

Chapter 817 Oregon Health Authority, Health Licensing Office, Board of Cosmetology

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DIVISION 5

DEFINITIONS

817-005-0005

Definitions

The following definitions apply to OAR chapter 817, divisions 5 through 120.

(1) "Adequate ventilation" means ventilation by natural or mechanical methods which removes or exhausts fumes, vapors, or dust to prevent hazardous conditions from occurring in accordance with OAR 437, Division 2, or to allow the free flow of air in a room in proportion to the size and capacity of the room.

(2) "Affidavit of Licensure" means an original document or other approved means of verifying licensure history, including information disclosing all unresolved or outstanding penalties and/or disciplinary actions. Refer to OAR 331-030-0040.

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

(4) "Article" means those items which complement services provided in the practice of barbering, hair design, esthetics or nail technology, including but not limited to neck-strips, neck dusters, towels or linens, and cloth or plastic capes.

(5) "Authorization" has the definition set forth in ORS 676.580 and means a certificate, license, permit or registration issued by the Oregon Health Licensing Agency that allows a person to practice one of the occupations or professions or maintain a facility subject to the authority of the boards and councils listed in 676.583.

(6) "Barbering" has the definition set forth in ORS Chapter 690.005.

(7) "Chemical service" means the use of any product which restructures or removes hair or changes the shape or appearance of skin, hair or nails.

(8) "Common area" means an area of a facility which is used by all authorization holders performing services, including, but not limited to reception areas, dispensing areas, sinks, shampoo bowls, hair dryers, hair dryer areas and employee lounges.

(9) "Disinfect" means using a process to destroy harmful organisms, including bacteria, viruses, germs and fungi.

(10) "Dispensing area" means an area with non-porous surfaces and a sink with hot and cold running water where service preparations are conducted, including, but not limited to, mixing of chemicals, cleaning of tools and equipment, disposing of residues and rinsing parts of the body exposed to chemicals.

(11) "Educational Institution" means an Oregon high school under ORS 335, Oregon career school licensed under ORS 345 or an Oregon community college under ORS 341.

(12) "EPA" means Environmental Protection Agency, a branch of the federal government, which approves and registers chemical compounds and agents.

(13) "Equipment" means those items needed to operate a facility, including, but not limited to, waiting chairs, barber or styling chairs, shampoo chairs, cabinets, sinks, shampoo bowls, stationary dryers, pedicure bowls or whirlpool foot spas, paraffin wax containers, and nail technology tables.

(14) "Esthetics" has the definition set forth in ORS 690.005.

(15) "Facility" has the definition set forth in ORS 690.005.

(16) "Field of practice" has the definition set forth in ORS 690.005.

(17) "Fire retardant container" means an airtight metal container for disposing of chemical waste or storing linens with chemical residue.

(18) "Freelance license" has the definition set forth in ORS 690.005.

(19) "Hair design" has the definition set forth in ORS 690.005.

(20) High-level disinfectant" means a chemical agent, which has demonstrated tuberculocidal activity and is registered with the EPA.

(21) "Independent Contractor" has the definition set forth in ORS 690.005.

(22) "Low-level disinfectant" means a chemical agent which has demonstrated bactericidal, germicidal, fungicidal, and limited virucidal activity and is registered with the EPA.

(23) "Materials and supplies" means those items which complement the use of tools, including but not limited to hair tints, bleaches, permanent wave solutions, hair oils, shampoos, rinses, disinfectants, and chemicals.

(24) "Nail Technology" has the definition set forth in ORS 690.005

(25) "Natural Hair Care" has the definition set forth in ORS 690.005.

(26) "Natural Person" means a living, individual, human being.

(27) "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, each field of practice 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 from 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 an educational institution indicating identity information, each field of practice 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 from an authorized representative on file with the agency. Non-original documents are only accepted when approved by the Agency.

(28) "Practitioner" has the definition set forth in ORS 690.005.

(29) "Premises" means the entire area of a facility, licensed by the agency as a facility defined under ORS 690.005.

(30) "Sharp edged or pointed, non-electrical tools and implements" means those items which may on occasion pierce or cut the skin and draw blood, including razors, cuticle nippers, cuticle pushers, nail clippers, tweezers, comedone extractors, shears, and metal nail files.

(31) "Soiled" means an article that has been used and has not been cleaned or disinfected for use on the next client.

(32) "Tools and implements" means all portable articles and instruments, which the authorization holder uses when performing services on clients, including, but not limited to combs, shears, clippers and yoyettes.

(33) "Work area" means an area where services are performed and preparations are conducted, including, but not limited to shampoo area, work stations and dispensing area.

Stat. Auth.: ORS 690.165 & 690.205(1)

Stats. Implemented: ORS 690.165 & 690.105(1)

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 1-1982, f. & ef. 1-29-82; BH 2-1982, f. & ef. 3-31-82; BH 1-1983(Temp), f. & ef. 10-4-83; BH 4-1984, f. & ef. 12-7-84; Renumbered from 817-010-0002; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 2-1996, f. 6-28-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2005, f. 6-17-05, cert. ef. 7-1-05; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

DIVISION 10

SAFETY AND SANITATION RULES

817-010-0007

Compliance with All Applicable Regulations

(1) Authorization holders must observe the Department of Human Services, Oregon Health Authority, and other city, county and state regulations.

(2) Authorization holders must adhere to all city, county, state and federal ventilation requirements.

Stat. Auth.: ORS 690.165

Stats. Implemented: ORS 690.165 & 654

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 3-1994, f. 6-23-94, cert. ef. 7-1-96; BH 1-1996, f. 5-31-

96, cert. ef. 7-1-96; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0014

Water Supply Requirements and Standards

(1) An adequate and immediate supply of both hot and cold running water and wash basins must be available:

(a) On the facility premises and;

(b) In any work area where hazardous materials are in use, which may have a harmful effect on or be absorbed through the skin if the contamination is not removed.

(2) Sinks located in a restroom do not qualify as a water source for the facility.

(3) If only natural hair care services are provided within the facility a sink located in the restroom qualifies as a water source.

(4) Washing accommodations must be maintained in a clean and sanitary condition.

(5) Hand soap or similar cleansing agents must be available.

(6) Individual towels of cloth or paper must be available. Air blowers for drying the hands may be substituted for towels.

(7) Use of bar soap or a common towel is prohibited.

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

Stat. Auth.: ORS 690.205

Stats. Implemented: ORS 248

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; Renumbered from 817-010-0016(1) & (2); BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2013, f. 12-30-13, cert. ef. 1-1-14

817-010-0021

Restroom/Toilets and Water Disposal

(1) Restrooms must be available for employees. The restroom must be on the facility premises or in an adjoining premise which is reasonably accessible from any work area.

(2) All restrooms on facility premises must be kept clean, sanitary and in proper working order at all times.

(3) All liquid waste from toilets and sinks must be discharged directly into a public sewer or, in the absence of a public sewer, by method meeting the requirements of ORS Chapter 454 (sewage treatment and disposal systems).

Stat. Auth.: ORS 690

Stats. Implemented:

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; Renumbered from 817-010-0026; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0035

Towels or Linens

An authorization holder must:

(1) Use clean towels or linens for each client.

(2) Store clean towels and linens in a clean area.

(3) Use closable containers large enough and sturdy enough to store all soiled towels or linens.

(4) Store chemically soiled towels or linens in fire-retardant containers.

(5) Launder towels or linens by a regular commercial laundering or by a non-commercial laundering process, which includes use of commercial laundry detergent manufactured for the purpose of cleaning clothes, linens or other washable fabric, and immersion in hot water during the hot water wash/rinse operation.

Stat. Auth.: ORS 690.205

Stats. Implemented: ORS 690.205

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0040

Articles in Contact with a Client

(1) A neck strip or towel must be placed around the client's neck to prevent direct contact between a common use hair cloth or cape and the client's skin.

(2) All items which come in direct contact with the client's skin but do not require disinfecting must be clean.

(3) All articles which come in direct contact with the client's skin and cannot be cleaned or disinfected must be disposed of in a covered waste receptacle immediately after use.

Stat. Auth.: ORS 690.205

Stats. Implemented: ORS 690.205

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0055

Materials in Contact with a Client and Use of Paraffin Wax

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

(2) Paraffin wax must be used in such a manner that prevents contamination of wax remaining in the paraffin bath or container, such as application with a single use or sanitized spatula or applicator, or disposal of any used wax.

