

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH  
CHAPTER 234. MEDICAL MICROPIGMENTATION**

"Unofficial Version"

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[**AUTHORITY:** Oklahoma State Board of Health; Title 63 O.S. §§ 1-104 et seq. and 1-1450 et seq.]

[**Source:** Codified on June 27, 2002]

**SUBCHAPTER 1. GENERAL PROVISIONS**

Section
310:234-1-1. Purpose
310:234-1-2. Definitions

**310:234-1-1. Purpose**

This Chapter is to be used by physicians, nurses and other individuals who are certified to perform medical micropigmentation. The rules implement the provisions of 63 O.S. Section 1-1450 et seq.

[**Source:** Added at 19 Ok Reg 378, eff 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002]

**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:

**"Aftercare"** means written instructions given to the client, specific to the micropigmentation procedure(s) rendered, on caring for the micropigmentation area and surrounding area.

**"Antiseptic"** means an agent that destroys disease-causing microorganisms on human skin or mucosa.

**"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.

**"Clinical certification examination"** means the examination is a clinical scenario that tests the candidate's ability to perform micropigmentation procedures. The candidate demonstrates technical competency by scoring 100% on the clinical certification examination. The clinical certification examination consists of one scenario with three skills components, one of which may be retaken two (2) times before retraining is required.

**"Committee"** MMAC means the Medical Micropigmentation Advisory Committee.

**"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 "Occupational Exposure to Bloodborne Pathogens." [29 CFR § 1910.1030]

**"Department"** OSDH means the Oklahoma State Department of Health.

**"Disinfection"** means the destruction of disease-causing microorganisms on inanimate objects or surface.

**"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 as specified in OAC 158:30.

**"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.* [21:841.5]

**"Liquid chemical germicide"** means a disinfectant or sanitizer registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach (500ppm, ¼ cup/gal. or 2 tablespoons/quart of tap water) made fresh daily and dispensed from a spray bottle.

**"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.* [21:841.5]

**"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.* [Title 59 O.S. Section 481 et seq.]

(B) *Osteopathic medicine by the State Board of Osteopathic Examiners pursuant to the Oklahoma Osteopathic Medicine Act,* [Title 59 O.S.620 et seq.] *or*

(C) *Dentistry by the Board of Dentistry pursuant to the State Dental Act.* [Title 59 O.S. Section 328.1 et seq.].

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

**"Sanitize/sanitization procedure"** means a process of reducing the number of microorganisms on cleaned surfaces and equipment to a safe level as 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, scalpel blades, 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 shall demonstrate mastery of micropigmentation theory by scoring 85% or greater on a written test over the material in that skills area.

**"Skills Challenge"** means a mechanism that enables persons who are currently performing supervised micropigmentation to challenge the training requirement through previous training and experience. Candidates who satisfactorily challenge the training requirement by satisfactorily completing all skills area evaluations can take the written and clinical certification examinations. Candidates who do not satisfactorily challenge the training requirement must enroll in a medical micropigmentation training program.

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

**"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.

**"Universal precautions"** means a set of guidelines and controls, published by the Centers for Disease Control (CDC) as "Guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B to health-care and public-safety workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as "Recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures" in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, proper handling

and disposal of needles, sharps disposal, and disposal of products contaminated with blood and body fluids.

**"Written certification examination"** means an 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. The written certification examination may be retaken up to two (2) times before retraining is required.

[**Source:** Added at 19 Ok Reg 378, eff 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002; Amended at 24 Ok Reg 1177, eff 4-2-2007(emergency); Amended at 24 Ok Reg 1940, eff 6-25-2007]

### **SUBCHAPTER 3. MEDICAL MICROPIGMENTATION CERTIFICATION**

#### Section

- 310:234-3-1. Practice limitations
- 310:234-3-2. Certification requirements
- 310:234-3-3. Training and testing
- 310:234-3-3.1. Reciprocity
- 310:234-3-4. Certificate by completion of medical micropigmentation training program and certification testing process
- 310:234-3-5. Certificate by skills challenge and certification testing

#### **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 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002; Amended at 21 Ok Reg 1035, eff 5-13-2004]

#### **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 shall have received a high-school diploma or

its equivalent;

- (2) Applicant shall be at least twenty-one years of age;
- (3) Applicant shall provide a notarized copy of his/her certificate of birth;
- (4) Applicant shall provide a notarized copy of his/her driver's license or other similar photo identification;
- (5) Applicant shall provide a notarized copy of his/her credentials and professional resume that documents years of practice and number of procedures performed (if applicable);
- (6) Applicant shall provide 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 certain persons as specified in Title 63, Section 1-1454(b).

