

Chapter 817 Department of Human Resources, Board of Barbers and Hairdressers

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DIVISION 1

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817-001-0000

Notice of Proposed Rule

Prior to the adoption, amendment, or repeal of any rule, the State Board of Barbers and Hairdressers shall give notice of the proposed adoption, amendment, or repeal:

- (1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least twenty-one (21) days prior to the effective date.
 - (2) By mailing a copy of the notice to persons on the State Board of Barbers and Hairdressers' mailing list established pursuant to ORS 183.335(7) at least twenty-eight (28) days before the effective date of the rule.
 - (3) By mailing a copy of the notice to the following:
 - (a) Associated Press;
 - (b) National Cosmetology Association of Oregon;
 - (c) Oregon Barber and Beauty Schools Association;
 - (d) Oregon State Board of Education;
 - (e) United Food and Commercial Workers, Barbering and Cosmetology Division;
 - (f) Oregon beauty industry trade papers and newsletters (upon request);
 - (g) Capitol Press Room.
- Stat. Auth.: ORS 690.205(1) & (3)
Stats. Implemented: ORS 183.335(7)
Hist.: BH 1(Temp), f. & ef. 7-28-77; BH 2, f. & ef. 11-22-77; 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

817-001-0005

Model Rules of Procedure

Pursuant to OAR 183.341, the Board of Barbers and

Hairdressers adopts the Model Rules of Procedure as promulgated by the Attorney General of the State of Oregon under the Administrative Procedures Act as amended and effective September 9, 1995.

Stat. Auth.: ORS 690.205(1) and (3)
Stats. Implemented: ORS 183.335

Hist.: BH 1(Temp), f. & ef. 7-28-77; BH 2, f. & ef. 11-22-77; BH 1-1978, f. & ef. 6-2-78; BH 1-1980, f. & ef. 1-31-80; BH 2-1981, f. & ef. 12-15-81; 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

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Board of Barbers and Hairdressers.]

817-001-0020

Delegation to Administrator

(1) The authority to sign notifications, proposed rules and other documents pertaining to rule adoption, amendment, and administration and notifications and orders in contested cases is delegated to the Board Administrator. This authority does not include authority to sign final orders that are issued following Board review of written exceptions to proposed orders based on hearings officer findings of fact and conclusions of law.

(2) The Board Administrator shall not demand or collect compensation in the form of parking fees from employees when the office is located in an area that is uncongested or when there is no market for paid parking.

Stat. Auth.: ORS Ch. 690

Hist.: BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90

DIVISION 5

DEFINITIONS

817-005-0005

Definitions

As used in OAR Chapter 817 (Divisions 1 through 120):

- (1) "Acceptable" means satisfactory or adequate; fulfilling the needs or requirements of a specified rule or provision.
- (2) "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 Chapter 155 and/or to allow the free flow of air in a room in proportion to the size of the room and the capacity of the room.
- (3) "Affidavit of Licensure" means an original document verifying licensing history and status issued and signed by the licensing authority in the state which issued the license with an official seal or stamp affixed to the document; it is not the certificate or license form issued which authorizes the holder to practice.
- (4) "Approved" means accepted by the State Board of Barbers and Hairdressers.
- (5) "Article" means any item used in the practice of barbering, hair design, facial technology or nail technology, including but not limited to neck-strips, neck dusters, towels or linens, and cloth or plastic capes.
- (6) "Barbering" means the area of practice the Board has certified an individual to engage in as defined in ORS Chapter 690.005(1).
- (7) "Board" means the State Board of Barbers and Hairdressers.
- (8) "Board Administrator" means the individual who directs the daily functions of the Board as defined in ORS 690.185.
- (9) "Certificate" means the document authorizing the holder to practice barbering, hair design, facial technology or nail technology (see, respectively, sections (6), (27), (33), (46) of this rule).
- (10) "Certificate of Identification" means authorization allowing a practitioner to perform services of barbering, hair design, facial technology or nail technology outside of a licensed

facility and in a client's residence or place of business.

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

(12) "Clean" means the absence of soil or dirt, or the removal of soil or dirt by washing, sweeping, clearing away, or any other appropriate method rendering a sanitary condition as defined by subsection (55) of this rule.

(13) "Cleanable" means a surface that can be made clean as defined in subsection (12) of this section.

(14) "Commission" means the Oregon State Scholarship Commission.

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

(16) "Communicable disease or condition" means diseases or conditions diagnosed by a licensed physician as being contagious or transmittable which include but are not limited to the following:

- (a) Chickenpox;
- (b) Diphtheria;
- (c) Measles;
- (d) Meningococcal Disease;
- (e) Mumps;
- (f) Pertussis (whooping cough);
- (g) Plague;
- (h) Poison oak;
- (i) Rubella;
- (j) Scabies;
- (k) Staphylococcal skin infection (boils, infected wounds);
- (l) Streptococcal infections (strep throat);
- (m) Tinea (ring worm);
- (n) Tuberculosis.

(17) "Deceit" means misleading others by attempting underhanded methods; to deceive or cause to accept as true or valid what is false or invalid; or, to give a false impression or appearance.

(18) "Default loan status" means a loan insured or guaranteed by the Oregon State Scholarship Commission which the borrower fails to pay in a satisfactory repayment manner as determined by the Commission and in accordance with federal regulations.

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

(20) "Dispensing area" means an area having non-porous surfaces and a sink with hot and cold running water where service preparations are conducted, such as mixing of chemicals, cleaning of tools and equipment, disposing of residues and rinsing parts of the body exposed to chemicals.

(21) "Disposable towels" means single-use paper towels or roller-type cloth towels furnished by laundries.

(22) "Easily accessible" means easy to approach or enter.

(23) "EPA" means Environmental Protection Agency, a branch of the Federal Government which approves and registers chemical compounds and agents.

(24) "Equipment" means those items needed to run a facility which includes but is not limited to waiting chairs, barber or style chairs, shampoo chairs, cabinets, sinks, shampoo bowls, stationary dryers, and nail technology tables.

(25) "Ethical" means conforming to professional standards of conduct in all occupational practices and in accordance with OAR 817, Division 120.

(26) "Excessive" means to exceed the acceptable standard of a healthy and safe environment.

(27) "Facial technology" means the definition of facial technology in ORS Chapter 690.005 (4), which includes the following practices:

- (a) The application of lotions during electro-muscular stimulation;
- (b) Removal of lanugo or superfluous hair by the application of wax or chemicals;
- (c) Temporary removal of unwanted hair by an electrical

tweezer device other than that codified in the law governing electrolysis.

(28) "Facility" means an establishment in which practitioners perform acts of barbering, hair design, facial technology or nail technology, or any combination thereof.

(29) "Fire retardant container" means an air-tight metal or other approved container recognized by a national testing lab for the use of disposing of chemical waste or storing linens with chemical residue.

(30) "Footcandle" means a unit of measurement of surface illumination or intensity of light equal to one lumen per square foot, (1 footcandle equals 10.76 lux).

(31) "Fraud" means the intentional act of deceiving or cheating; a willful violation (refer to ORS 646 - "Trade Regulations and Practice").

(32) "Gross negligence" means failure to exercise care in the safety and sanitary methods relating to ORS Chapter 690.

(33) "Hair design" means the definition of Hair Design in ORS 690.005(6), which includes the braiding of hair.

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

(35) "Incompetency" means performance from which it may be concluded that the practitioner either lacks or did not employ the knowledge and skill necessary to practice in a minimally acceptable manner.

(36) "Independent Contractor" means an individual defined in ORS 690.005(7) who qualifies for a recognized business status under the provisions of ORS 670.600.

(37) "License" means a license to operate a facility.

(38) "Licensed health care facility" means a facility as defined by ORS 442.015(14), such as a hospital, special inpatient care facility, rehabilitation center, center for the treatment of alcoholism or drug abuse, assisted living care or nursing facility, or psychiatric hospital, which is licensed by a state regulatory agency or local governmental unit for the purpose of providing health care services.

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

(40) "Lux" means a unit of measurement of surface illumination or light intensity equal to one lumen per square meter. (10.76 lux equals 1 footcandle).

(41) "Manicuring" means services performed upon the nails of the hands as part of nail technology defined in ORS 690.005(9).

(42) "Manipulation" means, as referred to in ORS 690.005(1), (4), (6) and (9), the articulation or massage of the spine above the seventh (7th) vertebra, or of the hands or feet, for cosmetic purposes only and not for the treatment of disease or physical or mental ailments.

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

(44) "Misconduct" means performing in an unethical, unprofessional or dishonest manner; or, acts involving violence against persons.

(45) "Mobile facility" means a facility as defined in ORS 690.005.

(46) "Nail Technology" means the definition of nail technology in ORS 690.005(9), which includes the following:

- (a) The application and removal of artificial nails;
- (b) The application of mini-art work, etching or imprinting on nails.

(47) "Non-absorbent" means incapable of absorbing or entrapping water or other liquids.

(48) "Official transcript" means an original document certified by the school indicating hours and types of course work, examinations and scores that the student has completed, which has been submitted through mail by the school or by courier from the school to the Board office in a sealed envelope.

(49) "Pedicuring" means services performed upon the nails of

the feet as part of nail technology defined in ORS 690.005(9).

(50) "Permit" means authorization by the Board to a person licensed or certified in another state to practice barbering, hair design, facial technology or nail technology or to perform any one or more of such functions for educational purposes for a period not to exceed ten (10) consecutive days.

(51) "Practitioner" means any person whom the Board has certified to practice barbering, hair design, facial technology or nail technology, or any combination thereof.

(52) "Premises" means the entire area of the facility which the Board has licensed and designated as a facility.

(53) "Public view" means open to view and easy for the public to see.

(54) "Reasonably accessible" means not more than three minutes' travel time from any work location.

(55) "Sanitary" means free of agents of infection, disease, or infestation by insects and vermin and free of soil, dust, or foreign material; referring to cleanliness.

(56) "Sanitized" means rendered free of soil, dust, foreign material, and agents of disease or infestation by insects or vermin through the use of effective cleaning.

(57) "Sanitizer or pan" means a container, holding a disinfecting agent, which is large and deep enough to submerge the tool(s) or implement(s) or portion(s) thereof which are to be disinfected.

(58) "School" or "career school" means, pursuant to ORS 345.010(4), an establishment licensed under ORS Chapter 345, to teach barbering, hair design, facial technology or nail technology, or any combination thereof.

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

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

(61) "Supervise" means to oversee, direct, or be in charge of the activities or the flow of work in a facility.

(62) "Suspend" means, as used in ORS 690.075, to place a certificate or license in an inactive status for an unspecified period of time due to disciplinary action taken under ORS 25.750 to 25.783, ORS 305.385, ORS 348.393 to 348.399, or ORS 690.075.

(63) "Temporary" means not being full-time or ongoing.

(64) "Temporary facility" means a facility as defined in ORS 690.005.

(65) "Tools and implements" means all portable instruments and accessories which the practitioner can carry to use in the performance of services on clients, including but not limited to combs, shears, clippers and yoyettes.

(66) "Water supply" means a source of water other than that provided by sinks located in restrooms.

(67) "Wash basin / shampoo bowl" means a basin or similar vessel used exclusively for washing of hands, arms, face and head.

(68) "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 817-10-002; 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

DIVISION 10

SAFETY AND SANITATION RULES: FACILITY STANDARDS

817-010-0002 [Renumbered to 817-05-005]

817-010-0007

Compliance With All Applicable Regulations

(1) Practitioners, facility owners and independent contractors shall observe and be subject to all Health Division and other state regulations pertaining to public health and safety. Compliance with building, state fire, plumbing, and electrical regulations is required.

(2) In addition, when an employee/employer relationship exists, practitioners shall comply with ORS 654 and the Oregon Safe Employment Act.

Stat. Auth.: ORS 690.165

Stats. Implemented: ORS 690.165 & ORS 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

817-010-0009

Compliance With Indoor Clean Air Act and Ventilation Requirements

(1) Any public place in a facility of barbering, hair design, facial technology and nail technology shall be governed under the Oregon Indoor Clean Air Act as it appears in ORS 433.835 through 433.875.