(3) Paraffin must be covered when not in use, and maintained at a temperature specified by the manufacturer's instructions.

Stat. Auth.: ORS 690.205

Stats. Implemented: ORS 690.205

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0060

Refuse and Waste Material

(1) All chemical waste material must be disposed of in a closed container at the conclusion of each service and disposed of in a fire retardant container at the end of each business day.

(2) All waste related to the performance of services must be disposed of in a covered container to avoid blood or other potentially infectious materials.

(3) All waste unrelated to performance of services must be disposed of in a covered waste disposal container. Containers located in the reception area, which do not contain waste relating to performance of services, are exempt from having covers.

(4) All outer surfaces of waste disposal containers must be kept clean.

(5) All waste which contains blood or other potentially infectious materials must be disposed of in a glove or plastic bag and then disposed of in a covered container with a garbage liner immediately following the service.

(6) All disposable sharp objects that come in direct contact with blood or other potentially infectious materials must be disposed of in a sealable rigid (puncture-proof) container to avoid cuts or punctures during the disposal process.

(7) Authorization holders must have sealable plastic bags and sealable rigid containers available for use at all times services are being performed.

Stat. Auth.: ORS 690.205

Stats. Implemented: ORS 690.205

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 2-1982, f. & ef. 3-31-82; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0065

Requirements and Standards

(1) All tools and implements that come in direct contact with clients, must be disinfected or disposed of after each use.

(2) Low-level and high-level disinfectants must meet the requirements defined under OAR 817-005-0005.

(3) Adequate disinfecting and sterilizing equipment must be maintained for the volume of business and usage requirements for the number of authorization holders performing services,

(4) If sterilization equipment is used, the equipment must be maintained and used according to manufacturer's instructions.

(5) When used according to the manufacturer’s instructions, each of the following is an approved method of disinfecting tools and implements:

(a) Complete immersion in an appropriate disinfectant according to OAR 817-005-0005.

(b) Steam sterilizer, registered and listed with the U.S. Food and Drug Administration; or

(c) Dry heat sterilizer or autoclave, registered and listed with the U.S. Food and Drug Administration.

(6) All disinfectants listed in subsection (2) of this rule must be kept at adequate strengths to maintain effectiveness, be free of foreign material and be available for immediate use at all times when the facility is open for business.

(7) Nail files, pumice blocks, cosmetic sponges, buffer blocks, sanding bands or sleeves, orangewood sticks, disposable nail bits and other similar articles must be given to the client or discarded after use on a client. Presence of used articles in the work area may be used as prima facie evidence of re-use of those articles.

(8) Protective gloves that are not cleaned with soap and water and disinfected must be disposed of after use on a client.

(9) All manual or mechanical devices and equipment used in a field of practice must meet all “product registration requirements” imposed by any federal, state, county, or local authority.

(10) Verification and documentation must be maintained and accessible for any device classified by the U.S. Food and Drug Administration (FDA) that is used in a field of practice.

(11) The documentation requirements described in section (10) of this rule apply to specialized items used in a field of practice and may not apply to those items used in the delivery of basic services, which have been defined as an “article,” equipment,” or “materials and supplies” in OAR chapter 817, division 005, such as scissors, combs, orangewood sticks, shampoo bowls, styling chairs or nail files.

(12) Use of any manual or mechanical device or equipment must be within the operator’s scope of practice under ORS 690, be consistent with the manufacturer’s intended use of the device, and with client health and safety. In determining whether the use of any manual or mechanical device or equipment is consistent with client health and safety, the agency will consider the information provided in the documentation required by section (10) of this rule.

(13) Any manual or mechanical device or equipment used in a field of practice is subject to inspection and the documentation required by section (10) of this rule must be made available upon demand.

(14) All laser hair reduction skin care services must comply with requirements of the March 16, 2007, edition of the American National Standards for Safe Use of Lasers (ANSI) Z136.1-2007.

Stat. Auth.: ORS 690.205

Stats. Implemented: ORS 690.205

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 2-1980, f. & ef. 5-29-80; BH 2-1982, f. & ef. 3-31-82; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 4-2001(Temp), f. & cert. ef. 11-1-01 thru 4-29-02; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2008, f. 5-27-08, cert. ef. 6-1-08; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0068

Disinfecting Non-Electrical Tools and Implements

(1) All tools and implements used within a field of practice must be disinfected before use on each client. To disinfect non-electrical tools and implements:

- (a) Remove all hair and all foreign material;
- (b) Clean thoroughly with soap or detergent and water;
- (c) Rinse thoroughly with clear, clean water; and
- (d) Complete process as outlined in section (2) or (3) of this rule; or

(e) Sterilize, using one of the approved methods listed in OAR 817-010-0065(5)(b) or (c).

(2) For all tools and implements without sharp edges or points, including but not limited to combs, brushes, rollers, rods, etc., com-

pletely immerse according to manufacturer’s instructions in a solution containing 1,000 parts per million (ppm) of a commercial quaternary ammonium compound or other low-level disinfectant used according to the manufacturer’s instructions.

(3) For all tools and implements with sharp edges or points completely immersed in a high-level disinfectant used according to the manufacturer’s instructions.

Stat. Auth.: ORS 690.165 & 690.205

Stats. Implemented: ORS 690.165 & 690.205

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 2-1980, f. & ef. 5-29-80; BH 2-1982, f. & ef. 3-31-82; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0069

Disinfecting Electrical Tools and Implements

(1) All electrical tools and implements, with the exception of clipper blades, must be disinfected before each use. To disinfect electrical tools and implements:

- (a) Remove all hair and all foreign material;
- (b) Disinfect with a low-level disinfectant used according to the manufacturer’s instructions.

(2) Electrical clipper blades must be disinfected before each use. The method is as follows:

- (a) Remove all hair and all foreign material;
- (b) Completely saturate clipper blade with a high-level disinfectant solution, spray, or foam used according to the manufacturer’s instructions.

(3) Electrical clipper blades may be sterilized, using one of the approved methods listed in OAR 817-010-0065(5)(b) or (c).

Stat. Auth.: ORS 676.605, 690.165 & 690.205

Stats. Implemented: ORS 676.605, 690.165 & 690.205

Hist.: BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0075

Storage of Tools and Implements

(1) New, disinfected and cleaned tools and implements must be stored separately from all others.

(2) Roller-storage receptacles and their contents must be clean and free of foreign material.

(3) All storage drawers used for clean tools and implements must be clean, free of hair and used only for clean tools and implements.

(4) Storage cabinets, work stations and vanities must be kept clean.

Stat. Auth.: ORS 676.605, 690.165 & 690.205

Stats. Implemented: ORS 676.605, 690.165 & 690.205

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 4-2001(Temp), f. & cert. ef. 11-1-01 thru 4-29-02; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0085

Hairpieces

(1) During the trying on of a manufactured hairpiece, that portion of the head which comes in contact with the hairpiece must be completely covered with a disposable cover.

(2) All used hair goods must be cleaned according to manufacturer’s instructions before resale and marked as “used.”

Stat. Auth.: ORS 690

Stats. Implemented:

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 2-1990, f. & cert. ef. 10-29-90; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0095

Pets in Facilities

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 or to fish in aquariums or nonpoisonous reptiles in terrariums.

Stat. Auth.: ORS 690
Stats. Implemented:
Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0101

Equipment

(1) The surface of all equipment, including, but not limited to back-bars must be made of cleanable non-porous material. This requirement does not apply to the reception area of a facility where services are not performed.

(2) Shampoo bowls and sinks must be clean and free of hair and residue.

(3) All equipment must be clean and in good repair.

(4) All surfaces contaminated by blood or other potentially infectious materials must be disinfected with a high-level solution according to manufacturer’s instructions.

(5) All areas of foot spa equipment must be cleaned and disinfected with a high-level disinfectant after use on each client, including removal of safety drain screens and clearing of all debris from the filtration system.

Stat. Auth.: ORS 676.605, 690.165 & 690.205
Stats. Implemented: ORS 676.605, 690.165 & 690.205
Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BOC 4-2001(Temp), f. & cert. ef. 11-1-01 thru 4-29-02; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0106

Floor Surface

(1) Floor surfaces in the working area of a facility must be made of a cleanable, non-porous material and must be kept clean, orderly, and in good repair.