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

- (1) \$500.00 for a new application for certification, which does not include subsequent cost of exams and re-exams;
- (2) \$100.00 for a renewal of certification;
- (3) \$375.00 for reinstatement of certification if the renewal of the certification is 30 days or more after the expiration date; and/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 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002; Amended at 24 Ok Reg 1177, eff 4-2-2007(emergency); Amended at 24 Ok Reg 1940, eff 6-25-2007]

### **310:234-3-3. Training and testing**

An individual shall satisfy the training and testing requirement for certification by meeting one (1) of the following criteria:

- (1) Satisfactory completion of an OSDH-approved medical micropigmentation training program and the certification testing process shall include skills area evaluations and written certification test. A clinical skills test may be required if deemed necessary by the Oklahoma Department of Career and Technology Education.
- (2) Granted challenge status after being deemed by OSDH to have met requirements for preparedness through training and experience and satisfactory completion of all components of the certification testing process shall include skills area evaluations and written certification test. A clinical skills test may be required if deemed necessary by the Oklahoma Department of Career and Technology Education.

[Source: Added at 19 Ok Reg 378, eff 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002; Amended at 24 Ok Reg 1177, eff 4-2-2007(emergency); Amended at 24 Ok Reg 1940, eff 6-25-2007]

**310:234-3-3.1 Reciprocity**

The State Department of Health upon recommendation of the Medical Micropigmentation Advisory Committee may approve applicants for certification by 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; and
- (3) Has successfully completed the Oklahoma certification examination.[63:1-1455(E)]
- (4) Provides documentation verifying possession of licensing or certification from another state in good standing.

[Source: Added at 21 Ok Reg 238, eff 11-6-2003(emergency); Added at 21 Ok Reg 1035, eff 5-13-2004; Amended at 24 Ok Reg 1177, eff 4-2-2007(emergency); Amended at 24 Ok Reg 1940, eff 6-25-2007]

**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 [63:1-1455] 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:

- (1) An Oklahoma Certified Micropigmentologist who has performed procedures for three (3) years that shall include eye procedures, full lip procedures, and eyebrow procedures; or
- (2) A physician as defined by OAC 310:234-1-2. Subject matter experts may be utilized to teach technique and theory in other skill areas.

(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. The written certification examination for medical micropigmentation shall be offered at Health Certification Project testing sites located in Technology Centers. Documentation of satisfactory completion of the written certification exam shall be required before a candidate is permitted to take the clinical certification examination.

(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) **Clinical certification examination.**

(1) Candidates shall be eligible to take the clinical certification examination upon satisfactory completion of the written certification examination. The clinical certification examination for medical micropigmentation shall be offered at selected Technology Center test sites and shall be offered two (2) times per year or as deemed necessary by the Department. The clinical certification examination shall consist of three (3) components.

(2) Candidates shall provide all equipment and supplies for the clinical certification examination. Competency shall be verified by documentation of the clinical certification examination. A candidate must attain a score of 100% to pass the clinical certification examination. A candidate shall be permitted to retest one (1) clinical component up to two (2) times. Candidates who are unable to pass all three components within these guidelines shall be required to re-enroll in a medical micropigmentation program.

(g) **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) Notarized copy of the candidate's certificate of birth;
- (3) Notarized copy of the candidate's driver's license or other similar form of photo ID;
- (4) Notarized copy of the candidate's professional credentials; and
- (5) Completed Training and Testing Verification Form.

(h) **Issuance of certificates.** The State Commissioner of Health shall award a certificate to eligible applicants as set forth in Section 5 of the Act within thirty days of receipt of the completed application and required documents.

