



WHO: Health Licensing Office
Board of Certified Advanced Estheticians

WHEN: July 11, 2016 at 10 a.m.

WHERE: Health Licensing Office
Rhoades Conference Room
700 Summer St. NE, Suite 320
Salem, Oregon 97301

What is the purpose of the meeting?

The purpose of the meeting is to conduct board business. A working lunch may be served for board members and designated staff in attendance. A copy of the agenda is printed with this notice. Please visit <http://www.oregon.gov/OHA/hlo/Pages/Board-Certified-Advanced-Estheticians.aspx> for current meeting information.

May the public attend the meeting?

Members of the public and interested parties are invited to attend all board/council meetings. All audience members are asked to sign in on the attendance roster before the meeting. Public and interested parties' feedback will be heard during that part of the meeting.

May the public attend a teleconference meeting?

Members of the public and interested parties may attend a teleconference board meeting **in person** at the Health Licensing Office at 700 Summer St. NE, Suite 320, Salem, OR. All audience members are asked to sign in on the attendance roster before the meeting. Public and interested parties' feedback will be heard during that part of the meeting.

What if the board/council enters into executive session?

Prior to entering into executive session the board/council chairperson will announce the nature of and the authority for holding executive session, at which time all audience members are asked to leave the room with the exception of news media and designated staff. Executive session would be held according to ORS 192.660.

No final actions or final decisions will be made in executive session. The board/council will return to open session before taking any final action or making any final decisions.

Who do I contact if I have questions or need special accommodations?

The meeting location is accessible to persons with disabilities. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting. For questions or requests contact a board specialist at (503) 373-2049.

Introductions

Items for Board Action

Approval of Agenda



Health Licensing Office
Board of Certified Advanced Estheticians



July 11, 2016 at 10 a.m.
700 Summer St. NE, Suite 320
Salem, Oregon

1. **Call to Order**
2. **Introductions**
3. **Items for Board Action**
 - ◆ Approval of agenda
 - ◆ Approval of chair and vice-chair
4. **Executive Session** – Pursuant to ORS 192.660(2)(f) for the purpose of considering information or records exempt from public inspection (legal advice.)
5. **Communication Report**
 - Launch of new web site
 - Social media web page
6. **Administrative Rules**
 - History of esthetics in Oregon
 - Review of HB 2642
 - Administrative rule process
 - Overview of temporary rule
7. **Items for Board Action**
 - ◆ Approval of meeting dates
 - ◆ Approval of administrative rule schedule
8. **Public/Interest Parties Feedback**
9. **Other Board Business**

Agenda is subject to change.

For the most up to date information visit www.oregon.gov/oha/hlo

Approval of Chair and Vice Chair

BCAE 7/11/16

BACKGROUND AND DISCUSSION:

It is necessary for the Board of Certified Advanced Esthetician to elect a chairperson and vice-chairperson for the year 2016.

Recommendation:

In preparation of 2016, it is necessary for the Board of Certified Advanced Esthetician to nominate and elect a Chair and Vice-Chairperson.

Role of the Chairperson in Meetings

- Officially call the meeting to order
- Keep order and impose any reasonable restrictions necessary for the efficient and orderly conduct of the meeting
- Direct the “flow” of the meeting and to ensure the meeting is conducted in a professional manner. Some key points regarding meeting protocol include:
 - Board members wishing to speak need to wait to be addressed by the Chair
 - Once addressed by the Chair, the board member must state his or her last name prior to speaking for the record
 - The Chair guides members through the process of making motion
 - If public comment is being accepted by the board, audience members must wait to be addressed by the chair and state their full name and affiliation to the board.
 - Officially enter/ exit Executive Session
 - Officially adjourn the meeting

Role of the Chairperson Outside of the Meeting

- Collaborate with the Director regarding the board budget – On occasion, the Director may contact the Chair to discuss the board budget regarding current and future revenues and expenditures and possible fee increases or decreases.
- Assist in generating meeting agendas – On occasion, the board specialist or analyst may contact the Chair to discuss the agenda for an upcoming meeting. The Chair may be asked to comment on topics to be discussed and the format or order in which the topics should be presented at the meeting.

Role of the Vice-Chairperson

Is the responsibility of the Vice-Chair to assume the responsibilities of the Chair in the event of an absence, or if the chairperson is no longer a member of the board for any reason.

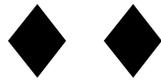
BOARD ACTION:

The Board nominates and elects a Chair and Vice-Chair for the remainder of 2016

Chair:

Vice Chair:

Executive Session



ORS 192.660(2)(f) for the purpose of considering
information or records exempt from public inspection.

Administrative Rules

History of esthetics in Oregon

Prior to 1986

Prior to 1986 services provided on the skin, primarily the face, were defined under the definition of barbering and cosmetology.

1987

The 1987 Legislature passed HB 2216 which repealed the term *cosmetology* and amended the definition to mean *facial technology* under the Board of Barbers and Hairdressers. The legislature limited the scope of practice to the face and neck above the seventh vertebra. When the term cosmetology was repealed the definition of hair design, which at the time included barbering, was amended to add *massaging the scalp and neck when performed in conjunction with activities within hair design*.

2005

The 2005 Legislature passed HB 2105 which repealed the term *facial technology* and amended the definition to mean *esthetics* under the Board of Cosmetology.

ORS 690.005 (6) “Esthetics” means any of the following skin care practices 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:

- (a) The use of the hands or mechanical or electrical apparatuses or appliances for cleansing, stimulating, manipulating, exfoliating or applying lotions or creams.
- (b) Temporary removal of hair.
- (c) Makeup artistry.
- (d) Facial and body wrapping.
- (e) Facial and body waxing.

2006

Oregon Health Licensing Agency publishes the first edition of Facial Forward focusing on regulated skin care services under the scope of practice for estheticians.

