

CHAPTER 234. MEDICAL MICROPIGMENTATION

[Authority:63 O.S., §§ 1-104 and 1-1450 et seq.]

[Source:Codified 6-27-02]

SUBCHAPTER 1. GENERAL PROVISIONS

310:234-1-1. Purpose

The rules implement the provisions of the Oklahoma Medical Micropigmentation Regulation Act, 63 O.S. Section 1-1450 et seq.

[Source: Added at 19 Ok Reg 378, eff 11-19-01 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02; Amended at 39 Ok Reg 1241, eff 9-11-22]

310:234-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Autoclave bag" means a bag for holding instruments or other items, which are to be put into an autoclave for sterilization.

"Certification" means written approval by the Department for a person to perform medical micropigmentation.

"Committee" means the Consumer Protection Licensing Advisory Council.

"Contaminated waste" means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood and other potentially infectious materials, as defined in the "Bloodborne Pathogens." [29 CFR § 1910.1030]

"Department" means the Oklahoma State Department of Health.

"Equipment" means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with medical micropigmentation procedures.

"Handsink" means a lavatory equipped with hot and cold running water under pressure used solely for washing hands, arms or other portions of the body.

"Hot water" means water that attains and maintains a temperature of 100 °F.

"Instruments used for medical micropigmentation" means handpieces, needles, needle bars and other instruments that may contact a client's body or body fluids during medical micropigmentation.

"Licensing board" means *the Oklahoma State Board of Medical Licensure and Supervision, the State Board of Osteopathic Examiners and/or the Board of Dentistry.* [63 O.S. Section 1-1451(1)]

"Medical micropigmentation" means *a medical procedure in which any color or pigment is applied with a needle or electronic machine:*

(A) *To produce a permanent mark visible through the skin;*

(B) *Above the jawline and anterior to the ear and frontal hairline including but not limited to application of eyeliner, eye shadow, lips, eyebrows, cheeks, and scars; and/or*

(C) *For regimentation of areas involving reconstructive surgery or trauma.* [63 O.S. Section 1-1451(2)]

"Physician" means *a person licensed to practice:*

(A) *Allopathic medicine and surgery by the Oklahoma State Board of Medical Licensure and Supervision pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act.*

(B) *Osteopathic medicine by the State Board of Osteopathic Examiners pursuant to the Oklahoma Osteopathic Medicine Act, or*

(C) *Dentistry by the Board of Dentistry pursuant to the State Dental Act.* [63 O.S. Section 1-1451(3)].

"Poses a reasonable threat" means *the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.* [63 O.S. Section 1-1451(E)(2)]

"Procedure surface" means any part of equipment designed to contact the client's unclothed body during a medical micropigmentation procedure.

"Sanitize" means a process of reducing the number of microorganisms on cleaned surfaces and equipment to a safe level and has been approved by the Department.

"Sharps" means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized, single use needles, scalpel blades and razor blades.

"Sharps container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the International Biohazard Symbol.

"Single use" means products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, and protective gloves.

"Skills area evaluation" means an evaluation given at the end of instruction for a particular skills area that consists of two parts: technique and theory. Mastery of technique shall be demonstrated by performing the skills on the job sheet(s) for that skills area in the presence of an approved evaluator (supervising physician or instructor) with 100% accuracy. A candidate demonstrates mastery of micropigmentation theory by scoring 85% or greater on a written test over the material in that skills area.

"Sterilization" means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

"Substantially relates" means *the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation.* [63 O.S. 1451(E)(1)]

"Ultrasonic" means ultrasonic sound, which is pertaining to acoustic frequencies above the range audible to the human ear, or, above approximately 20,000 cycles per second. There are several types of ultrasonic devices.

"Written certification examination" means the state examination taken upon satisfactory completion of all skills area evaluations. An applicant demonstrates written competency by scoring 70% or greater on the written certification examination.