[Source: Added at 19 Ok Reg 378, eff 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002; Amended at 19 Ok Reg 3048, eff 8-22-2002 (emergency); Amended at 20 Ok Reg 1613, eff 6-12-2003; Amended at 21 Ok Reg 238, eff 11-6-2003 (emergency); Amended at 21 Ok Reg 1035, eff 5-13-2004; Amended at 24 Ok Reg 1177, eff 4-2-2007(emergency); Amended at 24 Ok Reg 1940, eff 6-25-2007]

### **310:234-3-5. Certificate by skills challenge and certification testing**

(a) A person who has received training in micropigmentation and has experience in performing micropigmentation procedures may be deemed to have met the Department-approved preparedness requirements. Attaining challenge status enables the applicant to bypass micropigmentation training if he/she is able to score 100% on the Skills area evaluations for each of the areas:

- (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 on Clients.
  - (A) Basic procedures (eyeliner, lips, and eyebrows),
  - (B) Advanced procedures (eye shadow, cheeks, scars, and/or reconstructive surgery, trauma, or repigmentation of the areola)

(b) **Application for certification by skills challenge and certification testing.**

- (1) To apply for challenge status, the applicant must submit all of the following to OSDH:
  - (A) Completed application for challenge status;
  - (B) Notarized copy of the applicant's certificate of birth;
  - (C) Notarized copy of the applicant's driver's license or other similar photo identification;
  - (D) Notarized copy of his/her credentials and professional resume of satisfactory completion of Medical Micropigmentation procedures for a minimum of six months experience and 60 procedures performed;
  - (E) Letter from supervising physician detailing the types of micropigmentation procedures that shall be performed

under his/her supervision or letter of recommendation;  
(2) OSDH shall notify the applicant in writing of its decision to approve/disapprove the applicant's challenge status within 60 days of receipt of a completed application. Applicants who are not eligible to challenge must enroll in a micropigmentation training program before entering the certification testing process. Applicants who are eligible to challenge must present the letter of notification from OSDH upon enrolling in the skills challenge and certification testing process.

**(c) Skills area evaluations.**

(1) A skills challenge candidate must score 100% on each skills area evaluation. The evaluation verifies those micropigmentation concepts and/or techniques presented in the training program have been mastered through previous training and experience.

(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 competency area to the instructor with 100% accuracy. A skills challenge candidate shall perform all skills presented on a job sheet in the presence of his/her supervising physician. Each job sheet must document the procedure performed and include the signature of the supervising physician who witnessed and evaluated the procedure. In order to take the written portion of the skills area evaluation, the candidate must present signed and completed job sheets for each skill presented in that competency area.

(3) Mastery of medical micropigmentation theory in a skills area shall be demonstrated when the candidate scores 85% on the written test (if applicable). Candidates who fail to score 85% on the written portion of each skills area evaluation can re-test in no more than two (2) competency areas. Candidates who fail to score 85% after three (3) attempts shall be required to enroll in a micropigmentation program. Unsuccessful challenge candidates must remediate in all areas where they scored less than 85% through an approved micropigmentation program. Competency will be determined by successful completion of the associated written skill evaluation(s). Candidates who satisfactorily complete all skills area evaluations shall be eligible to register for the written certification examination.

**(d) Written certification examination.**

(1) Candidate shall be eligible to sit for the written certification examination upon satisfactory completion of training and skills area evaluations. The written certification examination for medical micropigmentation shall be offered at Health Certification Project testing sites located in Technology Centers. Documentation of satisfactory completion of the written certification exam shall be required before a candidate is permitted to take the clinical certification examination.

(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.

(e) **Clinical certification examination.**

(1) Candidates shall be eligible to take the clinical certification examination upon satisfactory completion of the written competency examination. The clinical competency for medical micropigmentation shall be offered at selected Technology Center test sites and shall be offered two (2) times per year or as deemed necessary by the Department. The clinical certification examination shall consist of three (3) components.

(2) Candidates shall provide all equipment and supplies for the clinical competency examination. Competency shall be verified by documentation of the clinical competency examination. A candidate must attain a score of 100% to pass the clinical certification examination. A candidate shall be permitted to retest one (1) clinical component up to two (2) times. Retesting a clinical component shall be available at the next clinical certification examination test date. Candidates who are unable to pass all three components within these guidelines shall be required to re-enroll in a medical micropigmentation program.

