



OREGON HEALTH LICENSING AGENCY

LICENSING LINE



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BODY PIERCING RULEMAKING TO BE POSTPONED. . . . Body piercing technicians and facility owners who attended an outreach event on December 7 heard that they are facing a revenue shortfall and proposed fee increases in the Body Piercing Licensing Program.

However, the Oregon Health Licensing Agency (OHLA) has postponed administrative rulemaking that would propose fee increases so that OHLA may conduct further fiscal study and fact finding to consider feedback from the body piercing industry.

Increased enforcement activity and body piercing technician registration fees that are the lowest of OHLA-regulated professions (at \$25 since regulation began in 1996) were major factors in creating the body piercing program's revenue shortfall.

More than 25 technicians and facility owners attended the event to open discussion on the shortfall and to explore other issues of interest to body piercing technicians and facility owners. Some issues – such as increasing education and training requirements – would require legislation that needs to be introduced by the body piercing industry, said OHLA Director Susan K. Wilson.

"You need to gain consensus as a profession," Wilson said. "We are willing to partner with you, but the industry will be most successful by organizing and presenting its case to the Oregon State Legislature as a unified group."

COSMETOLOGY BOARD TO RULE ON VACUUM MASSAGE. . . . The Board of Cosmetology's Product Safety Committee will recommend that "vacuum massage" systems do not fall within the scope of practice of estheticians when the board meets on Monday, January 9.

Synergie, which made a brief presentation of its system at the board's November 7, 2005 meeting and provided more information at the December 2 Product Safety Committee meeting, markets "vacuum massage" equipment intended to temporarily reduce the appearance of cellulite. Other systems reviewed: Dermasonic and Endermologie.

Because clients wear a "body suit" with the Synergie system and the system acts on connective tissue below the epidermis, the committee determined that the system does not fall within the esthetics scope of practice.

OHLA enforcement staff obtained medical device classification documents from the U.S. Food & Drug Administration (FDA), Center for Devices and Radiological Health, showing that the Dermasonic and Endermologie

systems were for “prescription use” only.

The Product Safety Committee will present its findings and recommendation to the full board at its January 9 meeting, 9 am at OHLA in Salem.

SIMPLE SOLUTION FOR COSMETOLOGY DEFINITION. . . . Among concerns voiced by massage therapists at the special Board of Cosmetology Rules Committee meeting on December 2, the proposed definition of the word *manipulation* generated the most discussion.

While representatives from the Oregon Board of Massage Therapists and the American Massage Therapy Association, Oregon Chapter, voiced concern that the proposed definition is too similar to the definition of massage, Cindy Long of Salem’s College of Hair Design said that, “We can’t disregard these words because we share them.”

Long said that massage is already taught in cosmetology schools, for cosmetic, not therapeutic, purposes, adding that words such as *tapping* and *kneading* are not exclusive to massage therapists and are found in cosmetology textbooks.

After more discussion, a simple solution was found that seemed to satisfy everyone: removing “...*the use on the human body...*” from the proposed definition, then adding “...*for the purposes of providing skin care.*”

View the proposed rules at www.oregon.gov/OHLA/COS. More in-depth coverage can be found in the upcoming (January 15-February 15, 2006) issue of *Northwest Stylist & Salon*, which can be accessed online at the top of “Related Links” for cosmetology on the OHLA Web site.

COSMETOLOGY RULES HEARING ON JANUARY 23. . . . The deadline to comment on proposed changes to cosmetology Oregon Administrative Rules (OAR) is Monday, January 23, when a public rules hearing will be held with an independent hearings officer at 9 am at OHLA in Salem.

Proposed changes to cosmetology OARs include:

- Written examination fee increase to cover pass-through costs to implement and maintain a national examination
- Expanded documentation requirements for esthetics equipment classified as “medical devices” by the Food & Drug Administration
- New client record requirements for esthetics to prevent adverse effects on clients

Interested parties may provide written comment on the proposed rules by submitting them to OHLA prior to or at the January 23 hearing.

HEARINGS OFFICER DEFENDS “DIRECT SUPERVISION”. . . . Independent hearings officer Bert Krages responded to a request by the Oregon Dental Association (ODA) to change the definition of *direct supervision* in proposed Oregon Administrative Rules (OAR) for the Board of Denture Technology by saying the request “...is not well taken.”

Krages commented in his summary from a rules public hearing November 21

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that the definition of direct supervision for denture technology is "...consistent with the longstanding application of the existing rule." Krages also stated that *direct supervision* has differing statutory definitions among different regulated professions, and that the Oregon Revised Statutes (ORS) for denture technology (ORS 680) do not suggest that the definition needs to match that of ORS 679, the statute governing dentists.

The definition of *direct supervision* for denturists states that the supervising denturist or dentist must be on-site, while the definition for dentists states that the supervisor be in the same room.

The board voted to adopt the rules as permanent in a conference call on December 12.

EHRB REVIEWS SEPTIC SYSTEM APPLICATION PROCESS. . .

The Enforcement Committee of the Environmental Health Registration Board (EHRB) met on November 18 to address questions regarding the state Department of Environmental Quality's (DEQ) process for application, approval and installation of septic systems. *The concern:* that environmental health services are being provided by unregistered professionals.

The committee will recommend to the full board at its May 19 meeting that a more definitive description of what constitutes a *site evaluation* be addressed to clarify the exact role of an environmental health specialist in septic system applications. The committee will also recommend that the EHRB Rules Committee review the definition of *consultation*, as the consultation or evaluation of new and existing septic systems should be conducted by a registered environmental health specialist.

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