[Source: Added at 19 Ok Reg 378, eff 11-19-01 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02; Amended at 24 Ok Reg 1177, eff 4-2-07 (emergency); Amended at 24 Ok Reg 1940, eff 6-25-07; Amended at 39 Ok Reg 1241, eff 9-11-22; Amended at 40 Ok Reg 1543, eff 9-11-23]

SUBCHAPTER 3. MEDICAL MICROPIGMENTATION CERTIFICATION

310:234-3-1. Practice limitations

On and after May 1, 2002, medical micropigmentation may only be performed in a physician's office by:

- (1) A physician as defined by the Oklahoma Medical Micropigmentation Regulation Act;
- (2) A registered nurse licensed by the Oklahoma Board of Nursing who holds a current certificate issued by the State Commissioner of Health pursuant to the provisions of the Oklahoma Medical Micropigmentation Regulation Act while working under supervision of a physician. The level of supervision shall be determined by the physician in whose office medical micropigmentation is being performed; and
- (3) A person who holds a current certificate issued by the State Commissioner of Health pursuant to the provisions of the Oklahoma Medical Micropigmentation Regulation Act while working under supervision of a physician. The level of supervision shall be determined by the physician in whose office medical micropigmentation is being performed. [63:1-1452]

[Source: Added at 19 Ok Reg 378, eff 11-19-01 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02; Amended at 21 Ok Reg 1035, eff 5-13-04]

310:234-3-2. Certification requirements

(a) An individual shall be eligible to apply for a certificate to practice medical micropigmentation by satisfying all of the following criteria:

- (1) Applicant has received a high-school diploma or its equivalent;
- (2) Applicant is at least twenty-one years of age;
- (3) Applicant provides a copy of his/her driver's license or other similar photo identification;
- (4) Applicant provides a copy of his/her credentials and professional resume that documents years of practice and number of procedures performed (if applicable);
- (5) Applicant provides proof of satisfactory completion of an OSDH-approved medical micropigmentation training and testing program.

(b) The State Commissioner of Health shall not issue a certificate or renew a certificate to perform medical micropigmentation procedures to persons as specified in Title 63, Section 1-1454(B).

(c) **Certification fees.** Fees to obtain a certificate to practice medical micropigmentation in Oklahoma are as follows:

- (1) \$500.00 for a new application for certification;
- (2) \$100.00 for a renewal of certification;
- (3) \$375.00 for reinstatement of certification if the renewal is 30 days or more after the expiration date; or
- (4) \$125.00 for the replacement of a certificate.
- (5) Applicant shall be responsible for the cost of the examination or re-examination and background checks relating to licensing or certification.

(d) **Period of validity for certificate.** Certification is valid for one (1) year after date of issuance.

[Source: Added at 19 Ok Reg 378, eff 11-19-01 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02; Amended at 24 Ok Reg 1177, eff 4-2-07 (emergency); Amended at 24 Ok Reg 1940, eff 6-25-07; Amended at 39 Ok Reg 1241, eff 9-11-22]

310:234-3-3. Training and testing

An individual shall satisfy the training and testing requirement for certification by meeting the following criteria: Satisfactory completion of an OSDH-approved medical micropigmentation training program and the certification testing process shall include skills area evaluations and written certification test.

[Source: Amended at 39 Ok Reg 1241, eff 9-11-22; Amended at 24 Ok Reg 1940, eff 6-25-07; Amended at 24 Ok Reg 1177, eff 4-2-07 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02; Added at 19 Ok Reg 378, eff 11-19-01 (emergency)]

310:234-3-3.1. Reciprocity

An applicant shall qualify for certification by reciprocity if the applicant:

- (1) *Has qualifications and training comparable to those required under the Oklahoma Medical Micropigmentation Regulation Act;*
- (2) *Provides documentation verifying two (2) years of experience and a minimum of two hundred (200) procedures;*
- (3) *Has successfully completed the Oklahoma certification examination [63 O.S. Section 1-1455(E)]; and*
- (4) *Provides documentation verifying possession of licensing or certification from another state in good standing.*