(2) The Health Division Administrator may grant a waiver to the no smoking requirements. The request must explain how the facility of barbering, hair design, facial technology or nail technology will meet the three provisions set forth in OAR 333-015-0060. Waiver information may be obtained from the Board office or Health Division.

(3) All facilities shall provide adequate ventilation according to OAR 817-005-0005(2).

Stat. Auth.: ORS 690.205

Stats. Implemented: ORS 433.835 through 433.875

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. 5-31-96, cert. ef. 7-1-96

817-010-0011

Lighting

(1) All facilities and practitioners shall have adequate and sufficient artificial or natural lighting of at least 750 lux or 75 footcandles of light at all work stations and work tables.

(2) General local lighting of 750 lux or 75 footcandles shall be provided for rooms, buildings, and work areas during the time of use by practitioners.

Stat. Auth.: ORS Ch. 690

Stats. Implemented: ORS

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. 7-1-94

817-010-0014

Water Supply Requirements and Standards

(1) Facility water supplies shall have a minimum of 20 pounds pressure per square inch in accordance with the State Plumbing code.

(2) The quality and construction of facility water supplies shall meet the requirements of ORS Chapter 448 and **State Plumbing Code**, OAR 814, Divisions 750-799.

(3) All facilities shall have an adequate supply of both hot and cold running water and wash basins on the facility premises. Sinks located in the restroom do not qualify as a water source for the facility premises.

(4) Practitioners shall have immediate access to a supply of hot and cold running water.

(5) Hand washing accommodations shall be provided in work areas where the employees are exposed to hazardous materials which will have a deleterious effect on or be absorbed through the skin if the contamination is not removed.

(6) Washing accommodations shall be maintained in a clean and sanitary condition.

(7) Hand soap or similar cleansing agents shall be provided.

(8) Individual towels of cloth or paper shall be provided. Air blowers for drying the hands may be substituted for towels.

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

Chapter 817 Department of Human Resources, Board of Barbers and Hairdressers

OREGON ADMINISTRATIVE RULES 1997 COMPILATION

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Board of Barbers and Hairdressers.]

Stat. Auth.: ORS 690.205

Stats. Implemented: ORS 448

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 817-10-016(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

817-010-0016 [Renumbered to 817-010-0014(1) & (2)]

817-010-0021

Restroom/Toilets and Water Disposal

(1) All facilities shall have a restroom available for employees. The restroom shall be located on the facility premises or in an adjoining premises which is reasonably accessible.

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

(3) All facility liquid waste from toilets and lavatories shall be discharged directly into a public sewer or, in the absence of a public sewer, by method meeting the requirements of ORS Chapter 454 (septic tank and drain field requirements).

Stat. Auth.: ORS Ch. 690

Stats. Implemented: ORS

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 817-10-026; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94

817-010-0026 [Renumbered to 817-010-0021(3)]

817-010-0035

Towels or Linens

(1) Clean towels or linens shall be used for each client.

(2) When using linens as arm cushions during nail technology service, the practitioner may use a protective disposable cover on the linen towel to prevent contact with the client.

(3) Clean towels and linens shall be stored in a clean area.

(4) Each facility or practitioner shall provide closable container(s) large enough and sturdy enough to store all soiled towels or linens after use. Chemically soiled towels or linens shall be stored in fire-retardant container(s).

(5) Used towels shall be laundered either by regular commercial laundering or by a non-commercial laundering process which includes use of commercial laundry detergent manufactured for the express purpose of cleaning clothes, linens or other washable fabric, and immersion in hot water for not less than twenty (20) minutes 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

817-010-0040

Articles in Contact with a Client

(1) A neck strip or towel shall 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 that do not require disinfecting shall be clean.

(3) All articles which come in direct contact with the client's skin that cannot be cleaned or disinfected shall 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

817-010-0055

Materials in Contact with a Client

All chemical substances used in the practice of barbering, hair design, facial technology, and nail technology shall be dispensed from containers in a manner to prevent contamination of the unused portion.

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

817-010-0060

Refuse and Waste Material

(1) All chemical waste material shall be deposited in a closed container at the conclusion of each service and then disposed of in a fire-retardant container at the close of each business day.

(2) All waste related to the performance of services shall be deposited in a covered container to avoid the potential for cross contamination through release of or exposure to infectious waste materials.

(3) All waste unrelated to performance of services shall be deposited in a waste disposal container.

NOTE: Containers located in the reception area which do not contain waste relating to performance of services are exempt from having covers.

(4) Any waste disposal container used to store cigarette ashes, butts, etc., shall be a metal or fire-retardant container.

(5) Outer surfaces of waste disposal containers shall be kept clean.

(6) Any disposable material coming into contact with blood and/or body fluids such as discharge from pustules, pimples, and sebaceous glands, shall be disposed of in a sealable plastic bag (separate from sealable trash or garbage liners) or in a manner that not only protects the licensee and the client but also others who may come into contact with the material such as sanitation workers.

(7) Any disposable sharp objects that come in contact with blood or other body fluids shall be disposed of in a sealable rigid (puncture proof) container that is strong enough to protect the licensee and client and others from accidental cuts or puncture wounds that could happen during the disposal process.

(8) Practitioners and/or facility owners shall have both 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

817-010-0065

Requirements and Standards

(1) All tools and implements which come in direct contact with a client shall be disinfected.

(2) The Board shall authorize the use of disinfecting agents provided those agents are EPA registered and meet the criteria set forth in OAR 817-005-0005(34) and (39).

(3) Each facility license holder; independent contractor; or practitioner working under a certificate of identification shall provide and maintain adequate disinfecting or sterilizing equipment for the number of practitioners, usage requirements, and volume of business.

(4) Optional sterilization equipment used in lieu of disinfectants shall be checked annually to ensure it is reaching the temperature and/or pressure required by manufacturer's instructions.

(5) When used according to the manufacturer's instructions, each of the following are approved methods of disinfecting tools and implements:

(a) Complete immersion in the disinfecting solution of the object(s) or portion(s) thereof to be disinfected;

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

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

(6) All disinfecting solutions and/or agents shall be kept at adequate strengths to maintain effectiveness, be free of foreign material and be available for immediate use at all times the facility is open for business.

(7) Emery boards, cosmetic sponges, and orangewood sticks shall be discarded immediately after use on each client.

(8) Orangewood sticks and emery boards which have not been approved by the Board for disinfection and reuse, may be stored only for restricted use on the original client, provided the implements are placed in a sealed container labeled with the client's name.

(9) Protective gloves that are not cleaned with soap and water and disinfected shall be disposed of after use on a client (refer to provisions of OAR 817-015-0030(3) and (5)).

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

817-010-0068

Disinfecting Non-Electrical Tools and Implements

All tools and implements used in the practice of barbering, hair design, facial technology, or nail technology shall be disinfected before use on each client. The method for disinfecting non-electrical tools and implements will be as outlined below.

(1) To disinfect all non-electrical tools and implements first:

(a) Remove all hair and/or 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., totally immerse for at least 2 minutes in a solution containing 1,000 parts per million (ppm) of a commercial quaternary ammonium compound or other EPA-registered low-level disinfectant used according to the manufacturer's instructions.

(3) For all tools and implements with sharp edges or points, as defined in OAR 817-005-0005(59) totally immerse in an EPA-registered 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 2-1990, 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

817-010-0069

Disinfecting Electrical Tools and Implements

(1) All electrical tools and implements, with the exception of clipper blades, shall be disinfected before each use. The method is as follows:

(a) Remove hair and/or all foreign matter;

(b) Disinfect with an EPA-registered low-level disinfectant used according to the manufacturer's instructions.

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

(a) Remove hair and/or all foreign matter;

(b) Completely saturate clipper blade with an EPA-registered 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 Ch. 690

Stats. Implemented: ORS

Hist.: BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94

817-010-0075

Storage of Tools And Implements

(1) New and/or disinfected and cleaned tools and implements shall be stored separately from all others.

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

(3) Storage drawers for clean tools and implements shall be clean, free of hair and used only for clean tools and implements.

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

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

817-010-0085

Hairpieces

During the trying on of a manufactured hairpiece, that portion of the head which comes in contact with the hairpiece shall be completely covered with a disposable cover. All used hair goods must be cleaned according to manufacturer's instructions before resale and marked as "used".

Stat. Auth.: ORS Ch. 690

Stats. Implemented: ORS

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

817-010-0090

Use of Drinking Cups

Disposable cups shall be available for customers' use if beverages are served in facilities, and disposed of after use by the same methods as other waste materials.

Stat. Auth.: ORS Ch. 690

Stats. Implemented: ORS

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. 7-1-94

817-010-0095

Pets in Facilities

Pets or other animals shall not be permitted in a facility at any time. This prohibition does not apply to trained guide dogs for the disabled, sightless, or hearing impaired or to fish in aquariums.

Stat. Auth.: ORS Ch. 690

Stats. Implemented: ORS

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

817-010-0101

Equipment

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

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

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

(4) To prevent blood borne diseases, a high-level disinfectant shall be used to disinfect surfaces and wipe up spills.

Stat. Auth.: ORS Ch. 690

Stats. Implemented: ORS

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

817-010-0106

Floor Surface

(1) Floor surfaces in the working area of a facility shall be of a cleanable, non-absorbent material as defined in OAR 817-005-0005 (13) and (47) and shall be kept clean, orderly, and in good repair.

(2) Wooden floors which have a durable water-proof non-

absorbent finish may be acceptable in working areas of the facility.

(3) Hair clippings shall not be allowed to accumulate and shall 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

817-010-0110

Walls and Ceilings

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

Stat. Auth.: ORS Ch. 690

Stats. Implemented: ORS

Hist.: BH 2-1978, f. & ef. 11-29-78

817-010-0120 [Renumbered to 817-020-0013]

817-010-0125 [Renumbered to 817-015-0010]

817-010-0130 [Renumbered to 817-010-0125 and 0135]

817-010-0135 [Renumbered to 817-015-0030]

817-010-0300

Variations

Upon application, the Board of Barbers and Hairdressers may grant a variance from requirements of its safety and sanitation rules as follows:

(1) Where it is demonstrated to the satisfaction of the Board that strict compliance with the rules would be highly burdensome or impractical due to special conditions or cause;

(2) Where the Board finds that the public or private interest in the granting of a variance clearly outweighs the interest of the application of uniform rules; and

(3) Where, in the opinion of the Board, such alternative measures will provide adequate public health and safety protection.

Stat. Auth.: ORS Ch. 690

Stats. Implemented: ORS

Hist.: 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

DIVISION 15

SAFETY AND SANITATION RULES: PRACTICE STANDARDS

817-015-0010

Communicable and Blood Borne Diseases

(1) A practitioner or an employee is prohibited from providing services or working in a facility while contracted with a disease or condition which has been diagnosed by a physician to be in a communicable or transmittable form.

(2) A practitioner or employee shall not diagnose or treat any communicable disease or condition or knowingly perform services on clients with communicable diseases or conditions, except as provided in OAR 817-015-0030(7).

(3) A practitioner or employee providing service or working in a facility while diagnosed with having acquired an immunodeficiency virus and related immunodeficiency conditions or the hepatitis B virus shall observe and follow all current Center for Disease Control (CDC) standards for public service workers regarding personal protection equipment and disposal of blood or bodily fluid contaminated articles, tools and equipment. This includes practitioners or employees providing services to clients who have been diagnosed with having an immunodeficiency virus, related conditions or the hepatitis B virus.

