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DIVISION 1

AGENCY PROCEDURAL RULES

331-001-0000

Notice of Proposed Rulemaking

(1) Prior to the adoption, amendment or repeal of any rule, the Oregon Health Licensing Agency shall give notice of its intended action;

(a) In the manner established by rule adopted by the agency under ORS 183.341(4), which provides a reasonable opportunity for interested persons to be notified of the agency's proposed action;

(b) In the Secretary of State's bulletin referred to in ORS 183.360 at least 21 days prior to the effective date;

(c) By delivery of notice to persons on the agency mailing list, at least 28 days before the effective date of the rule, pursuant to ORS 183.335;

(d) By delivery of notice to certain legislators, at least 49 days before the effective date of the rule, pursuant to ORS 183.335;

(2) To the Associated Press and Capitol Building Press Room, and other members of the media who have requested notification;

(3) To persons, organizations, or publications, where the agency determines that such persons, organizations, or publications, would have an interest in the subject matter of the proposal based on applicability to each agency program, board or council.

(4) Delivery of notice of an intended action under subsection (1)(a), (c) and (d) of this section shall be in accordance with ORS 183.335(2)(e). Delivery of notice of an intended action under subsection (1)(b), (2) and (3) of this section may be provided by regular U.S. Postal Service mail, electronic mail, facsimile transmission, or other delivery of printed copy.

(5) A copy of proposed rules and permanently filed rules shall be posted on the agency's Web site, and program mini-sites accessed at <http://www.oregon.gov/OHLA/index.shtml> and http://www.oregon.gov/OHLA/Laws_and_Rules.shtml.

(6) Persons may obtain a printed copy of rules or related documents upon written request and payment of appropriate fee for copies of agency documents as specified in OAR 331-010-0030.

(7) The agency may update the mailing list established pursuant to ORS 183.335(8) annually by requesting persons to confirm that they wish to remain on the mailing list. If a person does not respond to a request for confirmation within 28 days of the date the agency sends the request, the agency will remove the person from the mailing list. Any person removed from the mailing list will be immedi-

ately returned to the mailing list upon request, if the person provides a mailing address to which notice may be sent.

Stat. Auth.: ORS 183, 676.605, 676.615

Stats. Implemented: ORS 183, 676.605, 676.615

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09

331-001-0010

Model Rules of Procedure

Pursuant to ORS 183.341, the Oregon Health Licensing Agency adopts the Model Rules of Procedures as promulgated by the Attorney General of the State of Oregon under the Administrative Procedures Act as amended and effective January 1, 2008.

Stat. Auth.: ORS 183 & 676.605

Stats. Implemented: ORS 183 & 676.605

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09

331-001-0020

Applicability of Agency Rules

The provisions of OAR 331-001-0000 through 331-030-0030 shall apply in the administration and regulation of all programs administered by the agency except as otherwise specifically provided.

Stat. Auth.: ORS 676.615 & OL 2003, Ch. 547

Stats. Implemented: ORS 676.615 & OL 2003, Ch. 547

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04

DIVISION 10

AGENCY GENERAL ADMINISTRATION RULES

331-010-0000

Definitions

Unless the context requires otherwise, the following definitions shall apply to OAR Chapter 331.

(1) "Agency" means the Oregon Health Licensing Agency.

(2) "Authorization" means the official document, i.e. certificate, license, permit or registration, issued by the agency, for any program administered under ORS 676.606, as prima facie evidence of the right to practice in accordance with the laws and rules of the regulatory programs administered by the agency.

(3) "Director" means, pursuant to ORS 676.610, the individual who has sole responsibility for the administrative, fiscal, human resource and regulatory functions of the agency.

(4) "Oregon Health Licensing Agency" means the agency assigned to carry out the administrative, programmatic and daily operations, and regulatory functions of the Boards, Councils and Programs listed in ORS 676.606.

(5) "Practitioner" means the individual issued a certificate, license, permit or registration by the agency who has received authorization within their defined field of practice.

(6) "Program" means the office and staff designated to carry out the daily functions of the Body Piercing Licensing Program as defined in ORS 690.500 to 690.570; or as the context requires, "program" may also be used to refer to the collective boards, councils and programs administered by the agency.

(7) "Regulatory authority" means a recognized governing body of a city, county, state or country that has been charged with the responsibility for overseeing the administration and regulation of an occupation or profession.

Stat. Auth.: ORS 676.615

Stats. Implemented: ORS 676.606, 676.615

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09

331-010-0010

Fees

(1) Payments made to the Health Licensing Office should be made for the exact amount of the transaction.

(2) Transactions conducted with the agency where either the payment or required documentation is incomplete or incorrect may be returned to the payer for correction before being processed by the agency.

(3) Fees will be applied as directed by the applicant, authorization holder or payer. Fees misapplied may be corrected by writ-

ten request specifying the certificate, license, permit or registration number(s) affected and the action requested, subject to conditions in OAR 331-010-0020(2).

(4) Fees paid to the agency are not transferable between programs or from person-to-person where the applicant was eligible for service and service was rendered pursuant to application or transaction request submitted to the agency.

(5) Payments received by the agency without indication as to purpose or intent or as an amount of overpayment will first be applied toward any outstanding civil penalty balance or administrative processing fee owed.

(6) Fee schedules are published in the administrative rules for each Board, Council or Program administered by the agency.

(7) Dishonored Check or Electronic Payment. Pursuant to ORS 30.701, whenever a bank check, credit or debit transaction in payment of an obligation due for fees, penalties, copies of records or materials, or other services to the agency, is dishonored by the bank upon which the check is drawn, the applicant or authorization holder will be assessed and must pay an administrative processing fee in the amount of \$25. The agency may take any other disciplinary action against an authorization holder or payer and may seek other legal remedies in pursuing to effect collection of the returned items. If a check is returned for NSF or uncollected funds the agency will attempt to collect payment electronically.

Stat. Auth.: ORS 30.701, 676.625 & OL 2003, Ch. 547 Sec.10, 14, 22, 30, 50, 61, 69, 86, 100

Stats. Implemented: ORS 30.701, 676.625 & OL 2003, Ch. 547 Sec.10, 14, 22, 30, 50, 61, 69, 86, 100

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04

331-010-0020

Refund of Payments

(1) The Oregon Health Licensing Agency will not refund any payment, which includes fees, penalties or other charges, unless the agency is in error. Information not known by the agency because the authorization holder or payer supplied the incorrect information is not considered an error.

(2) The agency will comply with ORS 291 and 293 and the Oregon Accounting Manual regarding administration of public funds pertaining to assessment of fees, charges and refunding monies.

(3) Application fees will not be refunded. The agency will retain the application fee if an applicant withdraws the application for a certificate, license, permit, or registration before the issuance of the authorization, or fails to complete the application process.

(4) The agency may refund fees paid for a scheduled examination on a case-by-case basis. In making its determination, the agency will consider an applicant's individual set of circumstances when the applicant fails to appear for a scheduled examination.

(5) The agency will not refund fees paid for agency scheduled diversion or infection control standards training if the applicant fails to appear and complete the prescribed training; however, the fees may be applied toward any civil fine imposed for violations of laws or rules.

(6) The agency shall determine, on a case-by-case basis, the individual set of circumstances noted in subsections (4) and (5) of this rule, such as a medical emergency, personal hardship or unforeseen event that impedes the individual from appearing for an agency-scheduled examination or training. The agency may request documentation from the individual to validate the circumstance cited and may refund the fees or reschedule an examination or training as appropriate.

Stat. Auth.: ORS 30.701, 293.445, 676.625

Stats. Implemented: ORS 30.701, 293.445, 676.625

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09

331-010-0030

Fees for Public Records and Publications

(1) All requests for copies of public records pertaining to the Oregon Health Licensing Agency, or any program it administers, shall be submitted in writing, electronic mail, or by completion of an electronic form provided by the agency. Requests are subject to disclosure according to the Public Records Law, ORS 192.410 to 192.505, and rules adopted thereunder.

(2) The agency may charge a fee reasonably calculated to reimburse the agency for costs of providing and conveying copies of public records. Fees shall not exceed the cost of locating, compiling, making available for inspection, preparing copy in paper, audio, computer disk, and delivering public records. All estimated fees and charges must be paid before public records will be made available for inspection or copies provided.

(3) The agency shall notify a requestor of the estimated costs of making records available for inspection or providing copies of records to the requestor. If the estimated costs exceed \$25, the agency shall provide written notice and shall not act further to respond to the request unless and until the requestor confirms that the requestor wants the agency to proceed with making the public records available.

(4) Charges to the general public shall be payable in cash, cashier's check, money order, or credit card. Payment by personal check for copies of official documents is not accepted.

(5) The agency shall charge 25¢ per page for the first 20 pages and 15¢ per page thereafter to recover the costs of photocopying and normal and reasonable staff time to locate, separate, photocopy and return document(s) to file and to prepare/mail public record(s) to requestors. If, for operational or other reasons, the agency uses the services of an outside facility or contractor to photocopy requested records, the agency shall charge the actual costs incurred.

(a) "Page" refers to the number of copies produced. Staff will not reduce the copy size or otherwise manipulate records in order to fit additional records on a page, unless staff concludes that it would be the most effective use of their time. Consistent with ORS 192.240, all copies will be double-sided. A double-sided copy will be charged as two single pages.

(6) "Normal and reasonable" staff time is 20 minutes or less per request:

(a) Additional charges for staff time may be made when responding to record requests that require more than the "normal and reasonable" time for responding to routine record requests. Staff time shall be charged at the agency's staff hourly rate.

(b) These charges are for staff time in excess of 10 minutes spent locating, compiling, sorting and reviewing records to prepare them for inspection, as well as all time required to separate or remove exempt information or to supervise inspection of documents. The agency shall not charge for time spent in determining the application of the provisions of ORS 192.410 to 192.505.

(7) Charges for regular agency publications and media requests, such as computer disks, video cassettes, audio tapes or other types of public record formats, shall be available upon request and a price list shall be published on the agency Web site annually.

(8) The agency may charge individuals actual postage costs for mailing of records. When mailing voluminous records or responding to special requests, the agency shall charge for staff time required to prepare the records for mailing, in addition to actual postage.

(9) The agency shall charge \$27 per hour, with a \$7.50 minimum, for staff time required to fill public record requests that require electronic reproduction. Charges include time spent locating, downloading, formatting, copying and transferring records to media. Charges for reproduction media are available upon request.

(10) Due to the threat of computer viruses, the agency will not permit individuals to provide diskettes for electronic reproduction of computer records.

Stat. Auth.: ORS 192.410 - 192.505, 676.625

Stats. Implemented: ORS 192.410 - 192.505, 676.625

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09

331-010-0040

Notification Requirements

Notification of a change in any authorization holder's licensing information must be submitted within 30 calendar days of the change to the agency by written notice given in person at the agency office, by regular U.S. Postal Service, facsimile transmission, Web-based interactive data collection or electronic mail. A change in information includes, but is not limited to the following:

(1) Authorization holders:

(a) Name — first or last. Approved documentation is required, such as marriage certificate, divorce decree, court judgment documents, or other agency approved documentation;

- (b) Residential or mailing address;
- (c) Area code and telephone number;
- (d) Employment status; or
- (e) Work location.

(2) Facility license holders:

(a) Facility name or Assumed Business Name as filed with Secretary of State, Corporations Division under 648.007;

- (b) Business telephone number, including area code;
- (c) General hours of operation;

(d) Address change resulting from city or U.S. Postal Service action; or

- (e) Closure or sale of business facility or practice.

(3) Independent contract registration holders:

(a) Facility name, physical address, telephone number and license number;

- (b) General hours of operation;
- (c) Changing permanent work location;

(d) Performing services at multiple licensed facilities on a permanent or temporary basis;

(e) Ceasing to operate as an independent contractor before expiration of the registration to avoid late renewal payment if reactivation may occur within one year of the expiration date.

Stat. Auth.: ORS 676.615

Stats. Implemented: ORS 676.615

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09

331-010-0050

Authorization Holders; Military Leave

(1) A practitioner authorized to practice under a program listed in ORS 676.606 is not required to renew the authorization or pay renewal fees while in active military service unless required by the authorization holders branch of the military.

(2) To be restored to former authorization status the authorization holder must notify the agency in writing within 60 days of being honorably discharged.

(3) No fees will be due until the following renewal period.

(4) Requirements for completing continuing education hours during an authorization holder's active duty period shall be evaluated on a case by case basis.

Stat. Auth.: ORS 676.615

Stats. Implemented: ORS 676.607 & 676.608

Hist.: HLA 1-2011(Temp), f. & cert. ef. 3-1-11 thru 8-28-11; HLA 2-2011(Temp), f. & cert. ef. 3-17-11 thru 8-28-11; HLA 8-2011, f. 8-9-11, cert. ef. 8-15-11

331-010-0055

Military Spouse or Domestic Partner Temporary Authorization to Practice

(1) Pursuant to ORS 676.308 "military spouse or domestic partner" means a spouse or domestic partner of an active member of the Armed Forces of the United States who is the subject of a military transfer to Oregon.

(2) A military spouse or domestic partner holding a temporary authorization to practice in a profession listed under ORS 676.583 or 676.800 may perform services within the profession.

(3) A temporary authorization may be immediately issued to a military spouse or domestic partner, is valid for three months and may not be renewed.

Stat. Auth.: ORS 676.308, 676.615, 680.515, 688.720, 688.815, 688.819, 690.047, 2014 OL Ch. 35

Stats. Implemented: ORS 676.308, 680.515, 688.720, 688.815, 688.819, 690.047, 2014 OL Ch. 35

Hist.: HLA 5-2014, f. 9-3-14, cert. ef. 9-17-14

331-010-0060

Application Requirements for Temporary Authorization to Practice for a Military Spouse or Domestic Partner

(1) To qualify under this rule for a temporary authorization to practice under ORS 676.583 and 676.800, a military spouse or domestic partner must submit a completed application prescribed by the Oregon Health Licensing Agency, pay all applicable fees required

under subsection (4) of this rule, and submit evidence of the following:

(a) That the applicant meets the qualifications for authorization as provided in the applicable statutes and rules of the program for which authorization is sought including examinations.

(b) A copy of a marriage certificate or domestic partnership registration with the name of the applicant and the name of the active duty member of the Armed Forces of the United States;

(c) A copy of assignment to a duty station located in Oregon by official active duty military order for the spouse or domestic partner named in the marriage certificate or domestic partnership registration; and

(d) Proof of having at least one year of active practice in the profession or occupation for which authorization is sought during the three years immediately preceding the application; and

(e) Attest that the applicant has requested evidence of authorization from the state or territory in which the applicant is authorized to practice in a profession listed under ORS 676.583 or 676.800 and that the applicant is not subject to any discipline action in that state or territory for a matter related to services regulated by the agency or the board under which authorization is sought.

(2) Processing of applications for authorization under this rule must be expedited.

(3) If the applicant demonstrates that all required qualifications listed in this rule have been met before the temporary authorization expires the temporary authorization will become the applicant's original authorization to practice a profession listed under ORS 676.583 or 676.800.

(4) Notwithstanding any other rules administered by the Agency, an applicant for authorization under this rule must submit all applicable fees for an original authorization listed within the program rules administered under ORS 676.583 and 676.800.

Stat. Auth.: ORS 676.308, 676.615, 680.515, 688.720, 688.815, 688.819, 690.047, 2014 OL Ch. 35

Stats. Implemented: ORS 676.308, 680.515, 688.720, 688.815, 688.819, 690.047, 2014 OL Ch. 35

Hist.: HLA 2-2014(Temp), f. & cert. ef. 4-3-14 thru 9-17-14; HLA 5-2014, f. 9-3-14, cert. ef. 9-17-14

331-010-0070

Application for Military Training or Experience

An individual seeking to use military training or experience as a qualification for an authorization to practice a profession or occupation in a program administered under ORS 676.583 and 676.800 must submit a Joint Services Transcript demonstrating completion of military training or experience that is substantially equivalent to requirements set forth in statute or rule by the agency or the boards or councils.

Stat. Auth.: ORS 676.308, 676.615, 680.515, 688.720, 688.815, 688.819, 690.047, 2014 OL Ch. 35

Stats. Implemented: ORS 676.308, 680.515, 688.720, 688.815, 688.819, 690.047, 2014 OL Ch. 35

Hist.: HLA 2-2014(Temp), f. & cert. ef. 4-3-14 thru 9-17-14; HLA 5-2014, f. 9-3-14, cert. ef. 9-17-14

DIVISION 20

AGENCY REGULATORY OPERATIONS RULES

331-020-0000

Contested Case Procedure

(1) Subject to the approval of the Attorney General, an officer or employee of the agency is authorized to appear on behalf of any Board, Council, or Program administered by the agency when the agency proposes to refuse to issue, renew, suspend, revoke, place on probation or impose a civil penalty on any applicant, licensee, registrant or other individual.

(2) The agency representative may not make legal argument on behalf of the agency:

(a) "Legal argument" includes arguments on:

(A) The jurisdiction of the agency to hear the contested case;

(B) The constitutionality of a statute, rule, and/or the application of a constitutional requirement to an agency; and

(C) The application of court precedent to the facts of the particular contested case proceeding.

(b) “*Legal argument*” does not include presentation of evidence, examination and cross-examination of witnesses or presentation of factual arguments or arguments on:

(A) The application of the facts to the statutes or rules directly applicable to the issues in the contested case;

(B) Comparison of prior actions of the agency in handling similar situations;

(C) The literal meaning of the statutes or rules directly applicable to the issues in the contested case; and

(D) The admissibility of evidence or the correctness of procedures being followed.

Stat. Auth.: ORS 183 & OL 2003, m Ch. 547, Sec. 4

Stats. Implemented: ORS 183 & OL 2003, m Ch. 547, Sec. 4

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04

331-020-0010

Requiring an Answer to Charges as Part of Notices to Parties in Contested Cases

In addition to the requirements stated in OAR 137-003-0000 of the Attorney General’s Model Rules of Procedure adopted under 331-001-0010, the notice to parties in contested cases may include a statement that an answer to the assertions or charges will be required and, if so, the consequence of failure to answer. A statement of the consequences of failure to answer may be satisfied by enclosing a copy of 331-020-0020 with the notice.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04

331-020-0020

Hearing Requests and Answers; Consequences of Failure to Answer

(1) A hearing request, and answer when required, shall be made in writing to the Agency by the party or the party’s attorney.

(2) An answer shall be made in writing to the Agency with any request for a hearing on a matter related to violations alleged under ORS 675.360 to 675.410, 687.405 to 687.495, 688.808 to 688.840, the rules adopted thereunder, or violations alleged under 676.612 when related to the practice of direct entry midwifery, sex offender treatment, respiratory care or polysomnography. The answer shall include the following:

(a) An admission or denial of each factual matter alleged in the notice; and

(b) A short, concise statement of each relevant affirmative defense the party may have.

(3) When an answer is required:

(a) Factual matters alleged in the notice and not denied in the answer shall be presumed admitted;

(b) Failure to raise a particular defense in the answer will be considered a waiver of such defense;

(c) New matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency; and

(d) Evidence shall not be taken on any issue not raised in the notice and the answer.

(4) When an answer is required, the party or party’s attorney may amend the response and answer, but no later than 10 days before the scheduled contested case hearing.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2012(Temp), f. & cert. ef. 3-1-12 thru 8-27-12; HLA 9-2012, f. 5-10-12, cert. ef. 5-15-12

331-020-0030

Inquiries; Filing a Complaint

(1) An individual may contact the Oregon Health Licensing Agency to inquire on the licensing record, status or employment of a person issued an authorization by the agency, or to comment on any issue concerning an individual regulated by the agency.

(2) Complaints against individuals practicing in one of the professions listed in ORS 676.606, may be filed with the agency. The

complaint may be made on forms provided by the agency, which includes the following information:

(a) The name, address and telephone number of the person making the complaint;

(b) The name of the person or facility against which the complaint is being made;

(c) A concise description of the charge against the person or facility listing the date, time and circumstances of the alleged violation; and

(d) The signature of the person making the complaint.

Stat. Auth.: ORS 183, 676.605, 676.606

Stats. Implemented: ORS 183, 676.605, 676.606

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09

331-020-0040

Complaint Processing and Investigation

Pursuant to ORS 676.608, complaints filed with the Oregon Health Licensing Agency will be handled as follows:

(1) The agency will determine if the complaint is related to a profession or occupation regulated and administered by the agency and the complaint falls within authority delegated to the agency by statute.

(2) The agency investigator(s):

(a) Will review the information and as applicable, interview parties and witnesses, and examine physical evidence relating to the complaint;

(b) Will advise on whether an authorization holder or other individual practiced within the acceptable standards of the particular program;

(c) Will make recommendations for agency action.

(3) After receiving advice from the investigator(s), the agency will determine what action will be taken in accordance with ORS 676.608.

(4) As used in ORS 676.608(8), to “appear before the agency” includes: an investigative interview conducted under oath, under subpoena or otherwise compelled; an interview or hearing before a board, council, or subcommittee of a board or council; any depositions authorized by the agency; pre-hearing conferences; and contested case hearings. It does not include interrogatories, written admissions, other written communications, or voluntary communications.

Stat. Auth.: ORS 183, 676.605, 676.608 & 676.615

Stats. Implemented: ORS 183, 676.605, 676.608 & 676.615

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09; HLA 1-2011(Temp), f. & cert. ef. 3-1-11 thru 8-28-11; HLA 2-2011(Temp), f. & cert. ef. 3-17-11 thru 8-28-11; HLA 8-2011, f. 8-9-11, cert. ef. 8-15-11

331-020-0050

Response to Inquiry

Any person subject to a complaint involving conduct or service performed or provided may be required by the agency to respond. The person must respond to the agency within 20 calendar days from the date of the request, in the form and manner requested by the agency.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04

331-020-0060

Civil Penalty Considerations

(1) Pursuant to ORS 676.992, any person who violates any provision of law or rules of a regulated profession administered by the Oregon Health Licensing Agency and listed in ORS 676.606, may incur, in addition to any other penalty provided by law, a civil penalty in an amount not to exceed \$5,000 for each violation.

(2) In establishing the amount of the penalty for each violation, the agency will consider and evaluate each case on an individual basis. The agency will consider, but not be limited to factors listed in ORS 676.992, in determining the amount of the penalty.

Stat. Auth.: ORS 676.615, 676.992

Stats. Implemented: ORS 676.615, 676.992

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09

331-020-0070

Discipline

(1) The Oregon Health Licensing Agency may discipline authorization holders for violations of laws and rules, in accordance with ORS 676.612 and 676.992.

(2) Failure to cooperate with the agency or its agent is unprofessional conduct and is subject to disciplinary sanctions, which may include suspension or revocation and refuse to issue or renew or place on probation and assessment of civil penalties. Failure to cooperate with the agency or its agent includes, but is not limited to, the following:

(a) Failing to provide information within the specified time allotted and as requested by the agency;

(b) Failing to temporarily surrender custody of original client records to the agency upon request, which includes treatment charts, models, health histories, billing documents, correspondence and memoranda;

(c) Interference, use of threats or harassment which delays or obstructs any person in providing evidence in any investigation, contested case, or other legal action instituted by the agency;

(d) Interference, use of threats or harassment which delays or obstructs the agency in carrying out its functions under individual programs administered and regulated by the agency as listed in ORS 676.606 and rules adopted thereunder; or

(e) Deceiving or attempting to deceive the agency regarding any matter under investigation including altering or destroying any records.

(3) The agency, at its discretion, may require supplemental training in an appropriate area of study as determined by the agency, board or council, as a disciplinary sanction. Supplemental training may be in addition to assessment of a monetary penalty or the agency, board or council may waive or reduce a penalty, in cases requiring supplemental training.

(4) As used in ORS 676.612(2)(j) incompetence means engaging in conduct which evidences a lack of ability or fitness to perform the holder's professional functions.

(5) As used in ORS 676.612(2)(j) negligence means engaging in conduct detrimental to the client.

Stat. Auth.: ORS 676.607, 676.612, 676.992

Stats. Implemented: ORS 676.607, 676.612, 676.992

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09; HLA 8-2011, f. 8-9-11, cert. ef. 8-15-11

331-020-0080

Sanctions

(1) **CHILD SUPPORT IN ARREARS:** In accordance with ORS 25.750 to 25.783, the Oregon Health Licensing Agency will provide the Support Enforcement Division of the Department of Justice with authorization information which may be electronically cross-matched with Support Enforcement Division's records for persons under order of judgment to pay monthly child support and who are in arrears according to ORS 25.750(a), (b), and/or (c).

(2) The agency will suspend the authorization, if the Support Enforcement Division or the district attorney identifies the authorization holder as being in arrears with respect to any judgment or order requiring the payment of child support and that the case is being enforced under the provisions of ORS 25.080.

(3) Pursuant to ORS 25.750 to 25.785, the agency will notify the authorization holder of the suspension status and refer the person to the Support Enforcement Division or the district attorney for resolution.

(4) Upon notification by the Support Enforcement Division or district attorney and receipt of a release notice that the conditions resulting in the suspension no longer exist, the agency will reinstate the authorization upon compliance with all qualifications for renewal or reactivation.

(5) **DEFAULT TAX FILING OR PAYMENT:** In accordance with ORS 305.385, upon request the agency will provide the Department of Revenue with authorization information to determine if the holder has neglected or refused to file any return or to pay any tax without filing a petition with the department as stated in ORS 305.385(4)(a).

(6) The agency will propose to take action against an authorization holder identified by the Department of Revenue. If the agency proposes to refuse to issue, renew or suspend an authorization, opportunity for hearing will be accorded as provided in ORS 183.413 to 183.470 for contested cases.

(7) Upon notification by the department and receipt of a notice of release issued by the department that the authorization holder is in good standing with respect to any returns due and taxes payable to the department as of the date of the notice of release, the agency will renew, reactivate or release from suspension the authorization upon compliance with any qualifications for renewal or reactivation.

Stat. Auth.: ORS 25.080, 25.750 - 25.785, 183.310 - 183.470,

305.385, 348.393 - 348.399, 676.606, 676.612, 676.615

Stats. Implemented: ORS 25.080, 25.750 - 25.783, 183.310 - 183.470,

305.385, 348.393 - 348.399, 676.612 Hist.: HLO 1-2004, f. & cert. ef. 2-13-04

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; Renumbered from 331-030-0030, HLA 1-2009, f. & cert. ef. 6-1-09

DIVISION 30

**CERTIFICATION, LICENSURE AND
REGISTRATION REQUIREMENTS**

331-030-0000

Application Requirements

(1) An applicant who has been the subject of any disciplinary action, including the imposition of a civil or criminal penalty, is not considered qualified for an Oregon authorization to practice until the Oregon Health Licensing Agency determines the scope, applicability and finality of the disciplinary action as it relates to the applicant's fitness to be issued an authorization to practice or use a professional title under a program listed in ORS 676.606. The disciplinary record may include, but not be limited to, actions imposed from the following:

(a) An Oregon health professional regulatory board as defined in ORS 676.160;

(b) A regulatory authority in Oregon or another state;

(c) A regulatory authority in another country or territory.

(2) Pursuant to ORS 181.534, 676.612 and OAR 331-030-005, the agency may require an applicant to complete a fingerprint check through the Oregon Department of Oregon State Police. The agency may also conduct a criminal background check of convictions to determine whether the applicant has been convicted of a crime that may affect the applicant's fitness to practice in accordance with ORS 670.280.

(3) Material misrepresentation or material errors of fact on an application for or renewal of an authorization are grounds for disqualification of examination, refusal to issue or revocation of the authorization. Refer to ORS 676.612.

(4) Application for an authorization issued for any program administered by the agency under ORS 676.606 shall be made on forms prescribed and furnished by the agency.

(5) To be accepted and processed, an application must contain:

(a) Applicant's current name, address and telephone number;

(b) Applicant's date of birth;

(c) Applicant's signature and date of application;

(d) Applicant's Social Security or Individual Taxpayer Identification number.

