

Chapter 690

2011 EDITION

Cosmetic Professionals

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OCCUPATIONS AND PROFESSIONS

**BARBERING; HAIR DESIGN;
ESTHETICS; NAIL TECHNOLOGY
(Generally)**

690.005 Definitions for ORS 690.005 to 690.235. As used in ORS 690.005 to 690.235:

(1) "Barbering" means any of the following practices, when done upon the human body for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:

(a) Shampooing, styling, cutting, singeing and conditioning of the hair of an individual.

(b) Applying hair tonics, dressings and rinses.

(c) Massaging of the scalp, face and neck and applying facial and scalp treatments with creams, lotions, oils and other cosmetic preparations, either by hand or mechanical appliances, but such appliances shall not be galvanic or faradic.

(d) Shaving, trimming or cutting of the beard or mustache.

(2) "Board" means the Board of Cosmetology, created within the Oregon Health Licensing Agency.

(3) "Certificate" means a written authorization for the holder to perform in one or more fields of practice.

(4) "Cosmetology" means the art or science of beautifying and improving the skin, nails and hair and the study of cosmetics and their application.

(5) "Demonstration permit" means a written authorization for a person to practice, demonstrate and teach one or more fields of practice on a temporary basis.

(6) "Esthetics" means any of the following skin care practices performed on the human body for the purpose of keeping the skin healthy and attractive and not for medical diagnosis or treatment of disease or physical or mental ailments:

(a) The use of the hands or mechanical or electrical apparatuses or appliances for cleansing, stimulating, manipulating, exfoliating or applying lotions or creams.

(b) Temporary removal of hair.

(c) Makeup artistry.

(d) Facial and body wrapping.

(e) Facial and body waxing.

(7) "Facility" means an establishment operated on a regular or irregular basis for the purpose of providing services in one or more fields of practice.

(8) "Field of practice" means the following cosmetology disciplines:

(a) Barbering.

(b) Esthetics.

(c) Hair design.

(d) Nail technology.

(9) "Freelance authorization" means a written authorization that allows a practitioner to practice outside or away from a licensed facility.

(10) "Hair design" means any of the following practices, when done upon the human body for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:

(a) Shaving, trimming or cutting of the beard or mustache.

(b) Styling, permanent waving, relaxing, cutting, singeing, bleaching, coloring, shampooing, conditioning, applying hair products or similar work upon the hair of an individual.

(c) Massaging the scalp and neck when performed in conjunction with activities in paragraph (a) or (b) of this subsection.

(11) "Independent contractor" means a practitioner who qualifies as an independent contractor under ORS 670.600 and who is not under the control and direction of a facility license holder.

(12) "License" means a written authorization issued under ORS 690.055 to a person to operate a facility for providing services related to one or more fields of practice to the public.

(13) "Nail technology" means any of the following manicuring or pedicuring practices performed for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:

(a) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating the nails of the hands or feet.

(b) Massaging, cleansing, treating or beautifying the hands, arms below the elbow, feet or legs below the knee.

(c) Applying, sculpturing or removing artificial nails of the hands or feet.

(14) "Practitioner" means a person certified to perform services included within a field of practice.

(15) "Registration" means a written authorization issued to an independent contractor to hold forth to the public as a business entity providing services in a field of practice.

(16) "School" means an educational establishment that has a license issued by the Department of Education and is operated for the purpose of teaching one or more fields of practice.

(17) "Temporary facility permit" means a written authorization issued under ORS

690.055 to provide services on a temporary basis in one or more fields of practice. [1977 c.886 §1; 1983 c.151 §1; 1987 c.31 §2; 1989 c.171 §81; 1993 c.45 §296; 1993 c.267 §1; 1995 c.343 §61; 1999 c.425 §1; 2003 c.547 §38; 2005 c.117 §1; 2005 c.648 §50; 2009 c.701 §30]

690.010 [Amended by 1969 c.687 §1; 1977 c.270 §1; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.015 Prohibited acts. (1) This section establishes prohibitions relating to the practice of hair design, barbering, esthetics and nail technology. The prohibitions under this section are subject to the exemptions under ORS 690.025. A person who commits an act prohibited under this section is subject to the penalties under ORS 690.992 in addition to any administrative action taken by or any civil penalty imposed by the Oregon Health Licensing Agency under ORS 676.612.

(2) A person may not:

(a) Perform or attempt to perform services in a field of practice without a certificate, demonstration permit, registration or freelance authorization.

(b) Operate a facility without a license or temporary facility permit.

(c) Perform or attempt to perform services in a field of practice in a facility that does not have a license or temporary facility permit.

(d) Practice hair design, barbering, esthetics or nail technology as an independent contractor without a registration.

(e) Display a sign or in any way advertise or purport to offer services in a field of practice without first obtaining a permit, certificate, independent contractor registration or facility license.

(f) Knowingly make a false statement on an application to obtain or renew a certificate, registration, license or permit or to obtain a freelance authorization.

(g) Allow an individual in the employ or under the supervision or control of the person to perform in a field of practice without a certificate or permit.

(h) Sell, barter or offer to sell or barter a document evidencing a certificate, registration, license, permit or freelance authorization.

(i) Purchase or procure by barter a document evidencing a certificate with intent to use it as evidence of the person's qualification as a practitioner.

(j) Materially alter with fraudulent intent a document evidencing a certificate, registration, license, permit or freelance authorization.

