

2009-2010 GRAND JURY REPORT

Riverside County Community Health Agency Department of Environmental Health

Background

The Department of Environmental Health (DEH) is one of three departments, which comprise the Riverside Community Health Agency (CHA). The DEH consists of three divisions: Hazardous Materials Management (HMM), District Environmental Services (DES) and Environmental Resources Management (ERM).

This report focuses on the Local Solid Waste Management Enforcement Agency (LEA) a major program in the ERM division. The LEA regulates and oversees specific activities such as practitioners of tattooing, body piercing and permanent cosmetics to ensure that clean and sanitary conditions exist and to protect consumers and practitioners from transmission of contagious diseases.

In response to a request by the State Legislature, the California Conference of Local Health Officers distributed a set of sterilization, sanitation and safety standards for tattooing, permanent cosmetics and body piercing to county health departments in 1998. Riverside County has not yet formally adopted these standards.

Findings

1. DEH Policy No. 16, Department Policies, states in part: "All Department employees are responsible for reviewing and complying with policies." Newly hired staff in the LEA is not consistently being trained according to procedures set forth in DEH Policy No. 708, Staff Training Procedures. This training is mandated by the Riverside County DEH for newly hired employees and also required for existing personnel to ensure their skills remain current.
2. LEA personnel as required by Policy No. 708 are not consistently documenting training conducted.
3. Trainees are not consistently being administered written and oral tests required by Policy No. 708.

4. The LEA inspects approximately 100 practitioners of tattooing, body piercing and permanent cosmetics annually. The focus of the inspection process is to establish and maintain sterile conditions and safe disposal of instruments. In 1999, Health and Safety Code §119305 authorized counties to adopt regulations to protect consumers and practitioners from transmission of contagious diseases through cross-contamination of instruments and supplies. The Riverside County Board of Supervisors has not adopted ordinances and regulations to implement the legislation.
5. The DEH Application for Registration of a Person Engaged in the Business of Tattooing, Body Piercing or Permanent Cosmetics (Attachment 1) does not require practitioners to:
 - a. Provide proof of successful completion of an LEA approved health and safety class that has a curriculum, which contains all the sections of the Hazard Control Plan.
 - b. Establish an Exposure Control Plan.
 - c. Obtain a facility permit.
 - d. Document practitioners' protection against Hepatitis B.
 - e. Obtain a copy of LEA health standards.
6. CHA issued Interim Standards in 1999 to be used by Environmental Health Specialists when inspecting tattooing, body piercing and permanent cosmetics operations (Attachment 2). Practitioners sign the form, which commits the signer to comply with these standards. An Advisory Inspection Report is provided to practitioners at the completion of inspections (Attachment 3). Neither the Interim Standards nor Advisory Inspection forms actually contain standards. They merely consist of checklists of subjects that shall apply to a practitioner.
7. Riverside County Health Services Agency Interim Standards for tattoo and body art practitioners advises: "Practitioners shall not: Apply any tattoo to any person under eighteen (18) years of age except when authorized or directed by a physician." This information is incomplete as stated.
8. Another incomplete statement in the Interim Standards states that practitioners shall not "Perform body piercing on a person under age of eighteen unless a parent or guardian accompany them."

9. Written registration information provided to practitioners of tattooing, body piercing and permanent cosmetics establishments does not inform registrants that a person who violates sterilization, sanitation and safety standards shall be subject to a civil penalty of \$500 per violation. There are no provisions for the revocation (after due process) and reinstatement of registration.
10. Health and Safety Code §119303 required practitioners to pay an annual inspection fee of \$105 beginning in January 1999. DEH did not begin collecting the fee until January 2009, ten years later (Attachment 4). DEH's failure to collect these fees from practitioners from 1999 to the end of 2008 deprived the department and county of much needed revenue.
11. The 2009-2010 Riverside County Grand Jury requested that DEH provide a list of body art practitioner inspections completed in Riverside County in 2007, 2008 and 2009. The lists received contained some incomplete and clearly erroneous data, such as:
 - a) Numerous inspections were listed as completed in cities in San Bernardino, Orange, San Diego and Los Angeles counties.
 - b) Contrary to testimony from several DEH inspectors and supervisors, inspections were completed in the unincorporated portions of Riverside County.
 - c) It is not clear from the information provided what subsequent actions were taken after inspections disclosed discrepancies such as: "waste disposal" and "sanitation" during routine and follow-up inspections.
 - d) Inspection information was not specific enough to be useful. Entries such as "Riverside", "Riverside Countywide" and "Moreno Valley", etc., were provided instead of exact address and practitioner identification information.