(e) Applicant's ethnicity (optional);

(f) Applicant's gender (optional);

(g) Disclosure of any active or inactive disciplinary action, voluntary resignation of a certificate, license, permit or registration or sanction related to authorization imposed upon the applicant by any state or country regulatory authority;

(h) Disclosure of any active or inactive certificate, license, permit or registration issued by Oregon or another state;

(i) Payment for the exact amount of required fees; and

(j) All additional information required by the particular Board, Council or Program for which application is made.

(6) Applicants must list their Social Security or Individual Taxpayer Identification number on a form prescribed by the agency at the time of initial application and renewal for certification, licensure,

permit or registration. The authority for this requirement is ORS 25.785, 305.385, 42 USC § 405(c)(2)(C)(i), and 42 USC § 666(a)(13).

(7) Failure to provide the Social Security or Individual Taxpayer Identification number will be a basis to refuse to accept the application or to issue an authorization. This information will be used for child support enforcement and tax administration purposes, unless the applicant authorizes other uses of the number. The authority for this requirement is ORS 25.785, 305.385, 42 USC § 405(c)(2)(C)(i), and 42 USC § 666(a)(13).

(8) Upon request by the agency an applicant must provide two forms of acceptable original identification issued by a federal, state or local government agency of the United States. The agency will consider other forms of identification if the procedures used in issuing the identification are sufficient to prove the applicant's identity and the identification contains security features that are sufficient to prevent alteration or counterfeiting. Acceptable identification includes, but is not limited to:

(a) An original or certified copy of birth certificate issued by a U.S. Territorial government or the government of a state or political subdivision of a state of the United States. OHLA will not accept a hospital-issued birth certificate, hospital card or birth registration or baptismal certificate.

(b) United States passport, not expired more than five years.

(c) United States passport card, not expired more than five years.

(d) U.S. Territory passport not expired more than five years.

(e) Tribal ID card from a federally recognized tribe located in Oregon or a federally recognized tribe with an Oregon affiliation if OHLA determines:

(A) The procedures used in issuing the card are sufficient to prove the applicant's identity; and

(B) The card contains security features that are sufficient to prevent alteration or counterfeiting of the card.

(f) Certificate of Citizenship (N560 and N561).

(g) Certificate of Naturalization (N550, N570 and N578).

(h) U.S. Citizen Identification Card (I-197 and I-179).

(i) U.S. Military documents including:

(A) Military or Armed Forces ID card;

(B) Military Common Access Card; or

(C) U.S. Uniform Services ID and Privileges card (DD1173 and DD1173-1).

(j) Resident Alien card

(k) Permanent Resident card (I-551).

(l) Out-of-state, District of Columbia, U.S. Territorial government or, instruction permit or identification card, that contains the applicant's photograph, not expired more than one year unless hole-punched or marked "Not Valid as ID."

(m) Valid Oregon driver license, temporary driver license, instruction permit, or identification card. For the purposes of this subsection, OHLA will not accept a driver license that was issued without a photograph.

(n) Oregon Concealed Weapon Permit/Concealed Handgun License, not expired more than one year.

(o) Social Security card or other documentation issued by the Social Security Administration.

(9) OHLA will not accept a document as proof of identity and date of birth if OHLA has reason to believe the document is not valid. The agency may request an applicant present additional documentary proof of identity if the document presented does not establish the applicant's identity to the satisfaction of OHLA.

(10) At least one form of identification provided from the approved list in subsection (8) of this rule must be photographic.

[Publications: Forms referenced are available from the agency.]

Stat. Auth.: ORS 25.785, 305.385, 42 USC § 405(C)(2)(C)(i), and 42 USC § 666(a)(13), 670.280, 676.605 & 676.615

Stats. Implemented: ORS 25.785, 305.385, 42 USC § 405(C)(2)(C)(i), 42 USC § 666(a)(13), 670.280, 676.605 & 676.615

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 12-2008(Temp), f. 11-28-08, cert. ef. 12-1-08 thru 4-30-09; Administrative correction 5-20-09; HLA 1-2009, f. & cert. ef. 6-1-09

331-030-0004

Fingerprinting, State and Nationwide Criminal Background Checks, Fitness Determinations

(1) The Oregon Health Licensing Agency may conduct and require completion of a fingerprint and criminal background check to determine fitness of individuals applying for an authorization issued or renewed by the agency. These will be provided on prescribed forms provided by the agency. At the discretion of the agency, background checks may be conducted for any of the programs administered by the agency pursuant to ORS 676.606.

(2) Fingerprints may be obtained at a law enforcement office or at a private service acceptable to the agency. The agency will forward fingerprints to the Department of Oregon State Police for checks against state and national data sources. Any original fingerprint cards will subsequently be destroyed by the department.

NOTE: An applicant must pay the department any fees assessed for conducting the fingerprint service. An applicant must arrange for the report of the fingerprint check to be mailed directly to the Oregon Health Licensing Agency, Regulatory Operations Division.

(3) These rules are to be applied when evaluating the criminal history of all licensees and applicants listed in paragraph (1) of this section, and conducting fitness determinations based upon such history. The fact that the applicant has cleared the criminal history check does not guarantee the granting of an authorization.

(4) Except as otherwise provided in section (1), in making the fitness determination the agency shall consider:

(a) The nature of the crime;

(b) The facts that support the conviction or pending indictment or that indicate the making of the false statement;

(c) The relevancy, if any, of the crime or the false statement to the specific requirements of the subject individual's right to practice in any present or proposed position, services, and employment, that is authorized upon the issuance or renewal of the certificate, license, permit or registration; and

(d) Intervening circumstances relevant to the responsibilities and circumstances of the position, services, employment, certificate, license, permit or registration. Intervening circumstances include but are not limited to:

(A) The passage of time since the commission of the crime;

(B) The age of the subject individual at the time of the crime;

(C) The likelihood of a repetition of offenses or of the commission of another crime;

(D) The subsequent commission of another relevant crime;

(E) Whether the conviction was set aside and the legal effect of setting aside the conviction; and

(F) A recommendation of an employer.

(5) The agency may require fingerprints of any authorization holders or applicant listed in paragraph (1) of this section, who is the subject of a complaint or investigation, under authority of ORS 676.612(3)(c), for the purpose of requesting a state or nationwide criminal records background check.

(6) All background checks shall be requested to include available state and national data, unless obtaining one or the other is an acceptable alternative.

(7) Additional information required. In order to conduct the Oregon and national criminal history check and fitness determination, the agency may require additional information from the authorization holder or applicant as necessary. Information requested may include but is not limited to, proof of identity; residential history; names used while living at each residence; or additional criminal, judicial or other background information.

(8) All Oregon and national criminal history checks, confidentiality, and dissemination of information received, shall be in accordance to and as applicable with ORS 181.534 through 181.560 and OAR 257, division 10.

(9) The agency will permit the individual for whom a fingerprint-based criminal records check was conducted, to inspect the individual's own state and national criminal offender records and, if requested by the subject individual, provide the individual with a copy of the individual's own state and national criminal offender records.

(10) The agency shall determine whether an individual is fit to be granted, hold or renew an authorization, listed in paragraph (1) of this section, based on the criminal records background check, or any false statements made by the individual regarding criminal history of the individual, or any refusal to submit or consent to a criminal records check including fingerprint identification, and any other pertinent information obtained as a part of an investigation. If an individual is determined to be unfit, then the individual may not be granted an authorization. The agency may make fitness determinations conditional upon applicant's acceptance of probation, conditions, or limitations, or other restrictions placed upon the authorization.

(11) The agency may also consider any arrests and court records that may be indicative of a person's inability to perform as an authorization holder with care and safety to the public.

(12) If the agency determines an applicant or authorization holder is unfit, the individual is entitled to a contested case process pursuant to ORS 183. Challenges to the accuracy or completeness of information provided by the Oregon State Police, Federal Bureau of Investigation and agencies reporting information must be made through the Oregon State Police, Federal Bureau of Investigation, or reporting agency and not through the contested case process pursuant to ORS 183.

(13) If the applicant discontinues the application process or fails to cooperate with the criminal history background check the agency considers the application incomplete.

Stat. Auth.: ORS 25.785, 305.385, 42 USC § 405(C)(2)(C)(i), 42 USC § 666(a)(13), 670.280, 676.605, 676.615
Stats. Implemented: ORS 25.785, 305.385, 42 USC § 405(C)(2)(C)(i), 42 USC § 666(a)(13), 670.280, 676.605, 676.615
Hist.: HLA 1-2009, f. & cert. ef. 6-1-09

331-030-0010

Procedure for Issuing and Renewing Certificates, Licenses and Registrations

(1) Subject to ORS 676.612, authorizations issued by the Oregon Health Licensing Agency will be issued to qualified applicants after conducting fitness determinations and upon compliance with all requirements established by rules adopted by the agency.

(2) With the exception of temporary or demonstration permits, all authorizations will expire on the last day of the month, two years from the date the authorization was issued.

(3) The authorization will state the holder's name, address, authorization number, expiration date and bear the signature of the holder. The authorization will be mailed to the place of residence or mailing address recorded on the application and may substantiated through acceptable identification listed in OAR 331-030-0000.

(4) The agency may mail notice of expiration to the authorization holder, sending the notice to the last known address on file. The authorization holder is responsible for submitting a timely application for renewal whether or not a renewal form was mailed by the agency.

(5) Application for renewal shall be made in advance of the expiration date, and shall be submitted together with the required fee(s) and documentation, as the individual program stipulates for renewal. Payment must be postmarked or received by the agency during regular business hours on or before the expiration date. An authorization may be renewed using the agency's online renewal system accessed at <http://www.oregon.gov/OHLA/online renewals.shtml>.

(6) An application for renewal and payment received by the agency or postmarked after the expiration date may be assessed delinquent renewal fee(s) according to requirements stipulated in each individual program's rules for certificate, license or registration renewal.

(7) Notwithstanding subsection (1) of this rule, the agency may vary the renewal date of an authorization by giving the applicant written notice of the renewal date being assigned and by making pro-rated adjustments to the renewal fee.

Stat. Auth.: ORS 676.605 & 676.615
Stats. Implemented: ORS 676.605 & 676.615
Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 12-2008(Temp), f. 11-28-08, cert. ef. 12-1-08 thru 4-30-09; Administrative correction 5-20-09; HLA 1-2009, f. & cert. ef. 6-1-09

331-030-0020

Authorization; Replacements

(1) An individual shall not display a sign or in any way advertise or purport to be an authorization holder or to be engaged in practice, or use a professional title, without first obtaining an authorization in the manner required according to statute and rules of a program administered by the Oregon Health Licensing Agency under ORS 676.606.

(2) The agency shall issue only one original authorization.

(3) The possession or posting of more than one of the same current authorization (original or replacement) is prohibited.

(4) All authorization holders must have immediate access to photographic identification as listed in OAR 331-030-0000 whenever performing services or open for business. Authorization holders must provide agency representatives with the appropriate identification immediately upon request.

(5) If for any reason a person is mistakenly issued a document that contains a material error and superseded by a corrected document, the agency has the authority to demand surrender of the incorrect authorization document issued by the agency. The individual must surrender the document requested within the time determined by the agency.

(6) The agency may issue a replacement authorization document, if:

(a) A written request for a replacement is submitted to the agency which contains the authorization holder's name, authorization number, address, telephone number, employment information, and a statement attesting that the original authorization has been lost, stolen or destroyed;

(b) The authorization is valid, current and not expired, suspended or revoked;

(c) Payment of the replacement fee accompanies the request;

(d) The authorization holder is not subject to any outstanding civil penalties or other disciplinary action.

Stat. Auth.: ORS 675.410, 676.605, 676.615, 690.015, 680.505, 687.415, 690.355, 694.025, 688.805, 700.020
Stats. Implemented: ORS 675.410, 676.605, 676.615, 690.015, 680.505, 687.415, 690.355, 694.025, 688.805, 700.020
Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09

331-030-0025

Emergency Response

Practice in Oregon by out-of-state authorization holders in the event of an emergency:

(1) In the event of a disaster or emergency declared by the Governor of Oregon, the Oregon Health Licensing Agency shall allow authorization holders who are licensed in another state, performing services in a field of professional practice regulated by the agency under ORS 676.606, to practice in Oregon under special provisions during the period of the declared disaster or emergency, subject to such limitations and conditions as the Governor may prescribe.

(2) The out-of-state authorization holder must submit the following information to the agency:

(a) Verification of a permanent, current, and unrestricted authorization to practice in another state which is not the subject of a pending investigation or disciplinary action by a state board, or another state or federal agency; and

(b) Current federal or state photo identification, i.e., driver license or passport.

(3) The authorization holder shall provide the agency documentation demonstrating a request to provide services by an agency recognized public health organization, Emergency Medical Service (EMS) agency, county, state or federal entity, or has otherwise made arrangements to provide services within the practitioner's scope of professional practice in Oregon as the result of the declaration of a disaster or emergency.

(4) The authorization holder may not practice in Oregon under the special disaster or emergency provisions beyond the termination date of the declared disaster or emergency as prescribed by the Governor. Practice in Oregon beyond the termination date of the declared disaster or emergency requires licensure through the Oregon Health Licensing Agency.

Stat. Auth.: ORS 676.606, 676.612, 676.615
Stats. Implemented: ORS 676.606, 676.612, 676.615
Hist.: HLA 1-2009, f. & cert. ef. 6-1-09

DIVISION 105

BOARD OF ATHLETIC TRAINERS:
GENERAL ADMINISTRATION

331-030-0040

Affidavit of Licensure

(1) "Affidavit of Licensure" means an original document or other approved means of verifying an authorization to practice (certification, licensure or registration) status and history, including information disclosing all unresolved or outstanding penalties and/or disciplinary actions. Affidavit of Licensure may be requested from other regulatory authorities or from the Oregon Health Licensing Agency:

(2) For the purpose of this rule regulatory authority means:

(a) An Oregon health professional regulatory board as defined in ORS 676.160

(b) A regulatory authority in Oregon or another state;

(c) A regulatory authority in another country or territory.

Outgoing Affidavit of Licensure

(3) An applicant may request an affidavit of licensure be sent from the Oregon Health Licensing Agency for programs listed under ORS 676.606 to another regulatory authority or individual designated on the application. The following must be submitted to the agency:

(a) An application on a form prescribed by the agency;

(b) Two forms of identification listed in OAR 331-030-0000(8); at least one must be photographic;

(c) Photocopies of identification listed in subsection (b) of this section must be submitted with the application if request is made through the mail; the photocopy must be legible; and

(d) The agency may require that an applicant present additional proof of identity pursuant to OAR 331-030-0000(9).

Incoming Affidavit of Licensure

(4) An applicant applying for an authorization from a program listed under ORS 676.606 must arrange for the originating regulatory authority to forward directly to the agency a current and original "Affidavit of Licensure" signed by an authorized representative of the regulatory authority and affixed with an official seal or stamp to the affidavit of licensure. The applicant is responsible for payment of any fee the originating regulatory authority may assess for producing the affidavit of licensure.

(5) The agency may verify an applicant's authorization to practice and determine an applicant's qualifications and fitness to practice in a program administered under ORS 676.606 by the following:

(a) An affidavit of licensure may be obtained by accessing the regulatory authority's Web site by using an online verification system. The agency may assess a fee for obtaining affidavit of licensure.

(b) An affidavit of licensure may be electronically transmitted to the agency from the regulatory authority. The applicant is responsible for payment of any fee the originating regulatory authority may assess for producing the affidavit of licensure.

(c) An affidavit of licensure document hand delivered or mailed by the applicant and not mailed directly or transmitted through an approved means to the agency from the regulatory authority will invalidate qualification for authorization to practice, scheduling, and examination.

NOTE: The Affidavit of Licensure may be referred to as a "Verification of Licensure", "License Verification", "Certification of Licensure" or "License Certification" by other regulatory authorities. Both terms have the same purpose in disclosing an applicant's licensing status and history.
Stat. Auth.: ORS 676.606, 676.612 & 676.615
Stats. Implemented: ORS 676.606, 676.612 & 676.615
Hist.: HLA 1-2009, f. & cert. ef. 6-1-09; HLA 5-2010(Temp), f. 7-23-10, cert. ef. 7-26-10 thru 1-15-11; HLA 6-2010, f. 10-14-10, cert. ef. 10-15-10

Oregon Administrative Rules Compilation

331-105-0030

Fees

(1) Applicants and registrants 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 Health Licensing Office are as follows:

(a) Application:

(A) Registration: \$100.

(B) Registration by reciprocity: \$150.

(b) Examination — Oregon laws & rules: \$50.

(c) Original issuance of registration (including by reciprocity): \$125 for one year.

(d) Permits and waivers: \$150.

(e) Renewal of registration: \$125 for one year.

(f) Delinquent (late) renewal of registration: \$40 per year, up to three years.

(g) Reinstatement: \$150.

(h) Replacement of registration, including name change: \$25.

(i) Duplicate registration document: \$25 per copy with maximum of three.

(j) Affidavit of licensure: \$50.

(k) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: 1999 OL Ch. 736, Sec. 5(3) & (4) & Sec. 10

Stats. Implemented: 1999 OL Ch. 736, Sec. 5(3) & (4) & Sec. 10

Hist.: HDLB 2-1996, f. 12-13-96, cert. ef. 1-1-97; HDLP 1-2000(Temp), f. 2-14-00, cert. ef. 2-15-00 thru 8-11-00; Administrative correction 3-16-00; HDLP 3-2000, f. 7-26-00, cert. ef. 8-1-00; HLO 3-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 2-2006, f. 11-30-06, cert. ef. 12-1-06; HLA 3-2008, f. 9-15-08, cert. ef. 10-1-08; HLA 5-2011(Temp), f. & cert. ef. 8-1-11 thru 1-28-12; HLA 11-2011, f. 10-14-11, cert. ef. 10-15-11; HLO 1-2015, f. 6-29-15, cert. ef. 7-1-15

DIVISION 120

BOARD OF ATHLETIC TRAINERS:
GENERAL ADMINISTRATION

331-120-0001

Definitions

The following definitions apply to OAR 331-120-0001 through 331-160-0015.

(1) "Agency" means the Oregon Health Licensing Agency.

(2) "Board of Certification, Inc." (BOC) means the national organization that is accredited by the National Commission for Certifying Agencies that provides a certification program for the entry-level athletic trainer and establishes requirements for maintaining status as a certified athletic trainer (ATC).

(3) "Registration" means the document issued by the agency authorizing the holder to practice athletic training under ORS 688.730 and use the title "Athletic Trainer, Registered," and the abbreviation: "ATR."

Stat. Auth.: ORS 676.615, 688.709, 688.715,

Stats. Implemented: ORS 688.715, 688.718, 688.720

Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

DIVISION 130

APPLICATION AND QUALIFICATION REQUIREMENTS

331-130-0001

Application Requirements

An individual applying for registration to practice athletic training 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 and registration fees.

(3) In addition to requirements listed in subsections (1) and (2) of this rule, an applicant must provide documentation of one of the following pathways:

(a) Licensure Pathway 1 — Qualification through examination. An applicant must submit:

(A) Official transcripts demonstrating that the individual holds a bachelor's degree from a regionally accredited four year college or university and has completed an athletic training education program accredited by the Commission on Accreditation of Athletic Training Education, or has been approved or recognized by the Board;

(B) Evidence of prescribed educational and clinical experience as required by ORS 688.720, and OAR 331-130-0001;

(C) Official documentation of a passing score of the BOC examination or documentation of successful completion of an equivalent examination approved or recognized by the Board;

(D) Evidence that the applicant is 18 years old or older; and

(E) Evidence demonstrating current certification in cardiopulmonary resuscitation (CPR) including:

(i) Adult & Pediatric CPR;

(ii) Automated external defibrillator AED;

(iii) 2nd Rescuer CPR;

(iv) Airway Obstruction; and

(v) Barrier Devices (e.g., pocket mask, bag valve mask).

(b) Licensure Pathway 2 — Licensure through reciprocity: An applicant must submit:

(A) An Affidavit of Registration demonstrating proof of current registration, which is active with no current or pending disciplinary action. The registration must have been issued by another state or territory of the United States and the requirements be equivalent to those in ORS 688.720;

(B) Evidence that the applicant is 18 years old or older; and

(C) Evidence demonstrating current certification in cardiopulmonary resuscitation (CPR) for including:

(i) Adult & Pediatric CPR;

(ii) Automated external defibrillator AED;

(iii) 2nd Rescuer CPR;

(iv) Airway Obstruction; and

(v) Barrier Devices (e.g., pocket mask, bag valve mask).

(4) An applicant with a current athletic training licensing credential issued from another state or territory of the United States must arrange for a completed Affidavit of Registration, issued by the credentialing state, to be mailed directly to the Agency. The Affidavit must attest to the applicant's registration record and indicate successful completion of the BOC examination or another examination approved by the Board.

Stat. Auth.: ORS 676.615, 688.709, 688.715,
Stats. Implemented: ORS 688.715, 688.718, 688.720
Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

331-130-0005

Registration Required; Exception

To practice athletic training in the state of Oregon, individuals must be registered in accordance with ORS 688.718.

Stat. Auth.: ORS 676.615, 688.709, 688.715,
Stats. Implemented: ORS 688.715, 688.718, 688.720
Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

331-130-0011

Registration Issuance and Renewal

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

(2) LICENSE RENEWAL: Registration renewal must be made prior to the registration entering inactive status. The registrant must submit the following:

(a) Renewal application form;

(b) Payment of required renewal fee;

(c) Attest to having obtained required continuing education; and

(d) Attest to having current certification in cardiopulmonary resuscitation pursuant to OAR 331-130-0001.

(3) INACTIVE REGISTRATION RENEWAL: Registration renewal made after the registration enters inactive status. A registration may be inactive for up to three years. To renew inactive registration, the registrant must submit the following:

(a) Renewal application form;

(b) Payment of delinquency and renewal fees pursuant to OAR 331-140-0000;

(c) Attest to having obtained required continuing education; and

(d) Attest to having current certification in cardiopulmonary resuscitation pursuant to OAR 331-130-0001.

(4) EXPIRED REGISTRATION: A registration that has been inactive for more than three years is expired and must meet the requirements listed in OAR 331-130-0001.

(5) A registrant failing to meet continuing education requirements listed under OAR 331-150-0005 must reapply and meet requirements pursuant to OAR 331-130-0001.

(6) A registrant may not practice with an inactive or expired registration.

Stat. Auth.: ORS 676.615, 688.709, 688.715,

Stats. Implemented: ORS 688.715, 688.718, 688.720

Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12; HLO 1-2016, f. 6-28-16, cert. ef. 7-1-16

331-130-0015

Registration Display and Posting Requirements

(1) Registrants must show proof of valid registration upon request or post the registration document in public view at the athletic trainer's primary workplace.

(2) A registrant may temporarily conceal the address printed on the registration document with a covering that is removable. A registrant must carry the registration identification card (pocket card), or post the official registration in plain view any time services are being provided.

Stat. Auth.: ORS 676.615, 688.709, 688.715,

Stats. Implemented: ORS 688.715, 688.718, 688.720

Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

DIVISION 150

CONTINUING EDUCATION

331-150-0000

Continued Competency

(1) To ensure continuing efforts on the part of Oregon registered athletic trainers to remain current with new developments in athletic training and to encourage diversified training and qualifications in the profession, continuing education is required as a condition of registration.

(2) Continuing education experiences are programs beyond the basic education required to obtain registration and that are designed to promote and enrich knowledge, improve skills, and develop attitudes for the enhancement of the practices of registered athletic trainers, thus improving athletic training care to the public.

(3) Continuing education requirements apply whether the applicant renewing registration is living or working within Oregon or outside of the state, so long as Oregon registration is maintained.

Stat. Auth.: ORS 676.615, 688.709, 688.715,

Stats. Implemented: ORS 688.715, 688.718, 688.720

Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

331-150-0005

Continuing Education Requirements

(1) To maintain registration, athletic trainers must complete a minimum of 10 hours of approved continuing education each year. Credit hours obtained in excess of those required for the one-year reporting period may not be carried forward. A registrant's continuing education requirements remain in effect during the time registration is inactive.

(2) Each registrant shall document compliance with the continuing education requirement through attestation on the registration

renewal application. Registrants are subject to provisions of OAR 331-150-0010 pertaining to periodic audit of continuing education.

(3) Approved continuing education must be obtained by participation in or attendance at a course provided by an accredited college or university, a course or program approved by the BOC or an agency pre-approved course or program.

(4) Continuing education must address subject matter related to athletic training in accordance with ORS 688.701 through 688.734.

(5) CE credit will be awarded based on the following criteria:

(a) Completion and passing of academic courses related to athletic training taken from an accredited college or university are awarded 15 hours for each semester-based credit earned, 14 hours for each trimester-based credit earned or 10 hours for each quarter-based credit earned; and

(b) Courses that do not meet standards as set forth in paragraph (a) of this subsection, such as workshops, symposiums, seminars, laboratory exercises, professional courses, or any applied experience with or without formal classroom work must be pre-approved by the agency or by BOC and may be assigned credit at the rate of one hour for each hour of attendance.

(6) Registrants must complete two hours of continuing education specifically on Concussion and Traumatic Brain Injury once every three years.

(7) Documentation supporting compliance with continuing education requirements must be maintained for a period of three years following renewal, and must be available to the agency upon request.

Stat. Auth.: ORS 676.615, 688.709, 688.715,

Stats. Implemented: ORS 688.715, 688.718, 688.720

Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

331-150-0010

Continuing Education: Audit, Required Documentation and Sanctions

(1) The Oregon Health Licensing Agency will audit a percentage of registrants, as determined by the Board, to verify compliance with continuing education requirements of this rule.

(2) Registrants notified of selection for audit of continuing education attestation shall 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 331-150-0005.

(3) If selected for audit, the registrant must provide documentation of the required continuing education, which must include:

(a) For courses provided by an accredited college or university — A course syllabus and an official transcript from the accredited college or university;

(b) For BOC approved programs or courses — A certificate of completion that includes the BOC approval number; or

(c) For agency pre-approved programs or courses — A certificate of completion or other agency approved documentation that includes the agency pre-approval number.

(4) If documentation of continuing education is incomplete, the registrant has an additional 30 calendar days from the date of notice of incompleteness to submit further documentation to substantiate having completed the required continuing education.

(5) Failure to meet continuing education requirements shall constitute grounds for disciplinary action, which may include, but is not limited to, assessment of a civil penalty and suspension or revocation of registration.

Stat. Auth.: ORS 676.615, 688.709, 688.715,

Stats. Implemented: ORS 688.715, 688.718, 688.720

Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

DIVISION 160

PRACTICE STANDARDS

331-160-0005

Scope of Practice

The scope of practice of athletic training by a registered athletic trainer shall consist of the following:

(1) The education, instruction, application and monitoring of facts and circumstances required to protect the athlete from athletic injury, including but not limited to:

(a) The identification, through physical examinations or screening processes, of conditions that may pose a risk of injury, illness or disease to an athlete.

(b) The supervision and maintenance of athletic equipment to assure safety.

(2) The recognition, evaluation and care of injuries and illness occurring during athletic events or in the practice for athletic events including but not limited to the following:

(a) Performance of strength testing using mechanical devices or other standard techniques;

(b) Application of tape, braces and protective devices to prevent or treat injury;

(c) Administration of standard techniques of first aid;

(d) Use of emergency care equipment to aid the injured athlete by facilitating safe transportation to an appropriate medical facility;

(e) Determination of the level of functional capacity of an injured athlete in order to establish the extent of an injury; and

(f) Determination of the level of functional capacity of an injured or ill athlete to participate.

(3) The gathering and accurate recording of all information required in the assessment of athletic injuries.

