

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Matthew Steven Whidden
(the "Owner")

RE: The personal services facility located in Calgary, Alberta and municipally described as:

**Matthew Steven Whidden
46 Auburn Bay View SE
Calgary Alberta
T3M 0C8**

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, have inspected the above premises pursuant to the provisions of the Public Health Act, RSA 2000, c. P-37, as amended;

AND WHEREAS such inspection disclosed that the following conditions exist in and about the above noted premises which are or may become injurious or dangerous to the public health or which might hinder the prevention or suppression of disease, namely:

- a. Re-useable stainless steel grips are being used without proper evidence of sterilization.
- b. There is no approved sterilizer onsite.
- c. The tattoo service is being done in the basement of the home, without adequate separation from the living area and storage area.
- d. The tattoo service is being done in an unfinished basement; therefore the floors, walls and ceiling are unfinished and are not impervious to moisture or easily cleanable.
- e. There is some carpet on the cement floor under the area where tattooing is done.
- f. The vinyl cover on the massage table where tattoos are done has some small holes, therefore cannot be properly cleaned and disinfected.
- g. A designated stainless steel sink is not provided in the tattoo service room for hand washing.
- h. The facility does not have a second designated stainless steel sink for cleaning equipment.
- i. Records including the names and addresses of the clients being tattooed are not being kept.
- j. Cloth chairs are being used in the tattoo room, therefore not constructed to be impervious to moisture and easily cleanable.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Personal Services Regulation, Alberta Regulation 20/2003, and the Health Standards and 2002 Guidelines for Tattooing, and the Nuisance and General Sanitation Regulation, Alberta Regulation 243/2003 exist in and about the above noted personal services facility, namely:

- a. Re-useable stainless steel grips are being used without proper evidence of sterilization. This is in contravention of Section 6(2) of the Personal Service Regulation.
- b. There is no approved sterilizer onsite. This is in contravention of Section 6(2) of the Personal Service Regulation.
- c. The tattoo service is being done in the basement of the home, without adequate separation from the living area and storage area. This is in contravention of Section 2(1) of the Nuisance and General Sanitation Regulation.
- d. The tattoo service is being done in an unfinished basement; therefore the floors, walls and ceiling are unfinished and are not impervious to moisture or easily cleanable. This is in contravention of Section 3(h) of the Personal Services Regulation.
- e. There is some carpet on the cement floor under the area where tattooing is done. This is in contravention of Section 3(h) of the Personal Services Regulation.
- f. The vinyl cover on the massage table where tattoos are done has some small holes, therefore cannot be properly cleaned and disinfected. This is in contravention of Section 3(h) of the Personal Service Regulation.
- g. A designated stainless steel sink is not provided in the tattoo service room for hand washing. This is in contravention of Section 4(1) of the Personal Services Regulation.
- h. The facility does not have a second designated stainless steel sink for cleaning equipment. This is in contravention of Section 4(2) of the Personal Service Regulation.
- i. Records including the names and addresses of the clients being tattooed are not being kept. This is in contravention of Section 8 of the Health Standards and Guidelines for Tattooing.
- j. Cloth chairs are being used in the tattoo room, therefore not constructed to be impervious to moisture and easily cleanable. This is in contravention of Section 3(h) of the Personal Service Regulation.

AND WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared to be **Closed**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the Owner immediately close the above noted premises.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:

- a. Develop a service provision area that is separate from any areas of the home.
 - b. Ensure that all surfaces in the service provision area including, floors, walls and client contact areas are smooth, non-porous and easy to clean.
 - c. Install a stainless steel sink, equipped with hot and cold water, soap and single-use paper towel that is in or readily accessible to the service provision area. The sink shall not be located in a washroom or used for any other incompatible activity.
 - d. Install a second stainless steel sink that is equipped with hot and cold running water and only used for cleaning of equipment. The sink shall not be located in a washroom or used for any other incompatible activity.
 - e. Develop approved areas to conduct proper re-processing of equipment.
 - f. Obtain an approved sterilizer and maintain the sterilizer in accordance with its operation manual.
 - g. Perform regular biological, chemical and physical monitoring and maintain proper records to verify that sterilization of equipment is being achieved.
 - h. Maintain proper client contact records including client names and contact addresses and phone numbers. Records must be kept onsite for at least two years.
 - i. Until health approval is granted to operate, cease advertisement of the tattooing business to the public.
3. That until such time as the work referred to above is completed to the satisfaction of an Executive Officer of Alberta Health Services; the above noted premises shall remain closed.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further work may be required to ensure full compliance with the Public Health Act and regulations, or to prevent a public health nuisance.

DATED at Calgary, Alberta, January 25, 2012.

Dana East, B.Sc., B.Tech, CPHI(C)
Executive Officer
Environmental Health Officer

YOU HAVE THE RIGHT TO APPEAL

A person who a) is directly affected by a decision of a Regional Health Authority, and
 b) feels himself aggrieved by the decision

may appeal the decision within ten (10) days after receiving the order to the Public Health Appeal Board located at 24th Floor, Telus Plaza, 10025 - Jasper Avenue, Edmonton, Alberta, T5J 1S6 Telephone (780) 427-2813.

The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal. If you appeal, you may also make an application to the Board for a stay of this Order pending the appeal.

A copy of the Public Health Appeal form may be obtained by contacting Alberta Health Services at (780) 342-0122 or the Public Health Appeal Board (780) 427-2813.

You are advised that all orders remain in effect pending such an appeal

HEALTH LEGISLATION, REGULATIONS AND STANDARDS

Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Health Legislation and regulations are available for purchase. Please contact Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7) or www.qp.gov.ab.ca.

Copies of standards are available by contacting the Health Protection Branch of Alberta Health & Wellness at (780) 427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html

Confirmation of an oral order issued to Matthew Steven Whidden on January 23, 2012.

AIRDRIE Regional Health Centre

604 Main Street South
Airdrie, AB T4B 3K7
Phone: 403-912-8400
Fax: 403-912-8410

BANFF Health Unit

303 Lynx Street
PO Box 1266
Banff, AB T1L 1B3
Phone: 403-762-2990
Fax: 403-762-5570

CALGARY - Southport Atrium

10101 Southport Road SW
Calgary, AB T2W 3N2
Phone: 403-943-2288
Fax: 403-943-8056

CANMORE Public Health

#104, 800 Railway Avenue
Canmore, AB T1W 1P1
Phone: 403-678-5656
Fax: 403-678-5068

CLARESHOLM Public Health

5221 2nd Street W
PO Box 1391
Claresholm, AB T0L 0T0
Phone: 403 625-4061
Fax: 403-625-4062

COCHRANE Community Health Centre

60 Grande Boulevard
Cochrane, AB T4C 0S4
Phone: 403-851-6000
Fax: 403- 851-6009

OKOTOKS Health and Wellness Centre

11 Cimarron Common
Okotoks, AB T1S 2E9
Phone: 403-995-2600
Fax: 403-995-2639

STRATHMORE Public Health Office

650 Westchester Road
Strathmore, AB T1P 1H8
Phone: 403-361-7200
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www.albertahealthservices.ca/eph.asp