense: \$2,500.

(2) Any violation of a facility standard listed in OAR 331-925-0050(1) or (2) excluding (1)(a) and (1)(c):

- (a) 1st offense: \$500;
- (b) 2nd offense: \$1,000;
- (c) 3rd offense: \$2,500.

(3) Any violation of a Standard for Facilities Located in Residence listed in OAR 331-925-

0055:

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(4) Any violation of a General Standard listed in OAR 331-900-0097 for earlobe piercing; OAR 331-900-0115 for standard body piercing; OAR 331-905-0095 for specialty body piercing; OAR 331-910-0080 for electrology; or OAR 331-915-0070 for tattooing;

(a) 1st offense: \$500;

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

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

(5) Any violation of Standards for Client Services listed in OAR 331-900-0098 for earlobe piercing; OAR 331-900-0120 for standard body piercing, OAR 331-905-0100 for specialty body piercing; OAR 331-910-0070 for electrology; or OAR 331-915-0075 for tattooing:

(a) 1st offense: \$500;

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

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

(6) Failing to sterilize all instruments that come in direct contact with a client's skin or are exposed to blood or other potentially infectious materials or use single use needles is a violation of OAR 331-900-0125(1) and (2) for body piercing; OAR 331-905-105(1) and (2) for specialty body piercing; OAR 331-910-0075(1) and (2) for electrology; or OAR 331-915-0080(1) and (2) for tattooing;

(a) 1st offense: \$1000;

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

(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.

(7) Failing to properly use approved sterilization modes or procedures is a violation of OAR 331-900-0125 excluding (1), (2), (9) and (10) for body piercing; OAR 331-905-0105 excluding (1), (2), (9) and (10) for specialty body piercing; OAR 331-910-0075 excluding (1), (2), and (10) for electrology; or OAR 331-915-0080 excluding (1), (2), (9) and (10) for tattooing:

(a) 1st offense: \$1000;

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

(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.

(8) Failing to maintain monthly Biological test results, chemical indicator strips and steam sterilization integrators on the premises of the facility or allow an enforcement officer access

to review those records immediately upon request is a violation of OAR 331-900-0125 (9) or (10) for body piercing; OAR 331-905-0105 (9) and (10) for specialty body piercing; OAR 331-910-0075(10) for electrology; or OAR 331-915-0080(9) and (10) for tattooing:

- (a) 1st offense: \$500;
- (b) 2nd offense: \$1,000;
- (c) 3rd offense: \$2,500.

(9) Failing to collect and maintain complete client records for each client on the premises of the facility or allow an enforcement officer access to review client records immediately upon request is a violation of OAR 331-900-0099 for earlobe piercing; OAR 331-900-0130 for standard body piercing, OAR 331-905-0110 for specialty body piercing; OAR 331-910-0085 for electrology; or OAR 331-915-0085 for tattooing:

- (a) 1st offense: \$500;
- (b) 2nd offense: \$1,000;
- (c) 3rd offense: \$2,500.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 1-2013, f. & cert. ef. 1-16-13

### **331-950-0050**

#### **Schedule of Penalties for Body Piercing Standards and Prohibited Services**

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of Body Piercing Standards and Prohibited Services 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) Violation of an Earlobe Piercing Standard by is a violation of OAR 331-900-0095:

- (a) 1st offense: \$500;
- (b) 2nd offense: \$1,000;
- (c) 3rd offense: \$2,500.

(2) Providing a piercing service that is prohibited is a violation of OAR 331-900-0100 excluding (1)(c) for standard body piercing or OAR 331-905-0090 excluding (1)(c) for specialty body piercing:

- (a) 1st offense: \$1000;
- (b) 2nd offense: \$2,500;

(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.

(3) Performing, attempting to perform, or purporting to perform a piercing service that is prohibited under OAR 331-900-0100(1)(c) for standard body piercing or OAR 331-905-0090(1)(c) for specialty body piercing: or a piercing service listed as a specialty level one or specialty level two body piercing without a specialty level one or specialty level two body piercing license is a violation of ORS 690.360(1)(a) or (c):

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

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

(c) 3rd offense: Monetary penalty or any other actions allowed by law including refusal to issue a new authorization to practice.

(4) Violation of an initial jewelry piercing standard is a violation of OAR 331-900-0105 for standard body piercing or OAR 331-905-0120 for specialty body piercing:

(a) 1st offense: \$500;

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

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

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 | 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-950-0060**

#### **Schedule of Penalties for Electrologist Practice Restrictions**

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of Electrologist Practice Restrictions 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 a prohibited service is a violation of OAR 331-910-0065 excluding (4):

(a) 1st offense: \$1000;

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

(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) Failing to adhere to towels or linens requirements listed in OAR 331-910-0065(4):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

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

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 10-2012, f. & cert. ef. 6-25-12

### **331-950-0070**

#### **Schedule of Penalties for Tattoo Practice Standards and Prohibitions**

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of Tattoo Practice Standards and Prohibitions 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) Violation of a Tattoo Practice Standards as listed in OAR 331-915-0065(1),(2), or (3):

(a) 1st offense: \$500;

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

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

(2) Performing a prohibited service is a violation of OAR 331-915-0065(5):

(a) 1st offense: \$1000;

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

(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.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 10-2012, f. & cert. ef. 6-25-12