(4) The development and implementation of an appropriate course of rehabilitation or reconditioning by the use of therapeutic modalities, including but not limited to: water, cold, heat, electrical, mechanical and acoustical devices, massage, manual techniques, gait training exercise, and physical capacity functional programs which are determined to be needed to facilitate recovery, restore athletic function or performance;

(5) Dispensation of non-prescription medication and application of topical non-prescription medication;

(6) The determination and implementation of a plan for appropriate health care administration.

(7) Referral of an athlete to appropriate health care provider as needed.

(8) Organization of a medical care service delivery system for athletes when needed.

(9) Establishment of plans to manage an athlete's medical emergencies;

(10) The education or providing of athletic training guidance to athletes for the purpose of facilitating recovery, function and performance of the athlete.

Stat. Auth.: ORS 676.615, 688.709, 688.715,

Stats. Implemented: ORS 688.715, 688.718, 688.720

Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

331-160-0010

Standards of Practice

Athletic trainers shall adhere to the following standards of professional conduct:

(1) Physician Collaboration: Athletic trainers are required to collaborate with a physician in the treatment of an athletic injury as provided in OAR 331-160-0015.

(2) Registered Athletic Trainers shall be responsible for the conduct and performance of student assistants under their supervision.

(3) Documentation: All services are documented in writing by the Athletic Trainer and are part of the Athletic Trainer's record for the athlete. The Athletic Trainer accepts responsibility for chronologically recording details of the patient's health status and treatment, signing and dating each entry.

(4) The patient's record shall include, but not be limited to:

(a) Athlete's name and any other identifying information;

(b) Referral source, as applicable;

(c) Initial and subsequent assessments;

(d) Treatment plan, including methods used, results and plan revisions;

(e) Documentation of discontinuation of treatment and final summary.

(5) Records must be maintained for no less than seven years after discharge. All records are subject to review by the agency.

(6) All records must be legibly written or typed, dated and signed.

(7) Confidentiality: Athletic trainers are required to maintain confidentiality in accordance with all applicable laws.

(8) Initial Assessment: Prior to treatment, athletic trainers are required to assess the athlete's status, history, and level of functioning.

(9) Treatment Program Planning: The treatment program objectives must include goals, expectations and measures to determine the effectiveness of the program.

(10) Athletic trainers are required to observe the Occupational Safety and Health Act Blood Borne Pathogens Standards under 29 CFR 1910:1030 when providing services.

(11) Practicing athletic training or offering to perform services beyond the scope of practice permitted by law and defined in ORS 688.701, is prohibited.

(12) Performing services that have not been authorized by the athlete or the athlete's legal representative is prohibited.

Stat. Auth.: ORS 676.615, 688.709, 688.715,
Stats. Implemented: ORS 688.715, 688.718, 688.720
Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

331-160-0015

Collaboration of Athletic Trainers and Physicians

(1) "Collaboration" as used in this section means consultation, correspondence, or referral between an athletic trainer and a physician. Collaboration may be initiated by the athletic trainer or physician, and consists of oral or written communication between the parties or an appropriate representative of the physician. "Collaboration" as used in OAR 331-160-0010 and this section, does not mean providing care on behalf of, jointly, or in concert with one another.

(2) "Consultation" as used in this section means discussing or sharing information with another health care provider that is consistent with the requirements of state and federal law regarding confidentiality for the purposes of obtaining information or recommendations for the provision of care to the athlete.

(3) "Referral" as used in this section means directing the athlete to other resources for purposes of care, treatment, assessment or intervention.

(4) An athletic trainer must collaborate with a physician when the athletic injury is beyond the athletic trainer's scope of practice or expertise, or in those instances where the injury is not responding to treatment.

(5) The athletic trainer must appropriately record collaboration with a physician regarding an athlete or athletic injury in an acceptable manner, such as notation on injury reports, medical records, or progress reports.

(6) Nothing in this section or these rules shall be construed to prevent a physician from employing, directing, supervising, establishing protocols for, or otherwise assisting a registered athletic trainer in the practice of athletic training consistent with the scope of practice and professional standards of each practitioner.

Stat. Auth.: ORS 676.615, 688.709, 688.715,
Stats. Implemented: ORS 688.715, 688.718, 688.720
Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

DIVISION 300

GENERAL ADMINISTRATION

331-300-0010

Definitions

The following definitions apply to OAR 331-300-0010 to 331-350-0000:

(1) "CBMT" means the Certification Board for Music Therapists.

(2) "Good standing" means no unresolved or outstanding disciplinary actions.

(3) "Office" means the Health Licensing Office.

(4) "NMTR" means the National Music Therapy Registry.

Stat. Auth.: 2015 HB 2796
Stats. Implemented: 2015 HB 2796
Hist.: HLO 4-2015, f. 10-6-15, cert. ef. 12-1-15

331-300-0020

Fees

(1) An applicant or certificate holder is 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 Health Licensing Office pursuant to ORS 676.592 are as follows:

(a) Application: \$150.

(b) License: \$50 – valid for one year.

(c) Renewal: \$50 – valid for one year.

(d) Replacement: \$25.

(e) Late fee: \$40 for each year of inactive status up to three years.

(f) Affidavit of licensure, as defined in OAR 331-030-0040: \$50.

(g) Administrative fee: \$25.

Stat. Auth.: 2015 HB 2796
Stats. Implemented: 2015 HB 2796
Hist.: HLO 4-2015, f. 10-6-15, cert. ef. 12-1-15

DIVISION 310

LICENSURE OF MUSIC THERAPISTS

331-310-0020

Application Requirements for Initial Licensure for Music Therapist

(1) An individual applying for initial licensure as a music therapist must:

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

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

(c) Be at least 18 years old.

(d) Arrange for official documentation to be mailed to the Office from the certifying organization proving that the applicant:

(A) Successfully passed the CBMT examination in the two years before the application date, or

(B) Possesses current CBMT certification, or

(C) Possesses the professional designation of "registered music therapist," "certified music therapist" or "advanced certified music therapist" from the NMTR.

(e) Pay all licensing fees.

(2) If an applicant is licensed or certified in another state, they must:

(a) Be in good standing in every state in which they are licensed or certified, and

(b) Ensure that the Office receives an affidavit of licensure pursuant to OAR 331-030-0040.

Stat. Auth.: 2015 HB 2796
Stats. Implemented: 2015 HB 2796
Hist.: HLO 4-2015, f. 10-6-15, cert. ef. 12-1-15

331-310-0025

Application Requirements for Reciprocity for Music Therapist

An individual applying for reciprocity for music therapist licensing must:

(1) Meet the requirements of OAR 331 Division 30.

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

(3) Be at least 18 years old.

(4) Submit an affidavit of licensure pursuant to OAR 331-030-0040, proving that the applicant is in good standing in every state in which they are licensed or certified.

(5) Have a registration issued by another state or territory of the United States, and the requirements must be substantially equivalent to those in Oregon Laws 2015, Chapter 632.

(6) Pay all license fees.

Stat. Auth.: 2015 HB 2796

Stats. Implemented: 2015 HB 2796
Hist.: HLO 4-2015, f. 10-6-15, cert. ef. 12-1-15

331-310-0030**Licensure Issuance and Renewal**

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

(2) License renewal: To avoid delinquency penalties, a license must be renewed before the license becomes inactive as described in section (3) of this rule. The licensee must:

(a) Submit a renewal application form;

(b) Attest to having obtained the continuing education pursuant to 331-320-0010.

(c) Pass a state criminal background check pursuant to OAR 331-030-0004, and

(d) Pay the renewal fee pursuant to OAR 331-300-0020.

(3) Inactive license renewal: A license becomes inactive if it is not renewed before its "active through" date. A license may be inactive for up to three years, but an inactive license does not authorize its holder to practice music therapy or use the title or designation of "Music Therapist." To renew an inactive license, the licensee must:

(a) Submit a renewal application form;

(b) Attest to having obtained the continuing education pursuant to OAR 331-320-0010;

(c) Pass a state criminal background check pursuant to OAR 331-030-0004; and

(d) Pay the delinquency and renewal fees pursuant to OAR 331-300-0020.

(4) Expired license: A license that has been inactive for more than three years is expired, and the licensee must reapply for licensure and meet the requirements listed in OAR 331-310-0020 or OAR 331-310-0025.

Stat. Auth.: 2015 HB 2796

Stats. Implemented: 2015 HB 2796

Hist.: HLO 4-2015, f. 10-6-15, cert. ef. 12-1-15

DIVISION 320**CONTINUING EDUCATION FOR MUSIC THERAPISTS****331-320-0010****Continuing Education Requirements**

(1) To maintain licensure, a music therapist must complete a minimum of 10 CE credits every year.

(2) CE credits obtained in excess of those required for the current one-year reporting period may be carried forward for up to four years. However, no more than 40 annual excess CE credits may be carried forward.

(3) Excess CE credits may not be used to reinstate an expired license.

(4) Each licensee shall document compliance with the CE credit requirement through attestation on the license renewal application. Licensees are subject to provisions of OAR 331-320-0020 pertaining to periodic audit of CE.

(5) Upon CE credit audit, the licensee must provide documentation supporting all credits claimed and all excess credits carried forward.

(6) CE credits must address a subject matter related to music therapy practice.

(7) CE credits will be awarded based on the following criteria:

(a) Completion and passing of academic courses taken from an accredited college or university are awarded 15 CE credits for each semester-based credit earned, 14 CE credits for each trimester-based credit earned or 10 CE credits for each quarter-based credit earned;

(b) Completion of professional courses that meet academic course requirements in content, instruction and evaluation will be assigned 15 CE credits for each semester-based credit earned, 14 CE credits for each trimester-based credit earned or 10 CE credits for each quarter-based credit earned;

(c) Courses that do not meet standards as set forth in paragraphs (a) and (b) of this subsection, such as workshops, symposiums, seminars, laboratory exercises, or any applied experience with or without formal classroom work may be assigned credit at the rate of 1.0 CE credit for each 50 minutes of attendance.

(8) Documentation supporting compliance with CE requirements must be maintained for a period of two years following renewal and be available to the Office upon request.

Stat. Auth.: 2015 HB 2796

Stats. Implemented: 2015 HB 2796

Hist.: HLO 4-2015, f. 10-6-15, cert. ef. 12-1-15

331-320-0020**Continuing Education Audit**

(1) The Office will audit a percentage of licensees, as determined by the Office, to verify compliance with continuing education requirements of this rule.

(2) Licensees notified of selection for audit of continuing education attestation shall submit to the Office, within 30 calendar days of the date of issuance of the notification, satisfactory evidence of participation in required continuing education in accordance with OAR 331-150-0005.

(3) If selected for audit, the registrant must provide documentation of the required continuing education, which must include:

(a) For courses provided by an accredited college or university — a course syllabus and an official transcript from the accredited college or university;

(b) For CBMT or NMTR approved programs or courses — a certificate of completion that includes the CBMT or NMTR approval number; or

(c) For Office pre-approved programs or courses — a certificate of completion or other Office-approved documentation that includes the Office pre-approval number.

(4) If documentation of continuing education is incomplete, the registrant has an additional 30 calendar days from the date of notice of incompleteness to submit further documentation to substantiate having completed the required continuing education.

(5) Failure to meet continuing education requirements shall constitute grounds for disciplinary action, which may include, but is not limited to, assessment of a civil penalty and suspension or revocation of registration.

Stat. Auth.: 2015 HB 2796

Stats. Implemented: 2015 HB 2796

Hist.: HLO 4-2015, f. 10-6-15, cert. ef. 12-1-15

DIVISION 330**STANDARDS OF PRACTICE AND PROFESSIONAL RESPONSIBILITY****331-330-0010****Standards of Practice and Professional Responsibility**

(1) A licensed music therapist must:

(a) Protect the confidentiality of information obtained in the course of practice, supervision, teaching or research.

(b) Comply with all local, state and federal regulations concerning the practice of music therapy.

(c) Abide by the American Music Therapy Association (AMTA) Code of Ethics (Revised 11/14) and the AMTA Standards of Clinical Practice (revised 11/23/13).

(2) A licensed music therapist must not:

(a) Discriminate in professional relationships with colleagues and clients because of race, ethnicity, language, religion, marital status, gender, gender identity of expression, sexual orientation, age, ability, socioeconomic status or political affiliation.

(b) Use deceptive or misleading advertising or make guarantees that lead to false expectations.

(c) Accept gratuities, gifts or favors that could interfere with decisions or judgment.

(d) Take financial advantage of a client or a client's family.

(3) Failure to comply with these standards may constitute unprofessional conduct, and that is subject to discipline under ORS 676.612.

Stat. Auth.: 2015 HB 2796

Stats. Implemented: 2015 HB 2796

Hist.: HLO 4-2015, f. 10-6-15, cert. ef. 12-1-15

DIVISION 340

DISCIPLINE AND ENFORCEMENT

331-340-0010

Investigative Authority

The Office may initiate and conduct investigations relating to the practice of music therapy pursuant to ORS 676.608, and may take appropriate disciplinary action in accordance with the provisions of 676.612 and 676.992.

Stat. Auth.: 2015 HB 2796

Stats. Implemented: 2015 HB 2796

Hist.: HLO 4-2015, f. 10-6-15, cert. ef. 12-1-15

DIVISION 405

GENERAL ADMINISTRATION

331-405-0020

Definitions

The following definitions apply to OAR chapter 331, divisions 405 through 430:

(1) "Affidavit of Licensure" the meaning is set forth in OAR 331-030-0040.

(2) "Agency" means the Oregon Health Licensing Agency.

(3) "Board" means the State Board of Denture Technology.

(4) "Direct supervision" means the supervisor is immediately accessible and onsite at the business when denture technology services are performed.

(5) "High level disinfectant" means a chemical agent, which has demonstrated tuberculocidal activity and is registered with the Environmental Protection Agency.

(6) "Indirect supervision" means the supervisor is available by phone or by other means of electronic communication. The supervisor must be able to reasonably oversee the work of the individual being supervised, and be available for questions and assistance when needed.

(7) "Informed Consent" means the written consent obtained following a thorough and easily understood explanation to the patient, or patient's guardian, of the proposed procedures, any available alternative procedures and any risks associated with the procedures. Following the explanation, the licensee must ask the patient, or the patient's guardian, if there are any questions. The licensee must provide thorough and easily understood answers to questions asked.

(8) "Official transcript" means an original document authorized by the appropriate office in the Oregon Department of Education and certified by a college, university or private career school indicating applicant identity information, hours and types of course work, examinations and scores that the student has completed. Original documents must be submitted directly to the Agency from the college, university or private career school by United States Postal Service mail, or other recognized mail service providers, in a sealed envelope.

(9) "1,000 hours of supervised clinical practice in denture technology" means engaging in clinical and laboratory training in denture technology within an Agency approved education or work experience program. The program must include:

(a) Clinical: a minimum of 400 hours in direct patient care in denture technology; and

(b) Laboratory: construction of a minimum of 40 removable dentures, on 40 different patients. Each removable denture will be counted as one denture; an upper and a lower removable denture counts as two removable dentures.

Stat. Auth.: ORS 680.565

Stats. Implemented: ORS 680.565

Hist.: HD 11-1979(Temp), f. & ef. 8-23-79; HD 2-1980, f. & ef. 2-14-80; HD 12-1981(Temp), f. & ef. 7-15-81; HD 1-1983, f. & ef. 1-20-83; HD 4-1988, f. & cert. ef. 3-4-88; HD 25-1988 (Temp), f. & cert. ef. 11-1-88; HD 4-1989, f. & cert. ef. 6-1-89; HD 10-1989, f. & cert. ef. 11-21-89; HD 13-1991(Temp), f. & cert. ef. 9-30-91; HD 3-1992, f. & cert. ef. 3-25-92; HD 22-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 3-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 333-020-0005; HDLP 1-2001, f. 3-21-01, cert. ef. 4-1-01; HLO 1-2003, f. 1-21-03, cert. ef. 2-1-03; HLO 2-2004, f. 6-29-04, cert. ef. 7-1-04; HLO 2-2005, f. 12-15-05, cert. ef. 1-1-06; HLA 10-2013, f. & cert. ef. 7-1-13

DIVISION 407

EDUCATION

331-407-0000

Approved Education and 1,000 Hours of Clinical Practice Experience in Denture Technology

(1) To be approved as an educational program with 1,000 hours equivalent educational program with 1,000 hours supervised clinical practice in denture technology as defined under OAR 331-405-0020 including private career schools, which is equivalent to an associate's degree, the provider of the educational program must submit documentation which meets the requirements of ORS 680.515(1)(a) and the Board's approved Denture Technology Curriculum Objectives which can be obtained on the Agency Website at <http://www.oregon.gov/OHLA/DT/pages/index.aspx>. This documentation must prove that the educational program has a minimum of 103 credits in quarter hours or equivalent hours in the following educational areas:

- (a) Orofacial Anatomy a minimum of 2 credits;
- (b) Dental Histology and Embryology a minimum of 2 credits;
- (c) Pharmacology a minimum of 3 credits;
- (d) Emergency Care or Medical Emergencies a minimum of 1 credit;
- (e) Oral Pathology a minimum of 3 credits;
- (f) Pathology emphasizing in Periodontology a minimum of 2 credits;
- (g) Dental Materials a minimum of 5 credits;
- (h) Professional Ethics and Jurisprudence a minimum of 1 credit;

- (i) Geriatrics a minimum of 2 credits;
- (j) Microbiology and Infection Control a minimum of 4 credits;

(k) Clinical Denture Technology a minimum of 16 credits which may be counted towards 1,000 hours supervised clinical practice in denture technology defined under OAR 331-405-0020(9);

(l) Laboratory Denture Technology a minimum of 37 credits which may be counted towards 1,000 hours supervised clinical practice in denture technology defined under OAR 331-405-0020(9);

- (m) Nutrition a minimum of 4 credits;
- (n) General Anatomy and Physiology a minimum of 8 credits; and

- (o) General education and electives a minimum of 13 credits.
- (2) The provider of the educational program must also submit the following:

(a) Documentation of the educational institution's accreditation, if any;

(b) Documentation from the Department of Education of any certification of the educational institution, if it is a private career school;

(c) A list of the educational materials and books required for all of the courses listed in subsection (1) of this rule;

(d) Lecture and lab hours required in the courses at the institution, as they equate to standard academic credit hours;

(e) Any additional information or documentation requested by the Agency.

Stat. Auth.: ORS 676.605, 676.615 & 680.515

Stats. Implemented: ORS 676.605, 676.615 & 680.515

Hist.: HD 11-1979(Temp), f. & ef. 8-23-79; HD 2-1980, f. & ef. 2-14-80; HD 1-1983, f. & ef. 1-20-83; HD 4-1989, f. & cert. ef. 6-1-89; HD 10-1989, f. & cert. ef. 11-21-89; HD 13-1991(Temp), f. & cert. ef. 9-30-91; HD 3-1992, f. & cert. ef. 3-25-92; HD 22-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 3-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 333-020-0040; HDLP 1-2001, f. 3-21-01, cert. ef. 4-1-01; HLO 1-2003, f. 1-21-03, cert. ef. 2-1-03; HLO 2-2004, f. 6-29-04, cert.

ef. 7-1-04; HLO 2-2005, f. 12-15-05, cert. ef. 1-1-06; Renumbered from 331-410-0000, HLA 10-2013, f. & cert. ef. 7-1-13

DIVISION 410

LICENSURE

331-410-0012

Denture Technology Supervisors

(1) To be approved as a supervisor pursuant to ORS 680.510, 680.515(1)(a) and 680.515(1)(c) an individual must:

(a) Hold a valid dentist license under ORS 679 or valid denturist license under ORS 680 and OAR 331-410-0030;

(b) Hold an oral pathology endorsement if supervisor is a denturist licensed under ORS 680 and OAR 331-410-0030; and

(c) Have no current or pending disciplinary action imposed by the Agency or other regulatory body;

(d) Submit proof of having been actively practicing denture technology for at least three years prior to requesting approval as a supervisor;

(e) Submit a completed request for approval on a form prescribed by the Agency.

(2) An approved supervisor may not supervise until all required documentation has been completed and submitted to the Agency and the supervisor has received Agency approval.

(3) An approved supervisor may supervise up to two individuals whether the individuals;

(4) An approved supervisor must provide direct supervision defined under OAR 331-405-0020(4) when direct patient care is being provided as listed in ORS 680.500(3)(b). The supervisor is responsible for guiding and monitoring the performance of the individual being supervised.

(5) An approved supervisor may provide indirect supervision defined under OAR 331-405-0020(6) when laboratory services are being performed as listed under ORS 680.500(3)(a).

(6) An approved supervisor must notify the Agency in writing within 10 calendar days if an individual is no longer being supervised, and must provide the number of hours of training completed on a form prescribed by the Agency.

(7) An approved supervisor must obtain signed informed consent from all patients before an individual obtaining training performs services on the patient.

(8) An approved supervisor must ensure that an individual obtaining training is clearly identified to patients.

(9) An approved supervisor must exercise management, guidance, and control over the activities of an individual obtaining training and must exercise professional judgment and be responsible for all matters related to the practice of denture technology.

(10) An approved supervisor must maintain training documentation, including documentation with handwritten signature of the supervisor and supervisor's license number. Training documentation must be kept on the business premises for a minimum of two years.

(11) An approved supervisor must adhere to all practice standards listed in OAR 331 division 420.

(12) An approved supervisor may only provide two years of direct supervision to each individual obtaining training pursuant to ORS 680.510(3).

(13) Agency approval of a supervisor may be withdrawn if the supervisor provides incomplete or inadequate training during supervision or falsifies documentation.

Stat. Auth.: ORS 676.605, 676.615 & 680.515

Stats. Implemented: ORS 676.605, 676.615 & 680.515

Hist.: HLA 10-2013, f. & cert. ef. 7-1-13

331-410-0015

Denture Technology Temporary License

(1) A denture technology temporary license authorizes the holder to temporarily practice denture technology pursuant to ORS 680.515 following completion of an Associate's degree or equivalent education in denture technology and 1,000 hours of supervised clinical practice in denture technology listed in ORS 680.515 and

defined under OAR 331-405-0020(9) while under supervision of a supervisor approved under OAR 331-410-0012.

(2) A denture technology temporary license is valid for one year and may be renewed one time.

(3) A denture technology temporary licensee may work under indirect supervision as defined under OAR 331-405-0020(6).

(4) A denture technology temporary license holder must notify the Agency within 10 calendar days of changes in employment status or changes in supervisor status.

(5) A denture technology temporary license is invalid after passage of the written and practical examination.

(6) A denture technology temporary license holder who changes supervisors more than three times must receive approval from the Board prior to making a fourth or subsequent change.

(7) A denture technology temporary license holder must adhere to all practice standards listed in OAR 331 Division 420.

Stat. Auth.: ORS 680.515 & 680.565

Stats. Implemented: ORS 680.515 & 680.565

Hist.: HLA 10-2013, f. & cert. ef. 7-1-13

331-410-0020

Application Requirements for Denture Technology Temporary License

An applicant for a denture technology temporary license must:

(1) Meet the requirements of OAR chapter 331 Division 30;

(2) In addition to requirements listed in subsections (1), an applicant must provide documentation of one of the following pathways:

(a) **License Pathway 1** — Qualification through Associate's Degree Program or equivalent education with 1,000 hours supervised clinical practice in denture technology within the education program. The applicant must submit:

(A) Official transcript, as defined in OAR 331-405-0020, demonstrating completion of an Agency approved Associate's degree in denture technology or equivalent education listed under OAR 331-407-0000. The official transcript must document completion of 1,000 hours supervised clinical practice defined under OAR 331-405-0020(9);

(B) Proof of having completed and passed a Board approved written examination within two years before the date of application.

(C) Supervisor information on a form prescribed by the Agency.

(b) **License Pathway 2** — Qualification through Associate's Degree Program or equivalent education with 1,000 hours supervised clinical practice in denture technology under an approved supervisor. The applicant must submit:

(A) Official transcript, as defined in OAR 331-405-0020, demonstrating completion of an Agency approved Associate's degree in denture technology or equivalent education listed under OAR 331-407-0000;

(B) Documentation of 1,000 hours supervised clinical practice defined under OAR 331-405-0020(9) under an approved supervisor pursuant to OAR 331-410-0012 on a form prescribed by the Agency;

(C) Proof of having completed and passed a Board approved written examination within two years before the date of application; and

(D) Supervisor information on a form prescribed by the Agency.

Stat. Auth.: ORS 680.515 & 680.565

Stats. Implemented: ORS 680.515 & 680.565

Hist.: HD 11-1979(Temp), f. & ef. 8-23-79; HD 2-1980, f. & ef. 2-14-80; HD 25-1989(Temp), f. & cert. ef. 11-1-88; HD 4-1989, f. & cert. ef. 6-1-89; HD 10-1989, f. & cert. ef. 11-21-89; HD 13-1991(Temp), f. & cert. ef. 9-30-91; HD 3-1992, f. & cert. ef. 3-25-92; HD 22-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 3-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 333-020-0015; HDLP 1-2001, f. 3-21-01, cert. ef. 4-1-01; HDLP 1-2002, f. 5-31-02, cert. ef. 6-1-02; HLO 2-2004, f. 6-29-04, cert. ef. 7-1-04; HLO 2-2005, f. 12-15-05, cert. ef. 1-1-06; HLA 10-2013, f. & cert. ef. 7-1-13

331-410-0025

Denture Technology Supervisor for a Denture Technology Temporary Licensee

(1) To be approved as a supervisor pursuant to ORS 680.515 of a denture technology temporary licensee under 331-410-0015, an individual must:

(a) Hold a valid dentist license under ORS 679 or valid denturist license under ORS 680 and OAR 331-410-0030;

(b) Have no current or pending disciplinary action imposed by the Agency or other regulatory body;

(c) Submit proof of having been actively practicing denture technology for at least three years prior to requesting approval as a supervisor;

(d) Hold an oral pathology endorsement if supervisor is a denturist licensed under ORS 680 and OAR 331-410-0030; and

(e) Submit a completed request for approval on forms prescribed by the Agency.

(2) A supervisor may not supervise a denture technology temporary licensee until all required documentation has been completed and submitted to the Agency and the supervisor has received Agency approval.

(3) A supervisor may supervise up to two individuals whether the individuals are denture technology trainees or denture technology temporary licensees;

(4) An approved supervisor of a denture technology temporary licensee may provide indirect supervision defined under OAR 331-405-0020 when direct patient care is being provided as listed in ORS 680.500(3)(b) or when laboratory services are performed as listed under ORS 680.500(3)(a).

(5) An approved supervisor must notify the Agency in writing within 10 calendar days if a denture technology temporary licensee is no longer being supervised, and must provide the number of hours of training completed on a form prescribed by the Agency.

(6) An approved supervisor must obtain signed informed consent from all patients before a denture technology temporary licensee performs services on the patient.

(7) An approved supervisor must ensure that all denture technology trainees are clearly identified to patients.

(8) A designated supervisor must exercise management, guidance, and control over the activities of the temporary licensee and must exercise professional judgment and be responsible for all matters related to the temporary licensees practice of denture technology.

(9) The supervisor must maintain training documentation on the business premises for a minimum of two years.

(10) Agency approval of a supervisor may be withdrawn if the supervisor provides incomplete or inadequate training during supervision or falsifies documentation.

(11) An approved supervisor must adhere to all practice standards listed in OAR 331 division 420.

Stat. Auth.: ORS 680.515 & 680.565

Stats. Implemented: ORS 680.515 & 680.565

Hist.: HLA 10-2013, f. & cert. ef. 7-1-13

331-410-0030

Denture Technology License

(1) A denture technology license holder, licensed under ORS 680.505, may practice denture technology defined under ORS 680.500.

(2) A denture technology license is good for one year, and is eligible for renewal. The denture technology license becomes inactive on the last day of the month one year from the date of issuance.

(3) A licensed denturist must adhere to all practice standards listed in OAR 331 division 420.