NOTE: It is the position of the Board that human immunodeficiency virus (HIV) is the cause of acquired immunodeficiency syndrome

(AIDS) and related immunodeficiency conditions. This virus, as well as hepatitis B virus (HBV) may be transmitted by sharp instruments contaminated by blood or other body fluids, if proper precautions are not followed. As the carriers of these viruses may have no symptoms, the most prudent course to follow is to treat body fluids from all persons with the same high standards of caution and to rigorously follow established safety and sanitation practices as required by the law and rules of the Board. There is no published evidence to support casual transmission of HIV, by sneezing or touching, even in close household settings involving AIDS patients and family members caring for them at home. Because HIV is not spread by casual means and because of the inadequacies of the HIV antibody test, there is no reason for the Board to require blood tests prior to certification and/or licensure. Good hand washing after glove removal and between each client is imperative and the most important procedure for prevention of all infections, including HIV. Uniform body fluid precautions are ample to prevent transmission of HIV or HBV in a facility setting.

Stat. Auth.: ORS 690.165

Stats. Implemented: ORS 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 817-10-130(1); BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; Former section (3) renumbered to 817-10-135(4); 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 817-010-0125

817-015-0030

Serving Clients

(1) Practitioners shall observe and follow thorough hand washing with soap and water immediately before and after serving each client and as needed to prevent cross contamination and/or transmission of body fluids, infections or exposure to service related wastes or chemicals.

(2) Practitioners who have open sores or bleeding lesions on their hands shall not have client contact until the lesions have healed to the scab phase and shall cover them with protective gloves and/or impervious bandages prior to contact with clients.

(3) Practitioners shall wear single-use disposable or cleaned and disinfected protective gloves when performing service or effecting a procedure that routinely involves body fluid exposure, such as during a facial where blood, pus, or weeping of the skin may be present or is likely to occur during the service.

(4) Practitioners shall wear eye goggles, shields and/or a mask if spattering is likely to occur while services are being performed.

(5) Practitioners performing service on clients with skin conditions that are wet or weeping shall wear single-use protective gloves. Single-use disposable gloves shall be used and discarded after use with each client.

(6) Disposable materials that come in contact with blood and/or body fluids, such as discharge from pustules, pimples, and sebaceous glands, or are used in cleaning blood spills shall be discarded according to provisions of OAR 817-010-0060 to protect the practitioner, clients and others who may come into contact with the material.

(7) Head lice may be treated at the discretion of the practitioner and/or facility owner. Compliance with OAR Chapter 817, Division 10 Safety and Sanitation Rules: Facility Standards, shall be observed and followed.

Stat. Auth.: ORS 690.165 and 690.205

Stats. Implemented: ORS 690.165 and 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 817-10-130(2); BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; Section (4) renumbered from former section (3) of 817-10-125; 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

817-015-0050

Exfoliation and Chemical Peel Services

(1) Practitioners shall not use chemicals or products, natural or synthetic, which act on the deeper layers of skin such as the dermis.

(2) Practitioners shall be trained and have a basic understanding of the actions and dangers of exfoliation or chemical

peels before application of these materials.

(3) Only those practitioners that receive certified specialized training and experience may use or apply stronger exfoliation and chemical peel agents not available to the public.

(4) Practitioners, including those with specialized training shall not use:

(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) unless definitive proof is provided to the Board that the product will not act on living tissue;

(e) Any Jessner peel formulation containing phenol or resorcinol, unless definitive proof is provided to the Board that the product will not act on or be absorbed by living tissue;

(f) Salicylic acid at concentrations or unbuffered formulations which act on living tissue; or

(g) French peels at concentrations or formulations which act on living tissue.

(5) It is the responsibility of practitioners to determine and use exfoliation or chemical peel formulations in compliance with the requirements of this rule division.

(6) All exfoliant and chemical peel products or formulations shall be used in accordance with manufacturer's recommendations.

(7) Basic training in exfoliation and chemical peels shall be given as part of the practitioner's certification training in accordance with Department of Education requirements.

(8) Advanced training in the use of exfoliation and chemical peels shall be provided by a certified or licensed aesthetician, a qualified physician or experienced registered nurse trained in the practice and in accordance with Department of Education requirements.

Stat. Auth.: ORS 690.165

Stats. Implemented: ORS 690.165

Hist.: BH 1-1996, f. 5-31-96, cert. ef. 7-1-96

DIVISION 20

LICENSING AND OPERATION OF A FACILITY

817-020-0005

Issuance of Facility Licenses

The Administrator of the Board may issue a facility license of barbering, hair design, facial technology or nail technology or any combination thereof providing that the applicant:

(1) Is at least 18 years of age, as required in ORS 690.055 (1)(a);

(2) Has registered with the Corporation Division and received an assumed business name prior to applying for a facility license (unless doing business under the full name of the owner);

(3) Applies to the Board and pays the required application and license fees;

(4) Complies with all applicable rules and regulations of the Board and other state agencies; and

(5) Certifies that application information is correct.

(6) The premises where services are performed by solely independent contractors who are licensed by the Board shall be required to be licensed as a facility.

Stat. Auth.: ORS 690.055 & 690.165

Stats. Implemented: ORS 690.055 & 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 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

817-020-0011

Facility License Criteria

(1) Applicants for a facility license shall:

(a) Provide a map or directions to the facility if it is located

in a rural or isolated area;

(b) Meet the specifications for building, fire and plumbing codes as specified in OAR 817-010-0007 and comply with exit and fire standards established by the Building Codes Agency and Office of the State Fire Marshal.

(2) Applicants for a facility license located within a residence shall:

(a) Have an identifying house number or a sign which is easily visible from the street and indicates the location of the facility;

(b) Maintain equipment the Board requires for all facilities;

(c) Comply with all applicable regulations in accordance with OAR 817-010-0007;

(d) Provide an entrance to the facility that is separate from the entrance to residential living areas; and

(e) Maintain separation between the residential living area and facility by solid walls extending from floor to ceiling, with connecting doors kept closed during hours the facility is in operation and/or serving clients as required in ORS 690.205(2).

(3) A practitioner who supervises the performance of services in the facility must have a current valid Oregon certificate.

(4) Facilities shall comply with the administrative rules of the Board concerning health, safety, and sanitation pursuant to ORS 690.055(1)(b).

(5) The cleanliness and sanitation of any common area used by or provided for separately licensed facilities or independent contractors located at one premises is the responsibility of each license holder on that premises.

(6) Violations found in a common area will be cited against all facility and independent contractor license holders at the premises, unless a contractual agreement exists which indicates specific responsibility for the sanitation of a common area within the premises.

Stat. Auth.: ORS 690.055 & 690.205

Stats. Implemented: ORS 690.055 & 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 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96

817-020-0012

Criteria For Operating a Facility

A facility owner or license holder shall:

(1) Allow the Board's enforcement officer to inspect the facility when it is open for business.

(2) Abstain from obstructing or hindering the normal progress of the inspection, threatening or exerting physical harm, or enabling another individual or employee to impede the inspection process.

(3) Contact the Board in writing to make arrangements for an inspection if the Board has been unable to perform an inspection after one year because the facility was closed.

Stat. Auth.: ORS 690.165 & 690.225

Stats. Implemented: ORS 690.165 & 690.225

Hist.: 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

817-020-0013 [Renumbered to 817-035-0110]

817-020-0015

Facility Licensing Requirements

(1) A facility owner or license holder shall meet the requirements of a new facility (refer to OAR 817-020-0011) and submit a new facility application and required fees when any of the following conditions exist:

(a) A facility is purchased from the current or previous owner, partnership or corporation. Facility licenses are not transferable from person-to-person or from business-to-business;

(b) There is a change in the legal ownership, partnership or holding of a facility regulated under ORS 690 and OAR 817, such as:

(A) A partner(s) or co-owner(s) is added to the existing

facility license; or

(B) A partner(s) or co-owner(s) is removed from the existing facility license, including change in ownership status due to death of facility owner(s), or spouse listed as a co-owner on the Board's records.

(c) An existing facility moves or relocates to a new physical address. Facility licenses are not transferrable from location-to-location.

(2) Facility license holders who close a business regulated under ORS 690 and OAR 817 shall:

(a) Inform the Board office in writing within five (5) business days of the closure of the facility;

(b) Inform the Board office in writing prior to reopening the facility, when the same individual listed as the owner on file with the Board office reopens the facility while the license is still current.

Stat. Auth.: ORS 690.055 & 690.165

Stats. Implemented: ORS 690.055 & 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 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 2-1996, f. 6-28-96, cert. ef. 7-1-96; Renumbered from 817-020-0025 & 817-020-0030

817-020-0025 Renumbered to 817-020-0015]

817-020-0030 [Renumbered to 817-020-0015]

817-020-0040 [Renumbered to 817-035-0050]

817-020-0305

Licensed Health Care Facility

(1) No person acting individually or jointly with any other person shall establish, conduct, maintain, manage or operate a facility defined in ORS 690.005(5) without a license issued by the Board of Barbers and Hairdressers. Licensed health care facilities defined in ORS 442.015(14) shall comply with the Board's licensing, safety and sanitation rules if services regulated under ORS 690 are administered to the general public.

(2) The Board may inspect those areas of a licensed health care facility where services are performed if alleged licensing or safety/sanitation violations are reported. The Board may investigate the facility in response to a complaint filed with the Board. The Board may report the safety and sanitation conditions and results of inspection or investigation to the Oregon State Health Division and/or other appropriate agencies.

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 & ORS 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

DIVISION 30

EXAMINATIONS

817-030-0005

Qualification and Training Requirements

To obtain an Oregon barbering, hair design, facial technology, or nail technology certificate, the applicant shall:

(1) Complete and pass all courses in a barbering, hair design, facial technology, or nail technology school, approved by the Oregon Department of Education, Career Schools, in the classifications in which the applicant wishes to become certified; or

(2) Hold a current certificate or license in another state in the area(s) of practice in which the applicant wishes to become certified and submit an original affidavit of licensure, signed by the licensing authority in the state which issued the certificate or license with an official seal or stamp affixed to the document; or

(3) Submit a certification letter from the Superintendent of Public Instruction in accordance with the provisions of ORS 690.045(4), if not currently certified or licensed in another state; and

(4) Pass a written examination in accordance with the provisions of OAR 817-030-0040; and a practical examination approved or recognized by the Board of Barbers and Hairdressers;

(a) Applicants who complete the prescribed education training in accordance with OAR 817-030-0005(1) and successfully pass a final practical examination at an accredited Oregon licensed career school of barbering, hair design, facial technology or nail technology satisfy the practical examination requirement under section (4) of this rule;

(b) Applicants who have completed the schooling requirement set forth in ORS 690.045(4) but have not attained licensure in another state shall be required to take and pass a practical examination recognized by the Board in accordance with OAR 817-030-0040; or

(c) Applicants who are actively certified or licensed in another state shall be exempt from the practical examination requirement under section (4) of this rule; and

(5) Pay the application, examination and original certificate fees.

NOTE: For the purpose of clarification, completion of an approved program for graduates of Oregon career schools seeking certification, consists of one or more of the following: hair design - 1700 hour course; barbering - 1350 hour course; nail technology - 350 hour course; or, facial technology - 250 hour course. In addition to any one or more of the above approved programs, mandatory completion is required of both a safety/sanitation - 150 hour course and a career development - 100 hour course.

Stat. Auth.: ORS 690.035, 690.045 & 690.165

Stats. Implemented: ORS 345, 690.035, 690.045 & 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

817-030-0010 [Renumbered to 817-030-0015]

817-030-0015

Application For Examination

Registration for examination must be completed prior to the examination. All required documentation and fees shall be received by the Board office prior to examination. Applicants may not take the examination until certified as having met the Board of Barbers and Hairdressers' requirements to take the examination:

(1) Required documentation includes:

(a) The completed application, on a form prescribed and furnished by the Board, which contains the following information:

- (A) Applicant's name, address and telephone number;
- (B) Applicant's date of birth;
- (C) Examination categories;
- (D) Licensure information from another state, if applicable;

and

- (E) Applicant's signature and date of application; and
- (b) Proof of training and/or licensure, which includes:

(A) The completed official transcript issued to Oregon graduates of career schools in barbering, hair design, facial technology or nail technology; and

(B) The completed official transcript of practical examination (original document), signed by the instructor proctoring the Board sanctioned examination, certifying that criteria for the practical examination was met and that the applicant satisfactorily demonstrated minimum competencies established by the Department of Education, Career Schools, in collaboration with the Board; or

(C) The original signed and sealed or stamped Affidavit of Licensure form issued upon the request of applicants licensed in another state and mailed directly to the Board office by the state; or

(D) Certification from the Superintendent of Public Instruction, as provided in OAR 817-030-0005(3), and documentation which certifies the applicant satisfactorily passed an approved practical examination administered by an Oregon licensed career school of barbering, hair design, facial technology, or nail technology; and

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(c) Payment of the application, examination and original certificate fees.

