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**FACIAL  
FORWARD  
2008**

Board of Cosmetology

- Athletic Trainers
- Barbers
- Body Piercing Technicians
- Denturists
- Direct Entry Midwives
- Electrologists
- Environmental Health Specialists
- Estheticians**
- Hair Designers
- Hearing Aid Specialists
- Nail Technicians
- Permanent Color Technicians
- Respiratory Therapists
- Sex Offender Therapists
- Tattoo Artists
- Waste Water Specialists

- Board of Athletic Trainers
- Board of Cosmetology**
- Board of Direct Entry Midwifery
- Board of Denture Technology
- Environmental Health Registration Board
- Respiratory Therapist Licensing Board
- Sex Offender Treatment Board
- Advisory Council on Hearing Aids
- Advisory Council for Electrologists, Permanent Color Technicians & Tattoo Artists

## Esthetics and Lasers in Oregon



### Public Safety Key to Regulatory Requirements

With esthetic devices and technology increasingly extending the capabilities of licensed professionals, regulatory requirements must be flexible enough to keep pace with rapid change while ensuring public safety.

The Oregon Health Licensing Agency (OHLA) and Board of Cosmetology are committed to establishing regulations that:

- 1) Ensure the safety and health of consumers
- 2) Allow licensed professionals to practice within their scope if they obtain the appropriate training and experience and follow health, safety and infection control requirements

### Looking Ahead to 2009:

#### Recognition of Specialized Training

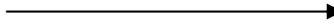
The Oregon Health Licensing Agency (OHLA) is currently developing a *legislative concept* in advance of the 2009 Oregon Legislative Session to recognize specialty training and/or experience as a qualifier for post-graduate testing and certification.

OHLA plans to propose legislation to recognize specialty, post-graduate training and/or experience. The training could be from any number of pre-approved providers, from national organizations such as the National Coalition of Esthetic Manufacturers/Distributors & Associations (NCEA) to Oregon esthetics career schools.

Look for updates on OHLA legislation at [www.oregon.gov/OHLA](http://www.oregon.gov/OHLA) later in 2008.

### Regulatory Review: Current, Proposed Requirements

- What Services Can Estheticians Provide?
- What Type of Lasers Can Estheticians Use?
- What Type of Training Is Required?
- What Type of Documentation Is Required?
- What Safety Measures Should Estheticians Take?



### What Services May Estheticians Provide?

Estheticians may use lasers or other light-based devices (such as intense pulsed light, or IPL) for hair removal or any other service “...performed on the human body for the purpose of keeping the skin healthy and attractive and not for medical diagnosis or treatment of disease or physical or mental ailments,” according to Oregon Revised Statutes (ORS) 690.005(6).

The most common esthetic use of lasers is for **laser hair removal** and **skin resurfacing / rejuvenation**.

### What Type of Lasers May Estheticians Use?

Estheticians may use any laser or device that is specifically indicated for skin care / esthetics use by the manufacturer.



**Note:** Regulations related to device classification by the U.S. Food & Drug Administration (FDA) are currently being clarified by OHLA / Board of Cosmetology prior to proposed changes in Oregon Administrative Rules (OAR).

The device classification (I-III medical device or I-IV laser) will no longer be the determining factor in whether or not an esthetician may use the device.

The “intended use” of a device will be the key criteria for practitioners when determining which device is appropriate for esthetics use. The device used may be any classification as specified by the FDA if the intended use fits within the esthetics scope of practice.

Depending on the device, manufacturers may be required to submit an “Intended Use Statement” in documentation submitted to the FDA.

Visit

<http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfPMN/pmn.cfm> to search the FDA’s database for a specific device and intended use.

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### What Type of Training Is Required?

Under current Oregon Administrative Rules (OAR) 817-010-0065(6), “An esthetician must obtain training in the safe and effective use of each chemical, product or device that the esthetician uses to provide services in the practice of esthetics, and must provide documentation of that training in response to a request from the agency.”

### ***Future Potential Training Requirements / Currently Recommended***

- Practitioners using a laser in the performance of esthetic hair removal services should complete manufacturer supplied, device-specific education, i.e. “*in service training*,” in the safe and effective use of the laser, attachments and settings and intended applications, and must comply with the American National Standard for Safe Use of Lasers ([American National Standards Institute](#), or ANSI, Z136.1-2000). Current copy required to be on-site by the [Oregon Occupational Safety and Health Division](#) (Oregon-OSHA).
- Practitioners should complete theoretical and practical education as part of their core curriculum or as continuing education modules, i.e. “*technical training*,” in the safe use and application of lasers and other manual or mechanical devices used in the performance of skin care services.
- Completion of a laser hair removal training program must include core competencies determined to be equivalent to certification or training programs offered by, but not limited to the following entities, which are recognized as subject matter experts on laser use and safety:
  - National Council on Laser Excellence (NCLE), [www.LaserCertification.org](http://www.LaserCertification.org), a credentialing entity of the nonprofit Professional Medical Education Association, Inc.
  - Board of Laser Safety (BLS), of the Laser Institute of America, [bls@lasersafety.org](mailto:bls@lasersafety.org)
  - Laser Institute of America (LIA), [www.laserinstitute.org](http://www.laserinstitute.org)
  - National Laser Institute (NLI), [www.nationallaserinstitute.com](http://www.nationallaserinstitute.com)
  - National Coalition of Estheticians, Manufacturers/Distributors & Associations (NCEA), [www.ncea.tv](http://www.ncea.tv)