Stat. Auth.: ORS 680.520 & 680.565

Stats. Implemented: ORS 680.520 & 680.565

Hist.: HD 11-1979(Temp), f. & ef. 8-23-79; HD 2-1980, f. & ef. 2-14-80; HD 1-1983, f. & ef. 1-20-83; HD 25-1988(Temp), f. & cert. ef. 11-1-88; HD 4-1989, f. & cert. ef. 6-1-89; HD 10-1989, f. & cert. ef. 11-21-89; HD 13-1991(Temp), f. & cert. ef. 9-30-91; HD 3-1992, f. & cert. ef. 3-25-92; HD 22-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 3-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 333-020-0030; HDLP 1-2001, f. 3-21-01, cert. ef. 4-1-01; HDLP 5-2001, f. & cert. ef. 12-14-01; HDLP 1-2002, f. 5-31-02, cert. ef. 6-1-02; HLO 2-2004, f. 6-29-04,

cert. ef. 7-1-04; HLO 2-2005, f. 12-15-05, cert. ef. 1-1-06; HLA 10-2013, f. & cert. ef. 7-1-13

331-410-0035

Application Requirements for Denture Technology Licensure

An individual applying for a license in denture technology 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 all required fees.

(3) In addition to requirements listed in subsections (1) and (2) of this rule, an applicant must provide documentation of one of the following pathways:

(a) **License Pathway 1** – Qualification through Associate’s Degree Program or equivalent education with 1,000 hours supervised clinical practice in denture technology within the education program. The applicant must submit:

(A) Official transcript, as defined in OAR 331-405-0020, demonstrating completion of an Agency approved Associate’s degree in denture technology or equivalent education listed under OAR 331-407-0000. The official transcript must document completion of 1,000 hours supervised clinical practice defined under OAR 331-405-0020(9);

(B) Proof of having completed and passed a Board approved practical examination within two years before the date of application; and

(C) Proof of having completed and passed a Board approved written examination within two years before the date of application.

(D) An applicant is not required to provide official transcript or proof of having completed and passed a Board approved written examination if the applicant obtained a denture technology temporary license within two years from the date of application for a full denture technology license.

(b) **License Pathway 2** – Qualification through Associate’s Degree Program or equivalent education with 1,000 hours supervised clinical practice in denture technology under an approved supervisor. The applicant must submit:

(A) Official transcript, as defined in OAR 331-405-0020, demonstrating completion of an Agency approved Associate’s degree in denture technology or equivalent education listed under OAR 331-407-0000;

(B) Documentation of 1,000 hours supervised clinical practice defined under OAR 331-405-0020(9) under an approved supervisor pursuant to on a form prescribed by the Agency.

(C) Proof of having completed and passed a Board approved practical examination within two years before the date of application;

(D) Proof of having completed and passed a Board approved written examination within two years before the date of application; and

(D) An applicant is not required to provide official transcript, documentation of 1,000 hours supervised clinical practice under an approved supervisor or proof of having completed and passed a Board approved written examination if the applicant obtained a denture technology temporary license within two years from the date of application for a full denture technology license.

(c) **License Pathway 3** — Reciprocity. The applicant must submit:

(A) Official transcript or transcripts as defined in OAR 331-405-0020 demonstrating completion of qualifying Associate’s degree or equivalent education, as described in OAR 331-410-0010;

(B) An affidavit of licensure pursuant to OAR 331-405-0020(1), demonstrating proof of current licensure as a denturist, which is active with no current or pending disciplinary action. The license must have been issued by a another state, the District of Columbia, a United States Territory, or Canada, and that jurisdiction’s denturist licensing standards must be substantially equivalent to those of Oregon, as determined by the Agency;

(C) Documentation of having successfully passed both written and practical denturist examinations, which are substantially equivalent to those required for licensure in Oregon, as determined by the Agency;

(D) Documentation of having engaged in full-time denturist practice in the applicant's reciprocal licensure jurisdiction for at least two years immediately before the date of application for licensure in Oregon, on a form prescribed by the Agency.

Stat. Auth.: ORS 680.515 & 680.565
Stats. Implemented: ORS 680.515 & 680.565
Hist.: HLA 10-2013, f. & cert. ef. 7-1-13

331-410-0045

Examination Information

(1) The Oregon licensing examination consists a written and a practical examination. A list of Board approved written and practical examinations can be accessed on the Agency Website at <http://www.oregon.gov/OHLA/DT/pages/index.aspx>.

(2) The written examination is comprised of multiple-choice questions covering subject areas specified in ORS 680.515(1)(a) and questions on the Oregon laws and rules regulating the practice of denture technology.

(3) The practical examination requires the applicant to demonstrate skills required to practice denture technology, including but not limited to: final impression and model and trial dentures.

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

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

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

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

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

(9) 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.

(10) 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 (8) or (9) 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.

(11) If the candidate is disqualified from taking the examination or the candidate's examination is deemed invalid for reasons under subsection (10) 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 680.515 & 680.565
Stats. Implemented: ORS 680.515 & 680.565
Hist.: HLA 10-2013, f. & cert. ef. 7-1-13

331-410-0050

Qualification and Requirements for Practical Examination

(1) To be qualified to take the board approved practical examination the individual must submit official transcripts and documentation of 1,000 hours supervised clinical practice listed in OAR 331-410-0035(3)(a);

(2) To be scheduled to take the board approved practical examination, applicants must submit a form prescribed by the Agency and pay required fees at least 60 calendar days prior to the examination date.

(3) A practical examination candidate must provide the following at the time of practical examination:

(a) Government issued photographic identification listed under OAR 331-030-0000 proving that the practical examination candidate is the individual scheduled to take the practical examination;

(b) Government issued identification proving the patient is 18 years of age. See identification options under ORS 331-030-0000;

(c) An oral health certificate for the patient signed by a dentist, physician, nurse practitioner or a licensed denturist with the oral pathology endorsement, within 30 days of the practical examination, stating the patient's oral cavity is substantially free from disease and mechanically sufficient to receive a denture; and

(d) Agency prescribed practical examination candidate and patient forms.

(4) The patient must be completely edentulous;

(5) If a patient does not speak English the candidate for practical examination must ensure an interpreter is available for examination proctors to communicate with patient. The interpreter is prohibited from being the practical examination candidate. Any costs incurred for interpreter services are the responsibility of the practical examination candidate.

(6) A practical examination candidate may be disqualified from taking the practical examination if any requirements of this rule are not met.

Stat. Auth.: ORS 680.520 & 680.565

Stats. Implemented: ORS 680.520 & 680.565

Hist.: HDLP 3-1998, f. 6-26-98, cert. ef. 7-1-98; HDLP 1-2001, f. 3-21-01, cert. ef. 4-1-01; HLO 2-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 10-2013, f. & cert. ef. 7-1-13; HLA 4-2014(Temp), f. & cert ef. 7-1-14 thru 12-28-14; HLA 7-2014, f. & cert. ef. 12-1-14

331-410-0055

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 until the Agency's next business day;

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

(c) After third failed attempt — applicant may not retake for 30 business days, must pay all additional fees and submit documentation showing completion of additional theory and laboratory training hours in denture technology in accordance with the percentage of questions failed in each domain under an approved supervisor pursuant to OAR 331-410-0012.

(d) After fourth failed attempt — applicant may not retake until the Agency's next business day;

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

(f) After sixth failed attempt — applicant may not retake for 30 business days, must pay all additional fees and submit documentation showing completion of additional theory and laboratory training hours in denture technology in accordance with the percentage of questions failed in each domain under an approved supervisor pursuant to OAR 331-410-0012.

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

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

Stat. Auth.: ORS 680.515 & 680.565

Stats. Implemented: ORS 680.515 & 680.565

Hist.: HLA 10-2013, f. & cert. ef. 7-1-13

331-410-0060

Practical Examination Retake Requirements

(1) Pursuant to ORS 680.515(1)(c) an applicant failing the following portions of the practical examination must obtain the following additional clinical and laboratory training hours within two years from the date of the failed practical examination:

(a) Final impression and model: 50 hours of direct patient care and laboratory training consisting of production of 10 removable dentures;

(b) Trial denture centric relation: 150 hours in direct patient care and laboratory training consisting of production of 16 removable dentures;

(c) Trial dentures vertical relation: 150 hours in direct patient care laboratory training consisting of production of 16 removable dentures;

NOTE: Each removable denture will be counted as one denture; an upper and a lower removable denture counts as two removable dentures.

(2) An applicant failing any portion of the practical examination must apply and qualify for a temporary denture technology license under OAR 331-410-0015 and 331-410-0020 before commencing direct patient care;

(3) An applicant must submit documentation approved by the Agency upon completion of additional clinical and laboratory training hours pursuant to ORS 680.515(1)(c). Upon Agency approval of additional training an applicant may be scheduled to take the practical examination at a date and time approved by the Board.

(4) An applicant applying to retake the practical examination must meet the requirements of 331-410-0050.

Stat. Auth.: ORS 676.605, 676.615, 680.525, 680.530 & 680.565
Stats. Implemented: ORS 676.605, 676.615, 680.525, 680.530 & 680.565
Hist.: HD 25-1988(Temp), f. & cert. ef. 11-1-88; HD 4-1989, f. & cert. ef. 6-1-89; HD 13-1991(Temp), f. & cert. ef. 9-30-91; HD 3-1992, f. & cert. ef. 3-25-92; HD 22-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 3-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 333-020-0032; HDLP 1-2001, f. 3-21-01, cert. ef. 4-1-01; HDLP 1-2002, f. 5-31-02, cert. ef. 6-1-02; HLO 2-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 10-2013, f. & cert. ef. 7-1-13

331-410-0065

License Renewal

(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 under this rule is valid for one year.

(3) **LICENSE RENEWAL:** To avoid delinquency penalties, 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 OAR 331-440-0000; and

(c) Attestation of having obtained required continuing education under OAR 331-415-0010, on a form prescribed by the Agency, whether license is current or inactive.

(4) **INACTIVE LICENSE RENEWAL:** A 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 must submit the following:

(a) Renewal application form;

(b) Payment of delinquency and license fees pursuant to OAR 331-440-0000; and

(c) Attestation of having obtained required continuing education under OAR 331-415-0010, on a form prescribed by the Agency, whether license is current or inactive;

(5) **EXPIRED LICENSE:** A license that has been inactive for more than three years is expired and the licensee must reapply for licensure and meet the requirements listed in OAR 331-410-0035.

Stat. Auth.: ORS 676.605, 676.615, 680.525, 680.530 & 680.565
Stats. Implemented: ORS 676.605, 676.615, 680.525, 680.530 & 680.565
Hist.: HDLP 1-2002, f. 5-31-02, cert. ef. 6-1-02; HLO 2-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 10-2013, f. & cert. ef. 7-1-13

331-410-0080

Oral Pathology and Oral Health Certificate

(1) Denturists licensed prior to January 1, 2004, who have not received an oral pathology endorsement as described in ORS 680.545, may not treat any person without first obtaining a valid Oral Health Certificate for the person, signed by a licensed dentist, physician or nurse practitioner stating the person's oral cavity is substantially free from disease and mechanically sufficient to receive a den-

ture. The examination of the oral cavity must have taken place within 30 days of the date of commencing treatment.

(2) For the purpose of this rule "Oral Pathology" means the precise study and diagnosis of disease including pathogenesis, morphologic changes and clinical manifestations of the mouth (the first portion of the alimentary canal that receives food and saliva).

Stat. Auth.: ORS 680.545
Stats. Implemented: ORS 680.545
Hist.: HD 12-1980(Temp), f. & ef. 9-29-80; HD 6-1981, f. & ef. 4-3-81; HD 4-1988, f. & cert. ef. 3-4-88; HD 4-1989, f. & cert. ef. 6-1-89; HD 3-1992, f. & cert. ef. 3-25-92; HD 22-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 3-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 333-020-0055; HDLP 1-2001, f. 3-21-01, cert. ef. 4-1-01; HLO 2-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 10-2013, f. & cert. ef. 7-1-13

331-410-0090

License Display and Identification

(1) A licensee must show proof of valid license to the Agency upon request.

(2) A licensee may obtain up to a maximum of three duplicate licenses if the licensee provides denture technology services in multiple locations.

(3) A licensee must post the license document or duplicate license document in public view where denture technology services are being performed.

(4) A licensee may temporarily conceal the address printed on the license document with a covering that is removable.

Stat. Auth.: ORS 680.565
Stats. Implemented: ORS 680.565
Hist.: HD 12-1980(Temp), f. & ef. 9-29-80; HD 6-1981, f. & ef. 4-3-81; HD 22-1993, f. 12-30-93, cert. ef. 1-1-94; HD 22-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 3-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 333-020-0060; HLO 2-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 10-2013, f. & cert. ef. 7-1-13

DIVISION 415

CONTINUING EDUCATION

331-415-0010

Continuing Education Requirements

(1) To maintain licensure, a denturist must complete a minimum of 10 hours of continuing education every year.

(2) A licensee must document compliance with the continuing education requirement through attestation on the license renewal application. A licensee is subject to provisions of OAR 331-415-0020 pertaining to periodic audit of continuing education.

(3) Continuing education must be obtained by participation in or attendance at a course provided by an institution of higher education accredited by the Northwest Association of Accredited Schools, the Northwest Commission on Colleges and Universities, or the State Board of Higher Education, a course or program approved by the Oregon State Denturist Association, or the National Denturist Association, or other professional organizations or associations which conduct educational meetings, workshops, symposiums, and seminars where CEU credit is offered and where subject matter meets the requirements under subsection (4) of this rule.

(4) Continuing education must address subject matter related specifically to denture technology as set forth in ORS 680.515(1)(a), the rules regulating licensed denturists, related dental practices, health care professional concerns such as infection control or medical emergencies, ethics, and business practices.

(5) Continuing education may include teaching a course sponsored by a CE provider listed in subsection (3) of this rule and where the subject matter meets the requirements under subsection (4) of this rule (provided that no more than half the required hours be in teaching).

(6) Proof of participation in required continuing education is the responsibility of the denturist, to ensure that adequate proof of completion of required continuing education is available for audit or investigation by the Agency.

(7) Documentation supporting compliance with continuing education requirements must be maintained for a period of two years following renewal, and must be available to the Agency upon request.

(8) A licensee may carry up to 10 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 676.605, 680.530 & 680.565

Stats. Implemented: ORS 676.605, 680.530 & 680.565

Hist.: HD 10-1989, f. & cert. ef. 11-21-89; HD 13-1991 (Temp), f. & cert. ef. 9-30-91; HD 3-1992, f. & cert. ef. 3-25-92; HD 22-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 3-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 333-020-0041; HDLP 1-2001, f. 3-21-01, cert. ef. 4-1-01; HLO 2-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 5-2008, f. 9-15-08, cert. ef. 10-1-08; HLA 10-2013, f. & cert. ef. 7-1-13

331-415-0020

Continuing Education: Audit, Required Documentation and Sanctions

(1) The Oregon Health Licensing Agency will audit a select percentage of licensee records determined by the Board 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 331-415-0010.

(3) Successful completion of the required continuing education will be determined based on satisfactory evidence submitted to the Agency at the time of audit, which 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;

(d) Course content — including identification of the direct relationship between the course training and subject matter related to denture technology as set forth in ORS 680.515(1)(a) and OAR 331-415-0010(4);

(e) Background resume of speakers or instructors; and

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

(4) 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 to substantiate having completed the required continuing education.

(5) Misrepresentation of continuing education or failing to meet continuing education requirements or documentation 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 680.565

Stats. Implemented: ORS 680.565

Hist.: HDLP 3-1998, f. 6-26-98, cert. ef. 7-1-98; HDLP 1-2002, f. 5-31-02, cert. ef. 6-1-02; HLO 2-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 10-2013, f. & cert. ef. 7-1-13

DIVISION 420

PRACTICE STANDARDS

331-420-0000

Practice Standards

Licensed denturists must adhere to the following practice standards:

(1) Oral Health Certificate. Denturists must either have an oral pathology endorsement on their license, or if they have not qualified for and received the endorsement, must comply with requirements for obtaining an Oral Health Certificate as described in ORS 680.545 and OAR 331-410-0080.

(2) Patient Record. A licensed denturist must record, update and maintain documentation for each patient relevant to health history, clinical examinations and treatment, and financial data. Documentation must be written or computerized. Records must include but are not limited to the following:

(a) Patient data, including name, address, date and description of examination;

(b) Evidence of informed consent (may be in the form of an acronym such as “PARQ” to denote procedure, alternatives, risks and questions);

(c) Date and description of treatment or services rendered, and any treatment complications;

(d) Health history as applicable; and

(e) Any other information deemed appropriate to patient care.

(3) Clinical Examination. Licensed denturists must conduct and record a clinical examination of each patient that will include at a minimum, information relative to:

(a) Appearance of gingiva, oral mucosal membranes, pharynx, tongue and all other oral soft tissue; and

(b) Oral conditions that may affect successful denture construction and use.

(4) Record Retention. Patient documentation, written or archived electronically by computer, must be retained for a minimum of seven years and available upon request by the Agency.

(5) Minimum Standards of Acceptable Patient Care. Licensees must adhere to the following practice standards in rendering acceptable patient care:

(a) Maintain accurate patient records;

(b) Seek consultation/referral if indicated;

(c) Make accurate representation to the patient on services provided;

(d) Provide or arrange for continuity of care or emergency treatment for a patient currently receiving treatment;

(e) Adhere to current denture technology practices and standards including use of materials;

(f) Adhere to Centers for Disease Control and Prevention infection control standards and practices;

(g) Wash hands using a germicidal or antiseptic soap and water before and after every patient;

(h) Wear disposable gloves when coming in direct contact with a patient or when handling instruments or equipment contaminated with blood or other potentially infectious materials.

(i) Use new gloves before performing procedures on each patient.

(6) A denturist providing teeth whitening trays to patients must provide the patient with written and verbal information related to teeth whitening trays and teeth whitening solutions including the procedure, alternatives, risks and questions which is prescribed by the Agency. The denturist must obtain patient consent for the procedure described in this rule and retain in patient record. The Agency prescribed information and informed consent for teeth whitening trays and solutions can be accessed on the Agency Website at <http://www.oregon.gov/OHLA/DT/pages/index.aspx>

(7) A denturist is prohibited from providing patients prescription strength teeth whitening solutions.

Stat. Auth.: ORS 676.605, 676.615, 680.550 & 680.565

Stats. Implemented: ORS 676.605, 676.615, 680.550 & 680.565

Hist.: HD 4-1988, f. & cert. ef. 3-4-88; HD 4-1989, f. & cert. ef. 6-1-89; HD 13-1991 (Temp), f. & cert. ef. 9-30-91; HD 3-1992, f. & cert. ef. 3-25-92, Subsections (9)(a) through (h) renumbered to 333-020-0090 and 333-020-0100; HD 22-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 3-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 333-020-0085; HLO 1-2003, f. 1-21-03, cert. ef. 2-1-03; HLO 2-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 10-2013, f. & cert. ef. 7-1-13

331-420-0010

Practice Standards for Business Premises

(1) A licensed denturist must:

(a) Ensure all areas of the business premises where denture technology is practiced are kept clean and in good repair;

(b) Have a sterilization area, where cleaning and sterilization of reusable instruments is performed, separated from public areas, service areas and restrooms;

(c) Maintain washing accommodations in a clean and sanitary condition;

(d) Ensure all floors, walls and procedure surfaces where services are provided including counters, tables, and chairs are easily cleanable, non-absorbent and non-porous;

(e) Ensure pets or other animals are not permitted in the business facility. This prohibition does not apply to service animals recognized by the American with Disabilities Act;

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

(g) 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;

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

(i) Ensure all waste material contaminated with blood or other potentially infectious materials, with exception of sharps, are deposited in a covered container following service for each patient; and

(j) Ensure all sharps are discarded in a sharps container which is 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.

(2) The licensee 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 Oregon Building Codes Division, and the Oregon Office of 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, Universal Precautions and Exposure Control Plan under 29 CFR 1910.1030;

(d) Oregon Safe Employment Act pursuant to ORS Chapter 654 if an employee/employer relationship exists; and

(e) All applicable Occupational Safety and Health Act standards if an employee/employer relationship exists.

(f) All applicable recommendations from the Centers for Disease Control and Prevention including Guidelines for Infection Control in Dental Health Care Settings available at <http://www.cdc.gov/oralhealth/Infectioncontrol/guidelines/index.htm>

(3) For the purpose of this rule "Sharps" means any object that can penetrate the skin, including but not limited to needles or scalpel blades.

(4) A licensee must ensure all procedures performed are done in a manner to avoid cross contamination of blood borne pathogens.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 680.550 & 680.565

Stats. Implemented: ORS 680.550 & 680.565

Hist.: HD 13-1991(Temp), f. & cert. ef. 9-30-91; HD 3-1992, f. & cert. ef. 3-25-92, Renumbered from 333-020-0085(9)(a) through (h); HD 22-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 3-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 333-020-0090; HLO 1-2003, f. 1-21-03 cert. ef. 2-1-03; HLA 10-2013, f. & cert. ef. 7-1-13; HLA 6-2014, f. 9-30-14, cert. ef. 10-1-14

DIVISION 430

DISCIPLINE; CIVIL PENALTIES

331-430-0000

Disciplinary Action

(1) The Health Licensing Office may refuse to issue, suspend or revoke a license, or place a licensed person on probation for the causes stated in ORS 680.535.

(2) The agency shall have grounds for a determination of incompetency in the practice of denture technology pursuant to ORS 680.535, upon evidence of the use of any controlled substance, dangerous or illegal drug, intoxicating liquor, or any emotional or physical impairment of a dentist, to the extent that such use or condition impairs or prevents the denturists ability to perform competently.

(3) The agency shall have grounds for a determination of fraud or misrepresentation in the practice of denture technology pursuant to ORS 680.535, upon evidence of any advertising statements of a nature that would deceive or mislead the public or that are untruthful, such as:

(a) Incorrect use of a title; or

(b) Claiming or implying a qualification, competency or specialty in connection with the practice of denture technology to which the person is not entitled, or which is untrue.

(4) The specific identification of grounds for disciplinary action stated in sections (2) and (3) of this rule are intended to be descriptive of some, but not limited to, those causes for which disciplinary action may be taken as stated in ORS 680.535.

(5) Failure to cooperate with the agency or its agent is considered unprofessional conduct and is subject to discipline, which may include license suspension, revocation and/or assessment of civil fines. Unprofessional conduct includes, but is not limited to, the following:

(a) Failing to respond to an inquiry from the agency regarding a complaint;

(b) Failing to provide information to the agency in response to a written inquiry, or provide written response within specified time allotted by notice of intended action;

(c) Failing to temporarily surrender custody of original client records to the agency upon request, which includes treatment charts, models, health histories, billing documents, correspondence and memoranda;

(d) Interference, use of threats or harassment which delays or obstructs any person in providing evidence in any investigation, contested case, or other legal action instituted by the agency;

(e) Interference, use of threats or harassment which obstructs or delays the agency in carrying out its functions under ORS 680.500 to 680.535 and rules adopted thereunder;

(f) Deceiving or attempting to deceive the Board or agency concerning any matter under investigation including altering or destroying any records.

(6) When the Health Licensing Office requires correction of deficiencies in lieu of the suspension, revocation or denial of license, the correction shall be made within the time frames established by the agency or the suspension, revocation or denial of license action will proceed.

(7) Practicing denture technology while a license is in suspended status is grounds for additional disciplinary action, which includes revocation and/or fines.

Stat. Auth.: ORS 680.530 & 680.565

Stats. Implemented: ORS 680.535 & 680.565

Hist.: HD 1-1983, f. & cert. ef. 1-20-83; HD 4-1989, f. & cert. ef. 6-1-89; HD 13-1991(Temp), f. & cert. ef. 9-30-91; HD 3-1992, f. & cert. ef. 3-25-92; HD 22-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 3-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 333-020-0075; HDLP 1-2001, f. 3-21-01, cert. ef. 4-1-01

331-430-0030

Establishing Civil Penalty Amounts

The Oregon Health Licensing Agency has adopted the following presumptive penalty schedule for the first and second violations of the following laws and rules. The following schedule must apply except as the Agency otherwise determines in consideration of the factors referenced in OAR 331-020-0060. For subsequent violations the provisions of OAR 331-020-0060 will apply.

(1) Practicing or holding one's self out as available to practice denture technology, or using the title denturist without a license or with an expired or suspended license is a violation of ORS 680.505 and may incur a penalty of \$5,000.

(2) Licensed denturists who allow non-licensed persons to violate ORS 680.505 are in violation of and ORS 676.612(i) and may incur a penalty of \$5,000.

(3) Violations of ORS 680.545 may incur a penalty of \$2000.

(4) Failing to notify the Agency within 30 days of a change in business related information or license status is a violation of OAR 331-010-0040, and may incur a penalty of \$200.

(5) Advertising in a manner, which would deceive or mislead the public or that is untruthful is a violation of ORS 676.612(2)(b), and may incur a penalty of \$2,000.

(6) Violations of the practice standards in Division 420 may incur a penalty of up to \$1,000 for each violation.

(7) Failing to meet minimum standards of acceptable patient care according to OAR 331-420-0000(5), as determined by the board may incur a penalty of \$5,000.

Stat. Auth.: ORS 680.565 & 680.572

Stats. Implemented: ORS 680.565 & 680.572

Hist.: HD 3-1992, f. & cert. ef. 3-25-92; HD 22-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 3-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 333-020-0120; HDLP 1-2001, f. 3-21-01, cert. ef. 4-1-01; HLO 2-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 10-2013, f. & cert. ef. 7-1-13

DIVISION 440

FEES

331-440-0000

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) License: \$350.

(B) License by reciprocity: \$450.

(C) Temporary license: \$50

(b) Examination:

(A) Oregon laws & rules: \$50.

(B) Written: \$350.

(C) Practical: \$650.

(c) Original issuance:

(A) License: \$350

(B) Temporary license: \$50

(d) Renewal:

(A) License: \$350

(B) Temporary license: \$50

(e) Delinquency fee: \$40 for each year in an expired status, for up to three years.

(f) Replacement of license, including name change: \$25.

(g) Duplicate license document: \$25 per copy with maximum of three.

(h) Affidavit of licensure: \$50.

(i) An additional \$25 Administrative Processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.605, 676.615 & 680.525

Stats. Implemented: ORS 676.605, 676.615 & 680.525

Hist.: HD 11-1979(Temp), f. & ef. 8-23-79; HD 2-1980, f. & ef. 2-14-80; HD 11-1981(Temp), f. & ef. 7-15-81; HD 9-1985(Temp), f. & ef. 5-24-85; HD 15-1985, f. & ef. 9-4-85; HD 25-1988(Temp), f. & cert. ef. 11-1-88; HD 4-1989, f. & cert. ef. 6-1-89; HD 13-1991(Temp), f. & cert. ef. 9-30-91; HD 3-1992, f. & cert. ef. 3-25-92; HD 22-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 3-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 333-020-0035; HDLP 1-2001, f. 3-21-01, cert. ef. 4-1-01; HLO 3-2003, f. 5-6-03, cert. ef. 5-15-03; HLO 2-2004, f. 6-29-04, cert. ef. 7-1-04; HLO 2-2005, f. 12-15-05, cert. ef. 1-1-06; HLA 5-2008, f. 9-15-08, cert. ef. 10-1-08; Renumbered from 331-405-0030, HLA 9-2013, f. & cert. ef. 7-1-13; HLA 13-2013(Temp), f. 8-21-13, cert. ef. 8-23-13 thru 2-19-14; HLA 14-2013, f. 12-30-13, cert. ef. 2-1-14; HLO 3-2015, f. 6-30-15, cert. ef. 7-8-15

DIVISION 601

GENERAL ADMINISTRATION

331-601-0010

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 Health Licensing Office are as follows:

(a) Application:

(A) License: \$125.

(B) Temporary license: \$150.

(C) Trainee registration: \$100.

(b) Examination:

(A) Oregon laws & rules: \$50.

(B) Written: \$150.

