

10-144 DEPARTMENT OF HEALTH AND HUMAN SERVICES
BUREAU OF HEALTH

Chapter 211: RULES RELATING TO MICROPIGMENTATION PRACTITIONERS

SUMMARY: These rules require people who practice micropigmentation to obtain licenses and to show proof of meeting education and training standards and of providing the proper facilities to protect the public's health and safety.

1. ADMINISTRATION

- A. A person may not practice micropigmentation, display a sign or otherwise advertise or purport to be a micropigmentation practitioner unless that person holds a valid license issued by the Department of Health and Human Services. However, a person enrolled in a program of training to become a micropigmentation practitioner may perform micropigmentation in the course of that training, but only under the direct supervision of an instructor who is a licensed micropigmentation practitioner. The instructor must meet the requirements in section 8.J of these rules.
- B. The Department of Health and Human Services is empowered to license persons to practice the art of micropigmentation. Such licenses shall be issued biennially by the Department upon payment of a license fee of \$50. The licenses shall expire on September 30 of each year.
 - 1. An applicant shall obtain a micropigmentation practitioner's application form from the department, complete and submit it to the department along with the license fee.
 - a. The information will include: applicant's name, home and mailing address, business address, and telephone number, date of birth and in addition submit the following:
 - (1) Evidence of completion of education or training under the direct supervision of a licensed micropigmentation practitioner
 - (2) Copy of high school diploma or evidence of equivalent education
 - (3) Copies of any licenses, registrations, diplomas or certificates issued to the applicant as a micropigmentation practitioner.

- C. Denial: No license will be granted to any applicant who has been convicted of a crime related to the practice of micropigmentation.
- D. The Department of Health and Human Services is authorized and empowered to make necessary rules governing the practice of micropigmentation.

2. GENERAL PROVISIONS

A. Definitions

1. Aftercare: Instructions on caring for the area affected by micropigmentation to include at a minimum recommendations on time guidelines, skin care, clothing, injuries, exposure to ultraviolet light, exposure to chlorinated and salt water, and skin care products. In addition, instructions will include information when to seek medical treatment if necessary.
2. Commissioner: Commissioner of Health and Human Services.
3. Department: Department of Health and Human Services.
4. Micropigmentation: To place nontoxic pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or medical purposes. Micropigmentation does not include tattooing.
5. Micropigmentation facility: Any space where micropigmentation is practiced.
6. Micropigmentation practitioner: A person who practices micropigmentation.
7. Operator: The person who practices micropigmentation.
8. Person: An individual, group of individuals, association, partnership, corporation, firm, or company.
9. Pigment: The materials used in micropigmentation to implant a lasting pattern in the skin.
10. Pre-procedural care: Instructions regarding care and completion of medical history form must be completed prior to the procedure.

11. Shall: A term used to indicate that which is required, the only acceptable method under these rules.
12. Should: A term used to reflect the more preferable procedure, yet providing for the use of effective alternatives.
13. Sterilize: To render free from infectious microorganisms, by use of an autoclave.
14. Tattoo: To insert pigment under the skin of a human being by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin.

B. Severability

1. The provisions of the rules are severable. If any provision of these rules is invalid, or if the application to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

3. SANITARY FACILITIES

A. Water supply. The water supply shall be adequate, of a safe sanitary quality, and from a source approved by the Department.

1. All private water supplies shall be subject to inspection at all times and no water from such source shall be used or supplied to the public unless samples therefrom have been tested and approved by the Department within the preceding twelve (12) month period.
2. A copy of the water analysis from a state approved testing facility, shall be available on the premises.
3. All water, not piped into the micropigmentation establishment directly from the source, shall be transported, handled, stored and dispensed in a sanitary manner.

B. Sewage Disposal

1. Water-carried sewage: All water carried sewage shall be disposed of by means of:
 - a. A public sewerage system; or

- b. An approved sewage disposal system which is constructed and operated in conformance with applicable state and local laws, ordinances and regulations.