(f) **Application for certification.**

(1) 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:

- (A) Completed application for certification, and
- (B) Completed Training and Testing Verification Form.

(2) The State Commissioner of Health shall award a certificate to eligible applicants as set forth in Section 5 of the Act within thirty days of receipt of the completed application and required documents.

[Source: Added at 19 Ok Reg 378, eff 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002; Amended at 19 Ok Reg 3048, eff 8-22-2002 (emergency); Amended at 20 Ok Reg 1613, eff 6-12-2003; Amended at 24 Ok Reg 1177, eff 4-2-2007(emergency); Amended at 24 Ok Reg 1940, eff 6-25-2007]

## SUBCHAPTER 5. SANITATION AND STERILIZATION PROCEDURES

### Section

- 310:234-5-1. Reusable equipment
- 310:234-5-2. Single use items

#### **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 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002]

#### **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 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002]

## SUBCHAPTER 7. REQUIREMENTS FOR PREMISES

### Section

310:234-7-1. Physical facilities

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

#### **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 who the Certified Medical Micropigmentologist being supervised is performing medical micropigmentation.

[Source: Added at 19 Ok Reg 378, eff 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002; Amended at 24 Ok Reg 1177, eff 4-2-2007(emergency); Amended at 24 Ok Reg 1940, eff 6-25-2007]

#### **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 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002; Amended at 24 Ok Reg 1177, eff 4-2-2007(emergency); Amended at 24 Ok Reg 1940, eff 6-25-2007]

## **SUBCHAPTER 9. STANDARDS FOR MEDICAL MICROPIGMENTATION**

Section

- 310:234-9-1. Records
- 310:234-9-1.1. Medical Micropigmentation Records
- 310:234-9-2. Prohibited acts
- 310:234-9-3. Standards
- 310:234-9-4. Client records
- 310:234-9-5. Preparation and care of the target area

### **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 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002]

### **310:234-9-1.1 Medical Micropigmentation Records**

An Oklahoma Certified Micropigmentologist shall provide the Oklahoma State Department of Health, Consumer Protection Division 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 239, eff 11-6-2003 (emergency); Added at 21 Ok Reg 1035, eff 5-13-2004]

### **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) 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 micropigmentationist not recognized by law to provide local anesthesia by other regulatory boards shall only administer infiltration local anesthesia.

[Source: Added at 19 Ok Reg 378, eff 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002]

### **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 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002]

**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 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002]

**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 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002]

**SUBCHAPTER 11. ENFORCEMENT**

Section

- 310:234-11-1. General requirements
- 310:234-11-2. Suspension or revocation of certification
- 310:234-11-3. Administrative penalties
- 310:234-11-4. Inspection of Complaints

**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 or a misdemeanor involving moral turpitude in any federal, state, territory or District of Columbia court;*
- (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.*

[Source: Reserved at 19 Ok Reg 378, eff 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002]

**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 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002]

### **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) Conviction of a felony or of any offense involving moral turpitude;
  - (D) All advertising of business in which statements are made which are grossly untrue or improbable and calculated to mislead the public;
  - (E) Conviction or confession of a crime involving violation of:
    - (i) The laws of this state, or
    - (ii) State Board of Health rules;
  - (F) Failure to maintain an office record for each patient which accurately reflects the treatment of the patient;
  - (G) Fraud or misrepresentation in applying for or procuring a micropigmentation certificate;
  - (H) Cheating on or attempting to subvert the medical micropigmentation certification examination(s);
  - (I) Conduct likely to deceive, defraud, or harm the public;

- (J) Practice or other behavior that demonstrates an incapacity or incompetence to practice medical micropigmentation; or
- (K) Has been finally adjudicated and found guilty or entered a plea of guilty or nolo contendere in a criminal prosecution, for any offense reasonably related to the qualifications, functions or duties of a micropigmentologist for any offense involving moral turpitude, 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 offense.
- [Source:** Added at 19 Ok Reg 378, eff 11-19-2001(emergency); Added at 19 Ok Reg 2067, eff 6-27-2002]

#### **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 4-2-2007(emergency); Added at 24 Ok Reg 1940, eff 6-25-2007]