(C) Practical: \$175.

(D) Audiologist: \$50.

(c) Original issuance of license:

(A) License: \$125 for one year.

(B) Temporary license: \$100.

(d) Renewal of license: \$125 for one year.

(e) Delinquent (late) renewal of license: \$40 per year, up to three years.

(f) Replacement of license, including name change: \$25.

(g) Duplicate license document: \$25 per copy with maximum of three.

(h) Affidavit of licensure: \$50.

(i) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.605, 676.615, 694.155 & 694.185

Stats. Implemented: ORS 676.605, 676.615, 694.155 & 694.185

Hist.: HD 24-1985(Temp), f. & ef. 10-17-85; HD 33-1985, f. & ef. 12-13-85; HD 8-1990, f. 4-4-90, cert. ef. 4-5-90; HD 14-1990, f. 6-1-90, cert. ef. 7-1-90; HD 17-1990(Temp), f. 6-15-90, cert. ef. 7-1-90; HD 21-1990(Temp), f. & cert. ef. 7-3-90; HD 22-1990, f. & cert. ef. 8-15-90; HD 14-1991(Temp), f. 9-30-91, cert. ef. 10-1-91; HD 21-1991, f. & cert. ef. 12-31-91; HD 18-1997, f. 12-12-97, cert. ef. 12-15-97; OHD 9-1999, f. & cert. ef. 11-15-99; OHD 10-2000, f. & cert. ef. 11-15-00; Renumbered from 333-025-0005, HLO 6-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 6-2008, f. 9-15-08, cert. ef. 10-1-08; HLA 6-2011(Temp), f. & cert. ef. 8-1-11 thru 1-28-12; HLA 12-2011, f. 10-14-11, cert. ef. 10-15-11; HLO 2-2015, f. 6-29-15, cert. ef. 7-1-15

DIVISION 620

GENERAL ADMINISTRATION

331-620-0005

Definitions

(1) "Agency" means the Oregon Health Licensing Agency.

(2) "Assistive listening device" Assistive listening devices which are exempt from the provisions of ORS Chapter 694 are defined as products designed to solve one or more specific listening problems created by a hearing loss, and include personal or group listening devices, telephone listening devices, or alert/alarm systems. The primary difference between listening devices and hearing aids is that an assistive listening device is designed to assist in only one, or a few, listening environments, and is for temporary use only. A hearing aid is designed for use in a wide range of listening environments and is primarily for full time use. The following criteria shall be considered in categorizing an assistive listening device:

(a) Personal Assistive Listening Device:

(A) Is used for the assistance of only one person;

(B) May be used either hardwired or wireless type;

(C) May be adaptable to particular environments;

(D) May not be fitted to an individual hearing loss;

(E) May not be sold as a standard hearing aid;

(F) May be an external option that will work with a hearing aid either through the telecoil or by direct audio input coupler built into a hearing aid.

(b) Group Assistive Listening Device:

(A) Includes infrared and FM systems and induction loop systems;

(B) Includes auditory trainers that are classified as such by the FDA exemption for group auditory trainers (21 CFR 801.421(e));

(C) May include telecaption decoders.

(c) Telephone Devices for the Hearing Impaired:

(A) Amplified handsets;

(B) In-line amplifiers for modular telephones;

(C) Receiver add-ons;

(D) An external option that will work with a hearing aid.

(d) Telecommunications Devices for the Deaf (TDD):

(A) Typically visually based;

(B) TDD and Teletypewriter for the deaf (TTY) systems.

(e) Alert/Alarm Systems:

(A) Systems that use a form of visual or vibratory stimuli to alert an individual;

(B) May be hardwired or use an acoustic pickup.

(3) "Audiologist" means a person licensed under ORS 681 and who practices audiology as defined by that statute.

(4) "CEU" means a continuing education unit and the numerical value determined by the board to be earned by a renewal applicant by attending a specified training course. The terms "continuing education credit" and "continuing education unit" are synonymous and may be used interchangeably.

(5) "Consummation of sale" means when the purchaser takes delivery or possession of the hearing aid after agreeing to purchase the hearing aid.

(6) "Continuing Education" means post-licensure education related specifically to hearing or hearing aid technology undertaken to maintain professional competency to practice as a hearing aid specialist, in the interest of safety, health and welfare of the people served.

(7) "Demonstration instrument" means a hearing aid that has been worn by a prospective user as part of a bona fide hearing aid evaluation conducted in the presence of the hearing aid specialist.

(8) "Delivery" means, as used in ORS 694.042, acceptance and possession of the hearing aids by the consumer, which starts the 30 calendar day rescission right period. Hearing aids that have been out of the consumer's possession for a period of 72 hours or more for any alternation or adjustment during the 30 calendar day rescission right period may restarts the 30 calendar day rescission right period if both parties agree to the extension in writing. Delivery includes:

(a) The initial fitting and delivery of the hearing aid(s), which must be performed in person by a licensed hearing aid specialist, audiologist or physician pursuant to ORS 694.025(2) including the acceptance and possession of the hearing aid(s); and

(b) The return of a hearing aid by the consumer to the specialist, which may be hand carried or mailed by certified mail to the official place of business of the hearing aid specialist.

(9) "Direct supervision" means a registered supervisor is present in the facility for the purpose of supervising and is in view the procedures performed by a registered trainee, pursuant to OAR 331-630-0030.

(10) "Facility" means physical place of business where services defined in ORS 694.015(4) are conducted, including but not limited to all areas used by hearing aid specialist and client, i.e. testing location, waiting/reception area.

(11) "Hearing aid" as defined in ORS 694.015(3) does not include assistive listening devices as defined in OAR 331-620-0005 (2).

(12) "Hearing aid specialist" means a person licensed pursuant to ORS 694.015 through 694.185.

(13) "Purchase price" means:

(a) The total amount paid or agreed to be paid by or on behalf of the consumer for the cost of the hearing aid(s); and

(b) Professional fees charged for the actual fitting and sale of the hearing aid(s) including:

(A) The evaluation or measurement of the powers or range of human hearing as they relate to hearing aid fitting;

(B) Hearing aid evaluation;

(C) Hearing aid consultation;

(D) Hearing aid recommendation;

(E) Hearing aid selection;

(F) Hearing aid fitting and dispensing;

(G) Adaptation of a hearing aid, if related to the original purchase;

(H) Counseling, if related to the original purchase and done by the person dealing in hearing aids and/or company, firm or facility involved in dispensing of the original hearing aid, and any other fees for service which are charged in regards to a hearing aid being fitted as a therapeutic device; and

(I) Ear impression and ear molds.

(c) Professional fees charged for diagnostic testing for medical use when done by a physician or on a physician's order shall be excluded from this definition of purchase price.

(14) "Temporary licensee supervisor" means a person who has met the requirements of OAR 331-630-0015 and who supervises a temporary licensee who is working under the supervisor's indirect supervision.

(15) "Trainee" means a person who has met the requirements of ORS 694.065, has registered with the agency and is working under the direct supervision of a licensed hearing aid specialist to obtain the training and experience required for hearing aid specialist licensure.

(16) "Trainee supervisor" means a person who has met the requirements of OAR 331-630-0035 and who directly supervises a trainee working under the supervisor to obtain the training and experience required for hearing aid specialist licensure.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

DIVISION 630

LICENSURE OF HEARING AID SPECIALISTS

331-630-0001

Application Requirements

An individual applying for a 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 331-030-0001 and be accompanied by payment of the required application fees.

(3) In addition to requirements listed in subsections (1) and (2) of this rule, an applicant must provide documentation of one of the following pathways:

(a) Licensure Pathway 1 — Qualification through Trainee registration and examination. An applicant must submit:

(A) A copy of the applicant's high school diploma or General Educational Development (GED) certificate;

(B) Evidence that the applicant is 18 years old or older;

(C) Examination fees pursuant to OAR 331-640-0005;

(D) Evidence that the applicant, pursuant to OAR 331-630-0005, has qualified to take and has obtained a passing score on the Advisory Council on Hearing Aids (Council) Examination, the Council's Oregon Laws Examination and the Council's Oregon Practical Examination;

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

(b) Licensure Pathway 2 — Qualification through equivalency — American Speech-Language-Hearing Association Certification. Applicant must submit:

(A) A copy of the applicant's high school diploma or General Educational Development (GED) certificate;

(B) Evidence that the applicant is 18 years old or older;

(C) Official documentation of certification by the American Speech-Language-Hearing Association or evidence that the applicant has met the requirements of ORS 694.085;

(D) A passing score on the Council's Oregon Laws Examination;

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

(c) Licensure Pathway 3 — Qualification through equivalency — Degree equivalent to requirements for certification by National Board for Certification in Hearing Instrument Sciences. Applicant must submit:

(A) A copy of the applicant's high school diploma or General Educational Development (GED) certificate;

(B) Evidence that the applicant is 18 years old or older;

(C) Official transcript from a regionally accredited college or university demonstrating attainment of a degree sufficient to obtain

certification by National Board for Certification in Hearing Instrument Sciences;

(D) A passing score on the Council's Oregon Laws Examination;

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

(d) Licensure Pathway 4 — Qualification through equivalency — other state certification. Applicant must submit:

(A) A copy of the applicant's high school diploma or General Educational Development (GED) certificate;

(B) Evidence that the applicant is 18 years old or older;

(C) Official documentation of certification (Affidavit of Licensure) by another state regulatory authority showing that the license was issued by another state or territory of the United States and the licensing requirements are at least equivalent to those in ORS 694.065 and 694.085;

(D) A passing score on the Council's Oregon Laws Examination;

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

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0005

Advisory Council on Hearing Aids Licensure Examination Requirements

Before an individual seeking Council licensure can take the qualifying examination that individual must either:

(1) Meet training and experience requirements pursuant to OAR 331-630-0040;

(2) Meet training requirements for licensure as an audiologist;

(3) Meet training requirements for certification of a licensed physician by the American Board of Otolaryngology; or

(4) Meet the requirements for certification by the National Board for Certification in Hearing Instrument Sciences.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0011

Temporary Licenses — Application and Issuance

(1) A temporary license may be issued to an applicant who meets the application requirements of ORS 694.065(2) and OAR 331-630-0001(1), (2) and (3)(a)(A), (B) and (C) following agency receipt of a completed application and evidence of training and the required fee(s).

(2) The temporary license will be issued for a one-year period, expiring on the last day of the month one year from the date of issuance.

(3) A temporary license holder must work under the indirect supervision of a supervisor as defined in OAR 331-620-0005(14). Indirect supervision means that the supervisor is not required to be on the premises with the person holding a temporary license under this rule while the temporary license holder performs procedures.

(4) Attainment of permanent licensure status by satisfactorily passing the examination supersedes the temporary hearing aid specialist license.

(5) A temporary license holder may change their designated supervisor if a new Declaration of Responsibility form is signed by the new supervisor and submitted with the application fee to the agency within five days of separation from the former designated supervisor.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0015

Application for Registration as a Temporary Licensee Supervisor

An individual applying for Temporary Licensee Supervisor registration 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) In addition to requirements listed in subsection (1) and (2) of this rule, a Temporary Licensee Supervisor must:

(a) Hold a current Oregon hearing aid specialist license with no current or pending disciplinary action, and with no fines, fees, or civil penalties owing to the Agency; and

(b) Have been licensed for at least three years.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0020

Supervision of Temporary Hearing Aid Specialists

(1) An individual acting as a designated supervisor for a temporary licensee must sign and file with the agency a Declaration of Responsibility form prescribed by the agency, before supervising any temporary hearing aid specialist. The form must indicate the name of the supervising hearing aid specialist, place of business, telephone number, current license number, and the name, address, and license number of the temporary hearing aid specialist.

(2) The testing, fitting, or selling of a hearing aid by a temporary hearing aid specialist shall be performed under the authority, control, and indirect supervision of the licensed hearing aid specialist designated as the supervisor.

(3) The designated supervisor must review and approve the temporary hearing aid specialist's work before ordering the recommended hearing aid(s).

(4) A designated supervisor shall exercise management, guidance, and control over the activities of the temporary hearing aid specialist; and shall exercise professional judgment and be responsible for all matters relative to the fitting and selling of a hearing aid.

(5) Approval of a temporary hearing aid specialist's work must be documented by the handwritten signature of the designated supervisor, license number, and date of review placed adjacent to the temporary hearing aid specialist's signature on any audiogram, order form, and office copy of a statement to a prospective hearing aid purchaser as required in ORS 694.036 and 694.042.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0025

Application for Registration as a Trainee

An individual applying for Trainee registration 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.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0030

Trainee Registration

(1) A trainee, registered under ORS 694.065(1) may deal in hearing aids under the direct supervision of a designated supervisor except that a trainee may not fit or sell hearing aids.

(2) The agency will authorize an Oregon licensed hearing aid specialist to act as designated supervisor of a trainee provided the licensee holds a valid license, has been actively practicing for at least three years, and has not had any disciplinary action or civil penalty imposed by the agency.

(3) A licensed hearing aid specialist must not supervise more than four trainees at any one time.

(4) A designated supervisor will not provide training as outlined in OAR 331-630-0040 until a trainee registration agreement and Declaration of Responsibility has been submitted to the agency.

(5) A designated supervisor must notify the agency in writing within five calendar days if the trainee is no longer being supervised

and trained, and must provide a Certification of Training form to the agency showing the number of hours of training completed.

(6) A designated supervisor's authorization may be withdrawn for providing incomplete or inadequate training, falsifying documentation, or allowing the trainee to fit or sell hearing aids.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0035

Application for Registration as a Trainee Supervisor

An individual applying for a Trainee Supervisor registration 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) In addition to requirements listed in subsection (1) and (2) of this rule, a Trainee Supervisor must:

(a) Hold a current Oregon hearing aid specialist license with no current or pending disciplinary action, and with no fines, fees, or civil penalties owing to the Agency;

(b) Demonstrate completion of the IHS Distance Learning Program for Professionals in Hearing Health Sciences, or demonstrate three or more years National Board Certification; and

(c) Have been a licensed hearing aid specialist for at least four years.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0040

Trainee Program

(1) The Trainee program consists of both practical and theory training.

(2) Practical training consists of 520 hours of training under the direct supervision of a Trainee Supervisor registered pursuant to OAR 331-630-0035 and must include:

(a) 60 hours in audiometric testing;

(b) 60 hours in counseling regarding hearing examination;

(c) 60 hours in hearing aid selection;

(d) 60 hours in ear-mold impressions;

(e) 180 hours in hearing aid fitting and follow-up care;

(f) 60 hours in business practices, including ethics and regulations and sanitation and infection control; and

(g) 40 hours in electives in any of the categories listed in subsections a. through e. above.

(3) Theory training consists of successful completion of the International Hearing Society's Distance Learning Program for Professionals in Hearing Health Sciences.

(4) Training program materials can be reviewed at www.oregon.gov/OHLA/

(5) Trainees who register and are approved to commence their training program before the effective date of this rule may complete their training under the provisions of the rule that was in place at that time. The trainee must complete the training program within 180 days following the effective date of this rule. A trainee failing to complete the program within 180 days must reapply and, if accepted, must begin the program pursuant to provisions of this rule.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0050

General Examination Information

(1) The board approved examinations for a license include a written examination containing both a national section and a state-specific section, and a practical examination.

(2) To take the examinations, an applicant must meet identification requirements listed under OAR 331-030-0000.

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

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

(5) The Board will establish a maximum time allowance for each section of the examination.

(6) Notes, textbooks, notebooks, electronic equipment or 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) A candidate may be immediately disqualified before, during, or after the examination for conduct that interferes with the examination or otherwise violates this rule. At the time of disqualification, the examination may be invalidated and examination fees may be forfeited. Disqualifying 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 subsection (6) 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) The applicant may be required to reapply, submit additional examination fees, and request in writing to schedule another examination if applicant is disqualified from taking the examination.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0060

Examination Retake

(1) All examination retakes are subject to examination fees and an approved examination schedule set by the agency

(2) If after four attempts, an applicant has not passed the state administered practical examination, the applicant must request permission from the Council to retake the examination again. If the applicant does not pass the examination upon the fifth attempt, the applicant may be required to retake training required under this division.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0070

License Issuance and Renewal

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

(2) AUTHORIZATION RENEWAL: To avoid delinquency penalties, 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 331-640-0005; and

(c) Documentation of having obtained required annual continuing education under OAR 331-650-0005, on a form prescribed by the agency.

(3) INACTIVE AUTHORIZATION: A license may be inactive for up to three years. When renewing after entering inactive status, the licensee must submit the following:

(a) Renewal application form;

(b) Payment of delinquency and renewal fees pursuant to OAR 331-640-0005;

(c) Documentation of having obtained required annual continuing education under OAR 331-650-0005, on a form prescribed by the agency, whether license has been current or inactive;

(4) EXPIRED AUTHORIZATION: A license that has been inactive for more than three years is expired and the licensee must reapply and meet the requirements listed in OAR 331-630-0001.

(5) A licensee failing to meet continuing education requirements listed under OAR 331-650-0005 must reapply and meet requirements pursuant to OAR 331-630-0001.

(6) A licensee may not practice with an inactive or expired license.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

DIVISION 650

CONTINUING EDUCATION REQUIREMENTS

331-650-0005

Continuing Education Requirements

(1) To maintain licensure, hearing aid specialists must complete a minimum of 12 hours of approved continuing education each year. Credit hours obtained in excess of those required for the one-year reporting period may not be carried forward. A licensee's continuing education requirements remain in effect during the time a license is inactive.

(2) Each licensee shall document compliance with the continuing education requirement through attestation on the license renewal application. Licensees are subject to provisions of OAR 331-650-0015 pertaining to periodic audit of continuing education.

(3) Approved continuing education must be obtained by participation in or attendance at a course provided by an accredited college or university, a course or program approved by the International Hearing Society or an agency pre-approved course or program.

(4) Continuing education must address subject matter related to dispensing hearing aids in accordance with ORS 694.015 through 694.185.

(5) CE credit will be awarded based on the following criteria:

(a) Completion and passing of academic courses taken from an accredited college or university are awarded 15 hours for each semester-based credit earned, 14 hours for each trimester-based credit earned or 10 hours for each quarter-based credit earned;

(b) Completion of professional courses which meet academic course requirements in content, instruction and evaluation will be assigned 15 hours for each semester-based credit earned, 14 hours for each trimester-based credit earned or 10 hours for each quarter-based credit earned; and

(c) Courses that do not meet standards as set forth in paragraphs (a) and (b) of this subsection, such as workshops, symposiums, seminars, laboratory exercises, or any applied experience with or without formal classroom work may be assigned credit at the rate of one hour for each hour of attendance.

(6) No more than three hours may be earned in one year for courses in cardiopulmonary resuscitation;

(7) Licensees must complete a two hour course in Safety and infection Control once every two years.

(8) Documentation supporting compliance with continuing education requirements must be maintained for a period of two years following renewal, and must be available to the agency upon request.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-650-0010

Schedule of Civil Penalties for Violations of Laws and Rules

The agency has adopted the following presumptive penalty schedule for the violations of the following laws and rules. The following schedule shall apply except as the agency otherwise determines in consideration of the factors referred to in OAR 331-020-0060. For subsequent offenses, the provisions of 331-020-0060 will apply.

(1) Dealing in or purporting to deal in hearing aids with an expired license is a violation of ORS 694.025 and OAR 331-030-0010(4) and shall incur the following penalties:

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

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

(c) For 3rd offense: \$1,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

(2) Dealing in or purporting to deal in hearing aids without a license, with a license issued to another person, or a suspended license is a violation of ORS 694.025 and/or 676.612(1)(d) or 676.612(4) and OAR 331-030-0020(1) and shall incur the following penalties:

(a) For 1st offense: \$1,000;

(b) For 2nd offense: \$5,000 in addition to any other penalties allowed by law including revocation or refusal to issue a license.

(3) Failing as a licensee to inform the agency within 30-calendar days of a change of information is a violation of OAR 331-010-0040(1) and shall incur the following penalties:

(a) For 1st offense: \$50;

(b) For 2nd offense: \$100;

(c) For 3rd offense: \$150.

(4) Dealing in hearing aids by a trainee when not under the direct supervision of a supervisor is a violation of ORS 694.025 and 694.065(2) and OAR 331-610-0020(1) and shall incur the following penalties:

(a) For 1st offense: \$150;

(b) For 2nd offense: \$300;

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

(5) Failing, as a supervisor, to provide direct supervision of a trainee dealing in hearing aids is a violation of ORS 694.065(2), OAR 331-610-0020(1) and (6) and shall incur the following penalties:

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

(b) For 2nd offense: \$1,000 and suspension of the authorization to provide supervisory training;

(c) For 3rd offense: \$5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

(6) Failing, as a supervisor, to exercise management, guidance, and control over the activities of the temporary hearing aid specialist is a violation of ORS 676.612(1)(j) and OAR 331-610-0030(3) shall incur the following penalties:

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

(b) For 2nd offense: \$1,000 and suspension of the authorization to provide supervisory training;

(c) For 3rd offense: \$5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

(7) Failing, as a supervisor, to evaluate and approve all matters involved in the testing, fitting, or in the sale of a hearing aid by a temporary hearing aid specialist before ordering the recommended hearing aid(s) is a violation of ORS 676.612(1)(j) and OAR 331-610-0030(2) and/or (4) and shall incur the following penalties:

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

(b) For 2nd offense: \$1,000 and suspension of the authorization to provide supervisory training;

(c) For 3rd offense: \$5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

(8) Failing, as a supervisor of a temporary hearing aid specialist, to co-sign and approve the audiogram, order form and office copy of statement, or failing to mail or provide a copy of the statement to the prospective hearing aid purchaser as required in ORS 694.036 and 694.042 is a violation of 676.612(1)(j) and OAR 331-610-0030(4) and shall incur the following penalties:

(a) For 1st offense: \$300;

(b) For 2nd offense: \$1,000 and suspension of the authorization to provide supervisory training;

(c) For 3rd offense: \$5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

(9) Failing to meet continuing education requirements pursuant to OAR 331-630-0000(1), or to provide or retain required

documentation is a violation of 331-630-0000(11) and/or 331-630-0010(2) and shall incur the following:

(a) For 1st offense: \$500 and suspension or revocation of license;

(b) For 2nd offense: \$1,000 and suspension or revocation of license;

(c) For 3rd offense: \$5,000 in addition to any other penalties allowed by law including revocation or refusal to issue a license.

(10) Failure to correct continuing education deficiencies within prescribed time frames is a violation of OAR 331-630-0010(4) and shall incur the following penalties:

(a) For 1st offense: \$500 and suspension or revocation of license;

(b) For 2nd offense: \$1,000 and suspension or revocation of license;

(c) For 3rd offense: \$5,000 in addition to any other penalties allowed by law including revocation or refusal to issue a license.

(11) Disqualification from an examination as a result of conduct is a violation of OAR 331-610-0050(2) and shall incur the following penalties: \$1,000, disqualification from reexamination as determined by the agency director and revocation of temporary hearing aid specialists license

(12) Failing to keep the facility clean and sanitary is a violation of OAR 331-640-0010(1) and shall incur the following penalties:

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

(b) For 2nd offense: \$300;

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

(13) Failing to disinfect devices after direct contact with client's skin is a violation of OAR 331-640-0010(2) and shall incur the following penalties:

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

(b) For 2nd offense: \$300;

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

(14) Failing to wash or sanitize hands before taking an ear mold impression is a violation of OAR 331-640-0010(4) and shall incur the following penalties:

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

(b) For 2nd offense: \$300;

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

(15) Failing to calibrate or provide proof of calibration on audiometric testing equipment is a violation of OAR 331-640-0020 and shall incur the following penalties:

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

(b) For 2nd offense: \$300;

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

(16) Failing to provide a client with a properly formatted Statement to Prospective Purchaser is a violation of ORS 694.036(1) and OAR 331-640-0030(1) and shall incur the following penalties per violation:

(a) For 1st offense: \$300;

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

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

(17) Failing to obtain a signed medical waiver is a violation of ORS 694.142(6) and OAR 331-640-0040(2) and shall incur the following penalties per violation:

(a) For 1st offense: \$300;

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

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

(18) Failing to respond timely to an agency request for information regarding a complaint is a violation of OAR 331-020-0050 and shall incur the following penalties per violation:

(a) For 1st offense: \$300;

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

(c) For 3rd offense: \$1,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

(19) Failing to comply with the additional standards of conduct is a violation of ORS 676.612(1)(j) and OAR 331-640-0050(1), (2), (3) and/or (4) and shall incur the following penalties per violation:

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

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

(c) For 3rd offense: \$5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

(20) Failing or refusing to rescind the sale of a hearing aid is a violation of ORS 676.612(1)(j) and (2), 694.042(4), and 694.147(2)(a) and shall incur a civil penalty established on a case-by-case basis.

(21) Failing to meet professional standards in dealing in hearing aids in violation of ORS 676.612(1)(j), 694.147(2)(c) or OAR 331-640-0050(3) and shall incur the following penalties per violation:

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

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

(c) For 3rd offense: \$5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

(22) Fraud or misrepresentation in the practice of dealing in hearing aids is a violation of ORS 676.612, 694.147(2) or OAR 331-640-0050(3) and shall incur the following penalties per violation:

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

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

(c) For 3rd offense: \$5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

(23) Unprofessional conduct is a violation of ORS 676.612(1)(j), 694.147(2)(c) or OAR 331-640-0050(3) and shall incur the following penalties per violation:

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

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

(c) For 3rd offense: \$5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

Stat. Auth.: ORS 676.615, 676.992 & 694.147

Stats. Implemented: ORS 676.615, 676.992 & 694.147

Hist.: HD 8-1990, f. 4-4-90, cert. ef. 4-5-90; HD 23-1993, f. 12-30-93, cert. ef. 1-1-94; HD 18-1997, f. 12-12-97, cert. ef. 12-15-97; Renumbered from 333-025-0075, HLO 6-2004, f. 6-29-04, cert. ef. 7-1-04

331-650-0015

Continuing Education: Audit, Required Documentation and Sanctions

(1) The Oregon Health Licensing Agency will audit a percentage of licensees, as determined by the Board, to verify compliance with continuing education requirements of this rule.

(2) Licensees notified of selection for audit of continuing education attestation shall 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 331-650-0005.

(3) If selected for audit, the licensee must provide documentation of the required continuing education, which must include:

(a) For courses provided by an accredited college or university — An official transcript from the accredited college or university;

(b) For International Hearing Society (IHS) approved programs or courses — A certificate of completion that includes the IHS approval number; or

(c) For agency pre-approved programs or courses — A certificate of completion or other agency approved documentation that includes the agency pre-approval number.

(4) If documentation of continuing education is incomplete, the licensee has 30 calendar days from the date of notice to submit further documentation to substantiate having completed the required continuing education.