(k) Use or attempt to use as valid a fraudulently obtained, counterfeited or materially altered document evidencing a certificate, registration, license, permit or

freelance authorization. [1977 c.886 §3; 1981 c.141 §1; 1983 c.151 §2; 1987 c.31 §3; 1993 c.267 §2; 1995 c.343 §62; 1999 c.425 §2; 2003 c.547 §39; 2005 c.117 §2; 2005 c.648 §51; 2009 c.701 §31]

690.020 [Amended by 1961 c.300 §3; 1969 c.687 §2; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.025 Exemptions; rules. ORS 690.005 to 690.235 do not apply to:

(1) Persons who perform service without compensation in case of emergency or in domestic administration.

(2) Persons licensed by a health professional regulatory board listed in ORS 676.160 who are acting within the scope of their professional license.

(3) Persons identified by the Oregon Health Licensing Agency or Board of Cosmetology by rule who are acting under the authority of a hospital or long term care facility licensed under ORS 441.025 or a residential facility licensed under ORS 443.415.

(4) Persons engaged in rendering emergency medical assistance as defined in ORS 30.800.

(5) Persons licensed by the State Board of Pharmacy, merchants or other individuals when demonstrating apparatus or supplies for purposes of sale.

(6) Commissioned medical and surgical officers and personnel of the United States Armed Services while operating on a military base and personnel of correctional institutions while operating on the premises of a correctional facility.

(7) Persons applying temporary makeup, combing hair or applying hair spray, without compensation specifically for the application or combing, for the sole purpose of preparing any individual for a professional photograph or theatrical performance.

(8) A student while engaged in training at the direction of and under the direct supervision of the faculty of a school licensed under ORS 345.010 to 345.450 to teach a field of practice.

(9) The agency may exempt practitioners providing services at charitable or fund raising events. In establishing an exemption, the agency shall consider and evaluate each written request on an individual basis. [1977 c.886 §2; 1983 c.151 §3; 1987 c.31 §4; 1993 c.45 §297; 1993 c.267 §3; 1995 c.343 §63; 1999 c.425 §3; 2005 c.117 §3; 2009 c.701 §32]

690.030 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

(Certificates, Licenses, Permits and Registrations)

690.035 Application for certificate or permit. A person desiring to obtain a certificate or demonstration permit shall apply in writing to the Oregon Health Licensing

Agency on a form approved by the agency. Each application shall contain an affirmation by the applicant that the information contained therein is accurate. The application must also include evidence establishing to the satisfaction of the agency that the applicant possesses the necessary qualifications. [1977 c.886 §4; 1999 c.425 §4; 2005 c.648 §52]

690.040 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.045 [1977 c.886 §5; 1979 c.855 §3; 1983 c.151 §4; 1987 c.31 §5; 1993 c.45 §298; 1993 c.267 §4; 1995 c.343 §64; repealed by 1999 c.425 §5 (690.046 enacted in lieu of 690.045)]

690.046 Practitioner certification requirements; rules. To qualify for certification as a practitioner of hair design, barbering, esthetics or nail technology, an applicant shall:

(1) Successfully complete all courses required by rule of the State Board of Education for graduation from a school teaching one or more fields of practice.

(2) Successfully pass the certification examination approved, administered or recognized by the Board of Cosmetology for the field of practice in which certification is sought.

(3) Pay all appropriate fees.

(4) Meet any additional requirements the Board of Cosmetology may impose by rule for certification in a particular field of practice. [1999 c.425 §6 (enacted in lieu of 690.045); 2005 c.117 §4]

690.047 Waiver of educational requirement. (1) The Board of Cosmetology may choose to waive all or part of the educational requirement for an applicant in a field of practice and allow the applicant to take the certification examination, provided that:

(a) The applicant's education or training is determined by the board to be substantially equivalent to Oregon certification requirements;

(b) The applicant is otherwise qualified to take the examination; and

(c) The applicant's certification in another state is in good standing.

(2) The Oregon Health Licensing Agency may issue a specialty certificate in a field of practice to a practitioner who has:

(a) Completed post-graduate education approved by the agency that is separate from the education or training required for entry-level certification;

(b) Passed an examination approved or recognized by the board;

(c) Paid the required fees; and

(d) Completed prescribed continuing education credits as determined by agency rule. [1999 c.425 §8; 2009 c.701 §33]

690.048 Certificate prima facie evidence of right to practice; rules. (1) The Oregon Health Licensing Agency shall issue a certificate to each applicant who qualifies under ORS 690.046 or 690.047. The certificate is prima facie evidence of the right of the holder to practice in a field of practice for which the holder has qualified and purports to be a practitioner.

(2) A certificate must show the practitioner's name, address, certificate number, expiration date and field of practice for which the practitioner is qualified to perform services.

(3) A practitioner's certificate shall indicate any specialty certification, obtained under ORS 690.047, for which the practitioner is qualified to provide advanced services in a field of practice. Advanced services shall be defined by rules adopted by the agency. [1983 c.151 §6; 1993 c.267 §5; 1995 c.343 §65; 1999 c.425 §9; 2003 c.547 §40; 2005 c.648 §53; 2009 c.701 §34]

690.050 [Amended by 1959 c.630 §1; 1961 c.436 §1; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.055 Facility license and temporary facility permit requirements. (1) To be issued a license to operate a facility, each applicant shall:

(a) Be 18 years of age or older, if the applicant is a natural person.

