

Title 15: Mississippi State Department of Health

Part 19: Bureau of Professional Licensure

Subpart 60: Professional Licensure

CHAPTER 11: REGULATIONS GOVERNING THE REGISTRATION OF INDIVIDUALS PERFORMING TATTOOING AND INDIVIDUALS PERFORMING BODY PIERCING

Subchapter 1: General

Rule 11.1.1 **Legal Authority:** The Mississippi Department of Health is authorized to establish, adopt, and enforce these rules and regulations by virtue of Sections 73-61-1 and 3 et seq. of Mississippi Code of 1972, annotated.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.1.2 **Definitions:**

1. **"Autoclave"** shall mean a steam sterilizer, which operates at a minimum of 250 degrees Fahrenheit (121 degrees Celsius) at pressure of at least 15 pounds per square inch for not less than 30 minutes for the purpose of killing all organisms and spores, or other such sterilizing unit as approved by the Department.
2. **"Board"** shall mean the Mississippi State Board of Health.
3. **"Tattoo", "tattooed", "tattooing"** shall mean any means to make indelible marks or designs on or visible through the skin of a human by puncturing or pricking the skin with a needle or other instrument and inserting ink or other pigments.
4. **"Body Piercing"** shall mean the creation of an opening in any part of the human body, other than the outer perimeter or lobe of the ear, for the purpose of inserting jewelry or other decorative object, or for some other non-medical purpose.
5. **"Department"** shall mean the Mississippi Department of Health.
6. **"Direct on-site supervision"** shall mean face-to-face oversight, at regular intervals, by a tattooist or body piercer registered pursuant to these regulations, who shall be present in the establishment at all times that the provisional registrant is performing a procedure, and shall co-sign the consent form for each procedure.
7. **"Establishment"** shall mean a location that has passed inspection by the Department, wherein tattooing and/or body piercing is performed, and to which an individual is registered to perform tattooing and/or body piercing.

8. **"Provisional Certificate of Registration"** shall mean the certificate issued by the Department certifying that a particular individual is registered to perform tattooing and/or body piercing at a specific establishment, only under the on-site direct technical supervision of an individual with a "Regular Certificate of Registration."
9. **"Regular Certificate of Registration"** shall mean the certificate issued by the Department certifying that a particular individual is registered to perform tattooing and/or body piercing at a specific establishment.
10. **"Sterilization"** shall mean sterilization by means of an autoclave.
11. **"Work Area"** shall mean the area or section of the establishment in which the tattooing and/or body piercing is performed.
12. **"Act"** shall mean Sections 73-61-1 and 3 et seq. Of Mississippi Code of 1972, annotated

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.1.3 **Age Of Consent:** It shall be unlawful for any person to perform tattooing and/or body piercing upon any person under the age of eighteen (18) years.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Subchapter 2: Certificate of Registration

Rule 11.2.1 It shall be unlawful for any individual to perform tattooing and/or body piercing upon any person for compensation within the State of Mississippi without possessing a current and valid Certificate of Registration issued by the Mississippi Department of Health. The Certificate of Registration shall contain the name of the person registered to do the tattooing and/or body piercing, and the name and location of the establishment, and shall indicate whether the registrant has a "Regular" or "Provisional" status.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.2.2 **Display Of Certificate Of Registration;** The Certificate of Registration shall be displayed in a conspicuous location within the establishment.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Subchapter 3: Requirements for Certificate of Registration

Rule 11.3.1 **Regular Certificate of Registration;** An applicant for a Regular Certificate of Registration shall submit to the Department, verified by oath, written evidence in form and substance satisfactory to the Department, that the applicant:

1. is over the age of eighteen (18) years; and;
2. has successfully completed the American Red Cross "Preventing Disease Transmission" course or a similar course acceptable to the Department, and;
3. has successfully worked in the State of Mississippi under a Provisional Certificate of Registration for a period of not less than nine (9) months, and the holder of the Regular Certificate of Registration who supervised the applicant attests to the competency of the applicant; or
4. has been registered or licensed within eighteen (18) months in Mississippi or in another state performing the discipline of the registration being applied for, and no disciplinary action was filed against said registration or license, or;
5. is employed in a physician's office or clinic and acting under the direct orders of a physician licensed by the Mississippi State Board of Medical Licensure; and
6. has not been convicted, in any jurisdiction, of a felony or misdemeanor, that has, as an element of the crime, a drug-related offense, an alcohol-related offense, a sexual conduct offense, misstatement, fraud, or dishonesty. The Department may, in its discretion consider proof of having completed all court imposed requirements as a waiver to this section.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.3.2 **Provisional Certificate of Registration;** An applicant for a Provisional Certificate of Registration shall submit to the Department, verified by oath, written evidence in form and substance satisfactory to the Department, that the applicant:

1. is over the age of eighteen (18) years; and
2. will work under the direct on-site supervision of an individual with a "Regular Certificate of Registration" at a registered establishment, and;
3. has successfully completed the American Red Cross "Preventing Disease Transmission" course or a similar course acceptable to the Department, and;
4. has not been convicted, in any jurisdiction, of a felony or misdemeanor, that has, as an element of the crime, a drug-related offense, an alcohol-related offense, a sexual conduct offense, misstatement, fraud, or dishonesty. The Department may,

in its discretion consider proof of having completed all court imposed requirements as a waiver to this section.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Subchapter 4: Renewal of Registration

Rule 11.4.1 General Provisions:

1. Initial Certificates of Registration issued during the course of a licensure term shall expire at the end of the term in which issued.
2. Certificates of Registration shall be renewed on an annual basis after the initial period, and shall require that the individual registered complete a renewal form prepared by the Department, and that the establishment pass an inspection conducted by the Department.
3. The registration year shall be construed as June 1st through May 31st.
4. The renewal period shall be construed as ending on May 31st of each year.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.4.2 Procedure for Renewal of Registration: The Department shall mail notices, at least thirty (30) days prior to the renewal date, to the last home address registered with the Department, to the persons to whom registrations were issued or renewed during the preceding renewal period. The registrant shall:

1. complete the renewal form;
2. file the above with the Department prior to the end of the renewal period with the appropriate fee.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.4.3 Failure to Renew: A registrant who does not file, with the Department, his renewal application within the renewal period will be deemed to have allowed his registration to lapse. Said registration may be reinstated by the Department, in its discretion, by the payment of the renewal fee and a reinstatement fee, provided said application for reinstatement is made within one (1) year of the end of the renewal period.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Subchapter 5: Establishment

Rule 11.5.1 No Certificate of Registration shall be issued or renewed to any individual, unless the establishment meets the following minimum standards:

1. The establishment shall be maintained in a clean and sanitary manner.
2. A working toilet shall be located within the establishment and shall be accessible to the customers of the establishment.
3. A lavatory with running hot and cold water, soap, and single use paper towels shall be located within the establishment and shall be accessible to the customers of the establishment.
4. The establishment shall meet all local zoning laws and business requirements.
5. All registrations issued to a specific establishment shall be automatically suspended, until such time as the Department is satisfied that sufficient safeguards have been adopted, upon a criminal or administrative finding that:
 - a. an unregistered individual has performed tattooing and/or piercing within the establishment: or
 - b. an individual under the age of eighteen (18) has been tattooed and/or pierced within the establishment.
6. All registrations issued to a specific establishment shall be automatically suspended, until such time as the Department is satisfied that sufficient safeguards have been adopted, upon a written finding by the District Epidemiology Nurse or District Health Officer, or his/her designee, that:
 - a. the establishment does not meet the sterilization of equipment standards as set forth in these Regulations: or
 - b. the establishment does not meet the sanitation standards as set forth in these Regulations.
7. All registrations issued to a specific establishment shall be automatically suspended, until such time as the Department is satisfied that sufficient safeguards have been adopted, upon a written finding by the District Epidemiology Nurse or District Health Officer that: the establishment is not maintaining the consent forms as required pursuant to these regulations.
8. A mobile establishment shall meet the all the requirements set forth in these regulations.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.2 **Work Area:** No Certificate of Registration shall be issued or renewed to any individual, unless the work area meets the following minimum standards:

1. The work area shall be capable of being separated from waiting customers by walls, or other configuration, that shall assure privacy for the person to be tattooed and/or pierced.
2. The floor and walls of the work area shall be constructed of easily cleanable material, and shall be maintained in clean condition and good repair. Carpeting is prohibited.
3. All surfaces in the work area, including but not limited to counters, tables, equipment, chairs, recliners, shelving, and cabinets, shall be made of easily cleanable material, shall be painted, enameled or otherwise imperviously finished, with a smooth washable finish, and shall be maintained in clean condition and good repair.
4. The work area shall be well lighted and ventilated.
5. It shall be unlawful to smoke, eat, or drink in the work area, at any time.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.3 **Tattoo Equipment:** No Certificate of Registration shall be issued or renewed to any individual, unless the tattooing equipment meets the following minimum standards:

1. All needles used for tattooing shall be designated as "single use disposable tattooing needles" by the manufacturer, and contained in a self sealing sterilization pouch with indicator, shall be dated with the sterilization date and shall have a shelf life of at least one (1) year before requiring re-sterilization, or shall be disposed of in accordance with the manufacturer's instructions.
2. Sanitary, single service or individual containers of dye or ink, commercially produced specifically for use in tattooing and obtained from professional suppliers, shall be used for each patron or customer, and the container therefore shall be discarded immediately after completing work on a patron. Any dye in which the needles were dipped shall not be used on another person.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.4 **Piercing Equipment:** No Certificate of Registration shall be issued or renewed to any individual, unless the piercing equipment meets the following minimum standards:

1. All needles used for body piercing shall be designated as "piercing needles" or "medical needles" by the manufacturer, shall be single use disposable needles and contained in a self sealing sterilization pouch with indicator, shall be dated with

the sterilization date and shall have a shelf life of one (1) year before requiring re-sterilization, or shall be disposed of in accordance with the manufacturer's instructions.

2. All jewelry used in the performance of the body piercing procedure shall be single use, shall be in self-sealing sterilization pouch with indicators which shall be dated with the date of sterilization, and shall have a shelf life of one (1) year before requiring re-sterilization. All sterilizations shall be in accordance with these regulations. The jewelry inserted as part of a body piercing procedure shall be made of surgical steel (316 L grade or better), implant grade stainless steel (ASTM F138 and ISO 5832-1), solid 14K through 24K gold, niobium, or titanium. Ear studs or other jewelry designed for ears shall not be used in other parts of the body.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.5 Sanitation And Sterilization Of Tattoo And Piercing Equipment: No Certificate of Registration shall be issued or renewed to any individual, unless the establishment meets the following minimum standards:

1. All non-disposable tattoo and body piercing equipment shall be sanitized after each use by scrubbing thoroughly with a blood dissolving chemical and disinfectant solution, and then by being placed in an ultrasonic unit, which shall be operated in accordance with the manufacturer's instructions. After sanitizing the non-disposable equipment, each item shall be placed in an individual self-sealing sterilization pouch with indicators which shall be dated with the date of sterilization and sterilized in an autoclave.
2. All single use tattoo and body piercing equipment or jewelry requiring sterilization shall be placed in an individual self-sealing sterilization pouch with indicators which shall be dated with the date of sterilization and sterilized in an autoclave.
3. All sterilizing and sanitizing equipment, and all chemicals, must be kept in a room separate and apart from any work area, separated by walls or other configuration. All sterilizing and sanitizing equipment, and all chemicals, shall be cleaned, maintained, and stored in accordance with the manufacturer's instructions, which shall be kept available at the establishment.
4. Sterile equipment may not be used if the individual self-sealing sterilization pouch has been breached or after the expiration date, without re-sterilizing as required in these regulations.
5. After sterilization, all tattoo and body piercing equipment shall be stored in secure, dry, clean cabinets, or other secure covered containers reserved for the storage of such equipment.

6. Performance of the autoclave shall be checked once per month using Bacillus Stereothermophilus spore strips or suspensions and results recorded and maintained for a period of three years. If the autoclave fails a performance check, the autoclave must be immediately checked for proper use and function and the spore test repeated. If the spore test remains positive, use of the autoclave shall be discontinued until it is repaired, and a repeat spore test is negative.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.6 Tattoo Procedures: No Certificate of Registration shall be issued or renewed to any individual, unless the following tattoo procedures are followed:

1. Before beginning any tattoo procedure, the tattooist shall discuss the risks and responsibilities required in the particular procedure with the client. The tattooist shall also explain aftercare instructions prior to the tattoo procedure. The client shall then fill out and sign a client consent form for the tattoo, indicating that he consents to the procedure, understands the risks, understands the aftercare requirements, and has received written aftercare instructions. The original of the client consent form, along with a photocopy of a government-issued identification, shall be retained at the establishment as required in these regulations.
2. The tattooist shall thoroughly wash hands and forearms with antibacterial soap and warm water before and after each procedure. After thorough washing, the hands shall be dried using clean, single use paper towels.
3. The tattooist shall wear new, clean, single use, disposable sanitary latex examination gloves, or other type gloves approved by the Department, for every client during the procedure. If a glove is pierced, torn, or contaminated by coming into contact with any other person or non-clean surface, both gloves must be properly removed and discarded. Hands shall be washed prior to donning a new pair of disposable examination gloves. Gloves shall be discarded after the completion of each procedure on an individual client. Under no circumstances shall a pair of gloves be used on more than one person. The use of disposable gloves does not preclude the need for, or substitute for, the hand washing procedure.
4. Immediately before the procedure is to begin, the work procedure area shall be wiped down with a product classified by the United States Environmental Protection Agency (EPA) as a hospital disinfectant without label claim for tuberculocidal activity (low level disinfection) or greater, and covered with an uncontaminated paper towel or tray cover. All instruments and supplies needed for the procedure shall then be arranged on the paper.
5. Before beginning the tattooing procedure, the immediate and surrounding area of the skin which is to be tattooed shall be washed with an EPA-approved antiseptic solution, applied with a clean, single use paper product.

6. If shaving is necessary, single use disposable razors shall be used and discarded. Following shaving, the skin and surrounding area shall be washed with an EPA-approved antiseptic solution, applied with a clean, single use paper product.
7. Upon completion of the tattoo procedure, the tattooist shall review the verbal and printed aftercare instructions with the client on the care of the tattoo.
8. If A&D ointment or other lubricant is utilized, it shall be from a collapsible or plastic tube or single-dosage unit, and shall be applied using sanitary procedures.
9. Transfer of Design.
 - a. Acetate stencil - No acetate stencil shall be used to transfer a design to the skin unless the acetate stencil is first thoroughly cleaned and rinsed in an approved surface disinfectant for at least twenty minutes, dried with a single use sponge, gauze pad or cotton ball(s) and placed in a sanitized package. An approved disinfectant for environmental surfaces and instrument shall mean an FDA approved high-level hospital grade disinfectant such as CIDEX
 - b. Paper stencil - If a paper stencil is used to transfer a design to the skin, the paper stencil shall be single use, disposable, and shall be used only once and then discarded.
 - c. Direct drawing - If the design is drawn directly onto the skin, the design shall be applied with a single use article only, which shall then be discarded.
10. Excess dye or ink shall be removed from the skin only with a single use sponge, towel, gauze pad or cotton ball, which shall be used only on one patron or customer, and then immediately discarded in a sanitary fashion. If there is blood combined with the excess dye or ink, then the sponge, towel, gauze pad or cotton ball shall be discarded in a bio-hazard bag.
11. After completing work on any person, the tattooed area shall be washed with a single use sponge, towel, gauze pad or cotton ball saturated with an EPA-approved antiseptic solution. The tattooed area shall be allowed to dry and A&D ointment or similar skin lubricant from a collapsible or plastic tube or single-dosage unit shall be applied, using sterile gauze. A sanitary dressing shall then be fastened to the tattooed area with adhesive, adhesive tapes, or strips.
12. Only A&D ointment or other lubricant in collapsible metal or plastic tubes, or single-dosage unit shall be used on the area subsequent to tattooing.
13. The use of styptic pencils, alum blocks, or other solid styptic to check the flow of blood is prohibited, unless the styptic is single use, used only once, and then properly disposed of.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.7 Body Piercing Procedure: No Certificate of Registration shall be issued or renewed to any individual, unless the following piercing procedures are followed:

1. Before beginning any body piercing procedure, the body piercer shall discuss the risks and responsibilities required in the particular piercing with the client. The body piercer shall also explain aftercare instructions prior to the performance of the piercing. The client shall then fill out and sign a client consent form for the body piercing, indicating that he consents to the body piercing, understands the risks, understands the aftercare requirements, and has received written aftercare instructions. The original of the client consent form, along with a photocopy of a government-issued identification, shall be retained at the establishment as required in these regulations.
2. The body piercer shall thoroughly wash hands and forearms with antibacterial soap and warm water before and after each procedure. After thoroughly washing, the hands shall be dried using clean, single use paper towels.
3. The body piercer shall wear new, clean, single use, disposable sanitary latex examination gloves, or other type gloves approved by the Department, for every client during the procedure. If a glove is pierced, torn, or contaminated by coming into contact with any other person or non-clean surface, both gloves must be properly removed and discarded. Hands shall be washed prior to donning a new pair of disposable examination gloves. Gloves shall be discarded after the completion of each procedure on an individual client. Under no circumstances shall a pair of gloves be used on more than one person. The use of disposable gloves does not preclude the need for, or substitute for, the hand washing procedure.
4. Immediately before the procedure is to begin, the work procedure area shall be wiped down with a product classified by the United States Environmental Protection Agency (EPA) as a hospital disinfectant without label claim for tuberculocidal activity (low level disinfection) or greater, and covered with an uncontaminated paper towel or tray cover. All instruments and supplies needed for the procedure shall then be arranged on the paper.
5. Before beginning the piercing procedure, the immediate and surrounding area of the skin which is to be pierced shall be washed with an EPA-approved antiseptic solution, applied with a clean, single use paper product.
6. If shaving is necessary, single use disposable razors shall be used and discarded. Following shaving, the skin and surrounding area shall be washed with an EPA-approved antiseptic solution, applied with a clean, single use paper product. Upon completion of the procedure, the body piercer shall review the verbal and printed aftercare instructions with the client on the care of the body opening.
7. Gloves shall be worn when cleaning blood spills.

8. A piercing gun may only be used on the outer perimeter or lobe of the ear, and may not be used on any other part of the body.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.8 Disposal Of Equipment: No Certificate of Registration shall be issued or renewed to any individual, unless the establishment meets the following minimum standards:

1. Contaminated needles and other sharps shall be disposed of in a Department approved sharps container, and disposed of in accordance with the Department "Medical Waste Management Plan."
2. Used disposable dental bibs or drapes, paper towels, gauze pads, or other disposable items other than those listed above, shall be placed in a closed container that is lined with a plastic bag for disposal and shall be removed from the establishment at the end of the day.
3. Used linens shall be placed in a laundry hamper that is lined with a plastic bag and shall be laundered or removed from the establishment at the end of the day.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.9 Restrictions

1. No person shall perform a tattoo or body piercing procedure while under the influence of alcohol or drugs.
2. No person shall perform a tattoo or body piercing procedure if exhibiting an exposed rash, skin lesion, boil, or infection.
3. No person shall perform a tattoo or body piercing procedure unless attired in clean, washable, outer clothing.
4. No person shall perform a tattoo or body piercing procedure upon any individual who appears to be under the influence of drugs or alcohol.
5. No person shall perform a tattoo or body piercing procedure upon any individual exhibiting an exposed rash, skin lesion, pimple, boil, infection, or manifest any evidence of unhealthy condition in the area to be tattooed and/or pierced..
6. No skin area shall be penetrated, abraded, or treated with chemicals for the purpose of removing, camouflaging, or altering any blemish, birthmark, scar, or tattoo.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.10 Consent Forms:

1. A photocopy of an original government-issued identification containing the date of birth of the client shall be attached to the consent form. Consent forms shall be maintained at the establishment for a minimum of two (2) years, shall be produced and be made available at the request of the Department, and shall contain, at a minimum, the following information:
 - a. Name of Tattooist or Body Piercer and Department Certificate of Registration Number;
 - b. Name of supervisor, if the Tattooist or Body Piercer has a Provisional Certificate of Registration;
 - c. Name and address of Establishment;
 - d. Date of tattoo or body piercing;
 - e. Name of client;
 - f. Home address of client;
 - g. Home telephone number of client;
 - h. Sex of Client;
 - i. Date of Birth of client;
 - j. Description of location on the body to be tattooed or pierced;
 - k. Acknowledgment of the risks involved in a tattoo or body piercing;
 - l. Acknowledgment of the receipt of the printed aftercare responsibilities of the client;
 - m. Statement that the client is not under the influence of drugs or alcohol;
 - n. Signature of the client;
 - o. Signature of the Tattooist or Body Piercer; and
 - p. Signature of supervisor if required.
2. The consent form must contain a recommendation to the patron which states the Mississippi State Board of Health recommends that any tattooing or piercing involving the mucous membranes, such as the tongue or genitalia, be performed by a licensed physician or oral surgeon as appropriate.