**NOTE:** Occupational Health and Safety (OSHA) standards and regulations may be accessed at <http://www.osha.gov/SLTC/laserhazards/standards.html>.

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### What Type of Documentation Is Required?

Currently under OAR 817-010-0065 (9, 10), “All manual or mechanical devices and equipment used in the practice of barbering, esthetics, hair design or nail technology cosmetology must meet all ‘product registration requirements’ and ‘product safety requirements’ imposed by any federal, state, county, or local authority.”

### Records Required to Safeguard Client Health

Currently under OAR 817-015-0065, “Facility owners and independent contractors providing esthetic or nail technology services must maintain client records to ensure basic client information is available to safeguard the health and well being of both the client and practitioner.” Client records must include:

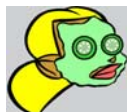
- Legible hand-written or electronic records are acceptable. Basic client information includes the client's name, address, telephone number, type of service and date of service.
- The record must include the name and registration number of the practitioner providing service, and special instructions or notations that the practitioner believes to be pertinent to providing esthetic or nail technology services to the client, such as bleeding disorders, allergies or sensitivities to chemicals or products or complications during service(s).
- Client records also protect the licensee in case of service complications, complaints or lawsuits. For more information, read the OHLA brochure [Client Records for Estheticians & Nail Technicians](#) (PDF).

### Future Potential Safety Requirements / Currently Recommended

Additional, more specific, client assessment and records requirements may be adopted in the future, such as:

- Condition of skin tissue before initial service and any subsequent change
- Pattern and structure of hair growth initially presented and any changes.
- Client consultation, evidence of informed consent (such as “PARQ” to denote procedures, alternatives, risks and questions)

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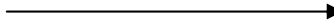


#### ***FACIAL FORWARD***

Originally launched in 2006, this public education campaign describes recent regulatory changes in esthetics and clarifies the esthetic scope of practice at [www.oregon.gov/OHLA/COS](http://www.oregon.gov/OHLA/COS).



***FACIAL FORWARD: 2008*** provides an update with a focus on laser safety and potential legislation / new requirements for 2009 and beyond.



## What Safety Measures Should Estheticians Take?

*The following are currently recommendations only but may be required in the future:*

- **Physician / Practitioner Partnerships:** Estheticians should be careful to provide only those services within their scope of practice. When in doubt, contact OHLA to determine what services are within scope. We encourage working partnerships between physicians and estheticians to help ensure client/patient safety.
- **Laser Safety Officer:** The individual who has the responsibility and authority to monitor and enforce the control of laser hazards and effect the knowledgeable evaluation and control of laser hazards. This includes, but is not limited to, such action as establishing and approving Standard Operating Procedures (SOP) and informed consent (PARQ – procedures, alternatives, risks, questions), avoiding unnecessary or duplicative controls, selecting alternate controls, conducting periodic facility and equipment audits, and training.
- **Signs and Notices:** Wording on area signs and equipment labels in accordance with *Safe Use of Lasers in Health Care Facilities* (4.7 ANSI Z136.3). The purpose of laser area warning signage is to convey a rapid visual hazard-alerts message that:
  - Warns of the presence of a laser hazard in the area
  - Indicates specific policy in effect relative to laser controls
  - Instructs appropriate action(s) to take to avoid the hazard
- **Protective Equipment:** Protective equipment identified in 4.6 ANSI Z136.1-2000 should be readily available and used to assure client and staff safety, as recommended by the manufacturer or the Laser Safety Officer. Equipment should be maintained in good working order and used correctly. Protective equipment includes, but is not limited to, such items as laser protective barriers, curtains, equipment screens, beam and face shields, protective eyewear (goggles), clothing, fire extinguishers, and hearing protection. Mirrors should be covered.
- **Emergency Response Plan:** Even with adequate training and precautions, practitioners should establish a plan to respond to adverse reactions and conditions that potentially could occur to themselves or to clients. The emergency plan should be more extensive than simply calling 911 – it should be integrated into your overall laser safety plan.
- **Other Safety Precautions:** Laser area should be well-ventilated (smoke evacuators recommended); water supply should be readily available; combustible materials and liquids should not be in area; and the operating manual for each laser should be available.