(b) Comply with the rules of the Board of Cosmetology concerning health, safety and infection control.

(c) Comply with the applicable health and safety laws and rules of the Oregon Health Authority and any other state agencies.

(d) Pay the required fees.

(e) If the applicant is an entity other than a natural person, be formed and operated in accordance with Oregon law.

(2) To be issued a temporary facility permit, each applicant must:

(a) Operate the facility on a temporary basis for a period not to exceed 30 consecutive calendar days and in accordance with rules of the board.

(b) Be 18 years of age or older, if the applicant is a natural person.

(c) Apply on forms prescribed by the Oregon Health Licensing Agency prior to opening for business.

(d) Comply with the rules of the board concerning health, safety and infection control.

(e) Comply with the applicable health and safety laws and rules of the Oregon Health Authority and any other state agencies.

(f) Pay the appropriate application and permit fees.

(g) If the applicant is an entity other than a natural person, be formed and operated in accordance with Oregon law.

(3) The agency may issue a single facility license to an applicant pursuant to ORS 676.617.

(4) A license issued under this section shall confer on a facility owner the right to operate the facility and to advertise the services for which the facility is licensed. [1977 c.886 §6; 1981 c.141 §2; 1983 c.151 §7; 1993 c.267 §6; 1999 c.425 §10; 2003 c.547 §41; 2005 c.648 §54; 2009 c.595 §1105; 2009 c.701 §35]

690.057 Independent contractor registration requirements. (1) To be issued a registration to operate as an independent contractor, each applicant shall:

(a) Be 18 years of age or older.

(b) Comply with the rules of the Board of Cosmetology concerning health, safety and infection control.

(c) Comply with the applicable health and safety laws and rules of the Oregon Health Authority and any other state agencies.

(d) Pay the required fees.

(e) Hold an active certificate in good standing.

(2) A registration shall confer the right to an independent contractor to advertise and directly offer practitioner services to the public in a licensed facility or a facility operating under a temporary facility permit. [1999 c.425 §11; 2003 c.547 §42; 2005 c.648 §55; 2009 c.595 §1106; 2009 c.701 §36]

690.060 [Amended by 1959 c.630 §2; 1961 c.436 §2; 1969 c.687 §3; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.065 Examinations. (1) Examinations shall be given at such times and places as the Board of Cosmetology may determine, but in no instance less often than once every month.

(2) The board shall give each qualified applicant notice of the time and place of the examination.

(3) The board shall determine the subjects, scope and form of and the passing score for examinations and qualifications for retaking failed examinations. [1977 c.886 §7; 1993 c.267 §7; 1999 c.425 §12]

690.070 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.075 [1977 c.886 §8; 1983 c.151 §8; 1987 c.31 §6; 1993 c.267 §8; 1995 c.343 §66; 1999 c.425 §13; 2005 c.117 §5; repealed by 2005 c.648 §§121,121a]

690.080 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.085 Renewal of certificates, registrations and licenses; rules. (1) Except as provided in subsection (3) of this section, a certificate issued by the Oregon Health Licensing Agency expires on the last day of the

month, two years from the date of issuance. A certificate may be renewed prior to the expiration date by payment of the required renewal fee and compliance with other requirements as established by the Board of Cosmetology.

(2) Except as provided in subsection (3) of this section, a registration and a license issued by the agency expires on the last day of the month, one year from the date of issuance. A registration or license may be renewed prior to the expiration date by payment of the required renewal fee and compliance with other requirements as established by the board.

(3) The agency may vary the date of certificate, registration and license renewal by giving to the applicant written notice of the renewal date being assigned and by making prorated adjustments to the renewal fee.

(4) The agency shall adopt by rule requirements for late renewal and reactivation of an expired certificate, license or registration.

(5) A certificate that has not been renewed for a period of three years after date of expiration may be reinstated if the applicant:

(a) Submits an application for certification;

(b) Satisfactorily passes the examination as specified by board rule;

(c) Submits payment of required fees; and

(d) Meets other requirements as determined by board rule. [1977 c.886 §9; 1983 c.151 §9; 1987 c.31 §7; 1993 c.267 §9; 1999 c.425 §14; 2005 c.648 §56; 2009 c.701 §37]

690.087 [1979 c.855 §2; 1981 c.897 §100; renumbered 345.470]

690.090 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.095 Display of certificate, registration, license, permit or freelance authorization. Every holder of a certificate, registration, license, permit or freelance authorization must display the document in public view where services are being rendered. [1977 c.886 §10; 1979 c.663 §1; 1993 c.267 §10; 1999 c.425 §15; 2009 c.701 §38]

690.100 [Amended by 1961 c.300 §4; 1969 c.687 §4; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.105 Demonstration permit requirements. (1) A person not certified under ORS 690.048 who wishes to practice, demonstrate and teach a field of practice, or perform a field of practice, temporarily and primarily for educational purposes and who is otherwise qualified as determined by the Board of Cosmetology shall first obtain a demonstration permit from the Oregon Health Licensing Agency.

(2) The permit shall specify:

(a) The purpose for which it is granted.

(b) The period during which the person is permitted to practice, demonstrate and teach, which period shall not exceed 30 days.

(c) The time and place of exercising the privilege granted by the permit.

(3) A person may be granted a permit if the person:

(a) Makes application to the agency for the permit.