(5) Failure to meet continuing education requirements shall constitute grounds for 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 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

DIVISION 660

STANDARD OF PRACTICE AND PROFESSIONAL CONDUCT

331-660-0000

Standards of Practice

In addition to the standards prescribed under ORS 694.142, the Council adopts the following standards of practice to establish and maintain a high standard of integrity and dignity in the profession of hearing aid specialists. A licensee must:

(1) Maintain a clean and safe environment to ensure the health, safety, and welfare of clients and staff in the licensee's facility;

(2) Ensure consistent and high quality services and devices that meets the needs of the hearing aid clients;

(3) Participate, as appropriate, with the ownership, management, or governing body to plan, implement, and evaluate written policies and procedures to allow that provision of hearing aid services are in compliance with all local, state, and federal laws and regulations;

(4) Communicate and problem solve regularly with the staff, co-workers and governing body to allocate resources properly. The hearing aid specialist must foster effective communication and problem solving between staff, co-workers, governing body and clients; and

(5) Plan, implement, and evaluate an integrated financial program to ensure compliance with all local, state, and federal laws and regulations; quality devices and services; and appropriate and accurate billing for devices and services.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-660-0010

Standards of Professional Conduct

The Council adopts the following standards of professional conduct to protect the public against unprofessional conduct on the part of hearing aid specialists. A licensee must:

(1) Comply with all local, state, and federal laws and regulations concerning the provision of hearing aids. The licensed hearing aid specialist shall cooperate with any investigation of the regulatory bodies;

(2) Exercise appropriate supervision and responsibility over the activities of staff;

(3) Protect client's rights as required by state and federal laws;

(4) Take appropriate steps to avoid discrimination against residents on basis of race, color, sex, religion, age, national origin, disability, marital status, ancestry, sexual orientation or any other factor that may be discriminatory or not related to bona fide requirements of quality service; and

(5) Possess and maintain the competencies necessary to effectively perform the responsibilities as a hearing aid specialist, including but not limited to:

(a) Exercising ethical and professional decision-making and judgment;

(b) Exemplifying a philosophy focused on the provision of accurate and high-quality services and devices, as well as on generally accepted standards;

(c) Abiding by and keeping confidential client information; and

(d) Keeping current with standards of practice.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-660-0020

Safety and Infection Control Requirements

(1) Each licensee shall keep areas of their facility for otoscopic examination, earmold impression taking, and audiometric examination clean and sanitary.

(2) Impression tools, otoscopic examination equipment and other devices that come in direct contact with the client must be disinfected prior to use. Licensees shall use an EPA registered high-level disinfectant, following the manufacturer's directions, to disinfect nondisposable equipment and tools.

(3) Disposable or disinfected otoscopic specula must be used when examining each ear.

(4) Licensees must wash or sanitize hands prior to taking an earmold impression.

(5) Licensees must observe the Universal Precautions as defined in Oregon Administrative Rule 437-002-0360(26), and 29 CFR 1910.1030 bloodborne pathogen standards, when providing services to consumers. Precautions to reduce the likelihood of exposure include hand washing, gloving, using personal protective equipment, preventing injury, ensuring proper handling and disposal of needles and other sharp instruments and of products or equipment contaminated with blood and body fluids.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-660-0030

Audiometric Testing Equipment

Licensed hearing aid specialists shall maintain audiometric testing equipment, currently used in the practice of administering evaluations, in proper working order at all times and shall be prepared to provide their record of at least annual calibration to a representative of the agency when so requested, upon inspection, or during an investigation conducted by the agency.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-660-0040

Statement to Prospective Purchaser

(1) The term "purchaser" as used in ORS chapter 694 and OAR chapter 331, division 660, means any person who purchases or proposes to purchase hearing aid(s) and any person on whose behalf hearing aid(s) are purchased or proposed to be purchased. In the case of a client who is a minor child or other person without legal capacity to contract, the person's parent, legal guardian, or legal representative is the "purchaser."

(2) To assist prospective purchasers in making an informed decision regarding the sale of hearing aid(s), licensees must provide prospective purchasers with complete and accurate disclosure of facts regarding licensee services, the hearing aid(s) purchase price, delivery and consummation of sale defined in OAR 331-620-0005, and information about the purchaser's right to rescind or cancel a sale and the procedures for rescinding the sale and returning the hearing aid(s) according to the provisions of ORS 694.042.

(3) The Statement to Prospective Purchaser (Statement) is a contract prepared and signed by the licensee and agreed to by the purchaser. This Statement contains required information listed in ORS 694.036 regarding licensee and purchaser information, medical observation criteria and referral to physician if medical conditions are present, specifications and conditions of the hearing aid(s), terms of any warranty or expressed guarantee, and how to file a complaint with the agency.

(4) Licensees are required to provide all information and facts specified in this rule before the consummation of the sale, which is the delivery of the hearing aid(s) to the purchaser and the date that starts the 30-day rescission period.

(5) Statement Content. In addition to the information prescribed by ORS 694.036, the Statement must include the following information and facts about the purchase of hearing aid(s):

(a) Date of sale;

(b) Purchaser name, address and signature;

(c) Licensee name, address, telephone number, license number and signature;

(d) The purchase price, which includes the cost of the hearing aid(s) and all related fees;

(e) An accurate description of the hearing aid as new, demonstration instrument, reconditioned, or used;

(f) Delivery date of hearing aid(s);

(g) Date the 30-day rescission period ends;

(h) The portion of the total purchase price that will be retained by the licensee, not to exceed 10% of the contract purchase amount or \$250 per hearing aid, whichever amount is less, if the purchaser

rescinds the sale under provisions of ORS 694.042 within the 30-day rescission period;

(i) Date and place of post-delivery follow-up session agreed upon by the licensee and hearing aid user as stated in subsection (9) of this rule;

(j) A printed or reproduced copy of ORS 694.042 Right to Rescind A Hearing Aid Purchase in its entirety, which includes the procedures for returning the hearing aid(s) to the licensee;

(k) The following statement, initialed by the purchaser: "Copies of my audiogram and the results of tests or verification procedures were offered to me by the licensee, and I hereby acknowledge receipt of the records or that I declined the offer.";

(l) The following statement about filing complaints: "Complaints regarding the sale, lease, or attempted sale or lease of hearing aids should be directed in writing to: Oregon Health Licensing Agency, 700 Summer Street NE, Suite 320, Salem, OR 97301-1287. Complaint forms may be obtained by calling 503-378-8667 or at the Agency's Web site: http://www.oregon.gov/OHLA/Consumer_help_complaint.shtml"; and

(m) A statement acknowledging that the purchaser has read and understands the information contained in the Statement, signed by the purchaser and dated;

(6) Statement Format. The Statement must be printed on forms measuring no less than 8 ½ inches wide by 11 inches long, with a minimum 10-point typeset, and be legibly written.

(7) Licensees must provide the purchaser a new Statement for each hearing aid or set of hearing aids, unless the hearing aid(s) is an exact replacement of the device listed in a previous Statement provided to the purchaser.

(8) Refund. Any monies paid by or on behalf of the purchaser toward the hearing aid must be refunded to the payer if the delivery of the hearing aid to the purchaser is cancelled. The purchaser shall incur no additional liability for the cancellation.

(9) Post Delivery Follow-Up. Licensees will conduct and document a minimum of one post-delivery follow-up session with the hearing aid user before the expiration of the 30-day rescission period. The follow-up session will take place at the original place of the sale or at a predetermined location agreed upon at the time of initial delivery, or at a time and place agreed to within the 30-day rescission period.

(b) The licensee must document in the hearing aid user's record any change to the agreed-upon location or date of the post-delivery follow-up session, and, if the licensee is unable to contact the hearing aid user or to provide the follow-up session, the reason(s) why.

(10) In Home Sales. Sales of hearing aids made at the purchaser's residence and not at the licensee's place of business, require disclosure of federal guidelines related to "in home sales" and the purchaser's right to cancel the transaction and receive a full refund of monies paid to the licensee. The following federal disclosure statement must be completed and affixed to the Statement to Prospective Purchaser when a licensee sells a hearing aid(s) at the purchaser's home.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-660-0050

Additional Conditions for Referral

(1) In addition to the conditions listed in ORS 694.142 a hearing aid specialist shall not fit or dispense a hearing aid for use without first determining if the following conditions exist and, if so, referring the prospective purchaser to a physician:

(a) Evidence of significant cerumen accumulation in the auditory canal preventing visual inspection of the external auditory canal or external auditory meatus and tympanic membrane or foreign body in the ear canal; or

(b) Pain or discomfort in the ear.

(2) A Waiver of Medical Opinion form as required by ORS 694.142(6) must include the hearing aid specialist's name and license number, the purchaser's name, address and signature with date as

well as the following statement: "I do not desire to have a medical evaluation before purchasing a hearing aid."

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-660-0060

Standards of Conduct

(1) Licensees must comply with the requirements of ORS 694.142, and all other applicable statutes and rules.

(2) Licensees must conform to state or federal laws regulating retail contracts or to any affirmation of fact or promise made in writing by the licensee which relates to the hearing aid or fitting and dispensing services and which becomes a part of the basis of the transaction when the purchaser relies on it or is, in part, induced into making purchase by it.

(3) Licensees must not make inaccurate or misleading representations or statements as to the efficacy of a hearing aid(s) for improving hearing.

(4) Licensees may not use a title or abbreviation that is misleading or may convey that the licensee holds a credential that is not related to hearing instrument sciences, without designating the professional field for which the credential was issued. Hearing instrument sciences includes, but is not limited to, core competencies identified in ORS 694.075.

(5) The Council recognizes and adopts the revised International Hearing Society's Code of Ethics, as adopted October 1983 and revised March 2009, as its professional standards model. A copy of the document is on file at the agency for review, and may be accessed at the following Web site: http://insinfo.org/lhsV2/Resources/020_Code_Of_Ethics.cfm

(6) During the hearing test or evaluation for fitting a client with a hearing aid(s), the following items must be completed. If the case history and tests were completed within the previous six months and there has been no substantial change in the client's hearing, the following tests may be performed at the discretion of the licensee:

(a) Confidential client case history;

(b) Puretone Air Conduction Threshold testing (should include at a minimum, the following frequencies — 250, 500, 1000, 2000, 3000, 4000, and 6000 or 8000 Hz);

(c) Puretone Bone Conduction Threshold testing (should include at a minimum, the following frequencies — 500, 1000, 2000, and 4000 Hz);

(d) Speech Recognition Threshold testing (SRT);

(e) Word Recognition Score (WRS) also known as speech discrimination testing;

(f) Most Comfortable Listening Level (MCL); and

(g) Uncomfortable Listening Level (UCL).

(7) For children who are unable to perform the tests listed in subsection (6) of this rule, an objective measure that meets prevailing professional standards can be used to assess auditory function. The test must be completed by a licensed audiologist or physician.

(8) Licensees must perform one or more of the following verification procedures, within the 30-day rescission period.

(a) Soundfield testing for speech discrimination;

(b) Soundfield testing for puretone thresholds;

(c) Real-ear probe microphone measurements;

(d) Speech mapping; and

(e) Other industry accepted objective measures.

(9) Licensees must post the following statement in public view on the business premises or provide the purchaser with a written notice stating: "Individuals are entitled to a copy of the audiogram used to conduct hearing evaluations and any test results." If copies of the audiogram specified in OAR 331-660-0070, or results of tests or verification procedures conducted under subsections (6) and (8) of this rule are requested, they must be provided to the purchaser.

(10) Licensees who are unable to complete testing for reasons such as a client's medical condition or inability to perform tests or verification procedures are excused from compliance with the relevant parts of subsections (6) and (8) but must document the reasons in the client's record.

(11) Tests listed in subsection (8) of this rule will be used to determine the fitted hearing aid(s) ability to meet current industry standards in reference to ORS 694.042(1)(c), during investigation of complaints filed with the agency.

(12) Licensees must maintain a record of the technical specifications issued by a manufacturer for the hearing aid(s) that have been delivered to or purchased by their clients. The specifications must be available for inspection by the agency's representatives upon request.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185
Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-660-0070

Uniform Measurement Standards

(1) The Council recognizes and adopts the following uniform set of hearing loss measurement standards required for use when interpreting audiograms using 0 — 110 for degrees of decibel hearing loss (dB HL) and 125 — 8000 Hz for frequency. This set of uniform measurement standards must be used for advising consumers on peripheral or cochlear hearing loss: [Table not included. See ED. NOTE.]

(2) Hearing loss may have a greater effect on children than adults. The degree of hearing loss does not necessarily reflect the degree of impairment.

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185
Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-660-0080

Client Record Requirements

(1) For the purpose of clarifying record keeping requirements, the term "client" as used in this rule, means the individual who is a consumer, purchaser, potential purchaser or hearing-aid wearer.

(2) Required Records. Licensees must record, update and maintain documentation for each client relevant to health history, clinical examinations and treatment, and financial data. Documentation shall be written or computerized. Records must include the following information:

(a) Basic client information, including name, address, telephone number and dates of service;

(b) Health history relevant to hearing evaluation or fitting of a hearing aid(s), including referral to a physician or a Waiver of Medical Opinion form required by ORS 694.142(6);

(c) Identification of any conditions that would require referral to a physician licensed under ORS chapter 677, as required in ORS 694.142(1) and OAR 331-660-0050, and a notation that the client was referred;

(d) Audiograms as specified in OAR 331-660-0070 and results of tests or verification procedures as specified in OAR 331-660-0060;

(e) A copy of the Statement to Prospective Purchaser required by ORS 694.036 and OAR 331-660-0040, including client's signature and date acknowledging that the client has read and understands the information contained in the purchase agreement;

(f) A copy of the Right to Rescind a Hearing Aid Purchase giving notice of rights under ORS 694.042; and

(g) Date and description of services rendered in the form of "chart notes", including any complications. Chart notes must include the recorder's initials, license number and professional title if multiple practitioners provide service to the client.

(3) Record Format. Records and documentation must be accurate, complete, and legible, typed or recorded using ink. Legible hand-written or electronic records are acceptable.

(4) Record Identifiers. Client records listed in subsection (1) of the rule, must include the licensee's name, license number, professional title or abbreviation, and signature or initials somewhere on the documentation as a means of identifying the person who is providing service to the client. This information may be affixed to the record(s) in the form of a professional stamp or handwritten entry.

(5) Record Retention. All client records and documentation, written or archived electronically by computer, must be stored and maintained for a minimum of seven years after the licensee has last

seen the client or past the age of minority, so that the records are safeguarded, readily retrievable, and available for inspection by the Oregon Health Licensing Agency's representative.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185
Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

DIVISION 705

RESPIRATORY THERAPIST AND POLYSOMNOGRAPHIC TECHNOLOGISTS LICENSING BOARD — GENERAL ADMINISTRATION

331-705-0050

Definitions

The following definitions apply to OAR 331-705-0000 through 331-720-0020:

(1) "Affidavit of Licensure" means an original document or other approved means of verifying an authorization to practice (certification, licensure or registration) status and history, including information disclosing all unresolved or outstanding penalties and/or disciplinary actions. Refer to OAR 331-030-0040.

(2) "Agency" means the Oregon Health Licensing Agency.

(3) "AASM" means the American Academy of Sleep Medicine.

(4) "A-STEP" means the Accredited Sleep Technology Education Program.

(5) "BRPT" means Board of Registered Polysomnographic Technologists.

(6) "CAAHEP" means Commission on Accreditation of Allied Health Education Programs.

(7) "CoARC" means Commission on Accreditation for Respiratory Care.

(8) "CRT" means Certified Respiratory Therapist.

(9) "NBRC" means the National Board for Respiratory Care.

(10) "Official transcript" means an original document authorized by the appropriate office in the Oregon Department of Education and certified by a college or university indicating applicant identity information, hours and types of course work, examinations and scores that the student has completed. Original documents must be submitted directly to the Agency from the college or university by United States Postal Service mail or other recognized mail service providers in a sealed envelope;

(11) "RPSGT" means Registered Polysomnographic Technologists.

(12) "RRT" means Registered Respiratory Therapist.

(13) "Qualified Medical Director for Polysomnography" has the definition set forth in ORS Chapter 688.800.

(14) "Qualified Medical Director for Respiratory Care" has the definition set forth in ORS Chapter 688.800.

Stat. Auth.: ORS 676.605, 676.615 & 688.830

Stats. Implemented: ORS 676.605, 676.615 & 688.830

Hist.: HDLB 1-1997(Temp), f. 12-19-97, cert. ef. 12-22-97 thru 6-19-98; HDLP 2-1998, f. & cert. ef. 6-15-98; HLO 4-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 7-2010, f. & cert. ef. 11-1-10; HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12

331-705-0080

Licensure Exemption for Supervisors and Polysomnography Students

(1) Students actively enrolled in the following education programs are exempt from polysomnographic technologist licensure pursuant to ORS 688.805(2)(b)(A):

(a) Associate's degree program in polysomnography, polysomnographic technology, or sleep technology from an accredited community college, college, or university; or

(b) Polysomnography course of study from a CAAHEP accredited institution;

(2) In accordance with ORS 688.805(2)(b)(B) to be exempt from licensure students in subsection (1) of this rule must be supervised by one of the following:

(a) A licensed polysomnographic technician;

(b) A qualified medical director for polysomnography;

(c) Respiratory therapist who holds a Sleep Disorder Specialty credential through the NBRC; or

(d) Respiratory therapist who holds a RSPGT credential through the BRPT.

(3) Direct supervision, for the purpose of this rule, is supervision of a student in polysomnography by an approved supervisor who is physically present with the student while the student is working. The supervisor must exercise direction and control over the student's work. An approved supervisor supervising a student may not supervise more than one student per shift.

Stat. Auth.: ORS 676.606, 676.607, 676.611, 676.615 & 688.830

Stats. Implemented: ORS 688.800 & 688.805

Hist.: HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 5-2013(Temp), f. 3-12-13, cert. ef. 4-1-13 thru 9-28-13; HLA 7-2013, f. 5-16-13, cert. ef. 6-1-13

DIVISION 710

RESPIRATORY THERAPIST AND POLYSOMNOGRAPHIC TECHNOLOGISTS LICENSING BOARD — APPLICATION FOR LICENSURE

331-710-0000

Training

Training, or formal education, required for licensure is a planned sequence of instruction of specific content, pursuant to ORS 688.815(1)(c), structured to meet stated curriculum objectives which includes evaluation of attainment of those objectives, and offered by a post-secondary educational institution accredited by the *Committee On Accreditation For Respiratory Care*, or its successors, or recognized by the *National Board for Respiratory Care*.

Stat. Auth.: ORS 676.605, 676.615, 688.815 & 688.830

Stats. Implemented: ORS 676.605, 676.615, 688.815 & 688.830

Hist.: HDLB 1-1997(Temp), f. 12-19-97, cert. ef. 12-22-97 thru 6-19-98; HDLP 2-1998, f. & cert. ef. 6-15-98; HLO 4-2004, f. 6-29-04, cert. ef. 7-1-04

331-710-0005

Respiratory Therapist License

(1) A respiratory therapist license holder, licensed under ORS 688.815, may perform respiratory care services and polysomnography services defined under ORS 688.800.

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

Stat. Auth.: ORS 676.605, 676.615, 688.815 & 688.830

Stats. Implemented: ORS 676.605, 676.615, 688.815 & 688.830

Hist.: HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12

331-710-0010

Application Requirements for a Respiratory Therapist License

An individual applying for licensure to practice respiratory care 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 and license fees.

(3) Submit fingerprint-based national criminal background check pursuant to OAR 331-030-0004;

(4) Be at least 18 years of age and provide official documentation confirming date of birth, such as a copy of the birth certificate, driver's license, passport or military/government identification;

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

(6) Submit current certification in cardiopulmonary resuscitation from an Agency approved provider; and

(7) Submit documentation of qualification for licensure through one of the following pathways:

(a)(A) License Pathway One — National Credentialing: An applicant for licensure through national credentialing must submit:

(B) An official documentation demonstrating that the applicant has successfully passed the Board approved examination listed under OAR 331-712-0000, within two years before the date of application.

The documentation of a passing score must be mailed by the organization to the Agency. Copies of examination results or other documentation provided by the applicant are not acceptable.

NOTE: The applicant is responsible for payment of fees assessed by the organization when obtaining required official documentation.

(b) License Pathway Two — Reciprocity

An applicant for licensure through reciprocity must submit:

(A) Submit an affidavit of licensure pursuant to OAR 331-030-0040, from every state where the applicant has been licensed as a respiratory therapist, including an affidavit of licensure demonstrating proof of a current respiratory therapist license from another state, obtained through qualifications substantially equivalent to Oregon's requirements. At least one of the applicant's out-of-state licenses must be active and all of the applicant's out-of-state licenses must not be subject to current or pending disciplinary action, and must be free from disciplinary history for three years before the date of application for Oregon respiratory therapist licensure;

(B) Official documentation demonstrating that the applicant has successfully passed the Board approved examination listed under OAR 331-712-0000. The documentation of a passing score must be mailed by the organization to the Agency. Copies of examination results or other documentation provided by the applicant are not acceptable.

NOTE: The applicant is responsible for payment of any service fee the originating jurisdiction may assess for producing the Affidavit of Licensure.

Stat. Auth.: ORS 676.605, 676.615, 688.815 & 688.830

Stats. Implemented: ORS 676.605, 676.615, 688.815 & 688.830

Hist.: HDLB 1-1997(Temp), f. 12-19-97, cert. ef. 12-22-97 thru 6-19-98; HDLP 2-1998, f. & cert. ef. 6-15-98; HLO 4-2004, f. 6-29-04, cert. ef. 7-1-04; HLO 10-2004(Temp), f. & cert. ef. 11-8-04 thru 3-31-05; HLO 1-2005, f. 2-28-05 cert. ef. 3-1-05; HLA 7-2010, f. & cert. ef. 11-1-10; HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12

331-710-0015

Temporary Respiratory Therapist Licensure

(1) A respiratory therapist temporary license authorizes a holder to practice respiratory care under supervision and pending passage of the qualifying examination.

(2) For the purpose of this rule supervision means the required presence of a licensed respiratory therapist or qualified Medical Director for respiratory care within the work location at the same time as the respiratory therapist temporary license holder.

(3) A respiratory therapist temporary license holder must notify the Agency within 10 calendar days of changes in employment status or supervisor.

(4) A respiratory therapy temporary license is valid for six months and may not be renewed.

Stat. Auth.: ORS 676.605, 676.615, 688.815 & 688.830

Stats. Implemented: ORS 676.605, 676.615, 688.815 & 688.830

Hist.: HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12

331-710-0020

Application Requirements for a Temporary Respiratory Therapist License

To qualify for a respiratory therapist temporary license for 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 application and license fees;

(3) Submit fingerprint-based national criminal background check pursuant to OAR 331-030-0004;

(4) Be at least 18 years of age, and provide official documentation confirming the applicant's date of birth, such as a copy of the birth certificate, driver's license, or passport;

(5) Submit current certification in cardiopulmonary resuscitation from an Agency approved provider;

(6) Submit a statement, signed by the Registrar or a Dean of a college or university and sent directly to the Agency from that college or university, verifying the applicant has completed all work necessary to obtain a degree in respiratory care; and

(7) Submit documentation identifying approved supervisor on a form prescribed by the Agency.

Stat. Auth.: ORS 676.605, 676.615, 688.815 & 688.830

Stats. Implemented: ORS 676.605, 676.615, 688.815 & 688.830

Hist.: HDLB 1-1997(Temp), f. 12-19-97, cert. ef. 12-22-97 thru 6-19-98; HDLP 2-1998, f. & cert. ef. 6-15-98; HLO 4-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 7-2010, f. & cert. ef. 11-1-10; HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12

331-710-0045

Polysomnographic Technologist License

(1) A polysomnographic technologist, licensed under ORS 688.815, may perform polysomnography services defined under ORS 688.800.

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

Stat. Auth.: ORS 676.605, 676.615, 688.815 & 688.830

Stats. Implemented: ORS 676.605, 676.615, 688.815 & 688.830

Hist.: HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12

331-710-0050

Application Requirements for Polysomnographic Technologist License

(1) An individual applying for licensure to practice polysomnography must:

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

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

(c) Submit fingerprint-based national criminal background check pursuant to OAR 331-030-0004;

(d) Be at least 18 years of age, and must provide documentation, confirming date of birth, such as a copy of the birth certificate, driver's license or passport;

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

(f) Submit current certification in cardiopulmonary resuscitation by an Agency approved provider; and

(2) Submit documentation of qualification through one of the following pathways:

(a) License Pathway One Academic Degree: An applicant under pathway one must:

(A) Submit official transcripts defined under OAR 331-705-0050 showing successful completion of an Associate's degree in polysomnography, polysomnographic technology, or sleep technology from an accredited community college, college or university, or successful completion of a polysomnography course of study from a CAAHEP accredited institution. In addition to an official transcript defined under 331-705-0050 an applicant who has obtained education through a CAAHEP accredited institution must submit a statement, signed by the Registrar or a Dean of a college or university and sent directly to the Agency from that college or university, verifying the applicant has successfully completed a polysomnography course of study;

(B) Submit satisfactory evidence of passage a Board approved examination listed under OAR 331-712-0010(1) within two years before the date of application. Examination results must be submitted to the Agency directly from the examination provider; examination results or other documentation provided directly by the applicant are not acceptable;

(C) Submit examination fees;

(D) Submit satisfactory evidence of having passed the Board approved examination listed under OAR 331-712-0010(3) within two years before the date of application; and

(E) Submit licensing fees.

(b) License Pathway Two Polysomnographic Technologist Temporary Licensee: An applicant under pathway two must applying for permanent licensure must:

(A) Submit documentation showing completion of 18 months of training and work experience pursuant to OAR 331-710-0110, obtained under polysomnographic technologist temporary-DS licensure (See 331-710-0060) and temporary-IS licensure (See 331-710-0080), including verification by an approved supervisor pursuant to 331-710-0100, and certification of successful completion and satis-

factory performance of such experience by a qualified medical director for polysomnography, all on forms provided by the Agency;

(B) Submit satisfactory evidence of passage of a Board approved examination listed under OAR 331-712-0010(1) or (2) within two years before the date of application. Examination results must be submitted to the Agency directly from the examination provider; examination results or other documentation provided directly by the applicant are not acceptable;

(C) Submit examination fees;

(D) Submit satisfactory evidence of having passed the Board approved examination listed under OAR 331-712-0010(3) within two years before the date of application; and

(E) Submit licensing fees.

(c) License Pathway Three Reciprocity: An applicant under pathway three must:

(A) Submit an affidavit of licensure pursuant to OAR 331-030-0040, from every state where the applicant has been licensed as a polysomnographic technologist, including an affidavit of licensure demonstrating proof of a current polysomnographic technologist license from another state, obtained through qualifications substantially equivalent to Oregon's requirements. At least one of the applicant's out-of-state licenses must be active and all of the applicant's out-of-state licenses must not be subject to current or pending disciplinary action, and must be free from disciplinary history for three years before the date of application for Oregon polysomnographic licensure;

(B) Submit satisfactory evidence of having passed the Board approved examination listed under OAR 331-712-0010(3) within two years before the date of application; and

(C) Submit licensing fees.

(d) License Pathway Four Endorsement: An applicant may qualify for licensure by endorsement if the applicant holds a qualifying professional credential in another field. An applicant under pathway four must:

(A) Submit an affidavit of licensure pursuant to OAR 331-030-0040 demonstrating proof of a current license, which is active with no current or pending disciplinary action, and no disciplinary history for the three years before the date of application for Oregon polysomnographic licensure, as a:

(B) Physician (Doctor of Medicine or Doctor of Osteopathy) licensed under ORS Chapter 677;

(C) Respiratory therapist licensed under ORS chapter 688 with the RPSGT credential from the BRPT; or

(D) CRT or RRT who holds a Sleep Disorder Specialty credential through NBRC;

(E) Submit examination fees;

(F) Submit satisfactory evidence of having passed the Board approved examination listed under OAR 331-712-0010(3) within two years before the date of application; and

(G) Submit licensing fees.

(e) License Pathway Five BRPT Credential: Pursuant to Oregon Law 2015, Chapter 78 an applicant under pathway five must submit documentation showing completion of a combined education and training program required and approved by the BRPT as of March 1, 2013; and must:

(A) Prove successful passage of the RPSGT examination provided by the BRPT:

(i) After completing a combined education and training program required and approved by the BRPT as of March 1, 2013; or

(ii) Before the BRPT required an individual to complete a combined education and training program in order to take the examination, and has since met the education and training requirements established by the BRPT as of March 1, 2013;

(B) Submit examination fees; and

(C) Submit satisfactory evidence of having passed the Oregon Laws and Rules examination for polysomnography listed under OAR 331-712-0010(3) within two years before the date of application.

(D) For the purpose of subsection (e) of this rule "education" includes a self-study education program approved by the BRPT as of March 1, 2013.

(E) For the purpose of subsection (e) of this rules combined education and training and examination results must be submitted to the Agency directly from the BRPT; examination results or other documentation provided directly by the applicant are not acceptable.