The Agency filed permanent administrative rules which prescribed rules limiting practitioners from using ONLY Food and Drug Administration Class 1 and 2 devices and if the practitioner was using a Class 3 device then they would have to be under the supervision of a physician.

2008

Oregon Health Licensing Agency releases 2nd edition of Facial Forward focused on the Safe Use of Lasers.

The Agency filed permanent administrative rules which amended the use of US Food and Drug Administration (USFDA) classified devices by removing the authorization to use

any specific device and to limit practitioners from using any manual or mechanical device or equipment unless the use is part of the delivery of services within the practitioner's scope of practice under ORS 690, and is consistent with the manufacturers intended use of the device and with client health and safety.

2009

The 2009 Legislature passed HB 3232 *Oregon Health Licensing Agency to issue a specialty certificate in a field of practice to a practitioner who has met qualifications including post-graduate education approved by the agency that is separate from the education or training required for entry-level certification* in a field of practice.

2013

The 2013 Legislature passes SB 107 adding *eyelash services* to the esthetic scope of practice, which was inadvertently repealed in 2005 when *facial technology* was changed to esthetics (skin care).

In the September 2013 the Oregon Health Licensing Agency convened a Board of Cosmetology Laser Workgroup made up of government agencies that have input regarding the safe use of lasers in Oregon. Those agencies included the Oregon Medical Board, Oregon State Board of Nursing and Oregon Health Authority Radiation Protection Service among others. The workgroup brought over 25 audience members together to begin the complex discussion of education, training and regulation of the safe use of lasers in Oregon. The workgroup and audience members recognized that estheticians performing laser procedures needed standardized training and education in order to protect consumers.

In October 2013 the Board of Cosmetology met to review a proposed temporary rule which would prohibit estheticians from using lasers or intense pulse light devices unless communication and disclosure was given to each client that the esthetician was working outside their scope of practice of esthetics. The Board of Cosmetology determined that more information was needed and unanimously voted to *not* adopt the temporary administrative rule.

2014

In January 2014 the Board of Cosmetology met and approved a rulemaking schedule which would allow the Oregon Health Licensing Agency to begin a broad rulemaking which would include all advanced esthetics procedures and services such as lasers and chemical peels. The Board provided input on the stakeholder positions for a Rules Advisory Committee including a health care provider, an esthetic instructor and a public member.

In April, May and July of 2014 the Board of Cosmetology Rules Advisory Committee convened to discuss regulating advanced esthetics under the Board of Cosmetology and determine if the Board of Cosmetology and the Health Licensing Office had statutory authority to regulate advanced esthetics without any legislative action. It was determined by the Health Licensing Office that the statutes in place in 2014 would not lawfully allow the Board of Cosmetology and the Health Licensing Office to regulate advanced

esthetics, and in fact legislative changes would need to be made in order to do so The Rules Advisory Committee was disbanded; however several members of the committee, separate from the public body, created a document which would be used to promote legislative changes and the regulation of advanced esthetics in Oregon.

2015

During the 2015 Legislative Session, House Bill 2642 was enacted, which created the Board of Certified Advanced Estheticians in Oregon. The purpose of the Board is to oversee and regulate the practice of advanced nonablative esthetics, including the use of lasers and other devices registered with the U.S. Food and Drug Administration.

2016

January 2016 the Health Licensing Office determined the Board could not begin meeting until after July 1, 2016. A Rules Advisory Committee was created and met three times to provide input and guidance on temporary rules in order to begin issuing certificates on July 1, 2016.

Administrative Rule Process

Overview is compiled from the requirements set forth in the Attorney General's Administrative Law Manual.

• **The Administrative Rules Unit** files and publishes the Administrative Rules.

The filing receipt, e-mailed to the rules coordinator when the filing is submitted, is stamped with the date filed with the Secretary of State's office. Print a copy of this receipt to facilitate filing with Legislative Counsel.

• **The Attorney General's office** has the authority to interpret Administrative Rules and give legal advice concerning Administrative Rules.

• **Legislative Counsel** reviews Administrative Rules with regard to constitutionality and scope and intent of enabling legislation.

File a paper copy of the Certificate and Order for Filing Temporary Administrative Rules and the rule text with Legislative Counsel within 10 days after filing with the Administrative Rules Unit, Archives Division, Secretary of State. Agencies must strike through deleted rule text and underline new text (or use any method clearly showing changes) on paper copies submitted to Legislative Counsel.

Rulemaking Steps:

ORS 183.355(2)(b) requires that an agency "take appropriate measures to make the temporary rules known to persons who may be affected by them." This includes interested parties, organizations and agencies on the agency's interested party mailing list, as well as and others who may be affected.

Complete and file a temporary administrative rule filing using the Administrative Rules Unit's on-line filing system available on the OAR website: <http://arcweb.sos.state.or.us/pages/rules/resources/fileonline.html>

Note: *Temporary Rulemaking and Statement of Need & Justification forms are available for download at <<http://arcweb.sos.state.or.us/pages/rules/index.html>>. For further inquiries about rule filing or OAR publications, contact the Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. (503) 373-0701 ext. 2.*

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- **The Attorney General's office** has the authority to interpret Administrative Rules and give legal advice concerning Administrative Rules.
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Rulemaking Steps:

Appoint an advisory committee and obtain public input on the content of the proposed rules or rule modifications.

Notify the public of proposed rulemaking actions in the following ways:

- Publish a Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing in the *Oregon Bulletin*. A Notice of Proposed Rulemaking Hearing is accompanied by a Statement of Need and Fiscal Impact and must be published in the *Oregon Bulletin* at least 14 days prior to the hearing date and 21 days prior to the effective date of the rule. A Notice of Proposed Rulemaking is also accompanied by a Statement of Need and Fiscal Impact and must be published in the *Oregon Bulletin* at least 21 days prior to the effective date of the rule. The *Oregon Bulletin* is posted on or around the 1st of each month. The Administrative Rules Unit accepts rulemaking notices and filings through its on-line filing system accessible on the OAR web site: <http://arcweb.sos.state.or.us/pages/rules/resources/fileonline.html>

The filing deadline is the 15th of each month.