(b) Is currently licensed or certified to practice or teach a field of practice in another state and presents satisfactory evidence of that fact to the agency, or is otherwise qualified as determined by the board.

(c) Describes the purpose for which the permit is sought.

(d) Pays the required application and permit fees. [1977 c.886 §11; 1983 c.151 §11; 1987 c.31 §8; 1993 c.267 §11; 1995 c.343 §67; 1999 c.425 §16; 2005 c.648 §57]

690.110 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.115 [1977 c.886 §12; repealed by 1981 c.141 §4]

690.120 [Amended by 1961 c.300 §5; 1973 c.832 §38; 1977 c.873 §8; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.123 Freelance authorization; fees.

(1) The Oregon Health Licensing Agency may issue a practitioner a freelance authorization to practice outside of or away from a licensed facility.

(2) The Board of Cosmetology shall determine requirements and the agency shall establish fees for issuance of a freelance authorization.

(3) Practitioners performing services outside of a licensed facility under the provisions of a freelance authorization shall comply with the safety and infection control requirements under ORS 690.165 and 690.205 and rules adopted by the agency under those statutes. [1977 c.886 §13; 1983 c.151 §12; 1993 c.267 §12; 1999 c.425 §29; 2003 c.547 §45; 2005 c.648 §58; 2009 c.701 §39]

690.125 [1961 c.300 §2; 1969 c.687 §6; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.130 [Amended by 1959 c.630 §3; 1961 c.300 §6; 1961 c.436 §3; 1969 c.687 §7; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.140 [Amended by 1965 c.274 §1; 1973 c.832 §39; 1977 c.873 §9; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.150 [Amended by 1961 c.300 §7; 1965 c.274 §2; 1969 c.687 §11; 1971 c.86 §1; 1973 c.832 §40; repealed by 1977 c.842 §26 and 1977 c.886 §42]

(Board of Cosmetology and Oregon Health Licensing Agency)

690.155 Board of Cosmetology. (1) There is established within the Oregon Health Licensing Agency the Board of Cosmetology consisting of seven members appointed by the Governor. At all times the membership of the board shall be so constituted that:

(a) Six members of the board shall be practitioners with valid certificates.

(b) One member shall be a public member who is not a practitioner.

(2) The term of office of each member of the board is four years, but a member serves at the pleasure of the Governor. Vacancies shall be filled by the Governor by appointment for the unexpired term. A member shall hold the member's office until the appointment and qualification of a successor. A member is eligible for reappointment. If a person serves two consecutive full terms, a period of at least four years must elapse before the person is again eligible for appointment to serve on the board.

(3) The Director of the Oregon Health Licensing Agency, or a designated representative, shall serve as an ex officio member of the board but without the right to vote. [1977 c.886 §14; 1983 c.151 §13; 1987 c.414 §84; 1999 c.425 §17; 1999 c.885 §20; 2005 c.648 §59; 2009 c.701 §40]

690.160 [1969 c.687 §9; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.165 Powers of board; rules. In addition to the powers otherwise granted by ORS 345.430 and 690.005 to 690.235, the Board of Cosmetology shall have the power to:

(1) Determine whether applicants are qualified to take certification examinations.

(2) Administer, approve or recognize certification examinations and designate the time, place and administrators of certification examinations.

(3) Contract for the administration of examinations as part of regional or national examinations and contract with independent testing services for examination administration.

(4) Pursuant to ORS 676.607, direct the Oregon Health Licensing Agency to issue certificates, registrations, licenses, permits and freelance authorizations to individuals determined by the board to be qualified.

(5) Except as otherwise provided in ORS 690.205 (2) or other provision of law, adopt rules establishing and enforcing standards for safety, infection control, professional conduct and any other matters relating to fields of practice, facilities or locations used

by persons providing services regulated by ORS 690.005 to 690.235.

(6) Pursuant to ORS 676.612 and 690.167, direct the agency to suspend, revoke, limit or refuse to issue or renew certificates, registrations, licenses or permits or impose a period of probationary activity on the holder thereof.

(7) Do any act necessary or proper to effect and carry out the duties required of the board by ORS 690.005 to 690.235.

(8) Adopt rules prescribing standards of professional conduct for persons practicing hair design, barbering, esthetics or nail technology.

(9) Consult with the agency about the issuance and renewal of a single facility license under ORS 676.617 authorizing a facility to provide barbering, esthetics, hair design or nail technology services. [1977 c.886 §21; 1983 c.151 §14; 1987 c.31 §9; 1993 c.267 §13; 1995 c.343 §68; 1999 c.425 §18; 2003 c.547 §46; 2005 c.117 §6; 2005 c.648 §60; 2009 c.701 §41]

690.167 Disciplinary authority of Oregon Health Licensing Agency. In the manner prescribed in ORS chapter 183 for contested cases and at the direction of the Board of Cosmetology, the Oregon Health Licensing Agency may impose a form of discipline listed in ORS 676.612 against any person practicing barbering, hair design, esthetics or nail technology for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 690.005 to 690.235, or the rules adopted thereunder. [2003 c.547 §43; 2005 c.117 §7; 2005 c.648 §61; 2009 c.701 §42]

690.170 [1969 c.687 §10; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.175 Chairperson; rules; meetings; quorum; compensation and expenses. (1) The Board of Cosmetology shall elect a chairperson. The board shall prescribe rules to govern the proceedings of the board. The board shall hold meetings at such times and places as it determines, but shall meet at least once each year. A majority of the voting members of the board shall constitute a quorum.