NOTE: Arrangements for the time, place and cost of the practical examination are between the applicant and the institution providing the testing.

(2) The Board may also request that applicants provide their Social Security Numbers.

(3) Applicants shall indicate on the application form, the certificate number of any current or renewable Oregon certificate previously issued in barbering, hair design, facial technology, or nail technology.

(4) As required in ORS 690.085(4), applicants must retake the examination section(s) which they qualify for to reinstate a certificate which has lapsed beyond five years.

Stat. Auth.: ORS 690.035, 690.045 & 690.165

Stats. Implemented: ORS 690.035, 690.045 & 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; Renumbered from 817-30-010; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96

817-030-0020

Examination Authorization

(1) The Board shall conduct examinations for certification. A schedule of examination dates and times shall be available upon request. The Board reserves the right to alter or adjust examination dates, times and locations as it deems necessary to meet emergency situations and will notify applicants and schools in advance whenever possible.

(2) Applicants shall qualify for examination upon compliance with all applicable provisions of OAR 817-030-0005. Applicants will not be allowed to sit for the examination if documentation is incomplete or incorrect.

(3) Applicants shall present photographic identification, such as a driver's license, to the examination proctor.

(4) Applicants presenting documentation in person shall submit the official transcript in a sealed envelope, issued from the school. The school shall attest to the document's authenticity and accuracy and affix an authorized signature over the envelope seal.

(5) The Board may accept a facsimile of an applicant's transcript sent from the school to the Board at the request of the applicant to facilitate scheduling an examination. The original official transcript shall be submitted to the Board office within seven (7) calendar days of the examination date. The certificate shall not be issued until the Board receives the official transcript from the school.

(6) Applicants may request a special examination in accordance with the provisions of OAR 817-030-0080 and 817-030-0090. Special examinations shall be scheduled at a date and time determined by the Board Administrator.

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

817-030-0025 [Renumbered to 817-030-0030]

817-030-0030

General Information About the Examination

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

(2) Electronic equipment and communication devices, such as personal computers, pagers and cellular telephones or any other devices deemed inappropriate by Board staff, are prohibited in the examination area. Taking such items into the examination area will invalidate the examination and result in forfeiture of the examination and fees.

(3) An applicant will be immediately disqualified during or after the examination for conduct that interferes with the examination. Such conduct includes:

(a) Giving or receiving aid, directly or indirectly during the examination process;

(b) Obtaining help or information from notes, books, or other individuals to answer questions;

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

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

(e) Endangering the health of a person involved in the examination; and

(f) Exhibiting behavior which impedes the normal progress of the examination.

(4) Disqualification will invalidate the examination and result in forfeiture of the examination and fees. The applicant will be required to reapply, submit additional examination fees, and request in writing to schedule another examination at a date and time determined by the Board Administrator. Reexamination shall take place following a 90 calendar day delay. Reexamination will be conducted at the Board office.

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; Renumbered from 817-30-025; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96

817-030-0040

Type of Examination

(1) The written examination consists of the following sections: Oregon Laws and Rules, Barbering, Hair Design, Facial Technology and Nail Technology. Examinations test the applicant's knowledge of the following subjects:

(a) The basic principals of safety and sanitation;

(b) The sanitation rules of the Board of Barbers and Hairdressers;

(c) Chemical use and storage;

(d) Diseases and disorders;

(e) Equipment and tools/implements;

(f) Licensure requirements and regulations;

(g) Standards of practice;

(h) Definitions; and

(i) Practical applications and procedures.

(2) Each section shall be scored individually. The passing score for each section is 75 percent or better.

(3) The examination may be administered utilizing a computerized testing system with touch screen functionality for selecting the candidate's response to multiple choice questions. The examination is administered in English.

(4) The practical examination recognized or approved by the Board is a final examination conducted at an Oregon licensed career school of barbering, hair design, facial technology or nail technology, which is administered at the direction of and in accordance with criteria established by the Department of Education, Career Schools, in collaboration with the Board. The examination shall be documented according to provisions set forth by the Department of Education, Career Schools and the Board.

(5) The Board or designated staff in collaboration with the Department of Education, Career Schools, may randomly review any career school's practical examination procedures and conduct to determine compliance with Department of Education's criteria and maintain Board approval of the examination.

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 2-1990, f. & cert. ef. 10-29-90; Renumbered from 817-30-060; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96

817-030-0045

Sections Which the Applicant Must Pass

(1) In order to qualify for certification, an applicant must pass the Oregon Laws and Rules section of the examination and one or more of the following:

(a) Barbering;

- (b) Hair Design;
- (c) Facial Technology; or
- (d) Nail Technology.

(2) Applicants failing to successfully complete the examination process and thus failing to obtain a certificate within five years from the date of their most recent examination attempt, shall be required to:

- (a) Reapply for examination according to OAR 817-030-0015;
- (b) Pay the application, examination and original certificate fees; and
- (c) Retake all examination sections qualified for, regardless of a previously passing score.

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 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

817-030-0055

Notification of the Examination Results

Examination results will be issued following completion of each examination section as part of the Board's automated testing system. Applicants taking examinations conducted under special accommodation will be given results by mail within seven (7) calendar days following the date of examination.

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

817-030-0060 [Renumbered to 817-030-0040]

817-030-0065

Procedure if the Applicant Fails

(1) Failed sections of the examination may be retaken after seven (7) calendar days have elapsed from the date the examination was failed, by registering for a retake examination and paying the examination fees.

(2) Applicants retaking the examination must present photographic identification such as a driver's license, as required by OAR 817-030-0020(3).

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

817-030-0080

Special Examination Accommodations

(1) Applicants who have a learning, psychological, physical, or other disability which requires an accommodation to the regular testing environment may request a special examination.

(2) Requests for accommodation shall be made on forms provided by the Board and shall 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 shall be arranged in advance of the preferred examination date and time by special appointment.

(4) All special examinations are conducted in the Board office. If the Board is unable to accommodate the disability at the office, special arrangements will be made for an adequate test site to accommodate the request.

(5) Inability to speak or read English is not considered a learning disability. Applicants may request an interpreter-assisted examination as provided in OAR 817-030-0090.

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

817-030-0090

Interpreter-Assisted Examinations

(1) Requests for a special examination to accommodate an individual's inability to speak and/or read English will be reviewed and considered based on criteria approved by the Board.

(2) Applicants must submit the request for an interpreter-assisted examination prior to the preferred examination date and time in writing and agree to specific provisions concerning the requirements, administration and conduct of the examination before approval will be granted.

(3) The applicant must secure and arrange for a person to act as interpreter and must absorb any costs involved.

(4) An interpreter shall not be certified, licensed or be affiliated with the practice of barbering, hair design, facial technology, or nail technology; and must not have performed interpreting services for any applicant taking the Board examination during the previous year.

(5) All interpreter-assisted examinations are conducted in the Board office.

(6) The Board Administrator may grant a waiver to the interpreter requirements based on availability.

Stat. Auth.: ORS 690.065 & 690.165

Stats. Implemented: ORS 690.065 & 690.165

Hist.: 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

817-030-0095 [Renumbered to 817-035-0030]

DIVISION 35

CERTIFICATION/LICENSING

817-035-0010

Expiration and Renewal of Certificates and Licenses; Status

(1) In accordance with the provisions of ORS Chapter 690, the Board establishes that all practitioner certificate renewals shall expire on a biennial rather than on an annual basis.

(2) Facility and independent contractor licenses shall expire on an annual basis as provided in ORS Chapter 690.

(3) The Board may mail to each certificate and license holder notice of expiration of the certificate or license, sending the notice to the last address filed with the Board. The certificate or license holder is responsible for submitting application for renewal whether or not a renewal form was mailed by the Board.

(4) Practitioner Certificates: When renewing a certificate, applicants shall provide the following information to the Board:

(a) Name and current residential or mailing address;

(b) Certificate number and expiration date;

(c) Residence area code and telephone number;

(d) Date of birth; and

(e) Whether actively engaged in performing barbering, hair design, facial technology or nail technology services and, if so;

(f) The name, address, telephone number and facility or independent contractor license number where services are being performed, or other work location where service is performed.

(5) Independent Contractor Licenses: When renewing an independent contractor license, applicants shall provide the following information to the Board:

(a) Independent contractor license number and expiration date;

(b) Assumed Business Name if using name other than full legal name in business;

(c) Name of facility and facility license number of premises working within under lease agreement, or business mailing address;

(d) Residential address if not currently working within a facility;

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(e) Business area code and telephone number; and
(f) Whether actively engaged in performing barbering, hair design, facial technology or nail technology services.

(6) Facility Licenses: When renewing a facility license, applicants shall provide the following information to the Board:

- (a) Facility license number and expiration date;
- (b) Name and place of business, or business mailing address;
- (c) Business area code and telephone number; and
- (d) Whether regulated services outside the scope of ORS 690.005 to 690.235 are being performed within the premises of the facility. Such services include but are not limited to electrology, tanning, ear and body piercing, or tattooing, i.e. permanent makeup.

(7) The Board may also request that applicants provide their Social Security Numbers.

(8) Certificate and License Holder Status: In accordance with ORS 348.393 to 348.399 and OAR 575-001-0030, the Board shall provide the Oregon State Scholarship Commission with certification and licensing information which may be electronically cross-matched with the Commission's post-default database.

(9) The Board shall refuse to issue, renew or suspend the practitioner certificate, certificate of identification, independent contractor or facility license of a person, or place the person on probation, if the person is in default on any student loan guaranteed or insured by the Oregon State Scholarship Commission and is not paying in a satisfactory manner as determined by the Commission and in accordance with federal regulations.

(10) Pursuant to ORS 348.393(3), the Board shall notify the certificate and/or license holder of the action being taken against the certificate and/or license at the direction of the Commission.

(11) Upon notification by the Commission and receipt of a release notice that the individual has met satisfactory borrower repayment status, the Board shall renew, reactivate or release from probation the certificate and/or license upon compliance with any qualifications for renewal or reactivation.

(12) In accordance with ORS 25.750 to 25.783, the Board shall provide the Support Enforcement Division of the Department of Justice with certification and licensing information which may be electronically cross-matched with Support Enforcement Division's records for persons under order of judgement to pay monthly child support and who are in arrears according to ORS 25.750(a), (b) and/or (c).

(13) The Board shall place into a suspended status the practitioner certificate, certificate of identification, independent contractor or facility license, if the Support Enforcement Division or the district attorney identifies the certificate and/or license holder as being in arrears with respect to any judgement or order requiring the payment of child support and that the case is being enforced under the provisions of ORS 25.080.

(14) Pursuant to ORS 25.762 or 25.765, the Board shall notify the certificate and/or license holder of the suspension status and refer the person to the Support Enforcement Division or the district attorney for resolution.

(15) Upon notification by the Support Enforcement Division or district attorney and receipt of a release notice that the conditions resulting in the suspension no longer exist, the Board shall renew, reactivate or reinstate the certificate and/or license upon compliance with any qualifications for renewal or reactivation.

(16) In accordance with ORS 305.385, the Board upon request shall provide the Department of Revenue with certification and licensing information to determine if the holder has neglected or refused to file any return or to pay any tax without filing a petition with the department as stated in ORS 305.385(4)(a).

(17) The Board shall propose to take action against a certificate and/or license holder identified by the Department of Revenue. Where the Board proposes to refuse to issue, renew or suspend a certificate or license, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550 for contested cases.