(2) Wooden floors which have a durable water-proof non-porous finish may be acceptable in working areas of the facility.

(3) Hair clippings must not be allowed to accumulate and must be disposed of in a covered container.

Stat. Auth.: ORS 690.165(3) & 690.205
Stats. Implemented: ORS 690.165(3) & 690.205
Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0110

Walls and Ceilings

Walls and ceilings must be clean and free of condensation, mildew and excessive spots, or peeling paint.

Stat. Auth.: ORS 690
Stats. Implemented:
Hist.: BH 2-1978, f. & ef. 11-29-78; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

DIVISION 15

SAFETY AND INFECTION CONTROL RULES:
PRACTICE STANDARDS

817-015-0030

Serving Clients

(1) When providing services in a field of practice an authorization holder must:

(a) Observe and follow thorough hand washing with soap and water or other alternative hand-washing products, such as gel, aerosol spray, foam, or pre-packaged hand wipes, immediately before and after serving each client to prevent cross contamination and exposure to blood or other potentially infectious materials.

(b) Wear single-use disposable protective gloves when performing a service or procedure that routinely involves exposure to blood or other potentially infectious materials.

(c) Wear eye goggles, shields or a mask if spattering is likely to occur while services are being performed.

(d) Dispose of refuse and waste materials that come in contact with blood or other potentially infectious materials according to provisions of OAR 817-010-0060.

(2) Head lice may be treated at the discretion of the authorization holder. Compliance with OAR chapter 817, division 10 Safety and Infection Control Rules: Facility Standards, must be observed and followed.

Stat. Auth.: ORS 676.605, 690.165 & 690.205
Stats. Implemented: ORS 676.605, 690.165 & 690.205
Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; Renumbered from 817-010-0130(2); BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; Renumbered from 817-010-0125; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-010-0135; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-015-0050

Skin Care Services

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

(2) Estheticians shall not use chemicals or products, natural or synthetic, manual and mechanical devices, which may damage skin.

(3) Chemicals prohibited for use shall include, but not be limited to, the following:

(a) Unbuffered alpha-hydroxy acids at concentrations greater than 15 percent;

(b) Buffered concentrations of alpha-hydroxy acids of 10 to 30 percent where pH is less than 3;

(c) Any concentration or formulation of alpha-hydroxy acids greater than 30 percent;

(d) Any concentration or formulation of trichloroacetic acid (TCA) formulation containing phenol or resorcinol, or salicylic acid which acts on living tissue.

(4) An esthetician must obtain training in the safe and effective use of each chemical, product or device that the esthetician uses to provide services in the practice of esthetics, and must provide documentation of that training in response to a request from the agency. Refer to OAR 817-010-0065.

(5) All exfoliant products or formulations, and manual or mechanical devices shall be used in accordance with manufacturer’s recommendations.

Stat. Auth.: ORS 676.605 & 690.165
Stats. Implemented: ORS 676.605 & 690.165
Hist.: BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2008, f. 5-27-08, cert. ef. 6-1-08

817-015-0065

Client Records

(1) An authorization holder providing esthetic or nail technology services is responsible for collecting and maintaining copies of client records. If client records are maintained by the facility the facility license holder must provide the practitioner certificate holder who is providing the services, with copies of those client records upon request. The record must include:

(a) Basic client information including the client’s name, address, telephone number, type of service and date of service;

(b) The name authorization holder and practitioner certificate number of the practitioner providing the service, and special instructions or notations pertinent to providing esthetic or nail technology services to the client, includes but is not limited to, bleeding disorders, allergies or sensitivities to chemicals or products or complications during service(s); and

(c) Medical advice, if obtained.

(2) Client records must be kept at the facility for a minimum of two years and must be made available immediately upon request from an enforcement officer of the Oregon Health Licensing Agency.

(3) An authorization holder is prohibited from providing services to a client who refuses to provide the personal information

required in subsection (1)(a) of this rule unless the client signs a waiver form documenting the client’s refusal to provide the required information. The signed waiver form must be retained on file in the manner required in subsection (2) of this rule for client records.

(4) An authorization holder providing laser hair reduction services must comply with client intake assessment and record keeping requirements of OAR 817-015-0070.

Stat. Auth.: ORS 676.605 & 690.165
Stats. Implemented: ORS 676.605 & 690
Hist.: BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2008, f. 5-27-08, cert. ef. 6-1-08; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-015-0070

Laser Hair Reduction Client Assessment and Records

Practitioners providing laser hair reduction services must adhere to the following practice standards in rendering acceptable client skin care:

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

- (a) Name, address, telephone number, and date of birth.
(b) Client medical history information relevant to providing services.
(c) Prior methods of controlling or removing hair.
(d) Condition of skin tissue before initial service and any subsequent change.
(e) Pattern and structure of hair growth initially presented and any changes.

(f) Client consultation, evidence of informed consent (may be in the form of an acronym such as “PARQ” to denote procedures, alternatives, risks and questions).

- (g) Date and duration of each service.
(h) Area of hair reduction service, and use of energy fluence, pulse duration and spot size.
(i) Observation of skin reaction(s) to service(s).
(j) Any other information deem appropriate to client service.
(2) Documentation must be legibly written or computerized.

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

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

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

Stat. Auth.: ORS 690.165 & 690.205
Stats. Implemented: ORS 690.165
Hist.: BOC 1-2008, f. 5-27-08, cert. ef. 6-1-08

DIVISION 20

LICENSING AND OPERATION OF A FACILITY

817-020-0001

Facility License

(1) Pursuant to ORS 690.055 a facility license must be obtained when operating a business establishment, providing services in one or more fields of practice defined in ORS 690.005.

(2) 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.

- (3) The holder of a facility license must be a natural person.
(4) The facility license holder may be a facility owner, facility manager, or any other natural person.

(5) 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 817-020-0006. 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.

(6) A facility license holder must meet and adhere to all applicable requirements listed under OAR Chapter 817, division 10, 15, 35, 60, 817-020-0007 and if applicable 817-020-0009.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167 & 690.205
Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085 & 690.123
Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-020-0006

Application Requirements for Facility Licensure

To obtain a facility license the applicant must meet the requirements of OAR 331 division 30 and submit the following:

(1) 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;

(2) Proof of being 18 years of age. Documentation may include identification listed under OAR 331-030-0000;

(3) A map or directions to the facility if it is located in a rural or isolated area;

(4) A list of authorization holders providing services in the facility;

(5) The name of facility; and

(6) If the facility is not operating under the real and true name of each owner the applicant must provide appropriate documentation of being registered with the Secretary of State under ORS 648 including but not limited to a facility operating under a corporation, limited liability corporation or an assumed business name.

Stat. Auth.: ORS 676.605, 690.055 & 690.165, 690.205, 690.225
Stats. Implemented: ORS 676.605, 690.055 & 690.165, 690.205, 690.225
Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; Renumbered from 817-020-0005, 817-020-0011, 817-020-0012, BOC 1-2009, f. & cert. ef. 6-1-09; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-020-0007

Facility Standards

(1) A facility license holder must:

(a) Comply with the notification requirements of OAR 331-010-0040;

(b) Allow the agency’s 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 pursuant to ORS 676.608 or 690.225.

(c) Comply with all applicable administrative rules and regulations of the Board and other state agencies regarding health, safety, and infection control standards including those listed in OAR 817-010-0007.

(d) Require each authorization holder working within the facility premises providing services in a field of practice to have the appropriate and required authorization.

(2) All shared or common areas must be clean and sanitary and are the responsibility of each authorization holder.

(3) Each authorization holder at a facility may be cited for violations of rules or regulations found in the shared or common area of a facility, unless a contractual agreement exists that indicates specific responsibility for the cleanliness of a shared or common area within the facility.

(4) When body piercing, electrology or tattoo services are provided in a cosmetology facility, body piercing, electrology or tattoo services must be separated from cosmetology services by a solid barrier to prevent contact with irritants.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167 & 690.205
Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085 & 690.123
Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-020-0009

Standards for Facilities Located in Residence

A facility located in a residence must comply with all standards listed in OAR chapter 817, division 010 unless otherwise specified by rule, in addition to the following:

- (1) Have an identifying house number and a sign with the facility name, which matches the one on file with the agency, and 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 operation.
(4) An adequate supply of hot and cold running water must be available. Sinks in the restroom do not qualify as a water source for a facility located within a residence.