(2) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495. [1977 c.886 §§16,17; 1999 c.425 §19]

690.185 [1977 c.886 §18; 1983 c.151 §15; 1987 c.414 §85; 1999 c.425 §30; repealed by 2003 c.547 §118]

690.195 Records of Oregon Health Licensing Agency. (1) The Oregon Health Licensing Agency shall keep a record of its proceedings relating to the issuance, refusal, suspension and revocation of certificates, registrations, licenses and permits and to the imposition of probation. This record shall also contain the name, place of business and

the date of each certificate, registration, license and permit issued by the agency.

(2) The agency shall keep a record of all complaints received, including the date of receipt, name and place of business of each practitioner involved, the name and address of each complainant and the nature of the complaint.

(3) The records of the agency shall at all reasonable times be open to inspection by the public. [1977 c.886 §19; 1987 c.31 §10; 1993 c.267 §14; 1999 c.425 §20; 2003 c.547 §47; 2005 c.648 §62]

690.200 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.205 Rules; approval of Oregon Health Authority; when domestic use of facility permitted. (1) The Board of Cosmetology may adopt rules for the administration of ORS 345.440 and 690.005 to 690.235 and for prescribing safety and infection control requirements for facilities. Infection control requirements for facilities shall be subject to the approval of the Oregon Health Authority. A copy of the rules adopted by the board shall be furnished by the board to the owner or manager of each facility.

(2) Notwithstanding subsection (1) of this section, the board may not prohibit the use of the facility for domestic purposes if the part devoted to domestic purposes is in a completely separate room not used by customers, with walls extending from floor to ceiling and with any connecting doors kept closed while the facility is in actual operation.

(3) Rules adopted by the board prescribing safety and infection control requirements for facilities shall be adopted in accordance with the procedures set forth in ORS chapter 183. [1977 c.886 §§20,22(2); 1983 c.151 §16; 1993 c.267 §15; 1999 c.425 §21; 2003 c.547 §48; 2005 c.648 §63; 2009 c.595 §1107]

690.210 [Repealed by 1977 c.270 §3; 1977 c.842 §26 and 1977 c.886 §42]

690.215 [1977 c.886 §22(1); 1999 c.425 §22; repealed by 2003 c.547 §118]

690.220 [Amended by 1969 c.687 §12; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.225 Inspections. (1) In addition to any other duties prescribed by law, the Oregon Health Licensing Agency shall provide for the inspection of facilities and schools licensed to teach practitioner skills under ORS 345.010 to 345.450.

(2) Inspections conducted under this section shall determine whether the facilities comply with the health, safety, infection control and licensing rules of the Board of Cosmetology and whether the schools comply with the health, safety and infection control requirements under ORS 345.010 to 345.450 and rules of the agency. A report of the re-

sults of the inspection shall be submitted to the Department of Education. [1977 c.886 §26; 1983 c.151 §17; 1987 c.31 §11; 1987 c.414 §86; 1989 c.491 §68; 1993 c.45 §299; 1993 c.267 §16; 1995 c.343 §69; 1999 c.425 §23; 1999 c.885 §21a; 2003 c.547 §49; 2005 c.648 §64]

690.227 [1999 c.425 §24; repealed by 2003 c.547 §118]

690.228 [1983 c.151 §16b; 1999 c.425 §31; repealed by 2003 c.547 §118]

690.230 [Amended by 1961 c.436 §4; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.235 Fees; rules; disposition of receipts. (1) The Oregon Health Licensing Agency shall establish by rule and collect fees and charges for the following related to barbering, esthetics, hair design and nail technology:

- (a) Application.
- (b) Original certificate.
- (c) Certificate renewal.
- (d) Examination.
- (e) Demonstration permit.
- (f) Original license.
- (g) License renewal.
- (h) Temporary facility permit.
- (i) Original registration.
- (j) Registration renewal.
- (k) Replacement or duplicate certificate, license or permit.
- (L) Delinquent renewal.
- (m) Reciprocity.
- (n) Freelance authorization.
- (o) Reactivation.
- (p) Providing copies of official documentation or records and for recovering administrative costs associated with compiling, photocopying or preparing and delivering the records.

(2) All moneys received by the agency under this section shall be paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency as authorized by ORS 676.625. [1977 c.886 §23; 1981 c.141 §3; 1983 c.151 §18; 1987 c.414 §87; 1989 c.675 §1; 1993 c.267 §17; 1999 c.425 §25; 1999 c.885 §22; 2003 c.547 §50; 2005 c.648 §65; 2009 c.701 §44]

690.240 [Amended by 1969 c.377 §2; repealed by 1971 c.734 §21]

690.243 [1977 c.886 §24; repealed by 1979 c.31 §1]

690.245 [1971 c.734 §146; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.250 [Amended by 1969 c.377 §3; repealed by 1971 c.734 §21]

690.260 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.270 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.275 [1977 c.886 §38a; 1979 c.855 §1; 1983 c.151 §20; renumbered 345.460]

690.280 [Amended by 1965 c.373 §1; 1971 c.753 §31; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.290 [Amended by 1969 c.377 §1; 1973 c.832 §40a; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.300 [Amended by 1965 c.274 §3; 1969 c.314 §91; 1969 c.377 §4; 1973 c.832 §40b; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.310 [Amended by 1969 c.377 §5; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.320 [Amended by 1973 c.832 §41; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.330 [Amended by 1961 c.436 §5; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.340 [Amended by 1967 c.637 §34; repealed by 1977 c.842 §26 and 1977 c.886 §42]

BODY ART PRACTITIONERS

(Generally)

690.350 Definitions for ORS 690.350 to 690.415. As used in ORS 690.350 to 690.415, unless the context requires otherwise:

(1) "Body piercing" means the puncturing of a part of the body of a live human being to create a permanent hole for ornamentation or decoration.