(F) A copy of the 2013 BRPT RPSGT Candidate Handbook is available at the Health Licensing Office or a PDF version is available at http://www.brpt.org/downloads/exam/BRPT-RPSGT-Candidate-Handbook_2014_11-2014.pdf.

Stat. Auth.: ORS 676.605, 676.615, 688.815 & 688.830
 Stats. Implemented: ORS 676.605, 676.615, 688.815 & 688.830
 Hist.: HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12; HLA 4-2013, f. 3-12-13, cert. ef. 4-1-13; HLA 16-2013, f. 12-31-13, cert. ef. 1-1-14; HLO 5-2015, f. 12-21-15, cert. ef. 1-1-16

331-710-0060

Polysomnographic Technologist Temporary-DS (Direct Supervision) Licensure

(1) A polysomnographic technologist Temporary-DS license authorizes the holder to temporarily practice polysomnography under direct supervision by an approved supervisor.

(2) Direct supervision is supervision of the Temporary-DS licensee by an approved supervisor who is immediately physically present with the Temporary-DS licensee while the Temporary-DS licensee is working, and who exercises direction and control over the Temporary-DS licensee's work.

(3) A polysomnographic technologist Temporary-DS license holder must notify the Agency within 10 calendar days of changes in employment status and changes in supervisor.

(4) A polysomnographic technologist Temporary-DS license is valid for six months and may not be renewed.

Stat. Auth.: ORS 676.615, 676.607, 688.819 & 688.830
 Stats. Implemented: ORS 676.607, 676.615, 688.800, 688.815, 688.819 & 688.830
 Hist.: HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12; HLA 16-2013, f. 12-31-13, cert. ef. 1-1-14

331-710-0070

Application Requirements for Polysomnographic Technologist Temporary-DS License

An applicant for a polysomnographic technologist Temporary-DS license must:

- (1) Meet the requirements of OAR chapter 331 division 30;
- (2) Submit a completed application form prescribed by the agency, containing the information listed in OAR 331-030-0000 and accompanied by payment of the required application fees;
- (3) Submit fingerprint-based national criminal background check pursuant to OAR 331-030-0004;
- (4) Be at least 18 years of age, and must provide documentation confirming date of birth, such as a copy of the birth certificate, driver's license, or passport;
- (5) Submit current certification in cardiopulmonary resuscitation from an Agency approved provider;
- (6) Submit proof of having a high school diploma or equivalent;
- (7) Submit a certificate of completion for the AASM A-STEP Self Study Modules;
- (8) Submit information identifying the applicant's approved supervisor pursuant to OAR 331-710-0100, on a form prescribed by the Agency;

(9) Submit appropriate licensing fees.
 Stat. Auth.: ORS 676.615, 676.607, 688.819 & 688.830
 Stats. Implemented: ORS 676.607, 676.615, 688.800, 688.815, 688.819 & 688.830
 Hist.: HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12; HLA 16-2013, f. 12-31-13, cert. ef. 1-1-14

331-710-0080

Polysomnographic Technologist Temporary-IS (Indirect Supervision) Licensure

(1) A polysomnographic technologist Temporary-IS license authorizes the holder to temporarily practice polysomnography under indirect supervision by an approved supervisor.

(2) Indirect supervision is supervision of the Temporary-IS licensee by an approved supervisor who is physically present and

onsite, but may not be immediately accessible at the sleep facility when the Temporary-IS licensee is working, who reasonably oversees the work of the Temporary-IS licensee, and who is available for questions and assistance when needed.

(3) A polysomnographic technologist Temporary-IS license holder must notify the agency within 10 calendar days of changes in employment status and changes in supervisor.

(4) A polysomnographic technologist Temporary-IS license obtained under OAR 331-710-0090(6)(a) of this rule is valid for one year and may be renewed once.

(5) A polysomnographic technologist Temporary-IS license obtained under OAR 331-710-0090(6)(b) of this rule is valid for one year and may not be renewed.

(6) A Temporary-IS licensee is prohibited from performing services on persons 12 and under.

(7) A polysomnographic technologist temporary-IS license is invalid after passage of all required written examinations listed under OAR 331-712-0010 for a full polysomnographic technologist license under 331-710-0040.

Stat. Auth.: ORS 676.615, 676.607, 688.819 & 688.830
 Stats. Implemented: ORS 676.607, 676.615, 688.800, 688.815, 688.819 & 688.830
 Hist.: HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12; HLA 16-2012(Temp), f. & cert. ef. 11-19-12 thru 5-17-13; HLA 4-2013, f. 3-12-13, cert. ef. 4-1-13; HLA 16-2013, f. 12-31-13, cert. ef. 1-1-14

331-710-0090

Application Requirements for Polysomnographic Temporary-IS Licensure

An applicant for a polysomnographic technologist Temporary-IS license must:

- (1) Meet the requirements of OAR chapter 331 division 30;
- (2) Submit a completed application form prescribed by the Agency, containing the information listed in OAR 331-030-0000 and accompanied by payment of all required fees;
- (3) Be at least 18 years of age, and provide official documentation confirming the applicant's date of birth, such as a copy of the birth certificate, driver's license, or passport;
- (4) Submit current certification in cardiopulmonary resuscitation from an Agency approved provider;
- (5) Submit fingerprint-based national criminal background check pursuant to OAR 331-030-0004;
- (6) Submit documentation of meetings qualifications listed in (6)(a) or (6)(b) of this rule;
- (a) A Temporary Licensee-DS: applying for Temporary-IS licensure must:

(A) Submit documentation of successful completion of 30 sleep tests as a polysomnographic technologist Temporary-DS licensee, which includes the signatures of an approved supervisor and certification by a qualified medical director for polysomnography of successful completion of 30 sleep studies and satisfactory performance;

(B) Submit examination fees;

(C) Complete and pass the Oregon Laws and Rules examination for polysomnography within two years before the date of registration application;

(D) Submit information identifying the applicant's approved supervisor on a form prescribed by the Agency; and

(E) Submit appropriate licensing fees.

(b) An individual with an Academic Degree: applying for Temporary-IS licensure must:

(A) Submit a statement, signed by the Registrar or a Dean of a college or university and sent directly to the Agency from that college or university, verifying the applicant has completed all work necessary to obtain an associate's degree in polysomnography, polysomnographic technology, or sleep technology from an accredited community college, college or university, or successful completion of a polysomnography course of study from a CAAHEP accredited institution;

(B) Submit examination fees;

(C) Complete and pass the Oregon Laws and Rules examination for polysomnography within two years before the date of registration application;

(D) Submit information identifying the applicant's approved supervisor on a form prescribed by the Agency; and

(E) Submit appropriate licensing fees.

Stat. Auth.: ORS 676.615, 676.607, 688.819 & 688.830

Stats. Implemented: ORS 676.607, 676.615, 688.800, 688.815, 688.819 & 688.830

Hist.: HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12; HLA 16-2012(Temp), f. & cert. ef. 11-19-12 thru 5-17-13; HLA 4-2013, f. 3-12-13, cert. ef. 4-1-13; HLA 16-2013, f. 12-31-13, cert. ef. 1-1-14

331-710-0100

Supervision of a Temporary Polysomnographic Technologist

(1) To be approved as a supervisor of a polysomnographic temporary licensee, an individual must:

(a) Hold a valid polysomnographic technologist license under ORS chapter 688 or provide proof of being a "qualified medical director for polysomnography" as defined in ORS 688.800(3);

(b) Have no current or pending disciplinary action imposed by the Agency or other regulatory body; and

(c) Submit proof of having been actively practicing polysomnography for at least three years prior to requesting approval as a supervisor; and

(d) Submit a completed request for approval on a form prescribed by the Agency;

(2) A polysomnography supervisor shall not supervise a temporary licensee until all Agency required documentation has been completed and submitted to the Agency and the supervisor has received Agency approval.

(3) A supervisor may supervise up to four patients per shift; whether they are the supervisor's own patients or patients of temporary DS or IS licensees.

(4) An approved supervisor of a Temporary-DS licensee must be immediately physically present with the Temporary-DS licensee while the Temporary-DS licensee is working, and must exercise direction and control over the Temporary-DS licensee's work.

(5) An approved supervisor of a Temporary-IS licensee must be physically present and onsite, but may not be immediately accessible at the sleep facility when the Temporary-IS licensee is working, and must reasonably oversee the work of the Temporary-IS licensee, and be available for questions and assistance when needed.

(6) An approved supervisor must notify the Agency in writing within 10 calendar days if a temporary polysomnographic technologist licensee is no longer being supervised, and must provide the number of hours of training and work experience completed on a form prescribed by the Agency.

(7) A designated supervisor must exercise management, guidance, and control over the activities of the temporary polysomnographic technologist and must exercise professional judgment and be responsible for all matters related to the polysomnography.

(8) Approval of a temporary polysomnographic technologist's training and work experience under OAR 331-710-0110 must be documented by the handwritten signature of the approved supervisor, the supervisor's license number, and date of supervisor's review, placed beside the temporary polysomnographic technologist's signature, on a form prescribed by the agency.

(9) An approved supervisor's Agency approval may be withdrawn if the supervisor provides incomplete or inadequate training during supervision or falsifies documentation.

(10) This rule is not intended for or required of purely administrative supervisors.

Stat. Auth.: ORS 676.615, 676.607, 688.819 & 688.830

Stats. Implemented: ORS 676.607, 676.615, 688.800, 688.815, 688.819 & 688.830

Hist.: HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12; HLA 16-2013, f. 12-31-13, cert. ef. 1-1-14

331-710-0110

Training and Work Experience Requirements for Polysomnography

(1) Training and work experience for polysomnography applicants must involve all of the following:

(a) Patient interaction & professional behavior;

(b) Patient assessment;

(c) Polysomnography theory;

(d) Performing polysomnography preparation and setup;

(e) Performing polysomnography recording and monitoring;

(f) Scoring sleep studies;

(g) Artifacts, and arrhythmias;

(h) Sleep related breathing disorders;

(i) Positive airway pressure and oxygen;

(j) Evaluation of sleepiness;

(k) Movement disorders: disorders involving arousal and seizures;

(l) Scoring waveforms;

(m) Scoring sleep stages;

(n) Scoring respiratory events;

(o) Scoring arousals, electroencephalography abnormalities, movements and cardiac events;

(p) Sleep deprivation;

(q) Insomnia;

(r) Medications and sleep;

(s) Circadian sleep and shift work

(t) Arrhythmia recognition;

(u) Emergency procedures and care;

(v) Patient education and mask fitting;

(w) Pediatric sleep; and

(2) For the purpose of this rule "Artifact" means an extraneous electrical signal in a recording channel on a polysomnograph, which originates from the patient, equipment, or external sources, and which may mask or interfere with the desired signal (E.g., snores that appear on the EEG channel, pulses of hypertensive patients that appear on the chin EMG channel, etc.).

(3) A Temporary-IS licensee is prohibited from performing services on persons 12 and under. See OAR 331-710-0080.

Stat. Auth.: ORS 676.615, 676.607, 688.819 & 688.830

Stats. Implemented: ORS 676.607, 676.615, 688.800, 688.815, 688.819 & 688.830

Hist.: HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12; HLA 16-2013, f. 12-31-13, cert. ef. 1-1-14

DIVISION 712

RESPIRATORY THERAPIST AND POLYSOMNOGRAPHIC TECHNOLOGISTS LICENSING BOARD — EXAMINATIONS

331-712-0000

Respiratory Care Approved Examination

The Board has selected the CRT or RRT examination administered by the NBRC as its minimal qualifying examination for licensure. Individual applicants are responsible for payment of all NBRC application, examination, national certification or other fees directly to NBRC.

NOTE: An applicant is responsible for direct payment to the NBRC of all application, examination, national certification or other fees associated with the NBRC.

Stat. Auth.: ORS 676.607, 676.615, 688.830, OL 2011, Ch. 715

Stats. Implemented: ORS 676.606, ORS 676.607, ORS 676.612, 676.615, 676.625, 688.815 & 688.830, 688.834, 688.836, OL 2011, Ch. 715

Hist.: HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12

331-712-0010

Polysomnography Approved Examinations

The Board has approved the following examinations for qualification as a licensed polysomnographic technologist:

(1) The RPSGT "registration examination" administered by the BRPT;

(2) The SDS examination administered by the NBRC; and

(3) The Oregon Laws and Rules examination for polysomnography administered by the Agency.

NOTE: An applicant is responsible for direct payment to the organization of all application, examination, national certification or other fees associated with any examination.

Stat. Auth.: ORS 676.607, 676.615, 688.830 & 2011 OL Ch. 715

Stats. Implemented: ORS 676.606, ORS 676.607, ORS 676.612, 676.615, 676.625, 688.815 & 688.830, 688.834, 688.836 & 2011 OL Ch. 715
Hist.: HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12

331-712-0020

General Examination Information

(1) To be eligible for examination administered by the Agency, 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 Board.

(5) Notes, notetaking, 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) 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, attempting to give, receive or solicit aid during the examination process;

(b) Violations of subsections (1), (5), or (6) 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.

(7) If the candidate is disqualified from taking the examination or the candidate's examination is deemed invalid for reasons under subsection (6) 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, 688.830, OL 2011, Ch. 715

Stats. Implemented: ORS 676.606, ORS 676.607, ORS 676.612, 676.615, 676.625, 688.815 & 688.830, 688.834, 688.836, OL 2011, Ch. 715

Hist.: HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12

DIVISION 715

RESPIRATORY THERAPIST AND POLYSOMNOGRAPHIC TECHNOLOGISTS LICENSING BOARD — LICENSURE; RENEWAL

331-715-0000

License Display and Posting Requirements

(1) A licensee must show proof of valid license with the agency upon request or post the license document in public view at the licensee's primary workplace.

(2) A licensee may temporarily conceal the address printed on the license document with a covering that is removable.

(3) A licensee must carry the license identification card (pocket card) with them, or post in plain view, the official license anytime services are being provided.

Stat. Auth.: ORS 676.605, 676.615 & 688.830

Stats. Implemented: ORS 676.605, 676.615 & 688.830

Hist.: HDLB 1-1997(Temp), f. 12-19-97, cert. ef. 12-22-97 thru 6-19-98; HDLP 1-1998(Temp), f. & cert. ef. 3-20-98 thru 4-1-98; HDLP 2-1998, f. & cert. ef. 6-15-98; HDLP 2-2001, f. & cert. ef. 5-1-01; HDLP 3-2001, f. 6-29-01, cert. ef. 7-1-01; HLO 4-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 7-2010, f. & cert. ef. 11-1-10

331-715-0010

License Issuance and Renewal

(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 under this rule is valid for one year.

(3) LICENSE RENEWAL: To avoid delinquency penalties, 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 OAR 331-705-0060;

(c) Attestation of having obtained required biannual continuing education under OAR 331-720-0010 or 331-720-0015, on a form prescribed by the Agency, whether license is current or inactive; and

(d) Attest to having provided the required information to the Oregon Health Authority pursuant to ORS 676.410;

(e) Pay fee established by Oregon Health Authority pursuant to ORS 676.410; and

(f) Information, on a form prescribed by the Agency, permitting the Agency to perform a state criminal background check pursuant to OAR 331-030-0004;

(4) INACTIVE LICENSE RENEWAL: A 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 must submit the following:

(a) Renewal application form;

(b) Payment of delinquency and license fees pursuant to OAR 331-705-0060;

(c) Attestation of having obtained required biannual continuing education under OAR 331-720-0010 or 331-720-0015, on a form prescribed by the Agency, whether license is current or inactive;

(d) Attest to having provided the required information to the Oregon Health Authority pursuant to ORS 676.410;

(e) Pay fee established by Oregon Health Authority pursuant to ORS 676.410; and

(f) Information, on a form prescribed by the Agency, permitting the Agency to perform a state criminal background check pursuant to OAR 331-030-0004;

(5) EXPIRED LICENSE: A license that has been inactive for more than three years is expired and the licensee must reapply for licensure and meet the requirements listed in OAR 331-710-0010 or 331-710-0050.

(6) A licensee failing to meet continuing education requirements listed under OAR 331-720-0010 or 331-720-0015 is considered to have an expired license and must reapply and meet requirements pursuant to OAR 331-710-0010 or 331-710-0050.

Stat. Auth.: ORS 676.605, 676.615 & 688.830

Stats. Implemented: ORS 676.605, 676.615 & 688.830

Hist.: HDLB 1-1997(Temp), f. 12-19-97, cert. ef. 12-22-97 thru 6-19-98; HDLP 1-1998(Temp), f. & cert. ef. 3-20-98 thru 4-1-98; HDLP 2-1998, f. & cert. ef. 6-15-98; HLO 4-2004, f. 6-29-04, cert. ef. 7-1-04; HLO 10-2004(Temp), f. & cert. ef. 11-8-04 thru 3-31-05; HLO 1-2005, f. 2-28-05 cert. ef. 3-1-05; HLA 7-2010, f. & cert. ef. 11-1-10; HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12; HLO 2-2016, f. & cert. ef. 7-1-16

DIVISION 718

RESPIRATORY THERAPIST AND POLYSOMNOGRAPHIC TECHNOLOGISTS LICENSING BOARD — STANDARDS OF PRACTICE

331-718-0000

Standards of Practice for Respiratory Care

(1) A licensee must comply with the prevailing community standards for professional conduct. The Board recognizes and adopts the American Association of Respiratory Care (AARC) Statement of Ethics and Professional Conduct effective March 2000 as its professional standards model. Documents are available on the AARC Website at <http://www.aarc.org/>.

(2) At minimum, licensees are subject to directives and policies established by the medical facilities, businesses or agencies by which they are employed or regulated.

(3) A licensee must comply with the following safety and infection control requirements:

(a) All devices or items that come into direct contact with a client must be cleaned, sanitized or disinfected according to the manufacturer's instructions or Centers for Disease Control and Prevention (CDC) Standard Precautions;

(b) All items that come in direct contact with the client's skin that do not require disinfecting must be clean;

(c) All items that come in direct contact with the client's skin that cannot be cleaned or disinfected must be disposed of in a covered waste receptacle immediately after use;

(d) All disinfecting solutions and agents must be kept at adequate strengths to maintain effectiveness, be free of foreign material and be available for immediate use at all times unless equipment is prepackaged and pre-sterilized;

(e) All high-level and low-level disinfecting agents must be EPA registered. High-level disinfectant means a chemical agent which has demonstrated tuberculocidal activity. Low-level disinfectant means a chemical agent which has demonstrated bactericidal, germicidal, fungicidal and limited virucidal activity;

(f) Before use, disposable prepackaged products and sterilized re-usable instruments must be stored in clean, sterilized containers that can be closed between treatments to maintain effective sterilization of the instrument until removed from the container.

(4) A licensee must observe and follow the Standard Precautions adopted by the CDC as defined in OAR 437 division 2, subdivision Z, and the CDC Standard Precautions for public service workers regarding personal protection equipment and disposal of blood or bodily fluid contaminated articles, tools and equipment when providing services to patients.

Stat. Auth.: ORS 676.607, 676.615, 688.830, OL 2011, Ch. 715

Stats. Implemented: ORS 676.606, 676.607, 676.612, 676.615, 676.625, 688.815 & 688.830, 688.834, 688.836, OL 2011, Ch. 715

Hist.: HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12

331-718-0010

Pharmacological Agents for Respiratory Care

(1) A licensee administering intravenous narcotics, paralytics and opioids under ORS 688.800(3)(a) is prohibited from monitoring the patient and must have another qualified licensed individual present to monitor the patient throughout procedures with intravenous narcotics, paralytics and opioids.

(2) All policies, procedures and protocols for respiratory therapists related to administration of intravenous pharmacological agents must be made available to the Agency if requested.

Stat. Auth.: ORS 676.607, 676.615, 688.830, OL 2011, Ch. 715

Stats. Implemented: ORS 676.606, 676.607, 676.612, 676.615, 676.625, 688.815 & 688.830, 688.834, 688.836, OL 2011, Ch. 715

Hist.: HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12

331-718-0020

Standards of Practice for Polysomnography

(1) A licensee must comply with the prevailing community standards for professional conduct. The Board recognizes and adopts the BRPT Standards of Conduct as its professional standards model. Documents are available on the BRPT Website at <http://www.brpt.org>.

(2) At minimum, licensees are subject to directives and policies established by the medical facilities, businesses or agencies by which they are employed or regulated.

(3) A licensee must comply with the following safety and infection control requirements:

(a) All devices or items that come into direct contact with a client must be cleaned or disinfected according to the manufacturer's instructions or Centers for Disease Control and Prevention (CDC) Standard Precautions;

(b) All items that come in direct contact with the client's skin that do not require disinfecting must be clean;

(c) All items that come in direct contact with the client's skin that cannot be cleaned or disinfected must be disposed of in a covered waste receptacle immediately after use;

(d) All disinfecting solutions and agents must be kept at adequate strengths to maintain effectiveness, be free of foreign material and be available for immediate use at all times unless equipment is prepackaged, pre-sterilized and within the expiration date listed on the label of the disinfecting solution;

(e) All high-level and low-level disinfecting agents must be EPA registered. High-level disinfectant means a chemical agent which has demonstrated tuberculocidal activity. Low-level disinfectant means a chemical agent which has demonstrated bactericidal, germicidal, fungicidal and limited virucidal activity;

(f) Before use instruments must be stored in clean containers that can be closed between use to maintain effective cleanliness until removed from the container.

(g) Masks must be disinfected before each use on a client by removing foreign and completely saturating the mask with a high level disinfectant solution, spray or foam used to manufacturer's instructions.

(4) A licensee must observe and follow the Standard Precautions adopted by the CDC as defined in OAR 437 division 2, subdivision Z, and the CDC Standard Precautions for public service workers regarding personal protection equipment and disposal of blood or bodily fluid contaminated articles, tools and equipment when providing services to patients.

Stat. Auth.: ORS 676.605, 676.615 & 688.830

Stats. Implemented: ORS 676.605, 676.615 & 688.830

Hist.: HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 16-2012(Temp), f. & cert. ef. 11-19-12 thru 5-17-13; HLA 4-2013, f. 3-12-13, cert. ef. 4-1-13

DIVISION 720

RESPIRATORY THERAPIST AND POLYSOMNOGRAPHIC TECHNOLOGISTS LICENSING BOARD — CONTINUING EDUCATION

331-720-0010

Continuing Education Requirements for Respiratory Care

(1) To maintain licensure, a respiratory care practitioner must complete a minimum of seven hours of continuing education every year. At least 2.5 hours of the required continuing education must be related to clinical practice of respiratory care defined under ORS 688.800.

(2) A license holder must document compliance with the continuing education requirement through attestation on the license renewal application. A licensee is subject to provisions of OAR 331-720-0020 pertaining to periodic audit of continuing education.

(3) Satisfactory continuing education must be obtained by participation in or attendance at a course provided by:

(a) An institution of higher education accredited by the Northwest Association of Accredited Schools, the Northwest Commission on Colleges and Universities, the State Board of Higher Education, Oregon Higher Education Coordinating Commission, American Medical Association Committee on Allied Health Education and Accreditation in collaboration with the Committee on Accreditation for Respiratory Care, or its successor, or the Commission on Accreditation for Allied Health Education Programs offering an Associate Degree in Respiratory Care; or

(b) The NBRC, AARC, Oregon Medical Association, the Oregon Osteopathic Association, the American Medical Association Continuing Medical Education, the American Osteopathic Association, the American Nurses Association, or other professional or medical organizations or associations which conduct educational meetings, workshops, symposiums, and seminars where CEU credit is offered and where subject matter meets the requirements under subsection (4) of this rule;

(4) The subject matter of the continuing education must be specifically related to respiratory care as outlined in ORS 688.800(5).

(5) Continuing education may include teaching a course sponsored by a continuing education provider listed in subsection (3) of

this rule and where the subject matter meets the requirements under subsection (4) of this rule (provided that no more than half the required hours be in teaching).

(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 331-720-0020(3).

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

(8) 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 676.605, 676.615 & 688.830

Stats. Implemented: ORS 676.605, 676.615 & 688.830

Hist.: HDLB 1-1997(Temp), f. 12-19-97, cert. ef. 12-22-97 thru 6-19-98; HDLP 2-1998, f. & cert. ef. 6-15-98; HLO 4-2004, f. 6-29-04, cert. ef. 7-1-04; HLO 10-2004(Temp), f. & cert. ef. 11-8-04 thru 3-31-05; HLO 1-2005, f. 2-28-05 cert. ef. 3-1-05; HLA 7-2010, f. & cert. ef. 11-1-10; HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 16-2013, f. 12-31-13, cert. ef. 1-1-14

331-720-0015

Continuing Education Requirements for Polysomnography

(1) To maintain licensure, a polysomnographic technologist must complete a minimum of seven hours of continuing education every year.

(2) A license holder must document compliance with the continuing education requirement through attestation on the license renewal application. A licensee is subject to provisions of OAR 331-720-0020 pertaining to periodic audit of continuing education.

(3) Satisfactory continuing education must be obtained by participation in or attendance at a course provided by:

(a) An institution of higher education accredited by the Northwest Association of Accredited Schools, the Northwest Commission on Colleges and Universities, the State Board of Higher Education, Oregon Higher Education Coordinating Commission, American Medical Association Committee on Allied Health Education and Accreditation in collaboration with the Committee on Accreditation for Respiratory Care, or its successor, or the Commission on Accreditation of Allied Health Education Programs in Polysomnographic Technology; or

(b) The BRPT, AARC, Oregon Medical Association, the Oregon Osteopathic Association, the American Medical Association Continuing Medical Education, the American Osteopathic Association, the American Nurses Association, American Association of Sleep Technologists and its affiliates, or other professional or medical organizations or associations which conduct educational meetings, workshops, symposiums, and seminars where CEU credit is offered and where subject matter meets the requirements under subsection (4) of this rule;

(4) The subject matter of the continuing education must be specifically related to polysomnography as outlined in ORS 688.800(2).

(5) Continuing education may include teaching a course sponsored by a continuing education provider listed in subsection (3) of this rule and where the subject matter meets the requirements under subsection (4) of this rule (provided that no more than half the required hours be in teaching).

(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 331-720-0020(3).

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

(8) 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 676.605, 676.615 & 688.830

Stats. Implemented: ORS 676.605, 676.615 & 688.830

Hist.: HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 16-2013, f. 12-31-13, cert. ef. 1-1-14

331-720-0020

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 issuance of the notification, satisfactory evidence of participation in required continuing education in accordance with OAR 331-720-0010, Continuing Education Requirements for Respiratory Care; or 331-720-0015, Continuing Education Requirements for Polysomnography

(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 Respiratory Care as set forth in OAR 331-720-0010, or Polysomnography as set forth in 331-720-0015;

(d) Background resume of speakers or instructors; and

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

(4) If documentation of continuing education is 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.

(5) 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 676.605, 676.615 & 688.830

Stats. Implemented: ORS 676.605, 676.615 & 688.830

Hist.: HDLB 1-1997(Temp), f. 12-19-97, cert. ef. 12-22-97 thru 6-19-98; HDLP 2-1998, f. & cert. ef. 6-15-98; HLO 4-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 7-2010, f. & cert. ef. 11-1-10; HLA 16-2013, f. 12-31-13, cert. ef. 1-1-14

DIVISION 740

RESPIRATORY THERAPIST AND POLYSOMNOGRAPHIC TECHNOLOGISTS LICENSING BOARD — FEES

331-740-0000

Fees

(1) An applicant or licensee 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 pursuant to ORS 676.607 are as follows:

(a) Application:

(A) License: \$50.

(B) Temporary license: \$50.

(b) Examination — Oregon laws & rules: \$50.

(c) Original issuance of authorization to practice:

(A) License: \$50.

(B) Temporary license: \$50.