[Source: Added at 21 Ok Reg 238, eff 11-6-03 (emergency); Added at 21 Ok Reg 1035, eff 5-13-04; Amended at 24 Ok Reg 1177, eff 4-2-07 (emergency); Amended at 24 Ok Reg 1940, eff 6-25-07; Amended at 39 Ok Reg 1241, eff 9-11-22]

310:234-3-4. Certificate by completion of medical micropigmentation training program and certification testing process

(a) Training in medical micropigmentation obtained through the Oklahoma Department of Career and Technology Education or other training course shall consist of at least 300 hours or equivalent of competency based instruction encompassing both theory and clinical training and is approved by the Department as meeting the training and curriculum requirements of this section.

(b) Medical Micropigmentation training shall be in the following skills area including theory and lab training:

- (1) Safety and Aseptic Technique;
- (2) Knowledge of Facial Anatomy, Physiology, and Disease;
- (3) Theory and Application of Micropigmentation;
- (4) Color Theory;
- (5) Client Consultation Services;
- (6) Professionalism; and
- (7) Micropigmentation procedures (eyeliner, lips, eyebrows, eye shadow, cheeks, scars, and/or reconstructive surgery, or trauma, or repigmentation of the areola):
 - (A) Basic procedures on clients (eyeliner, lips, and eyebrows),
 - (B) Advanced procedures (eye shadow, cheeks, scars, and/or reconstructive surgery, or trauma or repigmentation of the areola).

(c) The instructor for micropigmentation procedures and techniques shall be an Oklahoma Certified Micropigmentologist who has performed procedures for three (3) years that shall include eye procedures, full lip procedures, and eyebrow procedures.

(d) Skills area evaluations.

- (1) During the training program, a candidate must satisfactorily complete an evaluation for each skills area. The evaluation verifies that micropigmentation concepts and/or techniques presented in that skills area have been mastered.
- (2) Mastery of medical micropigmentation technique in a skills area shall be demonstrated when the candidate performs all skills presented on all job sheets contained within that skills area to the instructor with 100% accuracy.
- (3) Mastery of medical micropigmentation theory in a skills area shall be demonstrated when the candidate scores 85% on the written test over material covered in that skills area (if applicable).

(e) Written certification examination.

(1) Candidates shall be eligible to sit for the written certification examination upon satisfactory completion of training and skills area evaluations.

(2) A passing score of 70% shall be required to show competency. A candidate who does not meet this score can retest up to two (2) times. Candidates who do not pass the written certification examination must wait at least seven (7) days before retesting. Candidates who are unable to attain competency after three attempts shall be required to re-enroll in the medical micropigmentation training program.

(f) Application for certification. Upon satisfactory completion of the medical micropigmentation training and certification testing process, the applicant is eligible to apply for a Medical Micropigmentation Certificate. In order to apply for a Certification, the candidate must submit the following to OSDH:

(1) Completed application;

(2) Copy of the candidate's certificate of birth;

(3) Copy of the candidate's driver's license or other similar form of photo ID;

(4) Copy of the candidate's professional credentials; and

(5) Completed Training and Testing Verification Form.

(g) Issuance of certificates. The State Commissioner of Health shall award a certificate to eligible applicants within thirty (30) days of receipt of the completed application and required documents.