(2) "Dermal implanting" means the insertion of an object under the skin of a live human being for ornamentation or decoration.

(3) "Electrolysis" means the process by which hair, with a series of treatments, is permanently removed from the skin by inserting a needle-conductor into the hair follicle and directing electrical energy toward the hair cell. The word "electrolysis" is used in generic form in ORS 690.350 to 690.415 and refers to modalities of galvanic electrolysis, thermolysis and combinations thereof.

(4) "Facility" means a fixed or mobile place of business operated on a regular or irregular basis for the purpose of providing services in one or more fields of practice.

(5) "Field of practice" means:

- (a) Tattooing;
- (b) Body piercing;
- (c) Electrolysis;
- (d) Dermal implanting; or
- (e) Scarification.

(6) "License" means a written authorization issued under ORS 690.365 authorizing the holder to:

- (a) Perform services in one or more fields of practice; or
- (b) Operate a facility.

(7) "Scarification" means injury of the skin to produce a scar on a live human being for permanent ornamentation or decoration.

(8) "Tattooing" means the process by which a live human being is marked or col-

ored by insertion of nontoxic dyes or pigments to form indelible marks for ornamentation or decoration.

(9) "Temporary license" means a written authorization issued under ORS 690.365 temporarily authorizing the holder to:

(a) Perform services in a field of practice; or

(b) Operate a facility. [1987 c.698 §1; 1993 c.30 §1; 1993 c.45 §300; 1999 c.885 §37; 2003 c.547 §51; 2005 c.648 §66; 2011 c.346 §8]

690.355 [1987 c.698 §2; 1989 c.171 §82; 1993 c.30 §2; 1999 c.885 §38; 2005 c.648 §67; repealed by 2011 c.346 §33]

690.360 Prohibited acts; exceptions. (1) A person may not:

(a) Perform or attempt to perform services in a field of practice without a license to perform services in that field of practice;

(b) Perform or attempt to perform services in a field of practice outside of a licensed facility;

(c) Display a sign or in any way advertise or purport to offer services in a field of practice without a license to perform services in that field of practice;

(d) Operate a facility, display a sign or in any way advertise or purport to offer services in a field of practice in a facility without a license to operate a facility or a temporary license to operate a facility;

(e) Knowingly make a false statement on an application to obtain or renew a license;

(f) Allow an individual in the employ or under the supervision or control of the person to perform services in a field of practice without a license to perform services in that field of practice;

(g) Sell, barter or offer to sell or barter a document evidencing a license;

(h) Purchase or procure by barter a document evidencing a license with intent to use the document as evidence of the person's qualification to provide services in a field of practice;

(i) Materially alter with fraudulent intent a license or temporary license;

(j) Use or attempt to use as valid a fraudulently obtained, counterfeited or materially altered license or temporary license; or

(k) Use or attempt to use as valid a fraudulently obtained, counterfeited or materially altered license or temporary license.

(2) ORS 690.350 to 690.415 do not limit, preclude or otherwise interfere with the practice of other persons or health care providers licensed in this state.

(3) Subsection (1)(a), (b) or (d) of this section does not apply to:

(a) A student while engaged in training at the direction of and under the direct supervision of the faculty of a school licensed under ORS 345.010 to 345.450 to teach a field of practice; or

(b) An individual self-administering body piercing. [1987 c.698 §13; 1993 c.30 §3; 2003 c.547 §52; 2011 c.346 §11]

(Licensing)

690.365 License to perform services and facility licenses; qualifications; inspection; posting requirement; temporary licenses; fees. (1)(a) The Oregon Health Licensing Agency shall issue a license to perform services in a field of practice to an applicant who:

(A) Shows to the satisfaction of the agency that the applicant:

(i) Is at least 18 years of age;

(ii) Has a high school diploma or equivalent education; and

(iii) Has submitted evidence of completion of education and training prescribed and approved by the agency;

(B) Has passed an examination approved, administered or recognized by the agency; and

(C) Pays fees established by the agency.

(b) The agency may issue a temporary license to perform services in a field of practice as prescribed by agency rule.

(2)(a) The Oregon Health Licensing Agency shall issue a license to operate a facility to a person who:

(A) Files an application in the form and manner prescribed by the agency;

(B) Pays fees established by the agency; and

(C) Complies with other requirements established by the agency by rule.

(b) The agency shall conduct periodic inspections of facilities to determine compliance with safety, infection control and sterilization requirements.

(c) A person holding a license to operate a facility must post the license in a conspicuous place at all times on the premises of the facility.