3. The consent form must contain a warning to persons who are diabetic, HIV infected, or have End Stage Renal Disease that they are at higher risk of complications and should consult their personal physician prior to being tattooed or pierced.
4. The consent form must contain a warning to patrons that tattooing or piercing of persons with preexisting cardiac conditions, especially when piercing occurs on areas of the body involving the mucous membranes, may result in bacteria in the blood stream which can further damage the heart, and that such persons should seek permission from their physician prior to the tattooing or piercing procedure.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.11 **Tattoo Aftercare Instructions:** Every client, prior to the tattooing procedure beginning, shall be given a printed statement of instructions for care of the tattoo, and must contain, at a minimum, the following information:

1. Care and cleaning of the specific area tattooed.
2. Signs and symptoms of infections.
3. Instructions to consult with a medical professional, if there are signs or symptoms of infection.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.12 **Body Piercing Aftercare Instructions:** Every client, prior to the piercing procedure beginning, shall be given a printed statement of instructions for care of the piercing. The instructions must be specific for the area pierced, and must contain, at a minimum, the following information:

1. Care and cleaning of the specific area pierced.
2. Information regarding the care and cleaning of the jewelry inserted, including any restrictions.
3. Signs and symptoms of infections.
4. Instructions to consult with a medical professional, if there are signs or symptoms of infection.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.13 **Follow-Up Log:** Any reports or complaints to the Establishment concerning a tattoo and/or piercing performed at the establishment, whether such complaint be delivered in person, by telephone or other electronic means, shall be recorded in a log which must include, at a minimum, the name of the complainant, sufficient identifying information to cross reference to the identification attached to the

consent form, a summary of the complaint, a summary of any advice provided by the establishment, and change in contact information which is different from the original consent form.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.14 **Exemption:** These regulations do not apply to physicians licensed to practice medicine in the State of Mississippi in the performance of their professional duties.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.15 **Summary Suspension:** The Department may summarily suspend a Certificate of Registration prior to a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Department determines that:

1. The health, safety, or welfare of the general public is in immediate danger; or
2. The Registrant's physical capacity to practice his profession is in issue; or
3. The Registrant's mental capacity to practice his profession is in issue.
4. Any hearing held pursuant to this provision shall be held within 20 days of service of the formal complaint and notice of hearing.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Subchapter 6: Standards of Conduct

Rule 11.6.1 The Department may, in its discretion, deny an initial application for registration, deny an application for renewal, or file formal charges against a registrant during a licensure term seeking to have the Certificate of Registration suspended, revoked, or otherwise disciplined if the Department determines that the Registrant:

1. Is guilty of fraud, misrepresentation, concealment of material facts, or deceit in procuring or attempting to procure a Certificate of Registration.
2. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetency.
3. Is addicted to, or has improperly obtained, possessed, used, or distributed habit-forming drugs or narcotics.
4. Has performed tattooing or body piercing without possessing a Certificate of Registration from the Department.
5. Has performed tattooing or body piercing after the Certificate of Registration has expired or has been suspended.

6. Has performed tattooing or body piercing under cover of any permit or registration illegally or fraudulently obtained or issued.
7. Has violated, aided, or abetted others in violation of any provision of these regulations, rules of the Board or Department, or the Act.
8. Is convicted of a felony or misdemeanor, in any jurisdiction, that has, as an element of the crime, a drug-related offense, an alcohol-related offense, a sexual conduct offense, misstatement, fraud, or dishonesty.
9. Has engaged in any conduct considered by the Department to be detrimental to the practice of tattooing or body piercing.
10. Is performing tattooing or body piercing procedures in an Establishment that violates any provision of these regulations, rules of the Board or Department, or the Act.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.6.2 **Complaints:** All verifiable complaints concerning a Registrant or Establishment shall be investigated by the Department to determine what action, if any, shall be initiated.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.6.3 **Notice of Charges and Hearing:** Following the investigative process, the Department may file formal charges against the Registrant. Such formal complaint shall, at a minimum, inform the Registrant of the facts which are the basis of the charge and which are specific enough to enable the Registrant to defend against the charges.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.6.4 Each Registrant, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the Registrant, shall be served notice of the formal charge at least fifteen (15) days before the date of hearing. A hearing shall be presided over by the State Health Officer, or a designee. Service shall be considered to have been given if the notice was personally received by the Registrant, or the notice was mailed certified, return receipt requested, to the Registrant at the Registrant's last known home address as listed with the Department.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.6.5 The notice of the formal hearing shall consist at a minimum of the following information:

1. The time, place, and date of hearing;

2. That the Registrant shall appear personally at the hearing and may be represented by counsel;
3. That the Registrant shall have the right to produce witnesses and evidence in the Registrant's behalf, and shall have the right to cross-examine adverse witnesses and evidence;
4. That the hearing could result in disciplinary action being taken against the Registrant's Certificate of Registration.
5. That rules for the conduct of these hearings exist and it may be in the Registrant's best interest to obtain a copy; and
6. After the conclusion of the hearing, the hearing officer shall, within forty-five (45) days, make findings of fact and conclusions of law, and shall issue judgment, separately stated, as to what disciplinary action, if any, should be imposed on the Registrant.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.6.6 Disposition of any complaints may be made by consent order or stipulation between the Department and the Registrant.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.6.7 All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Subchapter 7: Department Sanctions

Rule 11.7.1 The Department may impose any of the following sanctions, singly or in combination, when it finds that a Registrant is guilty of any of the above offenses, or in violation of any section of the Regulations:

1. Revocation of the Registration.
2. Suspension of the Registration for not more than 12 months.
3. Censure the Registrant.
4. Issue a letter of reprimand to the Registrant.
5. Place a Registrant on probationary status and require the Registrant to submit to any of the following:
 - a. report regularly to the Department upon matters which are the basis of probation;

- b. practice tattooing or body piercing only under the on-site direct technical supervision of an individual with a "Regular Certificate of Registration"
 - c. such other reasonable requirements or restrictions as are proper;
6. Refuse to renew a Registration.
 7. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.
 8. Impose a monetary fine not to exceed five hundred (\$500.00) dollars.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.7.2 **Appeal:** Any person aggrieved by a decision of the Department shall have a right of appeal in the manner provided for under in the Act and the Laws of the State of Mississippi.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.7.3 **Criminal Offenses And Punishment:**

1. Any person who violates any provision of Sections 73-61-1 of Mississippi Code of 1972, annotated shall be guilty of a misdemeanor, and upon conviction, be punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense.
2. Any person who violates any provision of Sections 73-61-3 of Mississippi Code of 1972, annotated shall be guilty of a misdemeanor, and upon conviction, be punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense.
3. Any person who violates these regulations as adopted by the Board of Health shall, pursuant to the provision of Sections 41-3-59 of Mississippi Code of 1972, be guilty of a misdemeanor, and upon conviction shall be punishable by fine not exceeding five hundred dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.7.4 **Administrative Grievance Procedure**

1. All persons aggrieved by a decision regarding the initial application for a Certificate of Registration, or the renewal of a Certificate of Registration, shall have the right of administrative appeal and a hearing to be conducted according to the policy of the Department.

2. Written notice will be provided to all applicants regarding denial of an initial Certificate of Registration, or a renewal Certificate of Registration. Such notice shall contain the reason thereof and shall offer the applicant an opportunity to submit additional information pertinent to their application for a second review by the Department.
3. If requested in writing within the specified time frame, a hearing will be provided in which the aggrieved party may show cause why the Certificate of Registration should be granted or renewed. The hearing shall be presided over by the State Health Officer, or a designee.
4. After the conclusion of the hearing, the hearing officer shall make findings of facts and conclusions of law, and shall issue judgment, separately stated, as to whether the initial Certificate of Registration shall be issued, or whether the renewal of a Certificate of Registration shall be granted.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Subchapter 8: Fees

Rule 11.8.1 The following fees are payable to the Mississippi Department of Health by certified check, cashier's check, or money order. Fees paid are non-refundable.

1. Initial Certificate of Registration - \$150.00
2. Renewal of Certificate of Registration - \$150.00
3. Renewal of Certificate of Registration for individual holding multiple Registrations - \$125.00 for each Registration
4. Reinstatement Fee - \$200.00
5. Certificate of Registration Replacement Fee - \$50.00
6. Change of Location Fee (not requiring establishment inspection) - \$25.00
7. Change of Location Fee (requiring establishment inspection) - \$100.00
8. Verification of Registration Fee - \$25.00

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.