

**OREGON HEALTH LICENSING AGENCY
ADVISORY COUNCIL FOR ELECTROLOGISTS, PERMANENT COLOR
TECHNICIAN AND TATTOO ARTISTS
MINUTES OF November 20, 2006**

MEMBERS PRESENT

Brenda Cox, Chairperson
Judith Culp, Vice-Chairperson
Molly Ballew, Electrologist

STAFF PRESENT

Susan Wilson, Director
Larry Peck, Regulatory Operations Manager
Samantha Patnode, Board Liaison

AUDIENCE MEMBERS

Richard Edmison, Tattoo Artist
Emanuel Stockton, Tattoo Artist
Jaimee Bloom
Ross Carlson, Tattoo Artist
Autumn Marshall, Tattoo Artist
S.R Muzechenko, Tattoo Artist
Monty Herron, Tattoo Artist
Daniel Anthony, Tattoo Artist
Doris Heimuller, Tattoo Artist
Richard Yechout, Tattoo Artist
Felicia Canty, Tattoo Artist
Mike Kondash, Tattoo Artist
Sheila Ahern

MEMBERS EXCUSED

Marie Keyes, Public Member

CALL TO ORDER

Chairperson, Brenda Cox, called the meeting of the Advisory Council for Electrologists, Permanent Color Technicians and Tattoo Artists to order Monday, November 20, 2006, at 1:10 p.m. at the Oregon Health Licensing Agency (OHLA) in the Rhoades Conference Room, 700 Summer St NE, Suite 320, Salem, Oregon.

APPROVAL OF AGENDA

MOTION

Ms. Culp made a motion and Ms. Ballew seconded to approve the agenda. The motion passed with Ms. Culp, Ms. Ballew, and Ms. Cox voting aye.

MINUTES

MOTION

Ms. Culp made a motion and Ms. Ballew seconded to approve the minutes of April 3, 2006. The motion passed with Ms. Culp, Ms. Ballew, and Ms. Cox voting aye.

Revenues & Expenditures (1 minute, 37 seconds)

Ronald Riggs, OHLA Fiscal Service Division Manager, reported July 1, 2005 through August 31, 2006, biennium revenue showing a beginning balance of \$278,890 as of July 1, 2005. He stated that the estimated end of the biennium balance is \$374,219.

Mr. Riggs reported the Oregon Health Licensing Agency 2007-09 budget request proposes a new uniform fee structure. OHLA projects a \$21 annual licensing fee for nearly 30,000 individually licensed practitioners regulated by the agency.

Ms. Wilson stated if the OHLA budget is approved by the 2007 Oregon Legislature, the new fee structure would be implemented in late 2007. OHLA's 2007-09 Agency Budget Request was discussed. Recent changes made by the legislature have placed focus for accountability and assessment of services with the central organization to help align and promote the priorities and objectives determined by the Governor. The agency-wide biennial budget represents a new look at how the State of Oregon licenses professionals and proposes to equalize licensing fees that now range from as high as \$1,500 to as low of \$16.50. Ms. Wilson added the strategic plan for OHLA places emphasis on getting people to work quickly while maintaining and monitoring for performance and services. Council members expressed support of the OHLA budget and uniform fee package.

Ms. Jamie Bloom inquired if letters could be written to legislators supporting the fee reduction. Ms. Wilson suggested that individuals wait until the budget moves through the process.

Online Renewals (4 minutes, 18 seconds)

Mr. Riggs stated there were a total of 62 online renewals from June through October 2006 for electrologists, permanent color technicians and tattoo artists.

Ms. Culp inquired if credit cards can be used for the online renewal. Mr. Riggs stated that the agency accepts Visa and Mastercard.

Compliance (10 minutes, 29 seconds)

Mike Tryon, OHLA Chief Enforcement Officer, provided the complaint report, which reflects the total number of licensees, total complaints received and the overall percentage of complaints for each board, council and program within OHLA from January 1, 2006 through September 30, 2006. Mr. Tryon reported the 2004 and 2005 to date complaint percentages for the Advisory Council for Electrologists, Permanent Color Technicians and Tattoo Artists.

Ms. Cox stated that she received an active and inactive electrologist list, which included names of deceased practitioners. Mr. Peck explained that the license is inactivated, but the license record remains intact for 25 years due to record retention requirements. Ms. Patnode stated that the active list is the most current.