(d) The agency may issue a temporary license to operate a facility in accordance with rules adopted by the agency. [1987 c.698 §3; 1993 c.30 §4; 2001 c.104 §264; 2003 c.547 §53; 2005 c.648 §68; 2009 c.701 §46; 2011 c.346 §12]

690.370 Examinations; rules. The Oregon Health Licensing Agency shall offer an examination for applicants for licenses to perform services in each field of practice at least twice a year. An applicant who fails

any part of the examination may retake the failed section in accordance with rules adopted by the agency. [1987 c.698 §4; 2001 c.104 §265; 2003 c.547 §54; 2005 c.648 §69; 2011 c.346 §13]

690.380 Display of license required; notice to Oregon Health Licensing Agency of place of business; notice to licensees. (1) A person who holds a license under ORS 690.350 to 690.415 shall notify the Oregon Health Licensing Agency in writing of the regular address of the place or places where the person performs or intends to perform services in a field of practice and shall keep the license conspicuously posted in the place of business at all times.

(2) The agency shall keep a record of the place or places of business of each person who holds a license.

(3) Any notice required to be given by the agency to a person who holds a license may be given by mailing the notice to the address of the last place of business of which the person has notified the agency. [1987 c.698 §8; 1993 c.30 §5; 2001 c.104 §266; 2003 c.547 §55; 2005 c.648 §70; 2011 c.346 §14]

690.385 License renewal, reactivation and reinstatement; rules; fees. (1) Except as provided in subsections (2) and (4) of this section, a license issued under ORS 690.365 expires one year from the date of issuance. To renew the license, the licensee must submit to the Oregon Health Licensing Agency:

- (a) A completed renewal application;
- (b) The required renewal fee; and

(c) Satisfactory evidence of having completed any required continuing education credits on or before the expiration date of the license as specified by agency rule.

(2) The agency may vary the date of license renewal by giving the applicant written notice of the renewal date being assigned and by making prorated adjustments to the renewal fee.

(3) The agency shall adopt by rule requirements for late renewal of a license, reactivation of an expired license or reinstatement of a license that has been expired for more than three consecutive years.

(4) A temporary license issued under ORS 690.365 expires as established by the agency by rule. A temporary license may not be renewed. [1987 c.698 §9; 1993 c.30 §6; 2001 c.104 §267; 2003 c.547 §56; 2005 c.648 §71; 2009 c.701 §47; 2011 c.346 §15]

690.390 Required standards for practitioners; rules. The Oregon Health Licensing Agency shall establish standards for practitioners in a field of practice. The standards must require:

(1) That instruments used in a field of practice be sterilized in accordance with methods approved by the rules of the agency;

(2) A practitioner working in a field of practice to be equipped with appropriate sterilizing equipment, hot and cold running water and a covered waste receptacle; and

(3) A practitioner working in a field of practice to keep case history cards for each client. [1987 c.698 §11; 1993 c.30 §7; 2005 c.648 §72; 2011 c.346 §16]

690.395 [1987 c.698 §10; 1993 c.30 §8; 2001 c.104 §268; repealed by 2003 c.547 §118]

690.400 [1987 c.698 §12; repealed by 2003 c.547 §118]

(Board of Body Art Practitioners and Oregon Health Licensing Agency)

690.401 Board of Body Art Practitioners. (1) There is established within the Oregon Health Licensing Agency the Board of Body Art Practitioners, to advise the agency with regard to the regulation of fields of practice. The board consists of seven members appointed by the Governor.

(2) Members of the board must be residents of this state. Of the members of the board:

(a) Two members must be licensed under ORS 690.365 to perform body piercing, dermal implanting or scarification;

(b) One member must be licensed under ORS 690.365 to practice electrolysis;

(c) Two members must be licensed under ORS 690.365 to perform tattooing;

(d) One member must be licensed under ORS chapter 677, 678 or 685; and

(e) One member must be a member of the public who does not possess the professional qualifications of the other members.

(3) The term of office of each member of the board is four years, but a member serves at the pleasure of the Governor. The Governor shall fill vacancies by appointment for the unexpired term. A member shall hold the member's office until the appointment and qualification of a successor. A member is eligible for reappointment. If a person serves two consecutive full terms, a period of at least four years must elapse before the person is eligible for appointment to serve on the board.

(4) The board shall meet at least once per year.

(5) Members of the board are entitled to compensation and reimbursement of expenses as provided in ORS 292.495. [2011 c.346 §10]

690.405 Powers and duties of Oregon Health Licensing Agency relating to body arts practices; rules. (1) The Oregon Health Licensing Agency shall:

(a) Determine the qualifications, training, education and fitness of applicants for licenses, renewal of licenses and reciprocal licenses;

(b) Adopt rules as necessary to administer ORS 690.350 to 690.415;

(c) Issue, deny, revoke, suspend and renew licenses;

(d) Maintain a public record of persons holding licenses;

(e) Establish standards of practice and professional responsibility for persons licensed by the agency to perform services in a field of practice;

(f) Select licensing examinations;

(g) Establish continuing education requirements for renewal of a license;

(h) Provide for waivers of examinations as appropriate;

(i) Appoint representatives to conduct or supervise examinations of applicants for licensure;

(j) Inspect the facilities of persons who perform services in one or more fields of practice; and

(k) Issue temporary licenses to qualified applicants in accordance with rules adopted by the agency.

(2) Before the agency adopts rules regulating body piercing of genitals or dermal implanting, the agency shall consult with the Oregon Medical Board to ensure that the rules protect public safety.