(18) Upon notification by the department and receipt of a

certificate issued by the department that the certificate or license holder is in good standing with respect to any returns due and taxes payable to the department as of the date of the certificate, the Board shall renew, reactivate or release from suspended status the certificate and/or license upon compliance with any qualifications for renewal or reactivation.

Stat. Auth.: ORS 690.085, 690.165 & Chapter 287, Oregon Laws 1995, effective 6-7-95

Stats. Implemented: ORS 690.165 & Chapter 287, Oregon Laws 1995; ORS 348.393 to 348.399; ORS 25.750 to 25.783; and ORS 305.385

Hist.: BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1994(Temp), f. 2-15-94, cert. ef. 3-1-94; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; Renumbered from 817-040-0008; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96

817-035-0030

Certificate/License Form

(1) Individuals who achieve a passing score on the examination in accordance with OAR 817-030-0045 and pay the initial certificate fee shall be issued a certificate authorizing the holder to practice barbering, hair design, facial technology, or nail technology as provided in ORS 690.048.

(2) If for any reason a person is mistakenly issued a certificate, license or a certificate of identification, or if the form contains a material error or is superseded by a certificate or license showing additional qualifications, the Board has the authority to declare the certificate or license null and void without further action.

(3) Upon the demand of return of any certificate or license issued by the Board, the individual shall surrender the certificate or license requested.

Stat. Auth.: ORS 690.048, 690.123 & 690.165

Stats. Implemented: ORS 690.048, 690.123 & 690.165

Hist.: 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; Renumbered from 817-030-0095; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96

817-035-0050

Application and Criteria for Certificate of Identification

(1) A practitioner who provides services outside of a licensed facility of barbering, hair design, facial technology and/or nail technology shall hold a current certificate issued by the Board and shall apply for a certificate of identification document on a form provided by the Board.

(2) The applicant for a certificate of identification shall submit:

(a) A completed application, indicating applicant's name, current residential address (and mailing address if applicable), telephone number, and certificate number;

(b) A clear copy of photographic identification such as a driver's license;

(c) Payment of application and certificate of identification fees; and

(d) The assumed business name (ABN) filed with and issued by the Corporation Division, Assumed Business Names section, if applicable.

(3) The Board shall conduct and the applicant shall pass an inspection of the applicant's supplies, equipment and safety and sanitation practices prior to issuance of the certificate of identification. The inspection shall be performed at a time and place determined by the Board.

(4) Upon qualification for a certificate of identification, the Board shall issue a certificate of identification document indicating services the practitioner is certified to perform (barbering, hair design, facial technology, and/or nail technology) authorizing the practitioner to provide services outside of a licensed facility.

(5) The certificate of identification shall be issued as a separate document from the certificate authorizing the holder to perform services. The certificate of identification shall be issued for one year and shall expire on the last date of the month one year from the date all qualifications were met.

(6) A certificate of identification is not automatically renewable. Applicants must reapply and meet qualification criteria prior to issuance.

(7) A holder of a certificate of identification shall:

(a) Provide each client with a card indicating the name and address of the Board, that specifically states the client may contact the Board to comment on any of the services received or on any of the sanitary procedures followed while performing services;

(b) Display the practitioner's certificate number and certificate of identification number on all advertising and card required by subsection (7)(a) of this section when soliciting business; and

(c) Be subject to the Board's health, safety, and sanitation rules and regulations.

(8) The certificate of identification may be suspended or revoked by the Board if the certificate holder:

(a) Practices or performs services at the practitioner's residence when the residence is not licensed as a facility under OAR 817-020-0005;

(b) Practices barbering, hair design, facial technology and/or nail technology on clients other than those who either reside at or are employed at the residence, office or business where services are provided; or

(c) Both practices and resides outside the state of Oregon.

(9) The certificate of identification may be suspended or revoked by the Board if the Board has taken action to refuse to issue or renew, or has suspended or revoked the practitioner's certificate.

Stat. Auth.: ORS 690.123 & 690.165

Stats. Implemented: ORS 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

817-035-0070

Issuance of Independent Contractor Licenses

The Administrator of the Board may issue an independent contractor license in accordance with ORS 690.035 & 690.055, provided the applicant:

(1) Holds a current, valid practitioner's certificate;

(2) Is at least 18 years of age as required in ORS 690.055;

(3) Meets the criteria for independent contractor status in accordance with ORS 670.600 and 657.040;

(4) Applies on forms provided by the Board and pays the required application and license fees;

(5) Complies with all applicable rules and regulations of the Board and other state agencies; and

(6) Certifies that application information is correct.

Stat. Auth.: ORS 690.055 & 690.165

Stats. Implemented: ORS 690.055 & 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

817-035-0090

Independent Contractor License Criteria

(1) Applicants for an independent contractor license shall be issued a license upon qualification according to the provisions of OAR 817-035-0070.

(2) The license shall be issued for one year and shall expire on the last day of the month, one year from the date of issue and annually thereafter.

(3) Renewal of the license shall be made in accordance with the provisions of ORS 690.085 and OAR 817-035-0010 and 817-040-0015.

(4) Failure to renew or reactivate a license within one year from the date of expiration will require reapplication and payment of the application and one year license fees.

(5) If an active license is surrendered to the Board or notice is submitted that the independent contractor status is no longer in effect, the license is deemed to be invalidated and shall not be renewed upon expiration.

(6) An independent contractor license shall be evidence of the person's qualification to work independent of a facility license holder. The license shall be transferrable between work locations, provided the Board is given notification as stated in OAR 817-

055-0010(4) .

(7) Independent contractors shall:

(a) Be subject to all of the Board's health, safety, and sanitation rules and regulations;

(b) Allow the Board's inspector to inspect all working areas when open for business;

(c) Abstain from obstructing or hindering the normal progress of the inspection, threatening or exerting physical harm, or enabling another individual to impede the inspection process;

(d) Contact the Board in writing to make arrangements for an inspection if after one year the

Board has not performed an inspection; and

(e) Post the license and inspection certificate as stated in OAR 817-035-0110.

Stat. Auth.: ORS 690.055, 690.085, 690.095, 690.165 & 690.225

Stats. Implemented: ORS 690.055, 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

817-035-0110

Posting of Certificates, Licenses and Inspection Certificates

(1) All facility licenses shall be posted in public view.

(2) All independent contractor license holders shall post the license, practitioner's certificate and inspection certificate at the license holder's work station in public view.

(3) All inspection certificates shall be posted in public view with the full length and width of the page visible.

(4) All practitioners' certificates shall be posted in public view. The practitioner's address printed on the certificate may be blocked from public view.

(5) The possession of more than one current, valid certificate is prohibited.

(6) The posting of a pocket identification card in lieu of a certificate or license is prohibited.

(7) The posting of a reproduction of any certificate or license is prohibited unless the reproduction is issued by the Board and marked Duplicate .

(8) Practitioners who work in more than one facility must post the original certificate on the premises of the facility when working. Duplicate certificates are not issued for multiple work locations.

(9) The Board shall issue a Duplicate certificate or license, provided:

(a) The certificate or license holder submits a written request for a reproduction to the Board office;

(b) The certificate or license is current and valid;

(c) Name, address, telephone number, employment information, and statement attesting that the original certificate or license has been lost, stolen, disfigured or destroyed accompanies the request; and

(d) A duplicate fee is submitted.

Stat. Auth.: ORS 690.095 & 690.165

Stats. Implemented: ORS 690.095 & 690.165

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; Renumbered from 817-10-120; 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

DIVISION 40

FEES

817-040-0003

Schedule of Fees

(1) Payment of fees to the Board shall be made for the exact amount of the transaction. No monetary change will be transacted for payments made at the Board office. Application fees are non-refundable.

(2) Payment of fees to the Board which are dishonored by the payor's financial institution is prohibited and shall incur a penalty of \$25 against the certificate or license holder if the Board has performed the service for which the negotiable instrument was

submitted.

NOTE: Where the Board proposes to take action against a certificate or license holder for issuance of a non-negotiable instrument, opportunity for a hearing shall be accorded as provided in ORS 183.310 to 183.550.

(3) The fee schedule for Board services shall be as follows:

(a) Application for a certificate, license, or permit (non-refundable): \$15.

(b) Original practitioner certificate (two-year): \$35.

(c) Renewal of practitioner certificate (two-year): \$35.

(d) Examination for certification (each attempt):

(A) Oregon Laws and Rules: \$10;

(B) Barbering: \$10;

(C) Hair Design: \$10;

(D) Facial Technology: \$10;

(E) Nail Technology: \$10.

(e) Original facility license: \$50.

(f) Renewal of facility license: \$35.

(g) Original independent contractor license: \$35.

(h) Renewal of independent contractor license: \$35.

(i) Certificate of identification: \$50.

(j) Duplicate or replacement certificate, license or permit:

\$5.

(k) Late renewal fee: \$5.

(l) Demonstration permit: \$15.

(m) Reciprocity fee: \$50.

Stat. Auth.: ORS 690.235

Stats. Implemented: ORS 690.235, 30.700 & 82.300

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

817-040-0008 [Renumbered to 817-035-0010]

817-040-0015

Late Fee

(1) An applicant for renewal of an expired practitioner certificate, facility or independent contractor license shall pay a late renewal fee of \$5 to the Board as a requirement for the renewal.

(2) Payment must be postmarked or received in the Board office during regular business hours on or before the expiration date. An applicant whose payment is received in the Board office or is postmarked after the expiration date will be assessed the late renewal fee.

(3) A practitioner whose certificate has not been renewed within one year from the date of expiration, is exempt from paying the late renewal fee as provided in ORS 690.085(3).

Stat. Auth.: ORS 690.085, 690.165 & 690.235

Stats. Implemented: ORS 690.085, 690.165 & 690.135

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

DIVISION 55

REQUIRED NOTIFICATION TO BOARD

817-055-0010

Notification Requirements For Changes to Information

(1) Practitioners shall notify the Board by mail or in person within 30 calendar days of a change in the following information:

(a) Residential or mailing address;

(b) Name;

(c) Area code and telephone number;

(d) Employment with facility license holder; or

(e) Status of certification of identification.

(2) A facility license holder shall notify the Board by mail or in person within 5 calendar days of a change to the following information:

(a) Business name;

(b) Area code and telephone number;

(c) General hours of operation;

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

(e) Closure or sale of facility.

(3) An independent contractor must notify the Board by mail or in person within 5 calendar days of a change to the following information:

(a) Business name;

(b) Area code and telephone number;

(c) General hours of operation; or

(d) Business status.

(4) Independent contractors shall notify the Board by mail or in person prior to a change in work location.

Stat. Auth.: ORS 690.165

Stats. Implemented: ORS 690.165

Hist.: 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. 7-1-94; Renumbered from 817-055-0015 & 817-055-0020; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96

817-055-0015 [Renumbered to 817-055-0010]

817-055-0020 [Renumbered to 817-055-0010]

DIVISION 60

CHEMICAL USE AND STORAGE

817-060-0010

Client Protection

(1) When administering chemical services to a client, all practitioners, as defined in ORS Chapter 690, shall follow safety procedures which prevent eye, nail, hair, or skin injury to clients or damage to the clothing of clients.

(2) When an employee/employer relationship exists employees shall comply with ORS 654 and OAR 437-02-1910.1200.

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

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 (**29 CFR 1910.1200**) as amended and in effect April 1995:

(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 practitioners 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 (so as 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 arrangements.

(3) All facilities, independent contractors and practitioners of barbering, hair design, facial technology or nail technology using chemicals in providing services to clients shall store the chemicals safely to avoid fire, explosion and bodily harm to clients and practitioners:

(a) Flammable chemicals shall be stored remote from potential sources of ignition (e.g., the pilot light of a hot water tank); and

(b) Chemicals which could interact in a hazardous manner (e.g., oxidizers, corrosives and flammables) shall be segregated in

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storage, in areas where surrounding air temperatures do not exceed 140 degrees Fahrenheit:

(A) Chemical containers holding one gallon or less may be stored in the same area or in the same storage cabinet with materials with which they could react, if one of the following conditions is met:

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

(ii) 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.