(5) A separate entrance is not required for facilities located in a residence.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167 & 690.205
Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085 & 690.123
Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-020-0305

Licensed Health Care Facility

(1) Under ORS 690.025(3) the provisions of 690.005 to 690.235 do not apply to persons who are acting under the authority of a hospital or long term care facility licensed under 441.025 or a residential facility licensed under 443.415.

(2) Persons exempt under ORS 690.025(3) are limited to providing well being care and personal hygiene services, including, but not limited to, cutting, shaving, or trimming of hair, beard or mustache, washing, brushing, and combing hair and basic skin and nail care on individuals residing at the hospital or long term care facility licensed under 441.025 or the residential facility licensed under 443.415.

(3) Persons exempt under ORS 690.025(3) are prohibited from providing chemical services, including, but not limited to permanent waving and coloring of hair, temporary hair removal and applying or removing artificial nails.

(4) Persons exempt under ORS 690.025(3) are limited to performing services listed in sub section (2) of this rule on individuals who reside at the hospital or long term care facility licensed under ORS 441.025 or the residential facility licensed under 443.415.

(5) The exemption under ORS 690.025(3) only applies to employees of the hospital or long term care facility licensed under 441.025 or the residential facility licensed under 443.415 and volunteers working under the direct control and supervision of the hospital or long term care facility licensed under 441.025 or the residential facility licensed under 443.415

(6) For the purpose of this rule residential facility means a facility licensed under ORS 443.415 and defined under OAR 411-054-0005(48).

(7) For the purpose of this rule, a hospital or long term care facility means a facility licensed under ORS 442.025 and defined 442.015(13) and 442.015(16).

Stat. Auth.: ORS 690.015, 690.025, 690.035, 690.055, 690.165, 690.205 & 690.225
Stats. Implemented: ORS 690.015, 690.025, 690.035, 690.055, 690.165, 690.205, 690.225 & 442
Hist.: BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-020-0325

Temporary Facility

(1) A temporary facility permit holder defined under ORS 690.005 and issued under ORS 690.055, may perform services in a field of practice under ORS 690.005.

(2) The holder of a temporary facility permit must be a natural person.

(3) A temporary facility permit is valid for a limited time not to exceed 30 consecutive calendar days, at settings such as fairs, carnivals or bazaars.

(4) A temporary facility license holder must meet and adhere to all applicable requirements listed under OAR Chapter 817, division 10, 15, 35, 60, 817-020-0007 and if applicable 817-020-0009.

(5) If a facility owner licensed under OAR 817-020-0001 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 permit.

Stat. Auth.: 2013 OL Ch. 314, 290, 188, ORS 676.580, 676.586, 676.607, 676.615, 690.005, 690.055, 690.105 & 690.123
Stats. Implemented: 2013 OL Ch. 314, 290, 188, ORS 676.580, 676.586, 690.005, 690.025, 690.046, 690.055, 690.105, 690.123 & 690.165
Hist.: BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-020-0350

Application Requirements for Temporary Facility Permit

(1) For the Agency to issue a temporary facility permit the applicant 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 fees;
(c) Submit proof of being at least 18 years of age. Documentation may include identification listed under OAR 331-030-0000,
(d) Provide a map or directions to the temporary facility if it is in a rural or isolated area;
(e) Provide a list of authorization holders providing services in the temporary facility;
(f) Submit on the application form the name of the temporary facility; and

(2) If the temporary facility is not operating under the real and true name of each owner. The applicant must provide appropriate documentation of being registered with the Secretary of State under ORS 648 including but not limited to a temporary facility operating under a corporation, limited liability corporation or an assumed business name.

Stat. Auth.: 2013 OL Ch. 314, 290, 188, ORS 676.580, 676.586, 676.607, 676.615, 690.005, 690.055, 690.105 & 690.123
Stats. Implemented: 2013 OL Ch. 314, 290, 188, ORS 676.580, 676.586, 690.005, 690.025, 690.046, 690.055, 690.105, 690.123 & 690.165
Hist.: BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

DIVISION 30

PRACTITIONER CERTIFICATE QUALIFICATIONS

817-030-0003

Practitioner Certificate in a Field of Practice

(1) A practitioner in a field of practice, licensed under ORS 690.046, may perform services in a field of practice defined under ORS 690.005, in which they have been certified to perform by the Agency and the Board of Cosmetology.

(2) A practitioner certificate is valid for two years and becomes inactive on the last day of the month two years from the date of issuance.

(3) A practitioner must meet and adhere to all applicable requirements listed under OAR Chapter 817, division 10, 15, 35, and 60.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167 & 690.205
Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085 & 690.123
Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-030-0005

Practitioner Certificate Application Requirements for Hair Design, Barbering, Nail Technology and Esthetics

An individual applying for a certification in a field of practice 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, examination fees; and

(3) Meet all education, examination and training requirements in effect at the time of application through one of the following pathways;

(a) Certification Pathway 1 — Graduation from an educational institution:

(A) Submit an official transcript from an educational institution showing proof of hours for a field of practice as required by the Department of Education pursuant to ORS 345.400 and OAR 581-045-0200;

(B) Submit a passing score of a board-approved practical examination within two years before the date of completion;

(C) Completion and passage of a board-approved written examination within two years before the date of application including the Oregon laws and rules examination. An applicant with a current certification who is seeking to add a field of practice must pass the Oregon laws and rules examination if the applicant has not passed this examination within two years of applying to add a field of practice;

(D) An applicant is not required to provide proof of official transcripts in a field of practice the applicant was previously certified in Oregon; and

(E) An applicant coming from a proficiency-based educational institution under ORS 345.400 may be required to submit additional information to the agency.

(b) Certification Pathway 2 — Reciprocity:

(A) Submit an affidavit of licensure pursuant to OAR 331-030-0040 from another state, which is active with no current or pending disciplinary action and is substantially equivalent to Oregon certification requirements pursuant to ORS 690.047; and

(B) Completion and passage of a board approved written examination within two years before the date of application including the Oregon laws and rules examination. An applicant with a current certification who is seeking to add a field of practice must pass the Oregon laws and rules examination if the applicant has not passed this examination within two years of applying to add a field of practice.

(4) Upon passage of all required examinations and before receipt of certificate, the applicant must pay all certification fees.

Stat. Auth.: ORS 690.035, 690.046 & 690.165

Stats. Implemented: ORS 690.035, 690.046 & 690.165

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 1-1981, f. & ef. 10-1-81; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 3-2008(Temp), f. 11-28-08, cert. ef. 12-1-08 thru 4-30-09; Administrative correction 5-20-09; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 1-2011(Temp), f. & cert. ef. 3-1-11 thru 8-10-11; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-030-0028

Practitioner Certificate Application Requirements for Natural Hair Care

An individual applying for a certification in natural hair 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 fees;

(3) Submit proof of having completed the informational training modules regarding natural hair care available on the agency Web site; and

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

Stat. Auth.: ORS 690.065 & 690.165

Stats. Implemented: ORS 690.065 & 690.165

Hist.: BOC 1-2013, f. 12-30-13, cert. ef. 1-1-14

817-030-0030

General Information Examination

(1) Practical Examination: The board recognizes and sanctions the practical examination conducted by an educational institution defined under OAR 817-005-0005.

(2) Written Examination: The board-approved written examination consists of one or more fields of practice and the Oregon laws and rules examination.

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

(4) Written examination applicants may be electronically monitored during testing.

(5) Each section of the written examination will be scored individually. The passing score for each section is 75 percent or better.

(6) The Board will establish a maximum time allowance for each section of the written examination.

(7) An applicant may not take notes, or bring textbooks or notebooks into the written examination area.

(8) No electronic equipment or communication devices, such as personal computers, pagers or cellular telephones or any other devices deemed inappropriate by the agency, are allowed in the written examination area.

(9) An applicant may be immediately disqualified during or after the examination for conduct that interferes with the written examination. The examination may be invalidated and written examination fees may be forfeited. Such conduct includes, but is not limited to:

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

(b) Taking items, including, but not limited to items listed in subsection (7) and (8) of this rule into the written examination area;

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

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

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

(10) 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 for reasons under subsection (7), (8) and (9) of this rule.