Recommendations

**RIVERSIDE COUNTY BOARD OF SUPERVISORS
RIVERSIDE COUNTY COMMUNITY HEALTH AGENCY
RIVERSIDE COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH**

1. DEH supervisors should ensure that the content, sequence and procedures for training as specified in Policy No. 708 are followed.
2. DEH supervisors/trainers should maintain training documentation on a database and hard copy file records as required by Policy No. 708, Paragraph XV. "Documentation of Training."
3. DEH supervisors/trainers administer oral and written tests as prescribed in Policy No. 708.
4. The DEH should develop and the Riverside County Board of Supervisors should adopt the required ordinances/regulations immediately to protect practitioners and their customers. DEH should then proceed to have cooperating cities adopt the ordinance or enter into other agreements with DEH for inspection services.
5. DEH must ensure that potential practitioners complete all requirements of registration, as recommended by the California Conference of Local Health Officers, before LEA issues a Certification of Registration.
6. The Health and Safety Code does not authorize unenforceable Interim Standards to be used in lieu of enforceable regulations with standards. LEA should develop an up-to-date set of standards for use by Environmental Health Specialists.
7. This advisory, if to be continued in use, should be consistent with California Penal Code §653: Tattooing persons under the age of 18. "Every person who tattoos or offers to tattoo a person under the age of 18 years is guilty of a misdemeanor. This section is not intended to apply to any act of a licensed practitioner of the healing arts performed in the course of its practice."
8. Change the body piercing standard to accurately reflect Penal Code §652, which states "it shall be an infraction if any person performs or offers to perform body piercing upon a person under the age of 18 years, unless the body piercing is performed in the presence of or as directed by a notarized writing by the person's parent or guardian."

9. Update the registration forms to completely inform practitioners of all fees and consequences of violations. Institute an appropriate set of investigative standards and impose and collect civil penalties if and when allowed. Riverside County would retain all penalties collected.
10. DEH should immediately:
 - a) Ensure that all practitioners are registered with DEH and pay the one-time registration fee.
 - b) Provide registrants with applicable department standards.
 - c) Ensure all registrants are inspected annually and pay the cost of the inspection to DEH. Riverside County is authorized to charge an additional amount if necessary to cover the actual cost of registration and inspection.
 - d) Ensure that practitioners who fail to register or violate the sterilization, sanitation and safety standards are subject to a civil penalty of five hundred dollars (\$500) per violation, as required by Health and Safety Code §119306.
11. Information provided to agencies outside of DEH should be responsive to the information requested with as much accuracy and specificity as possible.

Report Issued: 05/05/10
Report Public: 05/07/10
Response Due: 08/03/10

Reg #
Office Use Only

**RIVERSIDE COUNTY COMMUNITY HEALTH AGENCY
DEPARTMENT OF ENVIRONMENTAL HEALTH**
Application for Registration of a Person Engaged in the Business of Tattooing, Body
Piercing or Permanent Cosmetics
4080 Lemon Street, 9th Floor • P.O. Box 1280, Riverside, CA 92502-1280

- One-Time Registration: \$25.00
 Annual Renewal/Inspection Fee: \$105.00

Applicant's Full Name			Date of Birth	
Physical Description:	Ht.:	Wt.:	Eyes:	Hair:
Personal ID/CDL No.:			Exp. Date:	Gender:

Residential Address: Number, Street Name, Apt. Number, City, Zip Home Phone* / Cell Phone*

Mailing Address (if different from above):

Check all Procedures to be performed:

- Tattooing Body Piercing Permanent Cosmetics

List all locations in Riverside County (business name, address and telephone number) where you will conduct the above activities. Please note if you are the owner of the business. If a temporary event, attach separate verification of facility owner, event organizer, etc. for each location.

Business Name	Street Address	City / Zip	Business No.

Current Registration(s) for these activities with other cities or counties:

City/County:	Lisc/Reg Type & No.:	Exp. Date:

What training have you had in the Health & Safety Procedures for these activities?

1. Attach signed copy of Interim Standards for Tattooing, Body Piercing and Permanent Cosmetics in Riverside County.
2. Attach copy of Application/Consent form provided to Customer for Procedures.