(3) The agency may consult with the Oregon Medical Board before adopting rules relating to other body art practices. [1987 c.698 §15; 1993 c.30 §9; 1999 c.885 §39; 2003 c.547 §59; 2005 c.648 §73; 2009 c.701 §48; 2011 c.346 §17]

690.407 Disciplinary authority of Oregon Health Licensing Agency. In the manner prescribed in ORS chapter 183 for contested cases, the Oregon Health Licensing Agency may impose a form of discipline listed in ORS 676.612 against any person performing services in a field of practice for any of the grounds listed in ORS 676.612, and for any violation of the provisions of ORS 690.350 to 690.415, or the rules adopted thereunder. [2003 c.547 §57; 2005 c.648 §74; 2011 c.346 §18]

690.410 Minimum standards of education and training; rules; schools. (1) The Oregon Health Licensing Agency, in accordance with ORS chapter 183 and in consultation with the Board of Body Art Practitioners, shall adopt by rule minimum standards of education and training requirements for each field of practice.

(2) The agency shall approve courses in each field of practice. To obtain approval of

a course, the provider of a course must submit an outline of instruction to the agency and the Department of Education. The outline must include the approved courses, total hours of instruction, hours of lectures in theory and the hours of instruction in application of practical skills.

(3) Schools teaching a field of practice must comply with the safety and infection control rules adopted by the agency and are subject to inspection at the discretion of the agency. [1987 c.698 §6; 1989 c.475 §1; 1989 c.491 §69; 1993 c.30 §10; 1993 c.45 §301; 1999 c.885 §40; 2001 c.104 §269; 2003 c.547 §60; 2005 c.648 §75; 2011 c.346 §19]

690.415 Fees; rules; disposition of receipts. (1) The Oregon Health Licensing Agency shall establish by rule and collect fees and charges for the following related to fields of practice:

(a) Application.

(b) Examination.

(c) Reciprocity.

(d) Original license.

(e) License renewal.

(f) Delinquent renewal of license.

(g) Replacement or duplicate license.

(h) Temporary license.

(i) Verification of licensure.

(j) Providing copies of official documents or records and for recovering administrative costs associated with compiling, photocopying or preparing and delivering the records.

(k) Education or training provided by the agency.

(2) All moneys received by the agency under this section shall be paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency as authorized by ORS 676.625. [1987 c.698 §5; 1991 c.703 §33; 1993 c.30 §11; 2001 c.104 §270; 2003 c.547 §61; 2005 c.648 §76; 2009 c.701 §49; 2011 c.346 §20]

690.420 [1987 c.698 §§23,27; 1991 c.734 §104; 1999 c.885 §41; repealed by 2003 c.547 §118]

690.425 [1987 c.698 §24; 1993 c.30 §12; 1999 c.885 §42; 2003 c.547 §62; 2005 c.648 §77; 2009 c.701 §50; repealed by 2011 c.346 §33]

690.430 [1987 c.698 §26; 2001 c.104 §271; 2003 c.547 §63; 2005 c.648 §78; repealed by 2011 c.346 §33]

690.500 [1995 c.562 §1; 1999 c.885 §51; 2003 c.547 §66; 2005 c.648 §79; repealed by 2011 c.346 §33]

690.507 [2003 c.547 §64; 2005 c.648 §80; 2009 c.701 §51; repealed by 2011 c.346 §33]

690.510 [1995 c.562 §2; 1999 c.885 §52; 2003 c.547 §67; 2005 c.648 §81; 2009 c.701 §52; repealed by 2011 c.346 §33]

690.515 [2003 c.547 §72; 2005 c.648 §82; repealed by 2011 c.346 §33]

690.520 [1995 c.562 §3; 1999 c.885 §53; 2003 c.547 §68; 2005 c.648 §83; 2009 c.701 §53; repealed by 2011 c.346 §33]

690.530 [1995 c.562 §4; 2001 c.104 §272; 2005 c.648 §84; repealed by 2011 c.346 §33]

690.540 [1995 c.562 §5; 1999 c.885 §54; repealed by 2003 c.547 §118]

690.550 [1995 c.562 §6; 1999 c.885 §55; 2003 c.547 §69; 2005 c.648 §85; 2009 c.701 §54; repealed by 2011 c.346 §33]

690.560 [1995 c.562 §7; repealed by 2003 c.547 §118]

690.570 [1995 c.562 §9; 2003 c.547 §71; 2005 c.648 §86; repealed by 2011 c.346 §33]

PENALTIES

690.990 [Amended by 1977 c.270 §2; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.992 Criminal penalties. (1) Violation of ORS 690.015 is a Class B misdemeanor.

(2) Violation of ORS 690.360 is a Class A misdemeanor. [1977 c.886 §25; subsection (2) enacted as 1987 c.698 §14; 2003 c.547 §74; 2011 c.346 §21]

Note: 690.992 (2) was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 690 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

690.995 [1983 c.151 §22; 1991 c.734 §80; 1999 c.425 §26; repealed by 2003 c.547 §118]

690.996 [1987 c.698 §§16,18,19,20; 2001 c.104 §273; repealed by 2003 c.547 §118]

690.997 [1987 c.698 §17; 1991 c.734 §81; repealed by 2003 c.547 §118]

690.998 [1987 c.698 §§21,22; repealed by 1991 c.734 §122]

690.999 [1995 c.562 §8; 1999 c.885 §56; repealed by 2003 c.547 §118]

OCCUPATIONS AND PROFESSIONS