Stat. Auth.: ORS 676.615, 690.065 & 690.165

Stats. Implemented: ORS 676.615, 690.065 & 690.165

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; Renumbered from 817-030-0025; BH 33-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-030-0065

Written Examination Retake Requirements

(1) Failed sections of a 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 submit an official transcript certifying additional training from an educational institution on a form prescribed by the agency, and must pay application fee;

(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 submit an official transcript certifying additional training from an educational institution on a form prescribed by the agency, and must pay application fee;

(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) An applicant retaking the examination must meet the requirements under OAR 331-030-0000.

(3) For natural hair care certification the first two failed attempts may be retaken on the same day by the applicant. After the second failed attempt and after each subsequent failed attempt the applicant may not retake the examination for seven calendar days.

Stat. Auth.: ORS 690.065 & 690.165

Stats. Implemented: ORS 690.065 & 690.165

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 1-1983(Temp), f. & ef. 10-4-83; BH 1-1984, f. & ef. 2-13-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1 1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 3-2008(Temp), f. 11-28-08, cert. ef. 12-1-08 thru 4-30-09; Administrative correction 5-20-09; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2013, f. 12-30-13, cert. ef. 1-1-14

817-030-0071

Practical Examination Evaluation

The purposes of the practical examination evaluation are to allow the Board to decide which practical examinations it will approve as certifying examinations and how the Board will be able to determine whether or not an individual practical examination is one the board approves.

(1) In accordance with ORS 690.046 all educational institutions may submit to an evaluation of the practical examination once every two years in at least one field of practice under 690.005 to have the practical examination approved.

(2) A practical examination being evaluated for approval must be performed in a continuous eight-hour period.

(3) If the practical examination does not meet evaluation standards set forth by the Department of Education, the examination must be corrected or will not be approved.

(4) To correct a practical examination that is not approved, the educational institution must schedule a new practical examination evaluation and meet the Department of Education evaluation standards within 30 days from the date of the practical examination evaluation.

(5) If the educational institution fails the practical examination evaluation, the educational institution must correct the deficiencies before the practical examination is approved.

(6) When a practical examination is not approved and not corrected, a subsequent practical examination evaluation may be granted if written approval is received by the agency from the Department of Education that the educational institution is in compliance with regulations, provisions, criteria and protocols set forth by Department of Education.

(7) A student whose educational institution’s practical examination has not been approved may take the practical examination at another educational institution.

(8) A student is responsible for any charges or fees for a practical examination administered by another educational institution.

Stat. Auth.: ORS 690.065 & 690.165

Stats. Implemented: ORS 690.065 & 690.165

Hist.: BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-030-0080

Special Examination Accommodations

(1) Applicants who qualify under the Americans with Disabilities Act (ADA) may request a special examination.

(2) Requests for accommodation must be made on forms provided by the agency and contain supporting documentation completed by a licensed professional holding appropriate credentials

qualified to certify that the applicant’s disabling condition requires the requested test accommodation.

(3) Requests for accommodation must be arranged 30 calendar days in advance of the preferred examination date.

(4) All special examinations are conducted at the agency. If the agency is unable to accommodate the disability at the office, a suitable alternate location will be chosen.

Stat. Auth.: ORS 690.065 & 690.165

Stats. Implemented: ORS 690.065 & 690.165

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

DIVISION 35

CERTIFICATION/LICENSING

817-035-0010

Issuance and Renewal of Certificates, Licenses, Registrations, or Freelance Licenses

(1) An individual holding an authorization as defined in OAR 331-010-0000 is subject to the provisions of OAR chapter 331, division 30 regarding the issuance and renewal of an authorization and provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate authorization.

(2) An individual holding an authorization as defined in OAR 331-010-0000 is subject to the provisions of ORS 690.046, 690.055, 690.057, 690.105 and 690.123 for issuance and renewal of an authorization.

(3) AUTHORIZATION RENEWAL: Authorization renewal, with the exception of independent contractor registration or freelance license, must be made prior to the authorization entering inactive status. The authorization holder must submit the following for renewal:

(a) Renewal application form;

(b) Payment of required renewal fee pursuant to OAR 817-040-0003;

(4) INACTIVE AUTHORIZATION RENEWAL: An authorization, with the exception of independent contractor registration or freelance license may be inactive for up to three years. The authorization holder must submit the following for renewal:

(a) Renewal application form; and

(b) Payment of delinquency and authorization fees pursuant to OAR 817-040-0003.

(5) EXPIRED AUTHORIZATION: An authorization, with the exception of independent contractor registration or freelance license, that has been inactive for more than three years, is expired and the authorization holder must meet the requirements listed in OAR 817-020-0006 for facility license holders and 817-035-0010 for practitioners.

(6) LICENSE RENEWAL — FACILITY LICENSE ISSUED PRIOR TO JANUARY 1, 2013. Facilities licensed prior to January 1, 2013 must renew on a form prescribed by the agency. Upon renewal the facility license holder must be a natural person.

(7) Independent contractor registrations and freelance licenses that are not renewed become dormant; they do not become inactive and do not expire.

(8) To reactivate a dormant independent contractor registration or freelance license, the authorization holder must complete required qualifications, submit a form prescribed by the agency, and pay the required renewal fee.

(9) For freelance authorization renewal or reactivation, the freelance license holder must submit:

(a) Proof of having passed the board approved Oregon Laws and Rules examination within two years to renew; or

(b) Proof of having passed the board approved Oregon Laws and Rules examination within two years before the date of reactivation.

(10) Independent contractor registrations and freelance licenses that are in dormant status are not valid for practice.

(11) For the purpose of this rule, reactivation means to renew a independent contractor or freelance license registration which has been placed in dormant status.

Stat. Auth.: ORS 676.605, 676.615, 690.085 & 690.165
Stats. Implemented: ORS 676.605, 676.615, 690.085 & 690.165
Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 2-1994(Temp), f. 2-15-94, cert. ef. 3-1-94 thru 8-28-94; Renumbered from 817-040-0008, BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-040-0015, BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2005, f. 6-17-05, cert. ef. 7-1-05; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2008, f. 9-15-08 cert. ef. 10-1-08; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0048

Freelance Authorization

(1) Pursuant to ORS 690.123, a practitioner who provides services outside of a licensed facility must hold a freelance license.

(2) A freelance license is valid for one year and becomes dormant on the last day of the month one year from the date of issuance or renewal, unless renewed.

(3) A freelance license holder must meet and adhere to all applicable requirements listed under OAR Chapter 817, division 10, 15, 35, and 60.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167 & 690.205
Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085 & 690.123
Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0050

Application Requirements for Freelance Authorization

To obtain a freelance authorization a practitioner must meet the requirements of OAR 331 division 30 and submit the following:

(1) 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;

(2) A passing score on the Oregon Laws and Rules examination within two years before the date of application; and

(3) A current copy of the Assumed Business Name (ABN) filing if applicant is operating under an assumed business name prior to applying for a freelance authorization. An ABN is not required if business includes the real and true name of the owner. Refer to Secretary of State, Corporations Division under ORS 648.005.

Stat. Auth.: ORS 676.615, 690.048, 690.123 & 690.165
Stats. Implemented: ORS 676.615, 690.048, 690.123 & 690.165
Hist.: BH 4-1984, f. & cert. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, f. & cert. ef. 7-1-94; Renumbered from 817-020-0040; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 2-2008, f. 9-15-08 cert. ef. 10-1-08; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 3-2010(Temp), f. 11-10-10, cert. ef. 11-15-10 thru 5-10-11; BOC 1-2011(Temp), f. & cert. ef. 3-1-11 thru 8-10-11; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0052

Freelance Authorization Standards

(1) A holder of freelance authorization must:

(a) Provide each client with the agency's name, address and telephone number;

(b) Display the practitioner's certificate number and freelance authorization number on all advertising when soliciting business;

(c) Be subject to random audit to verify compliance with safety, infection control and licensing requirements pursuant to ORS 690.123; and

(d) Allow the agency's representative to conduct an investigation pursuant to ORS 676.608. Obstructing or hindering the normal progress of an investigation, threatening or exerting physical harm, or enabling another individual to impede an investigation may result in disciplinary action pursuant to 676.612 or 676.992 and 331-020-0070.