Complaints Report from January 1, 2006 – September 30, 2006

Electrologists

Total Number of Licensees – 164

Total Number of Complaints – 2 – (1 safety/infection control and 1 service complaint)

Total Percent of Complaints – 1%

Permanent Color and Tattoo Artists

Total Number of Licensees – 625

Total Number of Complaints – 21 (16 were licensing complaints, 5 safety/Infection Control, 0 service complaints)

Total Percent of Complaints – 10%

Mr. Tryon presented a breakdown of complaints received, and the ratio of complaints per licensee base per month for 2006 and reviewed a comparison of enforcement issues for 2002 through 2006 for each field of practice. He clarified questions from the Council.

Mr. Tryon stated that nine complaints had been closed and provided the Council with an overview of the closed investigations.

Needles and Needle Bar (17 minutes and 49 seconds)

Ms. Culp reported that the Oregon Occupational Safety and Health Division (OSHA) standards prohibit cutting tattoo needles for reuse on another client, and that the practitioner must dispose of needles after use (single use). She acknowledged that OHLA does not regulate according to OSHA standards, but adopts the Centers for Disease Control and Prevention (CDC) guidelines. She provided feedback from her discussion with CDC representatives, noting that CDC recommends needle bars not be cut and reused on clients. Ms. Culp pointed out that if a person owns a facility with independent contractors, the facility owner is considered the host employer by default and they must follow OSHA guidelines. Mr. Peck stated that this is covered under ORS 331-580-0000, an employee/employer relationship.

Licensing (25 minutes, 29 seconds)

Tina McCallister, OHLA Examination Coordinator, provided a 2006 active status count report.

Electrology – 96 Active

Electrology Facility – 68 Active

Permanent Color Technician/Tattoo Artist- 438 Active

Permanent Color Technician/Tattoo Artist Facility – 185 Active

Permanent Color Technician & Tattoo Artist

Practitioner Licensure Comparison 2004 - 2005

Original Licenses Issued - 80 (decrease of 13)

Certificates Renewed – 324 (increase of 59)

Increase late Renewals – 71 (increase of 4)

Facility Licensure for 2004 - 2005

Original Licenses Issued – 84 (increase of 18)

Licenses Renewed – 113 (increase of 1)

Late Renewals – 18 (decrease of 9)

Permits for 2004 – 2005

Original Temporary Issued – 22 (increase of 15)

Original Demonstration Issued – 1 (decrease of 1)

She reported on the monthly statistics of original licenses issued, certificates renewed, and late renewals for 2005 through 2006.

Electrologists – Full Year Comparison 2004 - 2005

Practitioner Licensure

Original Licenses Issued - 5 (decrease of 2)

Licenses Renewed – 86 (decrease of 5)

Increase Late Renewals – 11 (increase of 4)

Facility Licensure

Original Licenses Issued: - 14 (decrease of 50)

Licenses Renewed - 51

Late Renewals – 3 (increase of 3)

Continuing Education Audit (28 minutes, 29 seconds)

Ms. McCallister stated that a continuing education audit was conducted on 6 licensees. She reported that licensee with CEU's due between January 1, 2005 through December 1, 2005 were sent an audit notification letter requiring them to submit verification of completing 15 hours of permanent color and tattoo, and 20 hours for electrology continuing education. She pointed out that of the 6 licensees audited, 4 licensees submitted sufficient continuing education hours to meet the audit requirements within the initial 30 day period. Two licensees were sent a "final chance" notice to comply with the audit to avoid disciplinary action against their license. Ms. McCallister explained the following continuing education audit procedure:

- Audits performed yearly; with the first beginning in December
- 10% of those actively registered during the continuing education audit time frame are audited
- A random audit selection; every tenth licensee
- Notification sent of licensees/registrants for those individuals selected
- Verification of audit documents by OHLA
- Notification letter of compliance/noncompliance
- Those in noncompliance required to submit documentation and/or clarification
- Noncompliance requires licensees to respond 30/60 calendar days from the date of final notification
- Noncompliance may result in Enforcement action

Examination (29 minutes, 49 seconds)

Comparison 2004 – 2005 Permanent Color Technicians & Tattoo Artists

Written Examination

- Pass – 76 (remained the same)
- Fail – 13 (increase of 7)
- Number Conducted – 89 (increase of 7)
- Percent Passing – decrease 6%

Skills Assessment Examination

- Pass – 77 (decrease of 6)
- Fail – 33 (increase of 13)
- Number Conducted 110 (increase of 7)
- Percent Passing – decrease 11%

Comparison 2004 – 2005 Electrologists

Written Examination

- Pass – 8 (increase of 2)
- Fail – 1 (increase of 1)
- Number Conducted – 9 (increase of 3)
- Percent Passing – decrease 11%