C. Establishment

1. Screening: Effective control measures shall be utilized to minimize the presence of any and all vermin from the establishment.
2. Animals: Live animals, including birds and turtles, shall be excluded from the establishment, and from adjacent areas under the control of the license holder. Patrol dogs accompanying security or police officers, guide dogs, accompanying blind persons, hearing ear guide dogs accompanying deaf and hearing impaired persons or a guide dog trainer, shall be permitted in the establishment. The security person, police officer, blind person, deaf and hearing impaired person and guide dog trainer shall be responsible for their dogs in public accommodations.
3. The room in which micropigmentation is done shall have an area of not less than 150 square feet. The area designated for the practice of the art of micropigmentation will be separated from any waiting or common area by a wall not less than 4 feet in height and will be separated from other treatment areas for privacy and health purposes.
4. The entire premises and all facilities used in connection therewith shall be maintained in a clean, sanitary, vermin free condition and in good repair.
5. The working area should be separated from other treatment areas for health and safety precautions in regards to fumes and hair clippings, etc., that could render the working area unsanitary. Procedure must be done in a clean environment.

D. Illumination

1. At least 10 foot-candles of light intensity shall be provided at a distance of thirty inches (30") above the floor throughout the micropigmentation room and at least 25 foot-candles of light shall be maintained at the place and on surfaces, materials, and equipment where micropigmentation is being performed.

E. Floors walls and ceilings

1. All floors shall be kept clean and in good repair. All surfaces shall be easily cleanable and smooth.
2. All walls and ceilings, including doors, windows, skylights, and similar closures shall be kept clean, in good repair, and be easily cleanable.
3. Studs, joists and rafters shall not be left exposed in waiting rooms, toilet rooms, or the room in which micropigmentation is being done.
4. Light fixtures, decorative material, and similar equipment, and material attached to walls or ceilings, shall be kept clean.

F. Toilet Facilities

1. A toilet and lavatory shall be located in or adjacent to the micropigmentation establishment and shall be accessible to the micropigmentation operator and client at all times that the micropigmentation establishment is open for business. Toilet and lavatory shall not be available to the general public.
2. A lavatory with hot and cold running water, under pressure, preferably from a combination supply fixture shall be located in the room where micropigmentation is performed. Anti-bacterial hand cleanser and sanitary towels shall be provided.
3. Toilet rooms shall be vented.
4. The use of common towels and cups shall be prohibited.
5. A covered waste receptacle shall be provided in the restroom.

- G. Service tables and treatment chairs: All service tables and treatment chairs shall be constructed of easily cleanable material, shall be of light color, with a smooth washable finish, and separated from waiting customers or observers by a panel at least four (4) feet high.

4. MICROPIGMENTATION PROCEDURES

- A. No micropigmentation shall be practiced on the person of any individual who is obviously under the influence of intoxicating liquor or chemical substances. No intoxicating beverages or chemical substances shall be consumed on the micropigmentation premises. This rule includes, but is not limited to, the micropigmentation practitioner.

- B. No micropigmentation shall be practiced on the person of any one who is less than 18 years of age, as verified by a driver's license, liquor ID card, military ID card, or other adequate record.
- C. The micropigmentation practitioner shall be 18 years of age or older.
- D. Neither the micropigmentation practitioner nor the client shall use tobacco in any form while micropigmentation procedure is being performed.
- E. The operator shall wash his or her hands thoroughly with antibacterial soap and water and dried with individual single use towels before starting to perform micropigmentation.
- F. The operator will use single service impervious gloves on both hands before beginning any procedures associated with micropigmentation.
- G. The area to receive the micropigmentation shall first be thoroughly washed, i.e., for a period of two (2) minutes with warm water to which has been added an antiseptic soap. A sterile single use sponge shall be used to wash the area. Before micropigmentation is begun, a solution of 70% alcohol shall be applied to the area with a single use sponge (e.g. Telfa), used and applied with a sterile instrument.
- H. Petroleum jelly, anti-bacterial, or anti-biotic ointment, (e.g. Vaseline, A & D Ointment, etc.) in collapsible metal, plastic tubes, or its equivalent as approved by the Department, shall be used on the area to receive the micropigmentation and it shall be applied with a sterile gauze if needed.
- I. Any and all substances being applied to the skin including, but not limited to, enhancements of applicability of transfers, etc., will be done with a single service applicator.
- J. A medical history will be obtained on every client. Anyone giving a history of jaundice or hepatitis shall not receive micropigmentation. Anyone with a history of diabetes or latex allergy shall be advised of possible complications from this process.
- K. Single service items including, but limited to, individual containers of pigment, gloves, ointments, and all other applicable supplies shall be used for each patron and the container therefore shall be discarded immediately after completing work on a patron and any pigment in which needles were dipped shall not be used on any person. These items shall be disposed of in accordance with state and local laws, utilizing the highest of safety precautions. Needles used shall be of single use type that have been properly cleaned by an ultra-sonic device and disposed of in a sharps container after each client.