(2) Practitioners providing services outside the premises of a licensed facility, on persons confined to their residence through med-

ical disability or restriction are not required to obtain a freelance authorization.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167 & 690.205
Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085 & 690.123
Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0068

Independent Contractor

(1) Pursuant to ORS 690.057, a practitioner who provides services within a licensed facility who is not an employee must hold an independent contractor registration.

(2) An independent contractor must meet the criteria for independent contractor status in accordance with ORS 690.035, 690.057, 670.600, and 657.040;

(3) An independent contractor registration is valid for one year and becomes dormant on the last day of the month one year from the date of issuance or renewal.

(4) An independent contractor must comply with all applicable rules and regulations of the Board and other state agencies and adhere to all applicable requirements listed under OAR Chapter 817, division 10, 15, 35, and 60.

(5) An independent contractor registration will be evidence of the practitioner's qualification to work independent of a facility license holder. The registration is transferable between work locations, provided the agency is given notification as stated in OAR 331-010-0040(3).

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167 & 690.205
Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085 & 690.123
Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0070

Application Requirements for Independent Contractor Registration

To obtain an independent contractor registration a practitioner must meet the requirements of OAR 331 division 30 and submit the following:

(1) 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;

(2) Proof of being at least 18 years of age. Documentation may include identification listed under OAR 331-030-0000;

(3) Proof of holding a current, valid practitioner certificate which is active with no current or pending disciplinary action;

(4) A current copy of the Assumed Business Name (ABN) filing if applicant is operating under an assumed business name prior to applying for an independent contractor registration if the business operates under the real and true name of the owner an ABN filing is not necessary. Refer to Secretary of State, Corporations Division under ORS 648.005.

Stat. Auth.: ORS 676.615, 690.055, 690.057 & 690.165
Stats. Implemented: ORS 676.615, 690.055, 690.057 & 690.165
Hist.: BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0090

Independent Contractor Standards

(1) An independent contractor must allow the agency's representative to inspect or conduct an investigation pursuant to ORS 676.608 or 690.225. 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 pursuant to 676.612 or 676.992 and OAR 331-020-0070.

(2) The cleanliness and sanitary condition of any shared or common area used by, or provided for, separately licensed facilities or

independent contractors located at one premises is the responsibility of each license or registration holder at that premises.

(3) Each authorization holder located at one facility may be cited for violations of rules or regulations found in a shared or common area of a facility, unless a contractual agreement exists that indicates specific responsibility for the cleanliness of a shared or common area within the facility.

Stat. Auth.: ORS 676.615, 690.055, 690.057, 690.085, 690.095, 690.165, 690.225
Stats. Implemented: ORS 676.615, 690.055, 690.057, 690.085, 690.095, 690.165 & 690.225

Hist.: BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0093

Demonstration Permit

(1) Pursuant to ORS 690.105, a person not certified under ORS 690.048 who wishes to practice, demonstrate, and teach a field of practice, or perform a field of practice, temporarily and primarily for educational purposes may obtain a demonstration permit.

(2) A demonstration permit is active for 30 days and is not renewable, the holder of the demonstration permit:

(a) May provide services in a field of practice defined under ORS 690.005.

(b) Must meet and adhere to all applicable requirements listed under OAR Chapter 817, division 10, 15, 35, and 60.

(c) May perform services at locations such as training seminars; shows; licensed facilities or other locations approved by the Board.

Stat. Auth.: 2013 OL Ch. 314, 290, 188, ORS 676.580, 676.586, 676.607, 676.615, 690.005, 690.055, 690.105 & 690.123

Stats. Implemented: 2013 OL Ch. 314, 290, 188, ORS 676.580, 676.586, 690.005, 690.025, 690.046, 690.055, 690.105, 690.123 & 690.165

Hist.: BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0095

Application Requirements for Demonstration Permit

(1) To obtain a demonstration permit an individual must meet the requirements of OAR 331 division 30 and submit the following:

(a) 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;

(b) An affidavit of licensure pursuant to OAR 331-030-0040 from another state, which is active with no current or pending disciplinary action; and

(c) A description of the purpose for which the permit is sought.

(2) If an individual does not qualify for a demonstration permit under subsection 1 of this rule the Board may determine, on a case-by-case basis, if the individual is otherwise qualified to obtain a demonstration permit pursuant to ORS 690.105.

Stat. Auth.: 2013 OL Ch. 314, 290, 188, ORS 676.580, 676.586, 676.607, 676.615, 690.005, 690.055, 690.105 & 690.123

Stats. Implemented: 2013 OL Ch. 314, 290, 188, ORS 676.580, 676.586, 690.005, 690.025, 690.046, 690.055, 690.105, 690.123 & 690.165

Hist.: BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0110

Posting Requirements

(1) Freelance authorization, certificate, license, permit and registration holders are subject to the requirements of OAR 331-030-0020.

(2) Facility licenses must be posted in public view.

(3) Independent contractor registrations must be posted in public view.

(4) Practitioner certificates must be posted in public view.

(5) Demonstration and temporary authorizations must be posted in public view.

(6) A freelance authorization holder must show the authorization to practice upon request of the client.

(7) A facility license holder and independent contractor registration holder must post the most recent inspection certificate in public view in the facility or at the independent contractor's workstation.

Stat. Auth.: ORS 676.615, 690.095 & 690.165

Stats. Implemented: ORS 676.615, 690.095 & 690.165

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; Renumbered from 817-010-0120; BH 1-1988, f. & cert. ef. 7-1-88; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; Renumbered from 817-020-0013; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

DIVISION 40

FEES

817-040-0003

Fees

(1) Applicants and authorization holders are subject to provisions of OAR 331-010-0010 and 331-010-0020 regarding payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency, in consultation with the Board, are as follows:

(a) Application:

(A) Practitioner certificate: \$20 per field of practice.

(B) Practitioner certificate by reciprocity: \$100 per field of practice.

(C) Independent contractor registration: \$50.

(D) Freelance authorization: \$25.

(E) Facility license: \$100.

(F) Temporary facility permit: \$50.

(G) Demonstration permit: \$25.

(b) Examination:

(A) Oregon laws & rules: \$35.

(B) Barbering: \$35.

(C) Hair design: \$35.

(D) Esthetics: \$35.

(E) Nail technology: \$35.

(F) Freelance authorization: \$25

(c) Original issuance of authorization to practice:

(A) Practitioner certificate: \$25 for two years.

(B) Practitioner certificate by reciprocity: \$45 for two years.

(C) Independent contractor registration: \$100 for one year.

(D) Freelance authorization: \$100 for one year.

(E) Facility license: \$110 for one year.

(d) Permits:

(A) Temporary facility: \$100.

(B) Demonstration: \$50.

(e) Renewal of authorization to practice:

(A) Practitioner certificate: \$45 for two years.

(B) Practitioner certificate: on-line payment: \$40 for two years.

(C) Independent contractor registration: \$100 for one year.

(D) Freelance authorization: \$100 for one year.

(E) Facility license: \$110 for one year.

(f) Other administrative fees:

(A) Delinquency fee: \$30 for each year in expired status up to three years.

(B) Replacement of freelance authorization, certificate, license or registration, including name change: \$25.

(C) Duplicate freelance authorization, certificate, license or registration document: \$25 per copy with maximum of three.

(D) Affidavit of licensure: \$50.

(E) 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.

(F) Information packets: \$10

Stat. Auth.: ORS 676.605, 676.606, 676.615 & 690.235

Stats. Implemented: ORS 676.605, 676.615, 690.235 & 30.701

Hist.: BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 1-1990(Temp), f. 4-20-90 & cert. ef. 6-1-90; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2005, f. 6-17-05, cert. ef. 7-1-05; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2008, f. 9-15-08 cert. ef. 10-1-08; BOC 2-2009(Temp), f. 6-30-09, cert. ef. 7-1-09 thru 12-25-09; BOC 3-2009(Temp), f. 12-21-09, cert. ef. 12-26-09 thru 5-31-10; BOC 1-2010, f. 3-31-10, cert. ef. 4-1-10; BOC 2-2010, f. & cert. ef. 10-1-10; BOC 1-2011(Temp), f. & cert.