Practical Examination

- Pass - 9 (increase of 3)
- Fail – 0 (decrease of 1)

- Number Conducted – 9 (increase of 2)
- Percent Passing – increase 14%

Permanent Color Technicians & Tattoo Artists – January 1, 2006 – September 2006

Written Examination

- Pass – 73
- Fail – 11
- Number Conducted – 84
- Percent Passing – 87%

Skills Assessment Examination

- Pass – 69
- Fail – 37
- Number Conducted – 106
- Percent Passing – 65%

Electrologists – January 1, 2006 – September 2006

Written Examination

- Pass – 7
- Fail – 1
- Number Conducted – 8
- Percent Passing – 88%

Practical Examination

- Pass – 7
- Fail – 0
- Number Conducted – 7
- Percent Passing – 100%

Ms. Cox stated that students attending her electrology school in Portland are concerned about acquiring continuing education hours since the council meetings are held in Salem. Ms. McCallister explained that attending council meetings is not the only way to acquire continuing education credit hours. She cited the following examples:

- Participation or attendance at an instructional program that is recognized
- Self study that includes review of publications, textbooks, printed materials or audio cassettes, films or slides

Ms. Cox asked what documentation must be submitted for continuing education hours. Ms. McCallister provided an overview of requirements:

- Name of institution, association or organization
- Title of presentation and description of content
- Name of instructor or presenter
- Date of attendance and duration in hours
- Course Agenda
- Official transcript, diploma, certificate, statement or affidavit from the sponsor attesting to attendance.

She added that documentation substantiating the completion of continuing education through self study would include:

- Name of sponsor or source, type of study, description of content, date of completion and duration in clock hours.
- Name of approved correspondence courses or national home study issues
- Name of publications, textbooks, printed material or audiocassettes including date of publication, publisher, and ISBN issued.
- Name of films, videos, slides including date of production, name of sponsor or producer and catalog number

Ms. Wilson stated the legitimacy of the course must be documented by the practitioner. Ms. Sheila Ahern inquired if pre-approval is required for special events or conferences. Ms. McCallister stated classes can be pre-approved but must apply to the scope of the profession.

Outreach and Communication (41 minutes, 42 seconds)

Mr. Bohot, OHLA Communications Officer, stated that OHLA launched the Piercing Thoughts public education campaign in May 2006, distributing a press release to the state's media and mailing brochures to high schools and colleges throughout the state. He explained that youth organizations will be contacted to distribute more brochures, such as Department of Human Services and Oregon Youth Authority. Media coverage included feature articles in *The Eugene Register-Guard*, *the East Oregonian*, *the Bend Bulletin* and *the Oregonian's Washington County Weekly*. The campaign is ongoing with future plans to provide presentation in high schools and colleges. Mr. Richard Yechout asked if the brochures were sent to facilities and if not, why were they released to the public. Mr. Bohot stated the brochures were externally reviewed with licensees and other professionals for content, and that the target audience was adolescents and parents who are unaware that the law prohibits tattooing and piercing individuals under the age of 18. Mr. Yechout stated his objections to releasing the information and the potential of scaring consumers from getting the service and adversely affect the tattoo industry. Members in the audience and the council disagreed acknowledging the need for state oversight is disclosure of potential risks. Mr. Richard Yechout asked if "branding" was licensed in Oregon. Mr. Bohot stated that "branding" is not regulated by OHLA and explained why it is listed on the brochure because it is aligned with a medical procedure and may be regulated by the Board of Medical Examiners.

Mr. Bohot displayed the Advisory Council for Electrologists, Permanent Color Technicians & Tattoo Artists continuing education page on the OHLA Web site at www.oregon.gov/OHLA/EPT, and noted it had been updated and expanded.

Mr. Bohot provided the Council with an overview of the Agency's Annual Performance Report for the fiscal year 2006.

- Percentage of contested case disciplinary action that are resolved informally
- Percentage of critical status complaints investigated within one week of receipt
- Percentage of applicants who attain same-day licensing status
- Percentage of licensees who renew online
- Percentage of customers rating the agency's customer service as good or excellent

Mr. Bohot reported completion of the Board and Council Member Orientation Handbook, and informed members that filming of the new board/council member video shooting is complete.

Mr. Bohot announced the online renewals are now on the OHLA Web site.