(C) Temporary six month license: \$50

(d) Renewals:

- (A) Licenses: \$50.
 - (B) Online license: \$45
 - (C) Temporary license: \$50
 - (e) Delinquent (late) renewal of license: \$50 for each year in inactive status up to three years.
 - (f) Replacement of license, including name change: \$25.
 - (g) Duplicate license document: \$25 per copy with maximum of three.
 - (h) Affidavit of licensure for reciprocity: \$50.
 - (i) Information packets: \$10
 - (j) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.
- Stat. Auth.: ORS 676.607, 676.615, 688.830, OL 2011, Ch. 715
 Stats. Implemented: ORS 676.606, 676.607, 676.612, 676.615, 676.625, 688.815 & 688.830, 688.834, 688.836, OL 2011, Ch. 715
 Hist.: HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12

SEX OFFENDER TREATMENT BOARD RULES

DIVISION 800

GENERAL ADMINISTRATION

331-800-0010

Definitions

The following definitions apply to OAR 331-800-0010 to 331-850-0010:

- (1) “Affidavit of Licensure” means an original document or other approved means of verifying an authorization to practice (licensure or registration), status and history, including information disclosing all unresolved or outstanding penalties and/or disciplinary actions. Refer to OAR 331-030-0040.
- (2) ATSA means the Association for the Treatment of Sexual Abusers.
- (3) “Direct clinical contact” means services provided with the primary purpose of assessment and developing and implementing a treatment plan focused on sex-offense-related behavior.
- (4) “Direct supervision” includes a minimum of two hours of supervision by a certified clinical sex offender therapist for each 45 hours of direct clinical contact with sex offenders as specified in ORS 675.365(4).
- (5) “Direct treatment services” means individual, group or family therapy that focuses on the sex offense-related behavior; the sex offender must be present.
- (6) “Official transcript” mean an original document certified by an accredited college or university indicating hours and types of course work, examinations and scores that the student has completed. The accredited college or university must submit the transcript by mail or courier directly to the Office in a sealed envelope.
- (7) “Ongoing oversight” means a supervisor is monitoring the service delivery of a certified associate sex offender therapist by direct and indirect means.
- (8) “Reciprocity” means, according to ORS 675.380, certification, registration or licensure in another state based on standards of training, education and experience that are similar to those required for certification in Oregon as a certified clinical sex offender therapist or a certified associate sex offender therapist as specified in 675.375.
- (9) “Treatment plan” means a written statement of intended care and services as documented in the evaluation that details how the sex offender’s treatment needs will be met while protecting the community during the treatment.

Stat. Auth.: ORS 675.410 & 676.615

Stat. Implemented: ORS 675.360 - 675.410

Hist.: HLA 1-2008(Temp), f. 3-14-08, cert. ef. 3-15-08 thru 9-1-08; HLA 2-2008, f. 5-27-08, cert. ef. 6-1-08; HLA 2-2010, f. & cert. ef. 3-15-10; HLA 4-2010, f. & cert. ef. 5-18-10; HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

331-800-0020

Fees

- (1) An applicant or certificate holder 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 Office pursuant to 676.592 are as follows:
 - (a) Application: \$75.
 - (b) Certification: \$325 — valid for one year.
 - (c) Renewal: \$325 — valid for one year.
 - (e) Replacement: \$25.
 - (f) Duplicate: \$25.
 - (g) Late fee(s): \$50 for each year of inactive status up to three years.

- (h) Affidavit of licensure: \$50.

- (i) Administrative fee: \$25.

Stat. Auth.: ORS 675.405, 675.410 & 676.625

Stat. Implemented: ORS 675.405

Hist: HLA 1-2008(Temp), f. 3-14-08, cert. ef. 3-15-08 thru 9-1-08; HLA 2-2008, f. 5-27-08, cert. ef. 6-1-08; HLA 8-2008, f. 9-15-08, cert. ef. 10-1-08; HLA 2-2010, f. & cert. ef. 3-15-10; HLA 4-2010, f. & cert. ef. 5-18-10; ; HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

DIVISION 810

QUALIFICATIONS AND TRAINING

331-810-0010

Clinical Sex Offender Therapist Certification

- (1) Only a clinical sex offender therapist certified under ORS 675.375 may use the title “certified clinical sex offender therapist.”
- (2) A certification is valid for one year and becomes inactive on the last day of the month one year from the date of issuance.

Stat. Auth.: ORS 675.410 & 676.615

Stat. Implemented: ORS 675.360 & 675.410

Hist.: HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

331-810-0020

Application Requirements for Clinical Sex Offender Therapist Certification

An individual applying for certification as a clinical sex offender therapist must:

- (1) Submit a completed application form prescribed by the Office.
- (2) Submit proof of having at least a master’s degree in a Board-approved behavioral science field. For a current list of Board-approved degrees, go to oregon.gov/OHA/HLO/SOTB.
- (3) Submit proof of having a valid Oregon mental health professional license. A mental health professional means the individual is licensed to practice without supervision as a psychiatrist, psychiatric nurse practitioner, psychologist, psychological associate, licensed professional counselor, licensed clinical social worker, or licensed marriage and family therapist who provides sex offender treatment of adults, juveniles or the functionally disabled.
- (4) Submit proof of having at least 2,000 hours of direct clinical contact with sex offenders not less than three years and not more than six years ago. The hours include:
 - (a) 1,000 hours of direct treatment services; and
 - (b) 500 hours of evaluations; and
 - (c) 500 hours of treatment-plan related activity, including report writing, clinical consultations, case management, charting, peer review and consultations, meeting with attorneys, parole officers, families, victims and other members of the sex offender’s social network.
- (5) Submit proof of having at least 60 hours of formal training specific to sex offender evaluation, assessment and direct treatment provision. The training must have been obtained in the three years prior to the application date.
- (6) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application and license fees.

(7) Submit fingerprint-based national criminal background check pursuant to OAR 331-030-0004.

(8) Pay fees pursuant to OAR 331-800-0020.

(9) Pass a fingerprint-based nationwide criminal records check pursuant to OAR 331-030-0004.

Stat. Auth.: ORS 675.375, 675.400 & 676.615

Stat. Implemented: ORS 675.375 & 675.400

Hist.: HLA 1-2008(Temp), f. 3-14-08, cert. ef. 3-15-08 thru 9-1-08; HLA 2-2008, f. 5-27-08, cert. ef. 6-1-08; HLA 2-2010, f. & cert. ef. 3-15-10; HLA 4-2010, f. & cert. ef. 5-18-10; HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

331-810-0025

Associate Sex Offender Therapist Certification

(1) Only an associate sex offender therapist certified under ORS 675.375 may use the title “certified associate sex offender therapist.”

(2) An associate sex offender therapist certification is valid for one year and becomes inactive on the last day of the month one year from the date of issuance.

(3) An associate sex offender therapist must be under the direct supervision of a certified clinical sex offender therapist.

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

(5) Pass a fingerprint-based nationwide criminal records check pursuant to OAR 331-030-0004.

Stat. Auth.: ORS 675.410 & 676.615

Stat. Implemented: ORS 675.360 & 675.410

Hist.: HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

331-810-0031

Application Requirements for Associate Sex Offender Therapist Certification

In individual applying for certification as an associate sex offender therapist must:

(1) Submit a completed application form prescribed by the Office.

(2) Submit proof of having at least a bachelor’s degree in the Board-approved behavioral sciences. For a list of Board-approved degrees, go to oregon.gov/OHA/HLO/SOTB.

(3) Submit proof of having at least 1,000 hours of direct clinical contact with sex offenders.

(4) Be under the direct supervision of a certified clinical sex offender therapist.

(5) Submit proof of having at least 30 hours of formal training specific to sex offender evaluation, assessment and direct treatment provision. The training must have been obtained in the three years prior to the application date.

(6) Pay fees pursuant to OAR 331-800-0020.

(7) Pass a fingerprint-based criminal background check pursuant to OAR 331-030-0004.

Stat. Auth.: ORS 675.375, 675.400, 676.615

Stat. Implemented: ORS 675.375, 675.400

Hist.: HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

331-810-0040

Reciprocity

An individual applying through reciprocity must submit:

(1) Submit a completed application form prescribed by the Office.

(2) An affidavit of licensure, pursuant to 331-030-0040, demonstrating proof of holding a current certification as a clinical sex offender therapist or associate sex offender therapist in another state, and has no current or pending disciplinary action against the certification. The certification requirements must be substantially equivalent to Oregon certification requirements pursuant to ORS 675.380.

Stat. Auth.: ORS 675.375, 675.380, 675.400 & 676.615

Stat. Implemented: ORS 675.375, 675.380 & 675.400

Hist.: HLA 1-2008(Temp), f. 3-14-08, cert. ef. 3-15-08 thru 9-1-08; HLA 2-2008, f. 5-27-08, cert. ef. 6-1-08; HLA 2-2010, f. & cert. ef. 3-15-10; HLA 4-2010, f. & cert. ef. 5-18-10; HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

331-810-0055

Supervision — Clinical Sex Offender Therapists

A certified clinical sex offender therapist who is supervising a certified associate sex offender therapist must:

(1) Enter into a formal contract prescribed by the Office with a certified associate sex offender therapist that specifies:

(a) The duties of a certified associate sex offender therapist;

(b) The scope and focus of the supervision; and

(c) Frequency and durations of meetings between the supervisor and the certified associate sex offender therapist to review the certified associate sex offender therapist’s professional performance.

(2) Document dates and content of supervision meetings and make the information available to the Office if requested.

(3) Provide ongoing oversight to the certified associate sex offender therapist as defined in 331-800-0010 (7).

(4) Sign reports and correspondence prepared by the certified associate sex offender therapist.

(5) Supervise no more than four full-time or the equivalent certified associate sex offender therapists.

(6) Ensure that the certified associate sex offender therapist has sufficient training, education, background, preparation and supervision in order to evaluate and treat sex offenders.

(7) Notify the Office in writing within 10 business days of ending the supervision contract.

(8) Maintain supervision records for a minimum of 5 years after the last day of supervision. Upon request, you must make the records available to the Office.

Stat. Auth.: ORS 675.375, 675.400, 675.410, 676.615

Stat. Implemented: ORS 675.375, 675.400, 675.410

Hist.: HLA 2-2008, f. 5-27-08, cert. ef. 6-1-08; HLA 1-2014(Temp), f. 1-16-14, cert. ef. 1-17-14 thru 7-16-14; HLA 3-2014, f. 5-29-14, cert. ef. 6-1-14; HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

331-810-0060

Supervision — Associate Sex Offender Therapists

A certified associate sex offender therapist must:

(1) Enter into a formal contract prescribed by the Office with a certified clinical sex offender therapist that specifies:

(a) The duties of a certified associate sex offender therapist;

(b) The scope and focus of the supervision; and

(c) Frequency and durations of meetings between the supervisor and the certified associate sex offender therapist to review the certified associate sex offender therapist’s professional performance.

(2) Notify the Office in writing within 10 business days of ending the supervision contract.

(3) Identify themselves as a certified associate sex offender therapist on all materials relating to the provision of sex offender treatment or the offering or advertising of sex offender treatment. This disclosure includes, but is not limited to: letterhead, business cards, telephone directory listings, internet postings, brochures, insurance billing and any other public or private materials. These representations must include the individual’s title as a “certified associate sex offender therapist” and the supervisor’s name and designation “supervisor.”

(4) Document dates and content of supervision meetings. Upon request, you must make the records available to the Office.

Stat. Auth.: ORS 675.375, 675.400, 675.410, 676.615

Stat. Implemented: ORS 675.375, 675.400, 675.410

Hist.: HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

DIVISION 820

LICENSURE AND RENEWAL

331-820-0020

Certification Issuance and Renewal

(1) A certification is subject to the provisions of OAR Chapter 331, division 30 regarding the renewal of a certification, and provisions regarding authorization to use the title, identification and requirements for issuance of a duplicate certification.

(2) Certification renewal under this rule is valid for one year.

(3) Pass a state criminal background check pursuant to OAR 331-030-0004;

(4) Certification renewal: To avoid late fees, certification renewal must be made prior to the certification entering inactive status. The certification holder must submit the following:

(a) Renewal application form;

(b) Payment of renewal fee pursuant to OAR 331-800-0020;

(c) Attest to having obtained required annual continuing education under OAR 331-830-0010 on a form prescribed by the Office, whether the certification is current or inactive; and

(d) Attest to having at least 100 hours of clinical experience per year, of which 50 hours is direct clinical contact with sex offenders;

(5) Inactive certification renewal: A certification may be inactive for up to three years. A certification holder in inactive status is not authorized to use the title. When renewing, the inactive certification holder must submit:

(a) Renewal application form;

(b) Payment of late and certification fees pursuant to OAR 331-800-0020;

(c) Attest to having obtained required annual continuing education under OAR 331-830-0010 on a form prescribed by the Office, whether certification is current or inactive;

(d) Attest to having at least 100 hours of clinical experience per year, of which 50 hours is direct clinical contact with sex offenders;

(6) Expired certification: A certification that has been inactive for more than three years is expired and the certification holder must reapply for certification and meet the requirements listed in OAR 331-810-0020 or 331-810-0030.

Stat. Auth.: ORS 675.375, 675.400, 675.410, 676.615

Stats. Implemented: ORS 675.375, 675.400, 675.410

Hist.: HLA 1-2008(Temp), f. 3-14-08, cert. ef. 3-15-08 thru 9-1-08; HLA 2-2008, f. 5-27-08, cert. ef. 6-1-08; HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

DIVISION 830

CONTINUING EDUCATION

331-830-0010

Continuing Education Requirements

(1) To maintain certification, clinical and associate sex offender treatment therapists must complete a minimum of 1.5 credits or 15 hours every year of continuing education specific to the evaluation and treatment of sex offenders.

(2) Each certification holder must document compliance with the continuing education requirement through attestation on the certification renewal application. Certification holders are subject to provisions of OAR 331-830-0020 pertaining to periodic audit of continuing education.

(3) Continuing education must relate to sex offender treatment taught by a mental health professional with experience in the field.

(4) CEU credit will be awarded based on the following criteria:

(a) Completion and passing of academic courses taken from an accredited college or university at the same rate of credit established by that institution;

(b) Completion of professional courses that meet academic course requirements in content, instruction and evaluation will be assigned CEU credit at the same rate as academic courses.

(c) Courses that do not meet standards as set forth in paragraphs (a) and (b) of this subsection, such as workshops, symposiums, seminars, laboratory exercises, or any applied experience with or without formal classroom work may receive credit at the rate of 1.0 CEU for each 10 hours of attendance.

(5) Documentation supporting compliance with continuing education requirements must be maintained for two years following renewal, and must be available to the Office upon request.

Stat. Auth.: ORS 675.375, 675.400, 675.410, 676.615

Stat. Implemented: ORS 675.375, 675.400, 675.410

Hist.: HLA 2-2008, f. 5-27-08, cert. ef. 6-1-08; HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

331-830-0020

Continuing Education: Audits, Required Documentation and Sanctions

(1) The Office will audit a percentage of certifications, as determined by the Board, to verify compliance with continuing education requirements.

(2) Certification holders who are selected for audit must submit satisfactory evidence of participation in required continuing education and having at least 100 hours of clinical experience per year, of which 50 hours is related to direct clinical contact, with sex offenders within 30 days of the audit notice.

(3) If selected for audit, the certification holder must provide documentation that includes:

(a) An official transcript from the accredited college or university;

(b) A certificate of completion that includes the ATSA approval number;

(c) A certificate of completion or other documentation that includes the Office preapproval number;

(d) A certificate of completion or other documentation for a class or training provided by a mental health association or regulatory board.

(4) If documentation of continuing education is incomplete, the registrant has 30 days from the date of notice to submit further documentation to substantiate having completed the required continuing education.

(5) Failure to meet continuing education requirements shall constitute grounds for disciplinary action, which may include, but is not limited to, assessment of a civil penalty and suspension or revocation of the certification.

Stat. Auth.: ORS 675.375, 675.400, 675.410, 676.615

Stat. Implemented: ORS 675.375, 675.400, 675.410

Hist.: HLA 2-2008, f. 5-27-08, cert. ef. 6-1-08; HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

DIVISION 840

CODE OF PROFESSIONAL CONDUCT

331-840-0010

Standards of Practice

(1) The standards set forth in OAR chapter 331, division 840 apply to all certified clinical sex offender therapists and certified associate sex offender therapists as specified in ORS 675.365(3).

(2) Failure to comply with these standards may constitute unprofessional conduct, which is subject to discipline under ORS 676.612.

Stat. Auth.: ORS 675.390, 675.400, 675.410, 676.607, 676.612, 676.615

Stats. Implemented: ORS 675.390, 675.400

Hist.: HLA 2-2008, f. 5-27-08, cert. ef. 6-1-08; HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

331-840-0020

Ethical Principles

The Sex Offender Treatment Board adopts the 2014 Association for the Treatment of Sexual Abusers (ATSA) Professional Code of Ethics and pages 1-15 of the Ethical Principles - to the extent it does not conflict with ORS 675.360 through 675.410, 676.605 through 676.625 - and any rules adopted by the Office. Documents are available at www.atsa.com/

Stat. Auth.: ORS 675.390, 675.400, 675.410, 676.607, 676.612, 676.615

Stats. Implemented: ORS 675.390, 675.400

Hist.: HLA 2-2008, f. 5-27-08, cert. ef. 6-1-08; HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

331-840-0040

Mandatory Reporting

(1) Authorization holders are required to report to the Office any conviction, determination or finding of which they have personal knowledge that any person certified as a clinical sex offender therapist or associate sex offender therapist has committed an act that constitutes unprofessional conduct.

(2) Reports under this section must be made in writing and include the name, address, and telephone number of the person mak-

ing the report, the name and address of the person about whom the report is made and complete information about the circumstances that prompted the report.

Stat. Auth.: ORS 675.390, 675.400, 675.410, 676.607, 676.612, 676.615

Stats. Implemented: ORS 163, 419B, 675.390, 675.400

Hist.: HLA 2-2008, f. 5-27-08, cert. ef. 6-1-08; HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

331-840-0060

Sex Offender Records

(1) Therapists must maintain documentation for each sex offender relevant to health history, clinical examinations and treatment and financial data.

(2) Records must include:

(a) Sex offender's name, address, telephone number and dates of service;

(b) Health history related to sex offender evaluation or treatment plan(s), including referral to other mental health-care provider or physician.

(c) Description of services — chart notes — including any complications. Chart notes must include the recorder's initials, certification number and professional title if multiple practitioners provide service to the sex offender.

(3) Therapist's name, license number, professional title or abbreviation, and signature or initials somewhere on the documentation as a means of identifying the person who is providing service to the sex offender. This information may be affixed to the record(s) in the form of a professional stamp or handwritten entry.

(4) Sex offender records and documentation must be retained for at least seven years after the therapist stops working with the sex offender.

Stat. Auth.: ORS 675.390, 675.410, 675.410, 676.615

Stats. Implemented: ORS 675.390, 675.400, 675.410

Hist.: HLA 2-2008, f. 5-27-08, cert. ef. 6-1-08; HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

331-840-0070

Practice Standards and Guidelines

The Board adopts the following as the practice standards and guidelines for all certified clinical sex offender therapists and certified associate sex offender therapists:

(1) Adult Male Sex Offenders: The 2014 Association for the Treatment of Sexual Abusers (ATSA), Practice Standards and Guidelines. A copy of the Practice Standards and Guidelines may be purchased at the website: <http://www.atsa.com/form.html>. The information is also available by contacting ATSA: 4900 S.W. Griffith Drive, Suite 274, Beaverton, Oregon U.S.A. 97005, Phone: (503) 643-1023, Fax: (503) 643-5084, E-mail: atsa@atsa.com.

(2) Juvenile Sex Offenders: Practice Standards and Guidelines, adopted by the agency and board, January, 2010. A copy may be accessed on the agency website: www.oregon.gov/OHA/HLO/SOTB. The information is also available by contacting the agency at: 700 Summer St. NE, Suite 320, Salem, OR 97301-1287. Phone: (503) 378-8667, fax: (503) 585-9114, email: hlo.info@state.or.us.

(3) Sex Offenders with Intellectual and Other Developmental Disabilities: Practice Standards and Guidelines, adopted by the agency and board, January, 2010. A copy of the Practice Standards and Guidelines may be accessed at the agency website: www.oregon.gov/OHA/HLO/SOTB. The information is also available by contacting the agency at: 700 Summer St. NE, Suite 320, Salem, OR 97301-1287. Phone: (503) 378-8667, Fax: (503) 585-9114, email: hlo.info@state.or.us.

(4) Failure to comply with OAR chapter 331, division 840 may result in disciplinary action under ORS 676.612.

(5) Certified clinical sex offender treatment therapists and certified associate sex offender treatment therapists must use treatment modalities that are based on empirical research with regard to favorable treatment outcomes and are professionally accepted in the field of sex offender treatment of adults, juveniles, and functionally disabled individuals with sexual behavior problems.

Stat. Auth.: ORS 676.605, 676.606, 675.615, 675.400, 675.410 & 675.360

Stats. Implemented: ORS 676.360, 676.605, 676.606, 676.615, 675.400 & 676.410

Hist.: HLA 2-2010, f. & cert. ef. 3-15-10; HLA 4-2010, f. & cert. ef. 5-18-10; HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

DIVISION 850

DISCIPLINE AND ENFORCEMENT

331-850-0010

Investigative Authority

The Office may initiate and conduct investigations relating to the practice of sex offender treatment pursuant to ORS 676.608, and may take appropriate disciplinary action in accordance with the provisions of 676.612 and 675.385.

Stat. Auth.: ORS 675.385, 676.608, 676.612

Stats. Implemented: ORS 675.385, 676.608, 676.612

Hist.: HLA 1-2008(Temp), f. 3-14-08, cert. ef. 3-15-08 thru 9-1-08; HLA 2-2008, f. 5-27-08, cert. ef. 6-1-08; HLA 8-2014, f. 12-5-14, cert. ef. 1-1-15

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 Sec. 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

331-900-0005

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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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; HLA 1-2013, f. & cert. ef. 1-16-13; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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; HLA 1-2013, f. & cert. ef. 1-16-13; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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; 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

331-900-0030

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 331-905-0000 until requirements of 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 331-905-0020 are met or specialty level genital piercing two services defined under 331-905-0000 until requirements of 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 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; HLA 1-2013, f. & cert. ef. 1-16-13

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 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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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 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

331-900-0060

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; HLA 1-2013, f. & cert. ef. 1-16-13

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.

Stat. Auth.: ORS 676.607, 676.615, 690.405 & 2013 OL Ch. 82

Stats. Implemented: ORS 676.607, 690.350, 690.385, 690.405 & 2013 OL Ch. 82

Hist.: HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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; HLA 1-2013, f. & cert. ef. 1-16-13

331-900-0085

Continuing Education for Standard Body Piercing License

(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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

331-900-0090

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);

(d) Background resume of speakers or instructors; and

(e) 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 audio-cassette'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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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 non-poisonous 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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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 an 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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

331-900-0099

Client Records and Information for Earlobe Piercing 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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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

331-900-0110

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 non-poisonous reptiles in terrariums;

(k) Ensure all disinfecting solutions or agents be kept at adequate strengths to maintain effectiveness, be free of foreign materi-

al 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 splattering 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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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; HLA 1-2013, f. & cert. ef. 1-16-13

331-900-0125

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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 1-2013, f. & cert. ef. 1-16-13

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 1-2013, f. & cert. ef. 1-16-13; HLA 6-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-28-13; HLA 11-2013, 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 46 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) 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.

(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 1-2013, f. & cert. ef. 1-16-13; HLA 6-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-28-13; HLA 11-2013, 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 (5) (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 (h) 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.

(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) 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 1-2013, f. & cert. ef. 1-16-13; HLA 6-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-28-13; HLA 11-2013, 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; 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

331-905-0012

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; HLA 3-2013, f. 3-12-13, cert. ef. 3-15-13

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; HLA 1-2013, f. & cert. ef. 1-16-13; 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

331-905-0014

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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 1-2013, f. & cert. ef. 1-16-13

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 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 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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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; HLA 1-2013, f. & cert. ef. 1-16-13

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 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 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 1-2013, f. & cert. ef. 1-16-13; HLA 6-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-28-13; HLA 11-2013, 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; HLA 1-2013, f. & cert. ef. 1-16-13

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 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 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 1-2013, f. & cert. ef. 1-16-13; HLA 6-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-28-13; HLA 11-2013, 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; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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; HLA 1-2013, f. & cert. ef. 1-16-13

331-905-0065

Informed Consent for Certain Body Piercing Procedures

(1) A specialty cheek piercer must provide information prescribed by the Agency to the client, regarding cheek piercing.

(2) A specialty level one genital piercer must provide information prescribed by the Agency to the client, regarding specialty level one genital piercings.

(3) A specialty level two genital piercer must provide information prescribed by the Agency to the client, regarding specialty level two genital piercings.

(4) Informed consent documents for body piercing procedures listed in Subsection (1), (2) and (3) of this rule is published on the Agency's website at <http://www.oregon.gov/OHLA/BAP/forms.shtml>.

(5) A specialty cheek piercer must disclose to each client receiving a specialty cheek piercing the number of cheek piercings in which the piercer has completed on clients and which the piercer can verify on a form prescribed by the Agency.

(6) 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.

(7) 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 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

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; HLA 1-2013, f. & cert. ef. 1-16-13

331-905-0080

Written Examination Retake Requirements

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
Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 1-2013, f. & cert. ef. 1-16-13; HLA 6-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-28-13; HLA 11-2013, 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 licensee 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. & cert. ef. 6-25-12; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 1-2013, f. & cert. ef. 1-16-13

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 non-poisonous 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 splattering 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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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 anti-septic 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; HLA 1-2013, f. & cert. ef. 1-16-13

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 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 to 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; HLA 1-2013, f. & cert. ef. 1-16-13

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 breastfeeding/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.

(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; 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; HLA 1-2013, f. & cert. ef. 1-16-13

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

331-905-0120

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

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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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

Chapter 331 Oregon Health Licensing Agency

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

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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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);

(d) Background resume of speakers or instructors; and

(e) 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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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

331-910-0075

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 non-poisonous 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;

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; HLA 1-2013, f. & cert. ef. 1-16-13

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:

(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 an electrology 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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 1-2013, f. & cert. ef. 1-16-13

- (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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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

331-915-0030

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.

feiture 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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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);

(d) Background resume of speakers or instructors; and

(e) 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 audio-cassette'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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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 anti-septic 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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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 non-poisonous 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 splattering 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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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, 690.407, 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

331-915-0080

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 poten-

tially 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; HLA 1-2013, f. & cert. ef. 1-16-13

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

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

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

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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 1-2013, f. & cert. ef. 1-16-13

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

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 a 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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 1-2013, f. & cert. ef. 1-16-13

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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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

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 Sec. 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; HLA 8-2013(Temp), f. 6-7-13, cert. ef. 7-1-13 thru 7-8-13; HLA 12-2013, f. 7-3-13, & cert. ef. 7-9-13; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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 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; HLA 1-2013, f. & cert. ef. 1-16-13

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 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 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; 331-905-0052 for specialty level one body piercing; 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; HLA 1-2013, f. & cert. ef. 1-16-13

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 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 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; 331-900-0115 for standard body piercing; 331-905-0095 for specialty body piercing; 331-910-0080 for electrology; or 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; 331-900-0120 for standard body piercing, 331-905-0100 for specialty body piercing; 331-910-0070 for electrology; or 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; 331-905-105(1) and (2) for specialty body piercing; 331-910-0075(1) and (2) for electrology; or 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; 331-905-0105 excluding (1), (2), (9) and (10) for specialty body piercing; 331-910-0075 excluding (1), (2), and (10) for electrology; or 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; 331-905-0105 (9) and (10) for specialty body piercing; 331-910-0075(10) for electrology; or 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; 331-900-0130 for standard body piercing, 331-905-0110 for specialty body piercing; 331-910-0085 for electrology; or 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; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14

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 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 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 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