DIVISION 60

CHEMICAL USE AND STORAGE

817-060-0010

Client Protection

(1) All safety procedures which prevent eye, nail, hair, or skin injury to clients or damage to the clothing of clients must be followed when administering chemical services.

(2) Client protection regulations must be met in accordance with ORS 654, OAR 437-division 2, General Occupational Safety and Health Rules, 29 CFR 1910.1030, and 29 CFR 1910.1200.

Stat. Auth.: ORS 690.165 & 690.205

Stats. Implemented: ORS 654, 690.165 & 690.205

Hist.: BH 1-1983(Temp), f. & ef. 10-4-83; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Administrative Correction 1-15-98; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-060-0020

Chemical Storage

(1) For the purposes of this section, the following terms are being used as defined by OAR 437, Division 2, General Occupational Safety and Health Rules Toxic and Hazardous Substances as amended and in effect September 25, 2012;

- (a) Corrosives;
- (b) Flammables (aerosol, gas, liquid, and/or solid);
- (c) Oxidizers.

(2) For purposes of this section “hazardous” and “segregated in storage” are defined as follows:

(a) “Hazardous” means capable of causing an unplanned, uncontrolled reaction which could present a hazard to authorization holders or clients by explosion, fire, release of toxic gases or by-products, or physical or chemical burns; and

(b) “Segregated in storage” means that potentially hazardous chemicals and materials are separated (to prevent their mixing with one another through leakage, spillage or breakage) by an adequate distance or through the use of physical barriers such as partitions or separate shelving.

(3) Chemicals must be stored safely to avoid fire, explosion and bodily injury.

(4) Flammable chemicals must be stored separate from potential sources of ignition.

(5) Chemical containers holding one gallon or less may be stored in the same area or in the same storage cabinet if one of the following conditions is met:

(a) Containers of reactive chemicals are separated by location or sufficient distance, for example at least 12 inches apart or on different shelves, to prevent their reaction; or

(b) Glass bottles of reactive chemicals are treated to make them break-resistant (e.g., resin-coated) or are stored in rubber buckets or sleeves, or are stored with a partition separating them.

(6) Chemicals that are highly reactive or kept in containers greater than one gallon must be stored in separate cabinets, in safety-valve containers, or in locations isolated from other chemicals.

(7) Waste related to chemical services or which has been chemically dampened or saturated must be disposed of in a fire-retardant container pursuant to OAR 817-010-0035 and 817-010-0060.

(8) Chemically treated, dampened or saturated towels must be stored in a fire retardant container pursuant to OAR 817-010-0035 and 817-010-0060.

(9) Chemicals may be stored in containers approved by the Oregon Department of Transportation for shipping.

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

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

Hist.: BH 1-1983(Temp), f. & ef. 10-4-83; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-060-0030

Use, Handling and Disposing of Chemicals

(1) Chemicals used for providing services to clients must be mixed in a dispensing area, which has adequate ventilation away from open flame or other sources of potential ignition.

(2) All chemicals must be disposed of in accordance with their manufacturer’s instructions and according to local and state environmental requirements.

(3) Authorization holders are prohibited from:

(a) Using cosmetic products containing hazardous substances, which have been banned by the U.S. Food and Drug Administration for use in cosmetic products;

(b) Using products in a manner that is not approved by the U.S. Food and Drug Administration;

(c) Using any product containing compounds or substances characterized as hazardous or harmful to humans by Material Safety Data Sheets (MSDS) and/or random product testing see OAR chapter 817 division 060; and

(d) Using an open flame at the workstation during any phase of chemical service.

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

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

Hist.: BH 1-1983(Temp), f. & ef. 10-4-83; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-060-0050

Use of Formaldehyde Products

(1) Authorization holders providing services with products that may contain formaldehyde must adhere to all city, county, state or federal laws, rules, codes and regulations related to the use of formaldehyde.

(2) The agency and board adopt by reference Oregon Occupational Safety and Health Division OAR 437-002-0360.

(3) For the purpose of this rule:

(a) Employer referenced under OAR 437-002-0360 means a facility license holder, temporary facility permit holder, demonstration permit holder working outside of a licensed facility, a practitioner working outside of a licensed facility, or an independent contractor.

(b) Employee referenced under OAR 437-002-0360 means a practitioner working in a licensed facility, individual working under the direction of an independent contractor or facility license holder, or demonstration permit holder working in a licensed facility.

Stat. Auth.: ORS 676.605, 676.606, 676.607, 690.165 & 690.205

Stats. Implemented: ORS 690.165 & 690.205

Hist.: BOC 3-2010(Temp), f. 11-10-10, cert. ef. 11-15-10 thru 5-10-11; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

DIVISION 90

CIVIL PENALTIES

817-090-0025

Schedule of Penalties for Facility and Independent Contractor Registration Violations

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

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

(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;

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

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

(a) 1st offense: \$200

(b) 2nd offense: \$500

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

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

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

(A) 1st offense: \$500;

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

(C) 3rd offense: \$2,500

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

(A) 1st offense: \$200

(B) 2nd offense: \$500

(C) 3rd offense: \$1000

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

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

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

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

817-090-0035

Schedule of Penalties for Practitioner Violations

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

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

(a) Certificate, authorization, registration, permit never held:

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

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

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

(b) Certificate, authorization, registration, or permit inactive or expired:

(A) 1st offense: \$200;

(B) 2nd offense: \$500;

(C) 3rd offense: \$1000.

(c) Certificate, authorization, or registration suspended or revoked:

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

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

(C) 3rd offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to

practice and refusal to issue a new authorization to practice to a revoked authorization holder.

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

(a) 1st offense: \$200;

(b) 2nd offense: \$500;

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

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

(a) 1st offense: \$500;

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

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

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

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

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

817-090-0045

Schedule of Penalties for Certificate/License/Registration/Permit Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of certificate/license/registration/permit 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, attempted use, obtainment, or counterfeiting of a license, certificate, registration, permit or authorization issued by the agency is a violation of ORS 690.015(2)(j) or 690.015(2)(k):

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

(b) 2nd offense: \$3,500;

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

(2) Failing to post a valid license, registration, certificate, permit or authorization issued by the agency in public view is a violation of OAR 817-035-0110:

(a) 1st offense: \$200

(b) 2nd offense: \$500

(c) 3rd offense: \$500

(3) Failing to post the most recent inspection certificate in public view within the facility is a violation of OAR 817-035-0110:

(a) 1st offense: \$200;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

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

Stats. Implemented: ORS 676.615, 676.992, 690.015, 690.165 & 690.167

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

817-090-0050

Schedule of Penalties for Freelance Authorization Violations

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

(1) Working with a dormant Freelance Authorization:

(a) 1st offense: \$200;

- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000

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

- (a) 1st offense: \$100;
- (b) 2nd offense: \$200;
- (c) 3rd offense: \$500.

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

- (a) 1st offense: \$500;
- (b) 2nd offense: \$1,000;
- (c) 3rd offense: \$2,500.

Stat. Auth: ORS 676.605, 676.615, 676.992, 690.165 & 690.167
 Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165 & 690.167
 Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96, Renumbered from 817-090-0020; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

**817-090-0055
 Schedule of Penalties for Home Facility Violations**

(1) The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of home facility 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.

(2) Failing to identify a facility located in a residence by means of a house number or a sign easily visible from the street is a violation of OAR 817-020-0009:

- (a) 1st offense: \$100;
- (b) 2nd offense: \$200;
- (c) 3rd offense: \$500.

Stat. Auth: ORS 676.605, 676.615, 676.992, 690.165 & 690.167
 Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165 & 690.167
 Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96, Renumbered from 817-090-0020; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

**817-090-0065
 Schedule of Penalties for Water Supply and Disposal Violations**

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

(1) Failing to have immediate access to hot and cold running water in the working area of a facility is a violation of OAR 817-010-0014(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(2) Failing to have a facility water supply which meets state pressure and purity requirements is a violation of OAR 817-010-0007 and 817-010-0014(1) and (2) and may result in an emergency suspension of the facility license until the violation is corrected.

(3) Improperly disposing of liquid waste from a facility is a violation of OAR 817-010-0007 and 817-010-0021(3) and may result in an emergency suspension of the facility license until the violation is corrected.