(B) Chemicals which are highly reactive or stored in containers greater than one gallon must be stored in separate cabinets, in safety-valve containers, or in locations isolated from other chemicals;

(C) Chemicals may be stored in containers which the Oregon Department of Transportation has approved for the shipping of those chemicals; and

(D) Chemically related waste or refuse and chemically dampened or saturated towels must be placed in the appropriate fire-retardant containers as stated in OAR 817-010-0060.

Stat. Auth.: ORS 690.165 & 690.205

Stats. Implemented: ORS 690.165, 690.205 & ORS 654

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

817-060-0030

Use, Handling and Disposing of Chemicals

(1) Practitioners of barbering, hair design, facial technology or nail technology who use chemicals in order to provide services to clients shall mix those chemicals in a dispensing area which has adequate ventilation.

(2) When mixing chemicals in this area, practitioners shall:

(a) Not mix chemicals near an open flame or an electrical device; and

(b) Remove all chemically saturated towels and waste from the work and storage area and place them in covered, fire-retardant containers.

(3) All chemicals shall be disposed of according to manufacturers instructions and in accordance with local and state environmental requirements.

(4) Cosmetic products containing hazardous substances which have been banned by the U.S. Food and Drug Administration for use in cosmetic products are prohibited on the premises of facilities.

(5) Products are prohibited from being used in a manner that is disapproved by the U.S. Food and Drug Administration.

(6) Smoking by either the client or practitioner during any phase of chemical service, i.e. mixing, application, processing, or use of any potentially explosive chemicals, is strictly prohibited. This prohibition includes smoking by the client inside the facility while any phase of a chemical service is being performed.

Stat. Auth.: ORS 690.165 & 690.205

Stats. Implemented: ORS 690.165 & 690.205

Stat. Auth.: ORS 690.165(2) & (5) & 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

DIVISION 70

UNFAIR TRADE AND PRACTICES

817-070-0005

Penalties For Violations

The Board may refuse to issue, suspend or revoke any certificate or license which it has issued for violation(s) of any one or more of the following causes as provided in ORS 690.075:

(1) Continued performance of barbering, hair design, facial technology or nail technology by a person knowingly having an

infectious or communicable disease or condition.

(2) Violation of ORS 646.608 in the conduct of barbering, hair design, facial technology or nail technology business.

(3) Violation of ORS 690.015 or 690.095 or any rule adopted under ORS 690.165 or 690.205.

(4) Use of alcohol, drugs or other substances such that the practitioner is unable to practice the profession without creating an unreasonable risk of harm to the person or property of others or to himself, or use of substances which impairs the practitioner's ability to perform in a professional manner.

(5) Activities involving fraud or deceit, negligence, incompetency or misconduct in the practice of barbering, hair design, facial technology or nail technology.

Stat. Auth.: ORS 690.015, 690.075, 690.165 & 690.995

Stats. Implemented: ORS 690.015, 690.075, 690.165 & 690.995

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, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96

DIVISION 80

COMPLAINTS

817-080-0005

Procedure For Filing a Complaint; Commenting on Practice or Service

(1) Complaints against certificate and/or license holders regarding licensing, safety, or sanitation violations may be filed with the Board of Barbers and Hairdressers. The complaint shall be made on forms provided by the Board and shall include the following information:

(a) The name of the person making the complaint;

(b) The name of the person, practitioner, facility, independent contractor or certificate of identification holder against whom the complaint is being made;

(c) A concise description of the charge against the person, practitioner, facility, independent contractor or certificate of identification holder, giving dates, time, circumstances of the alleged violation; and

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

(2) Any person is welcome to contact the Board to comment on any service which he or she has received from a person to whom the Board has issued a license or a certificate.

(3) Complaints against certificate and/or license holders relating to incompetence, negligence or other conditions causing harm or injury as a result of services performed may be filed with the Board. The complaint shall be made on a form provided by the Board and shall include the following information:

(a) The name of the person making the complaint;

(b) The name of the person, practitioner, facility, independent contractor or certificate of identification holder against whom the complaint is being made;

(c) A concise description of the charge against the person, practitioner, facility, independent contractor or certificate of identification holder, giving dates, time, and circumstances regarding the performance of service; and

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

NOTE: The Board endeavors to maintain confidentiality of the complainant whenever possible.

Stat. Auth.: ORS 690.165 & 690.225

Stats. Implemented: ORS 690.165 & 690.225

Hist.: BH 4-1984, f. & ef. 1-27-84; 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

DIVISION 90

CIVIL PENALTIES

817-090-0005

Civil Penalty Considerations

Any person who violates any provisions of ORS 690.015 or 690.095 or any rule adopted under ORS 690.165 or 690.205 shall

incur, in addition to any other penalty provided by law, a civil penalty in an amount of not more than \$1,000 for each violation:

(1) In establishing the amount of the penalty for each violation, the Board shall consider, but not be limited to the following factors:

(a) The gravity and magnitude of the violation;

(b) The person's previous record of compliance with the provisions of ORS 690.015 or 690.095 or with the rules adopted under ORS 690.165 or 690.205;

(c) The person's history in taking all feasible steps or in following all procedures necessary or appropriate to correct the violation; and

(d) Such other considerations as the Board may consider appropriate.

(2) The Board may revoke, suspend or refuse to issue the certificate and/or license of any person, who fails to pay on demand a civil penalty which has become due and payable, provided that it first gives the person an opportunity for a hearing as outlined in ORS Chapter 183.

Stat. Auth.: ORS 690.165 & 690.995

Stats. Implemented: ORS 690.165 & 690.995

Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; 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 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96

817-090-0008

Supplemental Training in Lieu of Fines

(1) The Board may at its discretion waive a monetary penalty or fine if the practitioner, independent contractor, facility license holder or certificate of identification holder acquires supplemental training credit in an appropriate area of study as determined by the Board.

(2) The Board may at its discretion require a practitioner, independent contractor, facility license holder or certificate of identification holder to acquire supplemental training credit in an appropriate area of study in addition to a monetary fine or penalty.

(3) Supplemental training includes attendance or participation at an instructional program presented, recognized, or under the auspices of any permanently organized institution, agency, or professional organization or association approved by the Board.

(4) Subject matter shall be related specifically to the scope of practice regulating the barbering, hair design, facial technology and nail technology fields of practice set forth in ORS 690, including but not limited to the following areas of study:

(a) Oregon Laws and rules and licensing requirements;

(b) Chemical use and handling, storage and disposal;

(c) Diseases and disorders;

(d) Equipment and tools/implements;

(e) First aid;

(f) Infection control practices; and

(g) Safety and sanitation practices and procedures.

(5) Supplemental training credit documentation shall include the name of the sponsoring institution, association or organization, title of presentation, description of content, name of instructor or presenter, date of attendance, duration in hours, and certificate or statement of attendance and credit completion provided by the sponsor.

(6) Submission to the Board of proof of participation in required supplemental training is the responsibility of the certificate or license holder.

(7) In establishing required supplemental training credits, the following schedule may be applied:

(a) For second violations: 4 hours of supplemental training;

(b) For third violations: 16 hours of supplemental training, in addition to the full monetary penalty without reduction.

(8) Supplemental training credits may be required to settle outstanding civil fines or penalties.

(9) Supplemental training credits may be required as part of a contested case disposition.

Stat. Auth.: ORS 690.085 & 690.165

Stats. Implemented: ORS 690.085 & 690.165

Hist.: BH 1-1996, f. 5-31-96, cert. ef. 7-1-96

817-090-0015

Establishing Civil Penalty Amounts

In assessing civil penalties, the Board desires to be both consistent and equitable and to consider and evaluate each case on an individual basis. The actual civil penalty which the Board assesses shall be based on the Board's consideration of the factors in OAR 817-90-005, but the fine for any one violation of ORS 690.015 or 690.095 or the rules adopted under ORS 690.165 or 690.205 shall not exceed \$1,000.

Stat. Auth.: ORS Ch. 690

Stats. Implemented: ORS

Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; 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

817-090-0020 [Renumbered to 817-090-0025, 0035, 0045, 0050, 0055 and 0060]

817-090-0025

Schedule of Fines For Facility and Independent Contractor Licensing Violations

In accordance with OAR 817-090-0015, the Board has adopted the following fine schedule for the 1st, 2nd, and 3rd violation of the following facility and independent contractor licensing rules. For the 4th and subsequent offenses, the provisions of OAR 817-090-0005 will apply:

(1) Operating a facility by a practitioner without first filing a facility application, paying the fees, and receiving a license is a violation of ORS 690.015(3) and 817-020-0005, 817-020-0015(1) and shall incur the following penalties:

(a) For 1st offense: \$200;

(b) For 2nd offense: \$500;

(c) For 3rd offense: The facility owner/operator shall be brought before the Board for the assessment of a fine and any other penalties allowed by law including refusal to issue a certificate and/or a facility license.

(2) Operating as an independent contractor without first filing an independent contractor license application, paying the fees, and receiving a license is a violation of ORS 690.015(8) and 817-035-0090 and shall incur the following penalties:

(a) For 1st offense: \$200;

(b) For 2nd offense: \$500;

(c) For 3rd offense: The independent contractor shall be brought before the Board for the assessment of a fine and any other penalties allowed by law including refusal to issue a certificate and/or a license.

(3) Operating a facility or as an independent contractor with an expired license is a violation of 690.055(2) and shall incur the following penalties:

(a) For 1st offense: \$200;

(b) For 2nd offense: \$500;

(c) For 3rd offense: The independent contractor shall be brought before the Board for the assessment of a fine and any other penalties allowed by law including refusal to issue a certificate and/or a license.

(4) Operating a facility without a facility license by a person who is not certified is a violation of ORS 690.015(1) and shall incur the following penalties:

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

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

(c) For 3rd offense: The person shall be brought before the Board for the assessment of a fine and any other penalties allowed by law including refusal to issue a certificate and/or a license.

(5) Allowing an uncertified person to practice as an employee in a licensed facility is a violation of ORS 690.015(5) and shall incur the following penalties:

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

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

(c) For 3rd offense: The person shall be brought before the Board for the assessment of a fine and/or the proposed revocation, suspension or refusal to issue a license.

(6) Failing to notify the Board of a work location change as an independent contractor as required by OAR 817-055-0010(4)

shall incur the following penalties:

- (a) For 1st offense: \$200;
- (b) For 2nd offense: \$500;

(c) For 3rd offense: The independent contractor shall be brought before the Board for the assessment of a fine and/or the proposed revocation, suspension or refusal to issue an independent contractor license.

(7) Failing to allow the Board to inspect the premises when the facility is open or obstructing or hindering the normal progress of the inspection, threatening or exerting physical harm, or enabling another individual to impede the inspection progress is a violation of OAR 817-020-0012(1) and (2) and shall incur the following penalties:

- (a) For 1st offense: \$500;
- (b) For 2nd offense: \$1,000;

(c) For 3rd offense: The facility owner/operator or practitioner shall be brought before the Board for the assessment of a fine and/or the proposed revocation, suspension or refusal to issue a certificate and/or license.

(8) Allowing an employee to practice with an expired practitioner certificate is a violation of ORS 690.015(1) and (5) and shall incur the following penalties:

- (a) For 1st offense: \$50
- (b) For 2nd offense: \$500

(c) For 3rd offense: The facility owner shall be brought before the Board for the assessment of a fine and any other penalties allowed by law including refusal to issue a facility license.

(9) Failing to meet the specifications and standards required under OAR 817-010-0007 in a facility is a violation of OAR 817-020-0011(1)(b) and shall incur the following penalty for any offense: Immediate suspension of the facility license until the violation is corrected.

(10) Supervising a facility without having a certificate is a violation of OAR 817-020-0011(3) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$50;
- (c) For 3rd offense: \$100.