I certify that I am at least 18 years of age. I certify that I have received a copy of the Department's standards for body art and that I commit to comply with those standards.

Signature of Applicant: _____ Date: _____

Department Approval/Title: _____ Date: _____

RIVERSIDE COUNTY COMMUNITY HEALTH AGENCY
INTERIM STANDARDS FOR TATTOOING, BODY PIERCING AND PERMANENT
COSMETICS PURSUANT TO AB-186 OF 1997

October 1999

When practitioners or clients are exposed to the blood of others, there is a potential risk of infection with at least three significant human pathogens: Hepatitis B Virus, Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

To minimize the possible risk of transmission of blood borne diseases from a client to other clients or to yourself, the following standards are to be observed:

FOR PROTECTION OF THE CLIENT, PRACTITIONERS SHALL:

- Thoroughly clean and disinfect work surfaces and equipment after each procedure is completed.
- Properly dispose of any disposable needles.
- Wear clean clothing.
- Wash and disinfect hands and forearms between clients. Hands and forearms are not considered clean unless they have been thoroughly washed with soap and water for at least 10 seconds followed by a thorough rinsing under a stream of potable (drinkable) water.
- Practitioners shall be free of diseases that can be transmitted via performance, e.g. pustular skin lesions.
- Practitioners shall not eat, drink or smoke in work areas or while performing procedures.
- Skin surfaces shall be cleaned prior to tattooing, piercing or the application of permanent cosmetics. Procedures shall not be performed on skin surfaces exhibiting any sunburn, rash, pimples, boils, moles or infection or otherwise manifesting any evidence of unhealthy conditions.
- Proper records are to be maintained on each customer: including date; client's name, date of birth, gender and current address; type, description and location of procedure and date of procedure; and the name of the practitioner.

FOR THEIR OWN PROTECTION, PRACTITIONERS SHOULD:

- Wear protective gloves while doing any procedure that may cause bleeding and discard them after each client.
- Wear face shield if there is any danger of splash of blood or other bodily fluids.
- Discard used items immediately after use into a waterproof container or plastic bag.

ADDITIONAL STANDARDS; PRACTITIONERS SHALL NOT:

- Apply any tattoo to a person under eighteen (18) years of age except when authorized or directed by a physician.
- Perform body piercing on a person under the age of eighteen unless a parent and/or guardian accompanies them. Both the guardian and the minor shall have valid picture identification.
- Perform body piercing of the nipples or genitalia on a person under the age of eighteen.
- Perform tattooing, body piercing or permanent cosmetics on any person who is impaired by drugs or alcohol.
- Perform tattooing or permanent cosmetics without first advising the client that these are to be considered permanent, and can only be removed by a surgical procedure which may result in scarring.

I hereby acknowledge receipt of these standards. I further commit to comply with these standards when performing activities associated with tattooing, body piercing or permanent cosmetics.

Print Name

Sign Name

Date

COUNTY OF RIVERSIDE DEPARTMENT OF ENVIRONMENTAL HEALTH

4080 Lemon Street, 9th Floor • P.O. Box 1280

County Administrative Center

Riverside, CA 92501-1280

TELEPHONE: (951) 955-8982 FAX: (951) 781-9653

Palm Springs

TELEPHONE: (760) 393-3390 FAX: (760) 863-7013

For Official Use Only

TATTOOING, BODY PIERCING AND PERMANENT COSMETICS
ADVISORY INSPECTION REPORT

Facility ID:	Activity Code/Service Code:	Inspection Date: MM DD YY	Time In:	Inspection Time:
Facility Name:		Practitioner's Name:	Time Out:	
Facility Location:		Received By (Operator):		
Inspector:	Inspector Signature:	Also Present:		

The above operation was inspected for compliance with applicable sections of Chapter 7 (commencing with Section 119300) Part 15 of Division 104 of the California Health & Safety Code. Please be advised that the standards provided herein are considered interim standards. Future state regulations may differ from any set of standards used for the advisory inspection. Items checked below indicate deficiencies and require corrective action.