Stat. Auth: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
 Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
 Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96, Renumbered from 817-090-0030; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

**817-090-0070
 Schedule of Penalties for Towels and Linens Violations**

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

(1) Failing to use clean towels or linens for each client is a violation of OAR 817-010-0035(1)(a) and failing to launder towels and linens as required is a violation of 817-010-0035(1)(e):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(2) Failing to store clean towels and linens in a clean area is a violation of OAR 817-010-0035(1)(b):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(3) Failing to immediately deposit all used towels with chemical residue in a closed, fire retardant container is a violation of OAR 817-010-0035(1)(d):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(4) Failing to deposit soiled towels in a covered container is a violation of OAR 817-010-0035(1)(c):

- (a) 1st offense: \$100;
- (b) 2nd offense: \$200;
- (c) 3rd offense: \$500.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
 Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
 Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

**817-090-0075
 Schedule of Penalties for Waste Disposal Violations**

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

(1) Failing to immediately deposit all chemical waste materials in a closed container at the conclusion of each service, or a fire-retardant container at the close of each business day is a violation of OAR 817-010-0060(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(2) Failing to immediately dispose of all waste and refuse in covered containers is a violation of OAR 817-010-0060(2) or (3):

- (a) 1st offense: \$100;
- (b) 2nd offense: \$200;
- (c) 3rd offense: \$500.

(3) Failing to keep the outer surface of a waste disposal container clean is a violation of OAR 817-010-0060(4):

- (a) 1st offense: \$100;
- (b) 2nd offense: \$200;
- (c) 3rd offense: \$500.

(4) Failing to dispose of disposable material coming into contact with blood or other bodily fluids in a sealable plastic bag is a violation of OAR 817-010-0060(5):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(5) Failing to dispose of disposable sharp-edged material coming into contact with blood or other bodily fluids in a sealable rigid container is a violation of OAR 817-010-0060(6):

- (a) 1st offense: \$300;

- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(6) Failing to have sealable plastic bags and sealable rigid containers available for use at all times services are being performed is a violation of OAR 817-010-0060(7):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
 Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167, 690.205
 Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0080
Schedule of Fines for Dispensing of Cosmetic Preparations Violations

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

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

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

Stat. Auth.: ORS 690.165, 690.205 & 690.995
 Stats. Implemented: ORS 690.165, 690.205 & 690.995
 Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2007, f. 10-31-07, cert. ef. 11-1-07; BOC 2-2011, f. & cert. ef. 5-5-11

817-090-0085
Schedule of Penalties for Sanitation or Disinfectant Violations

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

(1) Failing to use a high-level disinfectant or failing to completely immerse in high-level disinfectant, all tools and implements with sharp edges or points, or foot spa equipment according to disinfectant manufacturer's instructions is a violation of either OAR 817-010-0068(3) or 817-010-0101(5):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(2) Failing to keep disinfecting solutions at adequate strength, free of foreign material, and/or available for immediate use at all times the facility is open for business is a violation of OAR 817-010-0065(6):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(3) Failing as an authorization holder to provide and maintain adequate disinfecting solutions or sterilizing equipment to the number of applicable authorization holders providing services, usage requirements or volume of business is a violation of OAR 817-010-0065(3):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(4) Failing to use a low-level disinfectant or failing to completely immerse all tools and implements, without sharp edges or

points according to disinfectant manufacturers instructions is a violation of OAR 817-010-0068(2):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
 Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
 Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0090
Schedule of Penalties for Disinfecting Requirements of Tools and Implements Violations

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

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

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

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

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

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

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

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

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167, 690.205
 Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 690.205
 Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 4-2001(Temp), f. & cert. ef. 11-1-01 thru 4-29-02; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0095
Schedule of Penalties for Cleanable/Non-Absorbent Surfaces Violations

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

(1) Failing to have cleanable, non-absorbent surfaces on all equipment in all areas of a facility where services are performed is a violation of OAR 817-010-0101(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(2) Failing to keep equipment in a facility, including upholstery fabrics, clean and in good repair is a violation of OAR 817-010-0101(3):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(3) Failing to have cleanable, non-absorbent floor surfaces in good repair in the area(s) of a facility where services are performed is a violation of OAR 817-010-0106(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167, 690.205
Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96, Renumbered from 817-090-0030; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11

817-090-0100

Schedule of Penalties for Clean Conditions Violations

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

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

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

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

- (a) 1st offense: \$00;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

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

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

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

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

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

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

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

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

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

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

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

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11

817-090-0105

Schedule of Penalties for Client Health and Safety Violations

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

(1) Failing to use a neck strip or a towel to prevent contact between the skin of a client's neck and a hair cloth or cape is a violation of OAR 817-010-0040(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(2) Failing to use a disposable cover on the head of a client who is trying on a hairpiece or to clean and label used hair goods as "used" prior to resale is a violation of OAR 817-010-0085:

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(3) Performing services without washing one's hands immediately before and after serving each client is a violation of OAR 817-015-0030(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(4) Failing to maintain client records for each client receiving esthetics, nail technology, or hair reduction services, on the premises of the facility or allow an enforcement officer access to review client records upon request is a violation of OAR 817-015-0065 or 817-015-0070:

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(5) Failing to maintain required documentation of any FDA manual or mechanical device or equipment, or to provide required documentation upon request is a violation of OAR 817-010-0065(10), (11), or (13):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167, 690.205
Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 4-2001(Temp), f. & cert. ef. 11-1-01 thru 4-29-02; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12; BOC 1-2012(Temp), f. 3-1-12, cert. ef. 3-12-12 thru 9-1-12; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0110

Schedule of Penalties for Safe Working Conditions Violations

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

(1) Failing to meet the requirements of the Oregon Indoor Clean Air Act is a violation of OAR 817-010-0007 and may result in an emergency suspension of the facility license until the violation is corrected.

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(2) Having frayed electrical wiring or overloading the electrical circuits in a facility is a violation of ORS 690.055(1)(C), and OAR 817-010-0007 and may result in an emergency suspension of the facility license until the violation is corrected.

(3) Having pets or other animals in facilities, other than service animals recognized by the American with Disabilities Act, fish in an aquarium or nonpoisonous reptiles in terrariums, is a violation of OAR 817-010-0095.

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(4) Failing to wear eye goggles, shields or mask in performing services on a client where the likelihood of splattering is present is a violation of OAR 817-015-0030(1)(c):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(5) Failing to have a restroom available which is "reasonably accessible" for facility employees is a violation of OAR 817-010-0021(1):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

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

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

Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0115

Schedule of Penalties for Chemical Use and Storage Violations

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

(1) Failing to store chemicals safely to avoid fire, explosion and/or bodily harm to clients and authorization holders is a violation of OAR 817-060-0020(3):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(2) Failing to mix chemicals in a dispensing area is a violation of OAR 817-060-0030(1):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(3) Mixing or using chemicals near an open flame or other potential source of ignition is a violation of OAR 817-060-0030(1):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(4) Having an open flame at the workstation, during any phase of chemical service, i.e. mixing, application, processing, or use of any potentially explosive or flammable chemical, in relation to performing services is a violation of OAR 817-060-0030(4)(d):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

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

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

Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0040; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

DIVISION 100

CLARIFICATION OF EXEMPTIONS

817-100-0005

Exemptions

Domestic Administration under ORS 690.025(1) means a person providing services in a location where the client or person resides and the services are provided only to persons who are related by blood, marriage, or domestic partnership.

Stat. Auth.: ORS 690.025 & 690.165

Stats. Implemented: ORS 690.025 & 690.165

Hist.: BH 4-1984, f. & ef. 12-7-84; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, f. & cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

DIVISION 120

CODE OF PROFESSIONAL CONDUCT

817-120-0005

Practice Standards

(1) Authorization holders must adhere to the highest standards of professional conduct.

(2) Authorization holders must practice in a manner which safeguards the public's health, safety, and welfare.

(3) Authorization holders shall be appropriately clothed while providing services.

Stat. Auth.: ORS 676.605, 676.615 & 690.165

Stats. Implemented: ORS 676.605, 676.615 & 690.165

Hist.: BH 1-1988, f. & cert. ef. 7-1-88; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-95, cert. ef. 7-1-96; Renumbered from 817-120-0010, BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12; BOC 1-2012(Temp), f. 3-1-12, cert. ef. 3-12-12 thru 9-1-12; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