Stat. Auth: ORS 690.165 & 690.995

Stats. Implemented: ORS 690.165 & 690.995

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

817-090-0030 [Renumbered to 817-090-0065, 0070, 0075, 0080, 0085, 0090, 0095, 0100, 0105 and 0110]

817-090-0035

Schedule of Fines for Practitioner Violations

In accordance with OAR 817-090-0015, the Board has adopted the following fine schedule for the 1st, 2nd, and 3rd violation of the following practitioner licensing rules. For the 4th and subsequent offenses, the provisions of OAR 817-090-0005 will apply:

(1) Operating with an expired practitioner certificate is a violation of ORS 690.015(8) and shall incur the following penalties:

- (a) For 1st offense: \$200;
- (b) For 2nd offense: \$500;

(c) For 3rd offense: The practitioner shall be brought before the Board for the assessment of a fine and any other penalties allowed by law including refusal to issue a certificate and/or a license.

(2) Practicing barbering, hair design, facial technology or nail technology without a certificate or with a certificate issued to another person is a violation of ORS 690.015(1) and shall incur the following penalties:

- (a) For 1st offense: \$500;
- (b) For 2nd offense: \$1,000;

(c) For 3rd offense: The person shall be brought before the Board for the assessment of a fine and any other penalties allowed

by law including refusal to issue a certificate and/or a license.

(3) Performing services as a practitioner while working as an employee in an unlicensed facility is a violation of ORS 690.015 and shall incur the following penalties:

- (a) For 1st offense: \$200;
- (b) For 2nd offense: \$500;
- (c) For 3rd offense: \$1,000.

(4) Failing as a practitioner to inform the Board within 30 calendar days of a change of employment with a facility is a violation of OAR 817-055-0010(1) and shall incur the following penalties:

- (a) For 1st offense: \$50;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$150.

(5) Failing to notify the Board of a move or a change of home address within 30 calendar days of the change is a violation of OAR 817-055-0010(1) and shall incur the following penalties:

- (a) For 1st offense: \$50;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$150.

(6) Performing barbering, hair design, facial technology and/or nail technology services by a student when not on the premises of the school in which he or she is enrolled is a violation of OAR 817-100-0005(3) and shall incur the following penalties:

- (a) For 1st offense: \$150;
- (b) For 2nd offense: \$300;
- (c) For 3rd offense: \$500.

Stat. Auth: ORS 690.165 & 690.995

Stats. Implemented: ORS 690.165 & 690.995

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

817-090-0040 [Renumbered to 817-090-0115]

817-090-0045

Schedule of Fines for Certificate/License Violations

In accordance with OAR 817-090-0015, the Board has adopted the following fine schedule for the 1st, 2nd, and 3rd violation of the following certificate/license rules. For the 4th and subsequent offenses, the provisions of OAR 817-090-0005 will apply:

(1) Altering a license, certificate, or authorization issued by the Board is a violation of ORS 690.015(6) and shall incur the following penalties:

- (a) For 1st offense: \$500;
- (b) For 2nd offense: \$1,000;

(c) For 3rd offense: The person shall be brought before the Board for the assessment of a fine and/or the proposed revocation, suspension or refusal to issue a certificate, license, or authorization.

(2) Failing to post a facility or independent contractor license, practitioner certificate in a publicly visible place within a facility or at the independent contractor's work station is a violation of ORS 690.095 and OAR 817-035-0110 and shall incur the following penalties:

- (a) For 1st offense: \$50;
- (b) For 2nd offense: \$500;

(c) For 3rd offense: The practitioner and/or facility owner/independent contractor shall be brought before the Board for the assessment of a fine and/or the proposed revocation, suspension or refusal to issue a certificate and/or a facility/independent contractor license.

NOTE: Posting of photocopies, reproductions, and pocket identification cards will be cited as failure to post.

(3) Failing to post an inspection certificate in a publicly visible place within the facility or at the work station of an independent contractor is a violation of OAR 817-035-0110(3) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$50;

(c) For 3rd offense: \$100;
(4) Failing to return or surrender a certificate or license upon demand by the Board is a violation of OAR 817-035-0030(3) and shall incur the following penalties:

- (a) For 1st offense: \$100;
- (b) For 2nd offense: \$300;
- (c) For 3rd offense: \$500.

Stat. Auth: ORS 690.165 & 690.995

Stats. Implemented: ORS 690.165 & 690.995

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

817-090-0050

Schedule of Fines for Certificate of Identification Violations

In accordance with OAR 817-090-0015, the Board has adopted the following fine schedule for the 1st, 2nd, and 3rd violation of the following certificate of identification licensing rules. For the 4th and subsequent offenses, the provisions of OAR 817-090-0005 will apply:

(1) Working as a certificate of identification holder with an expired certificate of identification is a violation of OAR 817-035-0050 and shall incur the following penalties:

- (a) For 1st offense: \$100;
- (b) For 2nd offense: \$500;

(c) For 3rd offense: The practitioner shall be brought before the Board for the assessment of a fine and any other penalties allowed by law including refusal to issue a certificate.

(2) Failing to display certificate of identification and practitioner certificate number when advertising or soliciting business; and/or, failing to provide required card under a certificate of identification is a violation of OAR 817-035-0050 (7)(a) and/or (b) and shall incur the following penalties:

- (a) For 1st offense: \$50;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$150.

(3) Practicing outside a licensed facility without Board authorization to do so is a violation of ORS 690.123 and shall incur the following penalties:

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

(c) For 3rd offense: The practitioner shall be brought before the Board for the assessment of a fine and/or the proposed suspension or refusal to issue a certificate.

Stat. Auth: ORS 690.165 & 690.995

Stats. Implemented: ORS 690.165 & 690.995

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

817-090-0055

Schedule of Fines for Home Facility Violations

In accordance with OAR 817-090-0015, the Board has adopted the following fine schedule for the 1st, 2nd, and 3rd violation of the following home facility licensing rules. For the 4th and subsequent offenses, the provisions of OAR 817-090-0005 will apply:

(1) 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 817-020-0011(2)(a) and shall incur the following penalties:

- (a) For 1st offense: \$50;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$200.

(2) Failing to have a separate entry to the living area of the residence for a facility located in a residence or to properly separate the facility from the living area of the residence is a violation of OAR 817-020-0011(2)(d), (e) and shall incur the following penalties:

- (a) For 1st offense: \$50;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$200.

Stat. Auth: ORS 690.165 & 690.995

Stats. Implemented: ORS 690.165, 690.205 & 690.995

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

817-090-0060

Schedule of Fines for Payment by Check Violations

In accordance with OAR 817-090-0015, the Board has adopted the following fine schedule for the violation of the following rule:

(1) Writing a check or non-negotiable instrument made payable to the Board and dishonored by the bank is prohibited and shall incur a penalty of \$25 if the Board has performed the service for which the check or non-negotiable instrument was written.

Stat. Auth.: ORS 690.165 and 690.995

Stats. Implemented: ORS 690.165 and 690.995

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

Schedule of Fines for Water Supply and Disposal Violations

817-090-0065 In accordance with OAR 817-090-0015, the Board has adopted the following fine schedule for the 1st, 2nd, and 3rd violations of the following safety and sanitation rules. For the 4th and subsequent offenses, the provisions of OAR 817-090-0005 will apply:

(1) Failing to have immediate access to both hot and cold running water in the working area of a facility or as a practitioner working under a certificate of identification is a violation of OAR 817-010-0014(4) and 817-035-0050(7)(c) and shall incur the following penalties:

- (a) For 1st offense: \$100;
- (b) For 2nd offense: \$300;
- (c) For 3rd offense: \$500.

(2) Failing to have a facility water supply which meets state pressure and purity requirements is a violation of OAR 817-010-0014(1) and (2) and shall incur the following penalty for any offense: Referral of the violation to the State Plumbers Board and immediate suspension of the facility license until the violation is corrected.

(3) Improperly disposing of liquid waste from a facility is a violation of OAR 817-010-0021(3) and shall incur the following penalty for any offense: Referral of the violation to the State Plumbers Board and immediate suspension of the facility license until the violation is corrected.

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

817-090-0070

Schedule of Fines for Towels and Linens Violations

In accordance with OAR 817-090-0015, the Board has adopted the following fine schedule for the 1st, 2nd, and 3rd violations of the following safety and sanitation rules. For the 4th and subsequent offenses, the provisions of OAR 817-090-0005 will apply:

(1) Failing to use clean towels or linens for each client is a violation of OAR 817-010-0035(1); and, failing to launder towels and linens as required is a violation of OAR 817-010-0035(5), and shall incur the following penalties for each violation:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$300.

(2) Failing to store clean towels and linens in a clean area is a violation of OAR 817-010-0035(3) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$300.

(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(4) and shall incur the following penalties:

- (a) For 1st offense: \$100;
- (b) For 2nd offense: \$300;
- (c) For 3rd offense: \$500.

(4) Failing to deposit soiled towels in a covered container is a violation of OAR 817-010-0035(4) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$50;
- (c) For 3rd offense: \$100.

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

817-090-0075

Schedule of Fines for Waste Disposal Violations

In accordance with OAR 817-090-0015, the Board has adopted the following fine schedule for the 1st, 2nd, and 3rd violations of the following safety and sanitation rules. For the 4th and subsequent offenses, the provisions of OAR 817-090-0005 will 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) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$300.

(2) Failing to immediately deposit all waste and refuse in covered containers is a violation of OAR 817-010-0060(2) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$50;
- (c) For 3rd offense: \$100.

(3) Failing to store cigarette ashes, butts, etc. in a fire-retardant container is a violation of OAR 817-010-0060(4) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$50;
- (c) For 3rd offense: \$100.

(4) Failing to keep the outer surface of a waste disposal container clean is a violation of OAR 817-010-0060(5) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$50;
- (c) For 3rd offense: \$100.

(5) 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(6) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$300;
- (c) For 3rd offense: \$500.

(6) 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(7) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$300;
- (c) For 3rd offense: \$500.

(7) 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(8) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$300;
- (c) For 3rd offense: \$500.

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

817-090-0080

Schedule of Fines for Dispensing of Cosmetic Preparations Violations

(1) In accordance with OAR 817-090-0015, the Board has adopted the following fine schedule for the 1st, 2nd, and 3rd violations of the following safety and sanitation rules. For the 4th and subsequent offenses, the provisions of OAR 817-090-0005 will apply:

(2) Failing to properly dispense powders, wave solutions, creams, semi-solid substances or other materials which come in contact with a client is a violation of OAR 817-010-0055 and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$50;
- (c) For 3rd offense: \$100.

Stat. Auth: ORS 690.165, 60.205 & 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

817-090-0085

Schedule of Fines for Sanitization or Disinfectant Violations

In accordance with OAR 817-090-0015, the Board has adopted the following fine schedule for the 1st, 2nd, and 3rd violations of the following safety and sanitation rules. For the 4th and subsequent offenses, the provisions of OAR 817-090-0005 will apply:

(1) Failing to have a disinfecting solution available for immediate use at all times a facility is in operation is a violation of OAR 817-010-0065(6) and shall incur the following penalties:

- (a) For 1st offense: \$100;
- (b) For 2nd offense: \$300;
- (c) For 3rd offense: \$500.

(2) Failing to keep disinfecting solutions at adequate strength and free of foreign material is a violation of OAR 817-010-0065(6) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$300.

(3) Failing as a facility license holder, an independent contractor or a practitioner working under a certificate of identification to provide and maintain adequate disinfecting and sterilizing equipment to the number of practitioners, usage requirements or volume of business is a violation of OAR 817-010-0065(3) and shall incur the following penalties:

- (a) For 1st offense: \$100;
- (b) For 2nd offense: \$300;
- (c) For 3rd offense: \$500.

(4) Failing to use a low-level disinfectant or failing to totally immerse all tools and implements, without sharp edges or points according to disinfectant manufacturers instructions is a violation of OAR 817-010-0068(2) and shall incur the following penalties:

- (a) For 1st offense: \$100;
- (b) For 2nd offense: \$300;
- (c) For 3rd offense: \$500.