Agencies listed in ORS 183.530 must also include a housing cost impact statement as described in ORS 183.534.

- Notify individuals, organizations and agencies listed on the agency rulemaking mailing list. Notices must be mailed at least 28 days before the effective date of the rule. Also provide draft text or text access information.

- Notify public in accordance with agency notice rule.

- Email a copy of the Notice to legislators as provided by ORS 183.335(15). Notices must be mailed at least 49 days before the effective date of the rule.

Conduct a hearing, if scheduled or requested, which complies with OAR 137-001-0030 and the "Attorney General's Public Records and Meetings Manual."

Complete and file a permanent administrative rule filing using the Administrative Rules Unit's on-line filing system available on the OAR website: <http://arcweb.sos.state.or.us/pages/rules/resources/fileonline.html>

The filing receipt, e-mailed to the rules coordinator when the filing is submitted, is stamped with the date filed with the Secretary of State's office. Print a copy of this receipt to facilitate filing with Legislative Counsel.

File a paper copy of the Certificate and Order for Filing Permanent Administrative Rules and the rule text with Legislative Counsel within 10 days after filing with the Administrative Rules Unit, Archives Division, Secretary of State. Agencies must strike through deleted rule text and underline new text (or use any method clearly showing changes) on paper copies submitted to Legislative Counsel.

Note: *File Hearing and Rulemaking Notices, with their Statements of Need & Fiscal Impact, through the online system at <<http://arcweb.sos.state.or.us/pages/rules/index.html>>. Permanent Rulemaking forms are also available for download at this site, as is access to the online Oregon Bulletin and OAR Compilation. For further inquiries about rule filing or OAR publications, contact the Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. (503) 373-0701 ext. 2.*

Review of HB 2642

Enrolled
House Bill 2642

Sponsored by Representatives HOYLE, DOHERTY, HUFFMAN (Presession filed.)

CHAPTER

AN ACT

Relating to nonablative procedures; creating new provisions; amending ORS 676.583 and 676.992; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in sections 1 to 7 of this 2015 Act:

(1) "Advanced nonablative esthetics procedure" means a procedure that uses a laser or other device registered with the United States Food and Drug Administration for nonablative procedures performed on the skin or hair, including, but not limited to, procedures performed in conjunction with one of the following modalities:

- (a) Skin rejuvenation;
- (b) Photo rejuvenation;
- (c) Body contouring;
- (d) Dyschromia reduction;
- (e) Cellulite reduction;
- (f) Hair removal or reduction; and
- (g) Nonablative tattoo removal.

(2) "Certified advanced esthetician" means a person certified to practice advanced nonablative esthetics procedures under sections 1 to 7 of this 2015 Act.

(3) "Esthetician" means a person certified to practice esthetics under ORS 690.005 to 690.225.

(4) "Nonablative" means involving an action performed on the skin or hair of a person that does not result in the wounding of skin or underlying tissue.

SECTION 2. (1) A person may not practice advanced nonablative esthetics procedures or use a title, word or abbreviation, including the designation certified advanced esthetician, that indicates that the person is authorized to practice advanced nonablative esthetics procedures unless the person is certified by the Board of Certified Advanced Estheticians under section 3 of this 2015 Act.

(2) Notwithstanding ORS 677.080, a certified advanced esthetician may practice advanced nonablative esthetics procedures.

(3) This section does not apply to:

(a) A person who is a licensed health care professional if the person's scope of practice includes the practice of advanced nonablative esthetics procedures; or

(b) A student enrolled in an advanced nonablative esthetics education program or training program or in an advanced nonablative esthetics program that combines education and training.

SECTION 3. (1) Except as provided in subsection (3) of this section, the Health Licensing Office shall issue a certificate to practice advanced nonablative esthetics procedures to an applicant who:

- (a) Is at least 18 years of age;
- (b) Is an esthetician in good standing with the Board of Cosmetology;
- (c) Successfully completes:

(A) Subject to subsection (2) of this section, an advanced nonablative esthetics education program or training program, or an advanced nonablative esthetics program that combines education and training, that is approved by the Board of Certified Advanced Estheticians; or

(B) A nationally recognized program that is approved by the Board of Certified Advanced Estheticians and through which individuals are certified to use lasers or other devices for purposes related to practicing advanced nonablative esthetics procedures;

(d) Passes an examination adopted by the Board of Certified Advanced Estheticians by rule; and

(e) Pays the applicable fees established under ORS 676.592.

(2) An education program described in subsection (1)(c)(A) of this section must be:

(a) If the program is located in this state, licensed through the Higher Education Coordinating Commission; or

(b) If the program is not located in this state, substantially equivalent to a program licensed through the Higher Education Coordinating Commission.

(3) The office shall issue a certificate to practice advanced nonablative esthetics procedures to an applicant who:

(a) Is an esthetician in good standing with the Board of Cosmetology;

(b) Is authorized and in good standing to practice advanced nonablative esthetics procedures in a state where the requirements to practice nonablative esthetics procedures are substantially similar to the requirements to practice advanced nonablative esthetics procedures in this state; and

(c) Pays the applicable fee established under ORS 676.592.

(4) The office shall issue a temporary certificate to perform advanced nonablative esthetics procedures to an applicant who:

(a) Is an esthetician in good standing with the Board of Cosmetology;

(b) Meets any qualifications prescribed by the office by rule; and

(c) Pays the applicable fee established under ORS 676.592.