Mr. Bohot reported that the *License Inquiry* feature on the agency's Web site, is being updated to reflect disciplinary action on a license to provide consumers information about a practitioner's license status. A demonstration of the feature raised discussion on whether the search would reflect a practitioner's home or business address. Mr. Bohot clarified that the address listed on the license will be reflected on the license inquiry search results. In response to concerns regarding disclosure of personal home addresses, Ms. Wilson acknowledged concerns regarding full disclosure without the ability to identify who is requesting the information and for what purpose and stated staff would advise practitioners to use their business address as the mailing address.

Mr. Bohot presented a Council Communication publication that was provided to the Oregon Association of Licensed Electrologists that includes information on new council members.

Mr. Bohot provided the Council with fact sheets on all professions regulated by OHLA that will be provided to the legislature.

Ms. McCallister reported that OHLA is conducting an orientation with all new schools and stated that on November 2, 2006, OHLA provided an outreach for Richard Edmondson, owner of Tattoo Academy, a licensed career school in Salem, Oregon. Mr. Edmondson was provided with instructions and information pertaining to the application and examination process including transcript submission, walk-in testing schedules, examination types and time limits, as well as brochures which included an overview of the agency's after care procedures, facility inspection and agency contact information. He was provided with a master copy of the licensing application for electrologists, permanent color technicians and tattoo artists, and copies of the Oregon Revised Statutes and Administrative Rules.

ITEMS FOR BOARD ACTION

2007 Subcommittees (1 hour, 31 minutes)

MOTION

Ms. Culp made a motion and Ms. Ballew seconded that the 2007 subcommittees remain the same. The motion passed with Ms. Cox, Ms. Culp, and Ms. Ballew voting aye

- **Legislation / Rules:** Brenda Cox, Judith Culp
- **Enforcement:** Molly Ballew, Judith Culp
- **Examinations:** Molly Ballew, Brenda Cox
- **Licensing:** Molly Ballew, Judith Culp
- **Public Protection and Safety:** Marie Keyes

2007 Council Meeting Dates (1 hour, 34 minutes)

MOTION

Ms. Ballew made a motion and Ms. Culp seconded to accept the following meeting dates starting at 1:00 p.m. The motion passed with Ms. Cox, Ms. Culp, and Ms. Ballew voting aye

- April 2, 2007
- November 19, 2007

2007 Chair and Vice Chair (1 hour, 35 minutes)

MOTION

Ms. Ballew made a motion and Ms. Culp seconded to retain Brenda Cox as 2007 Chair. The motion passed with Ms. Cox and Ms. Ballew voting aye

MOTION

Ms. Ballew made a motion and Ms. Cox seconded to retain Judith Culp as 2007 Vice Chair. The motion passed with Ms. Culp and Ms. Ballew voting aye.

2007 Examination Dates (1 hour, 38 minutes)

MOTION

Ms. Ballew made a motion and Ms. Culp second to accept the 2007 Examination Dates (noted below). The motion passed with Ms. Cox, Ms. Culp, and Ms. Ballew voting aye.

- June 6, 2007
- December 5, 2007

Mr. Bohot stated that the *Piercing Thoughts* campaign is ongoing. Schools can request outreach be conducted which may include practitioner participation.

Public Comment (1 hour, 41 minutes)

Ms. Autumn Marshall asked whether the agency would conduct *Piercing Thoughts* outreach to high schools when the law prohibits practicing on anyone under the age of 18. Staff stated that the *Piercing Thoughts* Campaign is for high schools and colleges which has students who are 18. Mr. Bohot reiterated that outreach is conducted to educate both parents and children (teens) that may be unaware of the age restriction. Ms. Wilson stated that partnerships between public agencies and schools are increasing and being encouraged at all levels of government.

Mr. Emanuel Stockton asked if temporary permits could be changed to eliminate having to apply and pay a permit fee for each event the practitioner works. Mr. Peck reported that temporary permits will be processed immediately if received at the agency's licensing counter, and that an enforcement officer will conduct an inspection of the location based on staff availability. Mr. Peck cited previous difficulties in issuing a "mobile facility" as an annual license, stating oversight of safety/infection control standards was impeded by the mobility of the practice. He advised that reporting where work is being conducted to schedule periodic inspections would be required. Mr. Peck suggested that the issue of mobile facility licenses be deferred to the Rules Advisory Committee. The Council concurred.

EXECUTIVE SESSION – None

MISCELLANEOUS/PUBLIC COMMENT

Council Interest File

Ms. Patnode stated the Council Interest File is available for review.

Meeting adjourned at 3:30 p.m.

Samantha Patnode, Board Liaison