[Source: Added at 19 Ok Reg 378, eff 11-19-01 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02; Amended at 19 Ok Reg 3048, eff 8-22-02 (emergency); Amended at 20 Ok Reg 1613, eff 6-12-03; Amended at 21 Ok Reg 238, eff 11-6-03 (emergency); Amended at 21 Ok Reg 1035, eff 5-13-04; Amended at 24 Ok Reg 1177, eff 4-2-07 (emergency); Amended at 24 Ok Reg 1940, eff 6-25-07; Amended at 39 Ok Reg 1241, eff 9-11-22]

310:234-3-5. Certificate by skills challenge and certification testing [REVOKED]

[Source: Revoked at 39 Ok Reg 1241, eff 9-11-22; Amended at 24 Ok Reg 1940, eff 6-25-07; Amended at 24 Ok Reg 1177, eff 4-2-07 (emergency); Amended at 20 Ok Reg 1613, eff 6-12-03; Amended at 19 Ok Reg 3048, eff 8-22-02 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02; Added at 19 Ok Reg 378, eff 11-19-01 (emergency)]

SUBCHAPTER 5. SANITATION AND STERILIZATION PROCEDURES

310:234-5-1. Reusable equipment

(a) After each use, all non-single use, non-disposable instruments used for medical micropigmentation shall be cleaned thoroughly by scrubbing with an appropriate soap or disinfectant solution and hot water or by following the manufacturer's instructions to remove blood and tissue residue, and placed in an ultrasonic unit which shall be operated in accordance with the manufacturer's instructions.

(b) After cleaning, all non-disposable instruments used for body micropigmentation shall be packed individually in peel-packs and subsequently sterilized. All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs must be dated with the date sterilized.

(c) All cleaned, non-disposable instruments used for medical micropigmentation shall be sterilized in a steam autoclave. The autoclave shall be used, cleaned, and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of their sterilization unit shall be available for inspection by the Department. Sterile equipment shall not be used if the package has been breached without first repackaging and resterilizing. Sterilizers shall be located away from areas used for cleaning of non-disposable

instruments. If all single use, disposable instruments and products and sterile supplies are used, an autoclave shall not be required.

(d) Each holder of a medical micropigmentation certification shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. These test records shall be retained by the operator for a period of three (3) years and made available to the Department upon request.

(e) After sterilization, the instruments used for medical micropigmentation shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

(f) All instruments used for medical micropigmentation shall remain stored in sterile packages until just before performing a micropigmentation procedure. When assembling instruments used for performing medical micropigmentation procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

(g) All needles and equipment shall be specifically manufactured for performing medical micropigmentation procedures and shall be used according to manufacturer's instructions.

[Source: Added at 19 Ok Reg 378, eff 11-19-01 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02]

310:234-5-2. Single use items

Single use items shall not be used on more than one client for any reason. After use, all single use needles and other sharps shall be immediately disposed of in approved sharps containers.

[Source: Added at 19 Ok Reg 378, eff 11-19-01 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02]

SUBCHAPTER 7. REQUIREMENTS FOR PREMISES

310:234-7-1. Physical facilities

Medical micropigmentation shall only be performed in a physician's office. The applicant or licensed medical micropigmentation person shall provide information to the Department in their application or renewal form stating who the supervising physician is with the dentist or physician('s) signature, address of the dentist or physician's office where the dentist or physician is supervising, and where the Certified Medical Micropigmentologist being supervised is performing medical micropigmentation.

[Source: Added at 19 Ok Reg 378, eff 11-19-01 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02; Amended at 24 Ok Reg 1177, eff 4-2-07 (emergency); Amended at 24 Ok Reg 1940, eff 6-25-07; Amended at 39 Ok Reg 1241, eff 9-11-22]

310:234-7-2. Physical construction and maintenance

(a) All walls, floors, ceilings and all procedure surfaces where medical micropigmentation is performed shall be smooth, free of open holes or cracks, washable, in good repair, and clean. All procedure surfaces, including client chairs/benches shall be of such construction as to be easily cleaned and sanitized after each client.

(b) No animals of any kind shall be allowed in the area where medical micropigmentation is performed except service animals used by persons with disabilities.

(c) The facility shall comply with OAC 158:40 (Plumbing Industry Regulations). In addition, a separate, readily accessible, handsink with hot and cold running water, under pressure, equipped with wrist or foot operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible to each individual performing medical micropigmentation.