SECTION 4. (1) A certificate issued under section 3 (1) or (3) of this 2015 Act must be renewed annually. To renew a certificate under this section, a certified advanced esthetician must submit to the Health Licensing Office:

(a) A renewal application;

(b) Proof that the certified advanced esthetician has completed any continuing education requirements established by the Board of Certified Advanced Estheticians by rule; and

(c) The applicable renewal fee established under ORS 676.592.

(2) A temporary certificate issued under section 3 (4) of this 2015 Act expires as prescribed by the office by rule.

SECTION 5. (1) There is established the Board of Certified Advanced Estheticians within the Health Licensing Office, consisting of:

(a) Nine members appointed by the Governor; and

(b) The section manager of the Radiation Protection Services Section of the Oregon Health Authority, or the section manager's designee.

(2) Of the nine members appointed by the Governor:

(a) Five must be certified advanced estheticians;

(b) Two must be physicians or physician assistants licensed under ORS chapter 677 or nurse practitioners licensed under ORS 678.375 to 678.390; and

(c) Two must be public members who are residents of this state.

(3) The board member described in subsection (1)(b) of this section is a nonvoting ex officio member of the board.

(4) The term of office of each appointed member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(5) The voting members of the board shall select one of the voting members as chairperson and another voting member as vice chairperson. The board shall establish the terms of service for the chairperson and the vice chairperson and the duties and powers of the chairperson and the vice chairperson.

(6) A majority of the voting members of the board constitutes a quorum for the transaction of business.

(7) Official action by the board requires the approval of a majority of the voting members of the board.

(8) The board shall meet at a place, day and hour determined by the board. The board also may meet at other times and places specified by the call of the chairperson or of a majority of the voting members of the board.

SECTION 6. (1) In addition to the powers granted to the Board of Certified Advanced Estheticians by sections 1 to 7 of this 2015 Act, the board shall have the power to:

(a) Adopt rules and take actions necessary to carry out the duties of the board under sections 1 to 7 of this 2015 Act.

(b) Adopt rules establishing sanitation and safety requirements for advanced nonablative esthetics procedures.

(c) Adopt rules establishing a professional code of conduct for certified advanced estheticians.

(d) Adopt any other rule necessary to regulate certified advanced estheticians.

(e) Provide advice to the Health Licensing Office on issues related to advanced nonablative esthetics procedures.

(f) Compile information related to advanced nonablative esthetics procedures and direct the office to disseminate the information to certified advanced estheticians.

(2) In adopting rules under subsection (1)(b) of this section, the board shall adopt rules:

(a) Requiring a certified advanced esthetician to conduct all advanced nonablative esthetics procedures in a facility for which a license has been issued under ORS 690.055;

(b) Requiring a certified advanced esthetician to maintain client disclosure forms that include, at a minimum, disclosure of the existence of professional liability insurance; and

(c) Requiring a certified advanced esthetician to enter into an agreement with:

(A) A physician licensed under ORS chapter 677 or a nurse practitioner licensed under ORS 678.375 to 678.390; or

(B) A licensed health care professional who works at the same location as the certified advanced esthetician and who has the authority to prescribe drugs listed in Schedule III, IV or V.

(3) The purpose of an agreement described in subsection (2)(c) of this section is to provide a certified advanced esthetician with a licensed health care professional to whom the certified advanced esthetician may refer a client of the certified advanced esthetician.

SECTION 7. In the manner provided by ORS chapter 183 for contested cases, and after consultation with the Board of Certified Advanced Estheticians, the Health Licensing Office may impose a form of discipline described in ORS 676.612 against any person certified under section 3 of this 2015 Act for a violation of the provisions of sections 1 to 7 of this 2015 Act or of a rule adopted under sections 1 to 7 of this 2015 Act, or for commission of a prohibited act listed in ORS 676.612.

SECTION 8. Notwithstanding the requirements listed in section 3 (1)(c) of this 2015 Act, the Health Licensing Office shall, until January 1, 2018, issue a certificate to practice advanced nonablative esthetics procedures to an applicant who, in lieu of those requirements:

(1) Provides proof to the office of having been employed for not less than 500 hours as a laser operator under the supervision of a health care professional whose scope of practice includes the practice of advanced nonablative esthetics procedures; or

(2) Provides proof to the office of having completed 40 hours of education related to laser theory and fundamentals and of having completed 24 hours of practical experience performing each modality listed in section 1 (1) of this 2015 Act.

SECTION 9. (1) Notwithstanding the term of office specified by section 5 of this 2015 Act, of the members first appointed to the Board of Certified Advanced Estheticians:

(a) Two shall serve for terms ending December 31, 2016.

(b) Two shall serve for terms ending December 31, 2017.

(c) Two shall serve for terms ending December 31, 2018.

(d) Three shall serve for terms ending December 31, 2019.

(2) Notwithstanding the requirements for board membership specified by section 5 (2)(a) of this 2015 Act, the members first appointed to the board under section 5 (2)(a) of this 2015 Act may be estheticians who have at least three years' experience practicing advanced nonablative esthetics procedures.