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

817-090-0090

Schedule of Fines for Disinfecting Requirements of Tools and Implements Violations

In accordance with OAR 817-090-0015, the Board has adopted the following fine schedule for the 1st, 2nd, and 3rd violations of the following safety and sanitation rules. For the 4th and subsequent offenses, the provisions of OAR 817-090-0005 will apply:

(1) Failing to cleanse and disinfect electrical or mechanical hair clipper blades after use on each client is a violation of OAR 817-010-0069(2) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$300.

(2) Failing as a facility license holder, independent contractor, or practitioner working under a certificate of identification to disinfect tools and implements in a sanitizing pan or, alternatively, to use pre-disinfected packets or containers of tools and implements, prepared in advance for each client, is a violation of OAR 817-010-0065(3) and shall incur the following penalties:

- (a) For 1st offense: \$100;
- (b) For 2nd offense: \$300;
- (c) For 3rd offense: \$500.

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

- (a) For 1st offense: \$100;
- (b) For 2nd offense: \$300;
- (c) For 3rd offense: \$500.

(4) Failing to ensure that all articles which come in contact with a client are either disinfected, cleaned or disposed of is a violation of OAR 817-010-0040(2) and shall incur the following penalties:

- (a) For 1st offense: \$100;
- (b) For 2nd offense: \$300;
- (c) For 3rd offense: \$500.

(5) Failing to discard a disposable emery board, sponge, or orangewood stick after use on a client or to give the emery board, sponge, or orangewood stick to the client is a violation of OAR 817-010-0065(7) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$300.

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

817-090-0095

Schedule of Fines for Cleanable/Non-Absorbent Surfaces Violations

In accordance with OAR 817-090-0015, the Board has adopted the following fine schedule for the 1st, 2nd, and 3rd violations of the following safety and sanitation rules. For the 4th and subsequent offenses, the provisions of OAR 817-090-0005 will apply:

(1) Failing to have cleanable, non-absorbent surfaces on all equipment in all areas of a facility in which barbering, hair design, facial technology or nail technology services are performed is a violation of OAR 817-010-0101(1) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$200.

(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) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$50;
- (c) For 3rd offense: \$100.

(3) Failing to have cleanable, non-absorbent floor surfaces in

good repair in the area(s) of a facility in which barbering, hair design or nail technology services are performed is a violation of OAR 817-010-0106(1) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$200.

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

817-090-0100

Schedule of Fines for Clean Conditions Violations

In accordance with OAR 817-090-0015, the Board has adopted the following fine schedule for the 1st, 2nd, and 3rd violations of the following safety and sanitation rules. For the 4th and subsequent offenses, the provisions of OAR 817-090-0005 will 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) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$50;
- (c) For 3rd offense: \$100.

(2) Failing to keep a facility shampoo bowl or sink clean is a violation of OAR 817-010-0101(2) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$200.

(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) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$300.

(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) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$300.

(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) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$300.

(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) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$50;
- (c) For 3rd offense: \$100.

(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 and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$50;
- (c) For 3rd offense: \$100.

Stat. Auth: ORS 690.165, 690.205 and 690.995

Stats. Implemented: ORS 690.165, 690.205 and 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

817-090-0105

Schedule of Fines for Client Health and Safety Violations

In accordance with OAR 817-090-0015, the Board has

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adopted the following fine schedule for the 1st, 2nd, and 3rd violations of the following safety and sanitation rules. For the 4th and subsequent offenses, the provisions of OAR 817-090-0005 will 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) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$50;
- (c) For 3rd offense: \$100.

(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 and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$50;
- (c) For 3rd offense: \$100.

(3) Failing to provide disposable drinking cups when beverages are served in a facility is a violation of OAR 817-010-0090 and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$50;
- (c) For 3rd offense: \$100.

(4) Failing to wear single-use disposable protective gloves while having open sores or skin lesions during any performance of service on a client is a violation of OAR 817-015-0030(2) and shall incur the following penalties:

- (a) For 1st offense: \$100;
- (b) For 2nd offense: \$300;
- (c) For 3rd offense: \$500.

(5) Performing barbering, hair design, facial technology or nail technology services while diagnosed with a communicable disease or condition in a transmittable form is a violation of OAR 817-015-0010(1) and shall incur the following penalty for any violation: Immediate suspension until the disease or condition is no longer communicable.

(6) Treating any disease or knowingly serving any client having a communicable disease or condition except head lice is a violation of OAR 817-015-0010(2) and shall incur the following penalties:

- (a) For 1st offense: \$250;
- (b) For 2nd offense: \$500;
- (c) For 3rd offense: Suspension or revocation of practitioner certificate.

(7) Performing barbering, hair design, facial technology or nail technology services without washing one's hands immediately before and after serving each client is a violation of OAR 817-015-0030(1) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$25;
- (c) For 3rd offense: \$50.

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

817-090-0110

Schedule of Fines for Safe Working Conditions Violations

In accordance with OAR 817-090-0015, the Board has adopted the following fine schedule for the 1st, 2nd, and 3rd violations of the following safety and sanitation rules. For the 4th and subsequent offenses, the provisions of OAR 817-090-0005 will apply:

(1) Failing to have adequate lighting in a facility is a violation of OAR 817-010-0011 and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$50;
- (c) For 3rd offense: \$100.

(2) Unless a waiver has been obtained, failing to meet the requirements of the Oregon Indoor Clean Air Act is a violation of

OAR 817-010-0009 and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$100.

(3) Having frayed electrical wiring or overloading the electrical circuits in a facility is a violation of ORS 690.165(3) and 690.205(1) and OAR 817-010-0007(1) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$50;
- (c) For 3rd offense: \$100.

(4) Having pets in facilities, other than fish in an aquarium, is a violation of OAR 817-010-0095 and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$300.

(5) Failing to wear single-use disposable protective gloves while performing a service on a client whose skin shows signs of excretion of any body fluids is a violation of OAR 817-015-0030(3) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$300.

(6) 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(4) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$300.

(7) Failing to have a restroom available which is "reasonably accessible" for facility employees is a violation of OAR 817-010-0021(1) and shall incur the following penalties:

- (a) For 1st offense: \$100;
- (b) For 2nd offense: \$300;
- (c) For 3rd offense: \$500.

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

817-090-0115

Schedule of Fines for Chemical Use and Storage Violations

In accordance with OAR 817-090-0015, the Board has adopted the following fine schedule for the 1st, 2nd, and 3rd violations of the following chemical use and storage rules. For the 4th and subsequent offenses, the provisions of OAR 817-090-0005 will apply:

(1) Failing to store chemicals safely to avoid fire, explosion and/or bodily harm to clients and practitioners is a violation of OAR 817-060-0020(3) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$300.

(2) Failing to mix chemicals in a dispensing area is a violation of OAR 817-060-0030(1) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$300.

(3) Mixing chemicals near an open flame or other potential source of ignition is a violation of OAR 817-060-0030(2)(a) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$300.

(4) Smoking or allowing a client to smoke during any phase of chemical service, i.e. mixing, application, processing, or use of any potentially explosive or flammable chemical, in relation to the practice of barbering, hair design, facial technology or nail

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technology, is a violation of OAR 817-060-0030(6) and shall incur the following penalties:

- (a) For 1st offense: Warning from the Board;
- (b) For 2nd offense: \$100;
- (c) For 3rd offense: \$300.

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 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

DIVISION 100

CLARIFICATION OF EXEMPTIONS

817-100-0005

Exemptions

(1) ORS 690.025(2)(c) applies only while persons are on a business premises.

(2) Merchants or other individuals must have a certificate or a license under this Chapter to demonstrate supplies or apparatus for purposes of sale when:

(a) They receive any form of compensation for the product/apparatus before conducting or presenting a "free" demonstration;

(b) They require any form of compensation to reserve a place at a "free" demonstration; or

(c) They make any stipulation which requires a fee or any remunerative action on the part of the client before or after receiving a "free" demonstration.

(3) A student of barbering, hair design, facial technology or nail technology is exempted only when on the premises of the school in which the student is enrolled, and only while pursuing the prescribed curriculum.

(4) Persons working within a licensed health care facility providing services exclusively to facility residents without specific compensation from the resident for the service shall be exempt under ORS 690.025(2) and OAR 817-020-0300.

(5) Persons who work in photography studios, applying temporary makeup, combing hair or applying hair spray, without receiving specific compensation for service when provided to a photography client solely for preparing the client for a professional photograph shall be exempt under the provisions of ORS 690.025(2)(e).

(6) Persons applying temporary makeup, combing hair or applying hair spray, without specific compensation for services, provided for the sole purpose of preparing any individual for a theatrical performance shall be exempt under ORS 690.025(2)(e).

(7) Practitioners who provide services outside of a licensed facility to individuals who are physically unable to visit a facility shall carry and post their certificate while performing services.

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

DIVISION 110

INFORMATION REQUESTS

817-110-0005

Obtaining Information

(1) The Board will provide the following information in response to health care requests:

(a) The name and certificate number of a practitioner and an indication as to whether the practitioner's certificate is active or expired;

(b) Any information as to the ownership, the employees, the location, the telephone number, etc., of a facility;

(c) The name and license number of an independent

contractor, an indication as to whether the license is active or expired, and the current work location on file with the Board;

(d) The name and certificate number of a practitioner holding a certificate of identification and an indication as to whether the certificates are active or expired.

(2) All requests for any information other than that listed in section (1) of this rule must be in writing.

(3) The Board may charge for copies of its records. Fees shall not exceed actual costs of locating, compiling, making available for inspection, preparing copy in paper, audio, computer disk, microfilm or machine readable format, and delivering public records. All fees assessed must be paid before public records are made available. Estimates for processing requests for public records will be given when requested.

(4) Persons wishing to obtain copies of the following records may learn the charge for them by contacting the Board office:

(a) A list of names, addresses, and places of business for all facilities and certificates currently licensed with the Board;

(b) A list of all active facilities;

(c) A list of all active independent contractors;

(d) A list of all active practitioners;

(e) A list of all active certificate of identification holders;

(f) A list of records, regardless of whether status is active, inactive, expired or archived;

(g) One or more photocopies of any Board document or portion thereof;

(h) Copies of Board meeting minutes or committee reports;

(i) Copies of application packets and materials;

(j) Informational packets and/or materials;

(k) Copies of the administrative rules and/or statute.

Stat. Auth.: ORS 690.165 & 690.195

Stats. Implemented: ORS 690.165 & 690.195

Hist.: 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

DIVISION 120

CODE OF PROFESSIONAL CONDUCT

817-120-0005

Goals

(1) The practitioner of barbering, hair design, facial technology and nail technology shall be guided by the highest standards of honesty and professional conduct.

(2) The practitioner of barbering, hair design, facial technology and nail technology shall act and practice in a manner which safeguards the public's health, safety, and welfare.

Stat. Auth.: ORS 690.165

Stats. Implemented: ORS 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

817-120-0010

Responsibilities

(1) It shall be dishonest to make any false or deliberately misleading statement in application for examination.

(2) It shall be dishonest to falsely verify an individual's education, training or experience.

(3) It shall be dishonest to practice or to willfully violate the laws of the State of Oregon or Federal regulation.

(4) It shall be dishonest to practice or use a permit that has been revoked, suspended or deliberately altered in any manner.

(5) It is unprofessional conduct for any practitioner to continue employment when it is reasonable to believe that it will result in illness or injury to clients or others in the profession.

(6) It is unprofessional conduct to engage in false, misleading or deceptive advertising.

(7) It is unprofessional conduct to make substantial misrepresentation when relating to the practice of barbering, hair design, facial technology or nail technology.

(8) All practitioners shall be fully clothed when providing

services to the general public.

(9) It is incompetent to continue to practice if adjudicated mentally incompetent.

Stat. Auth.: ORS 690.165

Stats. Implemented: ORS 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

817-120-0005

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Stat. Auth.: ORS 690.165

Stats. Implemented: ORS 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