- (d) At least one covered waste receptacle shall be provided in each medical micropigmentation area and each toilet room. All refuse containers shall be lidded, cleanable and kept clean.
- (e) All instruments and supplies shall be stored in clean, dry and covered containers.
- (f) Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.
- (g) The facility shall comply with OAC 158:40 (Electrical Industry Regulations). In addition, the medical micropigmentation room shall have 10-foot candles of light at 30 inches above the floor and 30-foot candles on surfaces where micropigmentation is performed.
- (h) The facility shall comply with OAC 158:50 (Mechanical Industry Regulations).

[Source: Added at 19 Ok Reg 378, eff 11-19-01 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02; Amended at 24 Ok Reg 1177, eff 4-2-07 (emergency); Amended at 24 Ok Reg 1940, eff 6-25-07]

SUBCHAPTER 9. STANDARDS FOR MEDICAL MICROPIGMENTATION

310:234-9-1. Records

The following information shall be kept on file three (3) years by the person performing medical micropigmentation and shall be available for inspection by the Department:

- (1) Proof that certified persons performing medical micropigmentation have either completed or were offered and declined, in writing, the hepatitis B vaccination series.
- (2) Current certification by the Department to perform medical micropigmentation.

[Source: Added at 19 Ok Reg 378, eff 11-19-01 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02]

310:234-9-1.1. Medical Micropigmentation Records

An Oklahoma Certified Micropigmentologist shall provide the Oklahoma State Department of Health with the name, address, phone number, and licensure number of each of their supervising physicians; specifically identifying the Oklahoma State Board of Medical Licensure & Supervision, the Oklahoma State Board of Osteopathic Examiners and/or the Oklahoma State Board of Dentistry as the supervising physician's licensing authority. The Oklahoma Certified Micropigmentologist shall inform the Department of any and all changes thereto.

[Source: Added at 21 Ok Reg 238, eff 11-6-03 (emergency); Added at 21 Ok Reg 1035, eff 5-13-04; Amended at 39 Ok Reg 1241, eff 9-11-22]

310:234-9-2. Prohibited acts

- (a) Performing medical micropigmentation outside the confines of a physician's office.
- (b) Performing medical micropigmentation without a current certification or current licensure as a physician.
- (c) Smoking, eating, or drinking by anyone is prohibited in the area where medical micropigmentation is performed.
- (d) No person affected with an infectious disease shall work in any area where medical micropigmentation is performed if there is likelihood that they could contaminate equipment, supplies or working surfaces with body substances or pathogenic organisms.
- (e) Injection of local anesthesia shall only be administered by a certified micropigmentologist who is currently licensed as a nurse, a physician assistant or dental hygienist. The certified micropigmentologist not recognized by law to provide local anesthesia by other regulatory boards shall only administer infiltration by topical local anesthesia. These specified individuals may administer local anesthesia as allowed by their respective certified boards under which they practice.

[Source: Added at 19 Ok Reg 378, eff 11-19-01 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02; Amended at 27 Ok Reg 2511, eff 7-25-10]

310:234-9-3. Standards

(a) The person performing medical micropigmentation shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing medical micropigmentation procedures. Before performing medical micropigmentation procedures, the certified person must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

(b) In performing medical micropigmentation procedures, the certified person shall wear disposable medical gloves to minimize the possibility of transmitting infection to the person being pierced. Gloves must be changed if they become contaminated by contact with any non-clean surfaces or objects or by contact with a third person. The gloves shall be discarded after the completion of each procedure on an individual client and hands shall be washed before donning the next set of gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

(c) If, while performing a medical micropigmentation procedure, the certified person's glove is pierced, torn or otherwise contaminated, the contaminated gloves shall be discarded immediately and the hands washed thoroughly before a fresh pair of gloves are applied. Any item or instrument that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.