SECTION 10. ORS 676.583 is amended to read:

676.583. Pursuant to ORS 676.586, the Health Licensing Office shall provide administrative and regulatory oversight and centralized service for the following boards and councils:

(1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;

(2) Board of Cosmetology, as provided in ORS 690.005 to 690.225;

(3) State Board of Denture Technology, as provided in ORS 680.500 to 680.565;

(4) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;

(5) Respiratory Therapist and Polysomnographic Technologist Licensing Board, as provided in ORS 688.800 to 688.840;

(6) Environmental Health Registration Board, as provided in ORS chapter 700;

(7) Board of Body Art Practitioners, as provided in ORS 690.350 to 690.410;

(8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.170;

(9) Sex Offender Treatment Board, as provided in ORS 675.360 to 675.410;

(10) Nursing Home Administrators Board, as provided in ORS 678.710 to 678.820; [and]

(11) Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485[.]; and

(12) **Board of Certified Advanced Estheticians, as provided in sections 1 to 7 of this 2015 Act.**

SECTION 11. ORS 676.992 is amended to read:

676.992. (1) Except as provided in subsection (3) of this section, and in addition to any other penalty or remedy provided by law, the Health Licensing Office may impose a civil penalty not to exceed \$5,000 for each violation of the following statutes and any rule adopted [*thereunder*] **under the following statutes:**

(a) ORS 688.701 to 688.734 (athletic training);

(b) ORS 690.005 to 690.225 (cosmetology);

(c) ORS 680.500 to 680.565 (denture technology);

(d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct entry midwifery);

(e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe piercing, dermal implanting and scarification);

(f) ORS 694.015 to 694.170 (dealing in hearing aids);

(g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);

(h) ORS chapter 700 (environmental sanitation);

(i) ORS 675.360 to 675.410 (sex offender treatment);

(j) ORS 678.710 to 678.820 (nursing home administrators);

- (k) ORS 691.405 to 691.485 (dietitians);
- (L) ORS 676.612 (prohibited acts); [*and*]
- (m) ORS 676.800 (applied behavior analysis)[.]; **and**

(n) Sections 1 to 7 of this 2015 Act (advanced nonablative esthetics procedure).

(2) The office may take any other disciplinary action that it finds proper, including but not limited to assessment of costs of disciplinary proceedings, not to exceed \$5,000, for violation of any statute listed in subsection (1) of this section or any rule adopted under any statute listed in subsection (1) of this section.

(3) Subsection (1) of this section does not limit the amount of the civil penalty resulting from a violation of ORS 694.042.

(4) In imposing a civil penalty [*pursuant to*] **under** this section, the office shall consider the following factors:

- (a) The immediacy and extent to which the violation threatens the public health or safety;
- (b) Any prior violations of statutes, rules or orders;
- (c) The history of the person incurring a penalty in taking all feasible steps to correct any violation; and
- (d) Any other aggravating or mitigating factors.

(5) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(6) The moneys received by the office from civil penalties under this section shall be deposited in the Health Licensing Office Account and are continuously appropriated to the office for the administration and enforcement of the laws the office is charged with administering and enforcing that govern the person against whom the penalty was imposed.

SECTION 12. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2, chapter _____, Oregon Laws 2015 (Enrolled Senate Bill 5526), for the biennium beginning July 1, 2015, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, tobacco tax receipts, provider taxes, Medicare receipts and federal funds for indirect cost recovery, Supplemental Security Income recoveries, Women, Infants and Children Program food rebates, the Coordinated School Health Program, the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program, homeland security and emergency preparedness and response services, but excluding lottery funds and federal funds not described in section 2, chapter _____, Oregon Laws 2015 (Enrolled Senate Bill 5526), collected or received by the Oregon Health Authority, is increased by \$386,294 for the purpose of carrying out the provisions of this 2015 Act.

SECTION 13. Notwithstanding any other law limiting expenditures, the amount of \$118,249 is established for the biennium beginning July 1, 2015, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Higher Education Coordinating Commission, for the purpose of carrying out the provisions of this 2015 Act.

SECTION 14. (1) Sections 1 to 9 of this 2015 Act and the amendments to ORS 676.583 and 676.992 by sections 10 and 11 of this 2015 Act become operative on July 1, 2016.

(2) The Health Licensing Office may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the office to exercise, on or after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the office by sections 1 to 9 of this 2015 Act and the amendments to ORS 676.583 and 676.992 by sections 10 and 11 of this 2015 Act.

SECTION 15. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by House June 30, 2015

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate July 2, 2015

.....
Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

.....
Jeanne P. Atkins, Secretary of State

Overview of Temporary Rule

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

FILED
7-1-16 1:09 PM
ARCHIVES DIVISION
SECRETARY OF STATE

I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on Upon filing, by the
Oregon Health Authority, Health Licensing Office, Board of Certified Advanced Estheticians 819
Agency and Division Administrative Rules Chapter Number
Samantha Patnode (503) 373-1917
Rules Coordinator Telephone
700 Summer St. NE, Suite 320, Salem, OR 97301
Address
To become effective 07/01/2016 through 12/27/2016.

RULE CAPTION

Enact rules to certify advanced estheticians and comply with the requirements of HB 2642.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

819-005-0000, 819-020-0030, 819-020-0040, 819-020-0050, 819-020-0060, 819-020-0070, 819-020-0080, 819-040-0000

AMEND:

SUSPEND:

Statutory Authority:

Oregon Law 2015, Chapter 722, ORS 676.586, 676.615, 676.630, 676.655

Other Authority:

Statutes Implemented:

Oregon Law 2015, Chapter 722, ORS 676.586, 676.630, 676.655

RULE SUMMARY

During the 2015 Legislative Session, House Bill 2642 was enacted, which created the Board of Certified Advanced Estheticians (Board) in Oregon. The purpose of the Board is to oversee and regulate the practice of advanced nonablative esthetics, including the use of lasers and other devices registered with the U.S. Food and Drug Administration. However, according to the bill, the Board does not have the authority to begin meeting or making decisions until July 1, 2016.

As of July 1, 2016 the Health Licensing Office (HLO) must begin issuing certificates to practice non ablative esthetics. Since this is a newly regulated profession there has been little standardized training available to individuals. The legislature contemplated these facts and provided provisions for grandfathering individuals into the profession until December 31, 2017.

