



HEALTH LICENSING OFFICE

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TO: The Honorable Rob Nosse, Chair
House Committee on Behavioral Health and Health Care

FROM: Robert Bothwell, Interim Director
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SUBJECT: SB 217 A-Engrossed

Chair Nosse and members of the committee; I am Robert Bothwell, Interim Director of the Health Licensing Office (HLO). I am taking no position on SB 217 A-Engrossed; however, I am testifying today to provide clarification on how the functions of the bill would impact HLO and fit into the centralized model to protect the health and safety of Oregonians.

SB 217 A-Engrossed would exempt a person from being certified in esthetics if they are performing spray tanning services using a handheld airbrush tanning device that is applied to another individual, without physical contact. The amendment would save individuals from having to pay for expensive esthetics school where generally air brush tanning is not taught. Also since there is no direct client to practitioner contact.

The bill transfers the curriculum for cosmetology from the Higher Education Coordinating Commission (HECC) to the Board of Cosmetology (Board). In Oregon HECC does not create and maintain the curriculum for any professions who are required to be taught in a licensed private career schools including electrology and advanced esthetics. In all cases except for cosmetology, the profession's regulatory body creates and maintains the curriculum, which ensures that the professional practice meets current industry standards and health and safety protocols to protect the public. HECC's expertise is not in creating what should be taught, but rather to ensure that private career

schools meet minimum standards concerning quality of education, ethics and business practices, health and safety, and fiscal responsibility to protect students.

SB 217 A-Engrossed would allow HLO to determine if an individual, who received education or training in another state or country but never received a license, qualifies to take the certification examination without additional education and training. This will reduce barriers to certification and save applicants time and resource by not having to take additional certification and training.

The amendment would make one member of the Board who is a practitioner in a field of practice and a representative of a cosmetology career school. The Board is made up of seven members, six practitioners who are certified in a field of practice, and one is a member of the public. Requiring one practitioner be a representative of a cosmetology career school will provide the Board with an expert in current education and training formats and current teaching standards in the cosmetology profession.

SB 217 A-Engrossed removes the requirement that the HLO perform school inspections related to safety and infection control standards. Under current statute HLO is required to perform safety and infection control inspections for cosmetology career schools on behalf of HECC. For the inspection, schools are required to pay an annual \$100 inspection fee to HECC who then passes the fee onto HLO. If the bill passes HLO will no longer be required to perform inspections on cosmetology career schools. To ensure public safety HLO and HECC have agreed to enter into a Mutual Letter of Understanding to work together if safety and infection control complaints arise against a cosmetology career school.

SB 217A -4:

The amendments provide for transparency between schools, HLO and the Board as it relates to education and curriculum for the cosmetology profession. The changes also ensure schools are part of the curriculum review process and clarification that HLO will no longer be providing safety and infection control inspections without collaboration with HECC. The amendments include the following:

- Adding “proficiency-based schools” to the definition of schools. Adding schools identifies that proficiency-based schools are also regulated by HECC which is the same as hourly-based schools. Proficiency-based schools determine if a student is prepared to take the required examinations by assessing the student’s ability to perform services and a specific number of procedures.
- Requires that prior to the Board adopting rules related to curriculum requirements a subcommittee made up of school representatives must be convened. The purpose

of the subcommittee is to make recommendations to the Board before adopting rules related to curriculum requirements.

- Requires an applicant have a skills evaluation and assessment done by a school if the applicant does not hold a license in another state or country but can provide evidence that they have received prior education and training in a cosmetology field of practice.
- Specify that HLO may not impose disciplinary action on schools.

I am available as a resource anytime. Thank you for the opportunity to testify.