(d) Contaminated waste, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled, must be placed in a biohazard container, which is marked with the International Biohazard Symbol. Sharps ready for disposal shall be placed in an approved sharps container with the International Biohazard Symbol. Contaminated waste which may release blood, body fluids, dried blood or dried body fluids and sharps must be disposed of consistent with OAC 252:520. Contaminated waste, which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled, may be placed in a covered receptacle and disposed of through normal disposal methods.

(e) Any skin or mucosa surface being prepared to receive medical micropigmentation shall be free of rash or any visible infection.

(f) Administration of medication or anesthesia, if appropriate, shall comply with 59 O.S. Section 481-524, 59 O.S. Section 328 et seq., 59 O.S. Section 620 et seq., or 59 O.S. Section 567 et seq., or applicable law or rule.

[Source: Added at 19 Ok Reg 378, eff 11-19-01 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02]

310:234-9-4. Client records

(a) In order to aid the certified person in assessing and determining whether the client is a suitable candidate to receive a given medical micropigmentation procedure, information relative to the following conditions should be sought from the client:

(1) Reason for procedure;

(2) History of allergies, drug allergies, adverse reactions or other skin sensitivities; including but not limit to:

- (A) Drugs,
- (B) Foods,
- (C) Latex,
- (D) Medications, and
- (E) Topic medications.
- (3) History of high blood pressure;
- (4) History of cancer;
- (5) History of cataracts;
- (6) History of chemo/radiation;
- (7) Diabetes;
- (8) History of epilepsy, seizures, fainting or narcolepsy;
- (9) History of fever blisters;
- (10) History of glaucoma;
- (11) History of heart murmur;
- (12) History of hemophilia (bleeding);
- (13) History of hepatitis;
- (14) History of HIV/Aids;
- (15) History of artificial joints;
- (16) History of keloids;
- (17) Taking medications such as anticoagulants, which interfere with blood clotting;
- (18) History of mitral valve prolapse;
- (19) History of pacemaker;
- (20) Currently pregnant;
- (21) History of intraocular lens transplants;
- (22) History of RK/PRK lasik;
- (23) History of shingles;
- (24) History of skin disease, skin lesions or skin sensitivities to soaps or disinfectants; and
- (25) History of artificial valves;
- (b) The certified person shall ask the client to sign a Release Form confirming that the above information was obtained or attempted to be obtained.
- (c) Each certified person shall keep records of all medical micropigmentation procedures administered, including name, date of birth, address of the client, signature of the client, date of the procedure, and identification and location of the medical micropigmentation procedure(s) performed. All client records shall be confidential, they shall be retained for a minimum of three (3) years, and they shall be made available to the Department upon request.

[Source: Added at 19 Ok Reg 378, eff 11-19-01 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02]

310:234-9-5. Preparation and care of the target area

- (a) Before a medical micropigmentation procedure is performed, the immediate and surrounding area of the skin where the procedure is to be conducted shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single use disposable razors or safety razors with single service blades shall be used and discarded after each use and the reusable holder shall be autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
- (b) In case of blood flow, all products used to check the flow of blood or to absorb blood shall be single use and disposed of immediately after use.

[Source: Added at 19 Ok Reg 378, eff 11-19-01 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02]

SUBCHAPTER 11. ENFORCEMENT

310:234-11-1. General requirements

The State Commissioner of Health shall not issue a certificate or renew a certificate to perform medical micropigmentation to a person who has:

- (1) Been convicted of or pled guilty or nolo contendere to a felony crime that substantially relates to the practice of medical micropigmentation and poses a reasonable threat to public safety;*
- (2) Been determined to have engaged in unprofessional conduct as defined by the rules promulgated by the State Board of Health;*
- (3) Made a materially false or fraudulent statement in an application or other document relating to certification pursuant to the provisions of the Oklahoma Medical Micropigmentation Regulation Act; or*
- (4) Had a health-related license, certificate, or permit suspended, revoked or not renewed or had any other disciplinary action taken, or had an application for a health-related license, certificate, or permit refused by a federal, state, territory, or District of Columbia regulatory authority for intentionally falsifying information. [63 O.S. Section 1-1454(B)]*