In order to establish requirements by July 1, 2016, HLO is filing temporary administrative rules creating a provisional certification with supervision for individuals who need some or all the education training requested under the grandfathering provisions. Education and training requirements are 40 hours of theory and fundamentals and 24 hours in each of the following modalities: skin rejuvenation, photo rejuvenation, body contouring, dyschromia reduction, cellulite reduction, hair removal or reduction, and nonablative tattoo removal.

For individuals who obtained the required training prior to July 1, 2016 or who have worked at least 500 hours under a health care professional whose scope of practice includes non ablative esthetics a temporary certification has been created which does not require supervision.

The legislature approved fees during the 2015 Legislative Session which have been added to the fee schedule within the rule.

Samantha Patnode
Rules Coordinator Name

samie.patnode@state.or.us
Email Address

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules
accompanies this form

FILED
7-1-16 1:09 PM
ARCHIVES DIVISION
SECRETARY OF STATE

Oregon Health Authority, Health Licensing Office, Board of Certified Advanced Estheticians
Agency and Division

819
Administrative Rules Chapter Number

Enact rules to certify advanced estheticians and comply with the requirements of HB 2642.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Adopting 819-005-0000, 819-020-0030, 819-020-0040, 819-020-0050, 819-020-0060, 819-020-0070, 819-020-0080 and 819-040-0000

Statutory Authority:

Oregon Law 2015, Chapter 722, ORS 676.586, 676.615, 676.630, 676.655

Other Authority:

Statutes Implemented:

Oregon Law 2015, Chapter 722, ORS 676.586, 676.630, 676.655

Need for the Temporary Rule(s):

To allow individuals to become certified in advanced esthetics by July 1, 2016.

Documents Relied Upon, and where they are available:

Relied documents were legislative history from HB 2642, other state regulations for master esthetician, ORS 676 and Rules Advisory Committee recommendations.

All documents are available at the Health Licensing Office 700 Summer Street NE, Suite 320, Salem, OR 97301-1287. To obtain information or copies of information please contact Samantha Patnode, Policy Analyst, at 503-373-1917, during normal business hours Monday through Friday between 7:30am to 4:30pm. Email: samie.patnode@state.or.us

Justification of Temporary Rule(s):

To ensure that individuals obtain proper education and training in advanced nonablative esthetics and prevent future harm to consumers.

Samantha Patnode

Printed Name

samie.patnode@state.or.us

Email Address

DIVISION 005
BOARD OF CERTIFIED ADVANCED ESTHETICIANS
GENERAL ADMINISTRATION

819-005-0000

Definitions

As used in OAR 819-005-0000 to 819-040-0000:

- (1) “Applicant” means a natural person applying to be certified as a “certified advanced esthetician” as that term is defined in ORS 676.630(2).**
- (2) “Board” means the Board of Certified Advanced Estheticians.**
- (3) “Modality” means**
 - (a) Skin rejuvenation;**
 - (b) Photo rejuvenation;**
 - (c) Body contouring;**
 - (d) Dyschromia reduction;**
 - (e) Cellulite reduction;**
 - (f) Hair removal or reduction; and**
 - (g) Nonablative tattoo removal.**
- (4) “Office” means Health Licensing Office.**
- (5) “Provisional certificate” means an authorization to perform advanced nonablative esthetics procedures as defined in ORS 676.630(1) under supervision for purposes related to education or training.**
- (6) “Temporary certificate” means an authorization to practice advanced nonablative esthetics for a limited time.**

DIVISION 020

BOARD OF CERTIFIED ADVANCED ESTHETICIANS

APPLICATION REQUIREMENTS FOR CERTIFICATION

819-020-0030

Advanced Esthetician Temporary Certification

(1) A temporary certification authorizes the holder to temporarily practice advanced nonablative esthetics while waiting to pass the Board-approved qualifying examination required under ORS 676.640

(2) A temporary certification is valid through December 31, 2017 or until a permanent certificate is obtained.

819-020-0040

Application Requirements for Temporary Certification

An applicant for a temporary certificate must:

(1) Comply with the requirements of OAR chapter 331 division 30;

(2) Submit a completed application form prescribed by the Office, containing the information listed in OAR 331-030-0000, and payment of all required fees;

(3) Be at least 18 years of age. Applicant must provide to Office official documentation confirming date of birth, such as a copy of the applicant's birth certificate, driver's license, or passport;

(4) Hold an active esthetic certificate through the Oregon Board of Cosmetology pursuant to ORS 690.046-690.047 and be in good standing with no current or pending disciplinary action;

(5) Provide name, license number and address of the Oregon Board of Cosmetology facility listed under ORS 690.005 where advanced nonablative esthetics procedures are performed by the applicant, pursuant to ORS 676.655(2)(a);

(6) Attest to maintaining client disclosure forms that include, at minimum, disclosure of the existence of professional liability insurance, pursuant to ORS 676.655(2)(b)

(7) Submit information identifying the individual with whom the applicant has entered into a collaborative agreement pursuant to ORS 676.655(2)(c). The collaborative agreement must be with one of the following health care professional who holds an active license in good standing with no current or pending disciplinary action:

(a) Physician licensed under ORS chapter 677;

(b) Nurse practitioner licensed under ORS 678.375 to 678.390;

(c) Dentist licensed under ORS 679 who works at the same location as the certified advanced esthetician and who has the authority to prescribe drugs listed in Schedule III, IV or V; OR

(d) Naturopathic physician licensed under ORS 685 who works at the same location as the certified advanced esthetician and who has the authority to prescribe drugs listed in Schedule III, IV or V.