STERILIZATION AND SANITATION	DOCUMENTATION	OPERATORS
1. <input type="checkbox"/> Approved sterilizer	16. <input type="checkbox"/> Proper client records maintained	32. <input type="checkbox"/> Personnel with infections restricted
2. <input type="checkbox"/> Sterilizer used/cleaned/maintained properly	17. <input type="checkbox"/> Client advised procedure is permanent	33. <input type="checkbox"/> No eating, drinking or smoking
3. <input type="checkbox"/> Documentation on required spore test	18. <input type="checkbox"/> Client not impaired by drugs or Alcohol	34. <input type="checkbox"/> Clean outer clothing
4. <input type="checkbox"/> Instruments properly cleaned/packaged/sterilized/stored	19. <input type="checkbox"/> Tattooing, body piercing, permanent cosmetics for persons under eighteen	35. <input type="checkbox"/> Hepatitis B Vaccination
5. <input type="checkbox"/> Work surfaces clean and disinfected	20. <input type="checkbox"/> Facility permit	36. <input type="checkbox"/> Proper handwashing
6. <input type="checkbox"/> Inks, pigments, dyes not reused	21. <input type="checkbox"/> Exposure control plan	37. <input type="checkbox"/> Proper use of disposable gloves
7. <input type="checkbox"/> Approved rotary pens		38. <input type="checkbox"/> Proper use of face shield
TEMPORARY FACILITIES	MOBILE FACILITIES	TOILET AND HANDWASHING FACILITIES
8. <input type="checkbox"/> Handwash facilities & hand sanitizer	22. <input type="checkbox"/> Handsink with adequate supply of water	39. <input type="checkbox"/> Hot and cold water at all sinks
9. <input type="checkbox"/> Adequate lighting	23. <input type="checkbox"/> Liquid waste tank adequate	40. <input type="checkbox"/> Soap/paper towels in proper dispensers
10. <input type="checkbox"/> Separate cleaning / sterilization area	24. <input type="checkbox"/> Proper Liquid waste disposal	41. <input type="checkbox"/> Restrooms available to clients
11. <input type="checkbox"/> Approved sterilization units with spore test certification	25. <input type="checkbox"/> Restroom within 200 feet	42. <input type="checkbox"/> Handsinks adequate
	26. <input type="checkbox"/> All procedures performed inside vehicle	43. <input type="checkbox"/> Restroom walls & ceiling light colored
EQUIPMENT	CLIENTS	WASTE DISPOSAL
12. <input type="checkbox"/> Separate area for cleaning equipment	27. <input type="checkbox"/> Skin surfaces cleaned before procedure	44. <input type="checkbox"/> Trash receptacles clean & covered
13. <input type="checkbox"/> Clean area sink	28. <input type="checkbox"/> No procedures on unhealthy skin	45. <input type="checkbox"/> Biohazardous-labeled sharps container
14. <input type="checkbox"/> Approved sanitizer	29. <input type="checkbox"/> Proper aftercare instructions	46. <input type="checkbox"/> Contaminated sharps/waste disposal
15. <input type="checkbox"/> Contaminated non-disposable equipment properly stored	30. <input type="checkbox"/> Single use needles only for body piercing	47. <input type="checkbox"/> Used items properly discarded
	31. <input type="checkbox"/> Clean linens used for each client	48. <input type="checkbox"/> Proper disposal of sewage/liquid waste
		49. <input type="checkbox"/> Janitorial sink

Comments:

Distribution: LFA Operator

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ATTACHMENT 3



August 1, 2008

**NOTICE TO RIVERSIDE COUNTY TATTOO, BODY PIERCING and
PERMANENT COSMETIC PRACTITIONERS**

In accordance with Assembly Bill 186, Section 119303 of the California Health and Safety Code, this notice is to inform every person engaged in the business of tattooing, body piercing or permanent cosmetics of the County's implementation of the annual inspection fee.

Effective January 1, 2009 all body art practitioners practicing in the County of Riverside are hereby required to:

- 1) New Practitioner Registrants - Pay a one-time registration fee of twenty-five dollars (\$25), to the Department of Environmental Health.
- 2) Continuing/Existing Practitioners – Pay an annual inspection fee of one hundred five dollars (\$105), to the Department of Environmental Health.

Please be advised that the County of Riverside Department of Environmental Health has previously assumed the costs related to annual inspection services. However, due to the decline in the economy this Department can no longer shoulder such costs. Existing practitioners will begin receiving annual invoices in the amount of \$105.00 dollars due, effective January 1, 2009.

More information of Assembly Bill 186 can be found online at <http://info.sen.ca.gov>.

If still questions, feel free to contact this Department directly at: (951) 955-8982 (Western County), or (760) 393-3390 (Eastern County Office).