[Source: Reserved at 19 Ok Reg 378, eff 11-19-01 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02; Amended at 40 Ok Reg 1543, eff 9-11-23]

310:234-11-2. Suspension or revocation of certification

- (a) A certification issued under the provisions of OAC 310:234 may be suspended by the Department for failure of the holder to comply with the requirements OAC 310:234.
- (b) Whenever a certificate holder has failed to comply with any notice issued under the provisions of OAC 310:234, the certificate holder shall be notified in writing that the certificate is, upon service of this notice, suspended. A hearing shall be provided if a written request for a hearing is filed with the Department.
- (c) Any certification may be permanently revoked after a hearing if the certificate holder is found to have repeated or serious violations of any of the requirements of OAC 310:234 or for interference with Department personnel in the performance of their duties.

[Source: Added at 19 Ok Reg 378, eff 11-19-01 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02]

310:234-11-3. Administrative penalties

- (a) The Department may assess administrative penalties as follows:
 - (1) Failure to obtain appropriate certification (i.e. performing Micropigmentation without a certificate), \$5,000.00 per violation;
 - (2) Failure to observe procedures to prevent the transmission of a bloodborne pathogen, \$500.00 per violation;
 - (3) Failure to maintain instruments used in medical micropigmentation in a sterile condition, \$500.00 per violation;
 - (4) Failure to install and maintain appropriate facilities for handwashing, \$500.00 per violation;
 - (5) Failure to maintain client records or monthly spore destruction test records, \$500.00 per violation; or
 - (6) Demonstrating unprofessional conduct, which includes but is not limited to:
 - (A) Advertising to the public in any manner without the necessary certificate;
 - (B) Habitual intemperance or the habitual use of habit-forming drugs;

- (C) All advertising of business in which statements are made which are grossly untrue or improbable and calculated to mislead the public;
- (D) Conviction or confession of a crime involving violation of:
 - (i) The laws of this state, or
 - (ii) The Oklahoma Medical Micropigmentation Regulation Act or this Chapter;
- (E) Failure to maintain an office record for each patient which accurately reflects the treatment of the patient;
- (F) Fraud or misrepresentation in applying for or procuring a micropigmentation certificate;
- (G) Cheating on or attempting to subvert the medical micropigmentation certification examination(s);
- (H) Conduct likely to deceive, defraud, or harm the public;
- (I) Practice or other behavior that demonstrates an incapacity or incompetence to practice medical micropigmentation; or
- (J) Has been finally adjudicated and found guilty or entered a plea of guilty or nolo contendere to a felony crime as described Section 310:234-11-1(1) of this Chapter, whether or not sentence is imposed, and regardless of the pendency of an appeal, penalty of \$500.00 for each violation above in section 310:234-11-3(6).
 - (b) Penalties shall double for repeat offenses.
 - (c) Continued non-compliance shall result in administrative action to revoke the certification or to order the person to cease violating the law.
 - (d) Each day an offense occurs shall be considered a separate of offense.

[Source: Added at 19 Ok Reg 378, eff 11-19-01 (emergency); Added at 19 Ok Reg 2067, eff 6-27-02; Amended at 40 Ok Reg 1543, eff 9-11-23]

310:234-11-4. Inspection of Complaints

Upon receipt of a complaint by the Department or upon receipt of notice relating to an alleged violation of the Oklahoma Medical Micropigmentation Regulation Act or rules promulgated there under, that involves the practice of micropigmentation in the office of a dentist or physician, the Department shall notify the appropriate licensing board of the complaint and request a joint inspection.

[Source: Added at 24 Ok Reg 1177, eff 4-2-07 (emergency); Added at 24 Ok Reg 1940, eff 6-25-07]