(8) Submit documentation of qualification for certification through one of the following pathways:

(a) Pathway One: 500 Supervised Hours of Experience – An applicant under pathway one must:

(A) Submit documentation to the Office showing proof of employment for at least 500 hours as a laser operator under the supervision of one of the following licensed health care professionals whose scope of practice includes the practice of advanced nonablative esthetics procedures and whose license is in good standing with no current or pending disciplinary action with the health care professional's respective regulatory body:

(i) A physician licensed under ORS chapter 677;

(ii) A nurse practitioner licensed under ORS 678.375 to 678.390;

(iii) A dentist licensed under ORS 679;

(iv) A naturopathic physician licensed under ORS 685; OR

(b) Pathway Two: 168 Hours of Experience and 40 Hours of Education – An applicant under pathway two must:

(A) Submit documentation showing completion of forty hours of education related to laser theory and fundamentals and twenty-four hours of practical experience in each modality defined under OAR 819-005-0000. Documentation may include but is not limited to manufacturer training certificates, educational transcripts,

supervision records signed by a supervisor, employment records and client records.

819-020-0050

Advanced Esthetician Provisional Certification – Education and Training

(1) A provisional certification authorizes the holder to practice advanced nonablative esthetics under supervision for the purpose of education and training for each modality defined to OAR 819-005-0000 and in laser theory and fundamentals.

(2) A provisional certification is valid through December 31, 2017 or until a temporary or permanent certificate is obtained.

819-020-0060

Application Requirements for Provisional Certification – Education and Training

An applicant for a provisional certificate must:

(1) Comply with the requirements of OAR chapter 331 division 30;

(2) Submit a completed application form prescribed by the Office, containing the information listed in OAR 331-030-0000, and pay all required fees;

(3) Be at least 18 years of age. Applicant must provide to the Office official documentation confirming date of birth, such as a copy of the applicant's birth certificate, driver's license, or passport;

(4) Hold an active esthetic certificate through the Oregon Board of Cosmetology pursuant to ORS 690.046-690.047 and be in good standing with no current or pending disciplinary action;

(5) Submit information identifying the applicant's proposed supervisor. The proposed supervisor must meet the requirements listed under OAR 819-020-0070 (1)(a) or (b);

(6) Provide name, license number and address of the Oregon Board of Cosmetology facility listed under ORS 690.005 where advanced nonablative esthetics procedures are performed by the applicant pursuant to ORS 676.655(2)(a);

(7) Attest to maintaining client disclosure forms that include, but are not limited to, at minimum, disclosure of the existence of professional liability insurance pursuant to ORS 676.655(2)(b)

(8) Submit information identifying the individual with whom the applicant has entered into a collaborative agreement pursuant to ORS 676.655(2)(c). The collaborative agreement must be with one of the following health care professional who holds an active license in good standing with no current or pending disciplinary action:

(a) Physician licensed under ORS chapter 677;

(b) Nurse practitioner licensed under ORS 678.375 to 678.390;

(c) Dentist licensed under ORS 679 who works at the same location as the certified advanced esthetician and who has the authority to prescribe drugs listed in Schedule III, IV or V; OR

(d) Naturopathic physician licensed under ORS 685 who works at the same location as the certified advanced esthetician and who has the authority to prescribe drugs listed in Schedule III, IV or V.

819-020-0070

Supervisor Approval and Requirements

(1) To be approved as a supervisor of a provisional certificate holder, an individual must:

(a) Hold an active license as a physician under ORS chapter 677, a nurse practitioner licensed under ORS 678.375 to 678.390, a dentist licensed under ORS 679, a or naturopathic physician licensed under ORS 685, and whose scope of practice includes the practice of advanced nonablative esthetic procedures. The supervisor must have no current or pending disciplinary action with a regulatory body; and

(A) Attest to practicing advanced nonablative esthetics for at least three years prior to the date of application in the modality in which they will be supervising the provisional certificate holder;

OR

(b) Hold an active esthetic certificate through the Oregon Board of Cosmetology pursuant to ORS 690.046-690.047 and be in good standing with no current or pending disciplinary action;

(A) Hold an active permanent or temporary advanced nonablative esthetics certification under ORS 676.630 to 676.660 through the Board of Certified Advanced Estheticians with no current or pending disciplinary action with the Office;

(B) Attest to practicing advanced nonablative esthetics for at least three years prior to the date of application in the modality for which they will be supervising the provisional certificate holder.

(2) For each modality, the supervisor must do, at a minimum, (a) - (c):

(a) Directly supervise the provisional certificate holder for at least the first ten hours of supervision. Direct supervision means the supervisor is present in the facility and actively involved in direct oversight and training including allowing the provisional certificate holder to assist in the procedure;

(b) Indirectly supervise the provisional certificate holder for at least the next fourteen hours of procedures. Indirect supervision is being available for direct consultation in person or from offsite including but not limited to phone or video conferencing; and

(c) Upon completion of the above twenty-four hours listed in (a) through (b) of this rule in a modality, or additional hours if required by a supervisor under (6), the provisional certificate holder must meet with the supervisor in that modality at least once every 30 days to discuss the provisional certificate holder's procedures and questions, and provide information on contraindications and appropriate referrals or consultations.

(d) At the option of the supervisor if the provisional certificate holder has obtained at least twenty-four hours of practical experience in the modality the supervisor is supervising

(3) The supervisor must have the provisional certificate holder obtain at least forty hours of education in laser theory and fundamentals listed in the 2011 American National Standard Z136.1 and American National Standards Laser Safety Education Program Z136.3. The education must include the following topics:

(a) The Laser

(A) Physics and biological effects

(B) Dosimetry and beam parameters

(C) Components of the laser system, delivery devices, and instrumentation

(D) Overview of clinical applications

(b) Administrative Controls

(A) Laser committee

- (B) Role of the LSO, DLSO, LSSC**
- (C) Development of policies and procedures**
- (D) Documentation methods**
- (E) Regulations, standards and recommended professional practices**
- (F) Certification criteria and skills validation**

(c) Procedural Controls

- (A) Controlled access**
- (B) Eye protection**
- (C) Reflection hazards**
- (D) Flammability hazards and draping**
- (E) Electrical safety**
- (F) Management of plume**
- (G) Equipment testing, aligning, and troubleshooting**

(4) A supervisor must exercise management, guidance, and control over the activities of the provisional certificate holder and must use reasonable professional judgment when supervising. A supervisor is responsible for all matters related to the provisional certificate holder's advanced nonablative esthetics procedures.