- L. Excess pigment shall be removed from the skin with an individual sterile sponge which shall be used only on one person and then immediately discarded.
- M. After completing work on any person, the affected area shall be washed with sterile gauze saturated with an antiseptic soap solution approved by the Department, or a 70% alcohol solution. The affected area shall be allowed to dry and petroleum jelly, antiseptic ointment, antibacterial ointment, or antibiotic ointment, from a single use collapsible or plastic tube, or other single service method of dispensing, shall be applied, using sterile gauze.
- N. The operator will provide written aftercare directions to the person that has received micropigmentation.
- O. All containers will be labeled clearly of their contents.

5. CARE OF INSTRUMENTS

- A. Storage of instruments: All clean and ready-to-use needles in autoclave bags and instruments shall be kept in a closed glass, metal, or rigid plastic case, or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times.
- B. Sterilization of instruments:
 - 1. An autoclave shall be provided for sterilizing all needles and similar instruments before use on any customer.
 - 2. Before sterilizing, all needles and similar instruments shall be thoroughly washed to remove dyes, blood clots, and all other foreign matter.
 - 3. The needles and instruments required to be sterilized shall be so used, stored, handled, and temporarily placed during micropigmentation so that they are not contaminated.
 - 4. The sterilizer shall be spore tested at least once each month and records shall be maintained and available for inspection for a minimum period of one year.

6. EQUIPMENT

- A. Micropigmentation machines are lightweight implantors that lack the power of conventional tattoo machines. They are manufactured specifically for facial, cosmetic procedures. These shall be used for all procedures except as indicated in the following section.
- B. Certain medical procedures in micropigmentation require more power to penetrate the skin, as with scar tissue. For these procedures, the use of tattoo machines is acceptable.

7. RECORDS

- A. No micropigmentation shall be done on the person of anyone having a history of jaundice, hepatitis or other similar disease, and each patron shall be questioned and a record made of his/her answers relating to such diseases on a medical history form completed by the client.
- B. Permanent records for each patron shall be maintained by the person operating the establishment. Before the micropigmentation operation begins, the patron shall be required to personally enter on a record form provided for such establishments, the date, his or her name, address, age, social security number, and his or her signature. Such records shall be maintained in the establishment and shall be available for examination upon request.
- C. Records shall be retained by the operator for a period of not less than two (2) years. In the event of a change or ownership or closing of the business, all records shall be made available to the (Commissioner) Department. The micropigmentation practitioner shall issue a receipt to each patron setting forth the name and address of the establishment.
- D. All infections resulting from the practice of micropigmentation which become known to the operator shall be reported to the (Commissioner) Department within twenty-four (24) hours by the person owning or operating the micropigmentation establishment, and the infected client shall be referred to a physician.

8. EDUCATION AND TRAINING

A background in cosmetology or medical field provides a base for training in micropigmentation. The amount of specific training in micropigmentation depends upon the professional background of the applicant.

- A. Applicants with a professional license in cosmetology including standard cosmetology (hair) and aestheticians (skin care) need the following for licensing as a practitioner of micropigmentation:

1. Medical aspects - 7 hours
 2. Cosmetic aspects - 6 hours
 3. Micropigmentation - 8 hours
 4. Color application labs - 10 hours - 1 procedure each of brows, eyes, lips
 5. Misc. - 6 hours discussion
- B. Applicants with a professional license in cosmetology - nail technicians need the following for licensing as a practitioner of micropigmentation:
1. Medical aspects - 15 hours
 2. Cosmetic aspects - 14 hours
 3. Micropigmentation - 10 hours
 4. Color application labs - 10 hours - 1 procedure each of brows, eyes, lips
 5. Misc. - 6 hours discussion
- C. Applicants who are licensed electrologists need the following for licensing as a practitioner of micropigmentation:
1. Medical aspects - 4 hours
 2. Cosmetic aspects - 9 hours
 3. Micropigmentation - 8 hours
 4. Color application labs - 10 hours - 1 procedure each of brows, eyes, lips
 5. Misc. - 6 hours discussion
- D. Applicants with a professional license in the medical field, including medical/dental and para-medical professionals need the following for licensing as a practitioner of micropigmentation:
1. Medical aspects - 4 hours

