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## **Cosmetology Exemption for Nursing Homes and Residential Care Facilities Rule Changes Effective March 2014**

A member recently asked us about changes made to the nursing home and residential care exemption to the cosmetology rules that they had read about in the [April 2014 Edition of Northwest Stylist & Salon](#). Effective March 1, 2014 the rules governing the exemption were changed.

Oregon statute<sup>i</sup> exempts persons identified by the Health Licensing Office or the Board of Cosmetology acting under the authority of a long term care facility or a residential care facility from the rules governing cosmetology.

In 2013, the licensing office sought legal review of the rules because they felt the rules governing the exemption, OAR 817-020-0305, lacked clarity on who was exempt from the rules which presented challenges when investigations were needed.

State staff obtained language on the original statutory intent of the exemption from state archives. According to state staff, that language indicates that the original intent was for staff working within nursing homes and residential care facilities to be able to provide personal hygiene services (washing hair, nail care, etc.) without being subject to the cosmetology rules.

Following legal review and research of the statutory intent of the exemption, the Board of Cosmetology revised the rules governing the exemption. Unlike DHS when rules are revised, the Board did not form a rule advisory committee to include stakeholders impacted by the changes. Additionally, administrators of nursing homes and residential care communities were not communicated with directly about the proposed rule changes.

Hence our communication to you at this time. Following are the current rules governing the exemption. A complete copy of the rules may be obtained by [clicking here](#).

**Please let me know how these changes may impact you. Thank you.**

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**Oregon Health Licensing Agency - Board of Cosmetology Oregon Administrative Rules  
Chapter 817, Division 005-125  
Permanent Rule Effective March 1, 2014**

(1) Under ORS 690.025(3) the provisions of ORS 690.005 to ORS 690.235 do not apply to persons 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.

(2) Persons exempt under ORS 690.025(3) are limited to providing well being care and personal hygiene services, including, but not limited to, cutting, shaving, or trimming of hair, beard or mustache, washing, brushing, and combing hair and basic skin and nail care on individuals residing at the hospital or long term care facility licensed under ORS 441.025 or the residential facility licensed under ORS 443.415.

(3) Persons exempt under ORS 690.025(3) are prohibited from providing chemical services, including, but not limited to permanent waving and coloring of hair, temporary hair removal and applying or removing artificial nails.

(4) Persons exempt under ORS 690.025(3) are limited to performing services listed in subsection (2) of this rule on individuals who reside at the hospital or long term care facility licensed under ORS 441.025 or the residential facility licensed under ORS 443.415.

(5) The exemption under ORS 690.025(3) only applies to employees of the hospital or long term care facility licensed under ORS 441.025 or the residential facility licensed under ORS 443.415 and volunteers working under the direct control and supervision of the hospital or long term care facility licensed under ORS 441.025 or the residential facility licensed under ORS 443.415

(6) For the purpose of this rule residential facility means a facility licensed under ORS 443.415 and defined under OAR 411-054-0005(48).

(7) For the purpose of this rule, a hospital or long term care facility means a facility licensed under ORS 442.025 and defined ORS 442.015(13) and ORS 442.015(16).

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<sup>i</sup> **ORS Chapter 690, Cosmetic Professionals (2013 Edition)**

**ORS 690.025 Exemptions; rules.** ORS 690.005 to 690.225 do not apply to:

3) Persons identified by the Health Licensing Office 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.