2. Cosmetic aspects - 9 hours
 3. Micropigmentation - 8 hours
 4. Color application labs - 10 hours - 1 procedure each of brows, eyes, lips
 5. Misc. - 6 hours discussion
- E. Candidates without professional license in any of the above fields need the following for licensing as a practitioner of micropigmentation:
1. Medical aspects - 50 hours
 2. Cosmetic aspects - 50 hours
 3. Micropigmentation - 50 hours
 4. Color application labs - 50 hours - 14 completed procedures : 4 eyebrows, 4 eyeliner, 4 lipliner, 2 full lip color
- F. Applicants with a professional license in tattooing will need the following for licensing as a practitioner of micropigmentation:
1. Medical aspects - 7 hours
 2. Cosmetic aspects - 6 hours
 3. Micropigmentation - 8 hours
 4. Color application labs - 10 hours - 1 procedure each of brows, eyes, lips
 5. Misc. - 6 hours discussion
- G. Applicants from the State of Maine who were trained in micropigmentation but have been unable to practice due to Maine law which made it illegal to practice micropigmentation prior to January 1, 1998:
1. Micropigmentation review - 8 hours
 - a. Medical aspects, cosmetic aspects, micropigmentation: 4 hours
 - b. Color application lab to include 1 completed procedure on brows, eyes or lips: 4 hours.

- H. Applicants from other states wishing to be licensed to practice micropigmentation in the State of Maine:
1. Must show proof of training documenting hours of written and practical instruction, equal to the training requirements of Maine practitioners as listed in Section 8, herein.
 2. Must be Board Certified by the American Academy of Micropigmentation, as proof of basic competence, within two years of obtaining a license to practice.
- I. All applicants practicing in the State of Maine shall become Board Certified by the American Academy of Micropigmentation, within 2 years of obtaining their license to practice.
- J. Instructors of micropigmentation must meet the following requirements:
1. Educational
 - a. They must have proof of having completed a training course of a minimum of 36 hours of instruction.
 - b. They must have Board Certification from the American Academy of Micropigmentation.
 - c. They must have at least 8 hours of Continuing Education yearly. This must be related to aspects of micropigmentation and can be in the form of research on the subject.
 2. Practical
 - a. Must have proof of 1 year clinical practice to be documented by proof of business license.
 - b. Must show proof of 50 completed micropigmentation procedures.
- K. The following guidelines should be followed to help assure quality training in the State of Maine.
1. Practical portions of classes where color application is performed on models or clients should have a 1 to 1 student to teacher ratio. This should be reflected on the certificate.
 2. Trainers must schedule a follow-up session with the student within one year of course completion, at no additional cost to the student,

to review material and observe a minimum of one procedure performed by the student. A certificate reflecting this should be issued by the instructor.

9. HOSPITALS, MEDICAL INSTITUTIONS AND PHYSICIANS

- A. These rules are not applicable to licensed medical hospitals, and similarly licensed medical institutions.
- B. These rules are not applicable to physicians or persons operating under the control or supervision of a physician.

10. REVOCATION, SUSPENSION OR REFUSAL TO ISSUE LICENSE

The Department make revoke, suspend or refuse to issue a license or renewal or place a licensee on probation if the person:

- A. Has been convicted of a crime related to the practice of micropigmentation.
- B. Has engaged in any deception or misrepresentation to the Department or the public in applying for a license or in the advertising or practice of pigmentation.
- C. Has demonstrated negligence, incompetence or danger to the public in the practice of micropigmentation.
- D. Has violated any of these rules.

STATUTORY AUTHORITY: 32 MRSA §4311-4317

EFFECTIVE DATE: January 1, 1998

NON-SUBSTANTIVE CORRECTION:

December 15, 1997 - title shortened, grammatical correction in 4(D).