(5) A supervisor must document the provisional certificate holder's education and training on a form prescribed by the Office.

(6) A supervisor must provide the supervision described under subsection (2) of this rule in the modality in which they are supervising for the duration of time the individual holds a provisional certificate.

(7) If the supervisor determines the provisional certificate holder needs further direct or indirect supervision, the supervisory may require hours in addition to what is described under subsection (2) of this rule

(8) The supervisor may require supervision in addition to what is described under subsection (2) of this rule.

(9) A supervisor must notify the Office in writing within 10 calendar days if a provisional certificate holder is no longer being supervised, and must provide the

number of hours of education and training the provisional certificate holder completed on a form prescribed by the Office.

(10) The Office may withdraw its approval of a supervisor if the supervisor provides incomplete or inadequate education or training during supervision, provides incompetent or negligent education or training, as those terms are defined in OAR 331-020-0070, fails to exercise management, guidance, and control over the activities of the provisional certificate holder, fails to exercise reasonable professional judgment when supervising, is disciplined by the supervisor's licensing board, or falsifies documentation.

819-020-0080

Requirements for a Provisional Certificate Holder

(1) For each modality, the provisional certificate holder must:

(a) For at least the first ten hours of supervision, the provisional certificate holder must assist the supervisor performing procedures in a modality under the supervisor's direct supervision as described under OAR 819-020-0070;

(b) For at least the next fourteen hours of supervision, the provisional certificate holder must perform services under the supervisor's indirect supervision, as described under OAR 819-020-0070.

(c) Upon completion of the above twenty-four hours in a modality listed in (a) and (b) of this rule, or additional hours if required by a supervisor or additional hours if required by a supervisor. The provisional certificate holder must meet with the supervisor in that modality at least once every 30 days to discuss the provisional certificate holder's procedures and questions, and provide information on contraindications and appropriate referrals or consultations.

(2) The provisional certificate holder must obtain at least forty hours of education in laser theory and fundamentals listed in the 2011 American National Standard Z136.1 and American National Standards Laser Safety Education Program Z136.3. The education must include the following topics:

(a) The Laser

(A) Physics and biological effects

(B) Dosimetry and beam parameters

(C) Components of the laser system, delivery devices, and instrumentation

(D) Overview of clinical applications

(b) Administrative Controls

(A) Laser committee

(B) Role of the LSO, DLSO, LSSC

(C) Development of policies and procedures

(D) Documentation methods

(E) Regulations, standards and recommended professional practices

(F) Certification criteria and skills validation

(c) Procedural Controls

(A) Controlled access

(B) Eye protection

(C) Reflection hazards

(D) Flammability hazards and draping

(E) Electrical safety

(F) Management of plume

(G) Equipment testing, aligning, and troubleshooting

(3) A provisional certificate holder must notify the Office within 10 calendar days of changing a supervisor or obtaining an additional supervisor.

(4) A provisional certificate holder is prohibited from practicing in a modality until the supervisor, having experience in that modality, is approved by the Office.

DIVISION 040

BOARD OF CERTIFIED ADVANCED ESTHETICIANS

FEES

819-040-0000

Fees

(1) An applicant or authorization holder is subject to provisions of OAR 331-010-0010 and 331-010-0020 regarding payment of fees, penalties and charges.

(2) Fees established by the Health Licensing Office, are as follows:

(a) Application for Provisional Certification: \$100

(b) Original Provisional Certification: \$100

(c) Application for Temporary Certification: \$100.

(d) Original Temporary Certification: \$100

(3) An applicant applying for a temporary certification who previously held a provisional certification may be granted a \$100 certification fee discount through January 1, 2018. The certification fee discount is available to individuals who meet all application requirements for a temporary advanced esthetic certification under OAR 819-020-0040 and reside in Oregon. An application fee of \$100 for temporary certification must be paid in order to be granted the \$100 certification fee discount.

ADVANCED ESTHETICS CERTIFICATE OF TRAINING

(Use this form when applying for a Temporary certification)

Name of Applicant:

Name of Supervisor:

Supervisor License Number:

Name of facility where supervision was received:

Facility Address:

City: _____ State: _____ Zip: _____ Phone: _____

This certification covers the training dates from: _____ to: _____

Category of Training: Theory Instruction (<i>must include the following</i>)	Hours Required		Hours Completed
Laser: Physics and biological effects, dosimetry and beam parameters, component of the laser system, delivery devices and instruments, and overview of clinical applications. Administrative controls: Laser committee, role of the LSO, DLSO, LSSC, development of policies and procedures, documentation methods, regulations, standards and recommended professional practices, certification criteria and skills validation Procedural controls: controlled access, eye protection, reflection hazards, flammability hazards and draping, electrical safety, management of plume, and equipment testing, aligning and troubleshooting.	40		
TOTAL HOURS OF THEORY INSTRUCTION:	40		
Category of Training: Practical Experience (<i>must include the following</i>)	Assisted supervisor	Performed under supervision	
10 hours under direct supervision assisting the supervisor, and 14 hours of indirect supervision performing each modality listed in ORS 676.630(1)(a) through (g), and as listed in Category of Training: Practical Experience below.			
Skin Rejuvenation	10	14	
Photo Rejuvenation	10	14	
Body Contouring	10	14	
Dyschromia Reduction	10	14	
Cellulite Reduction	10	14	
Hair Removal or Reduction	10	14	
Nonablative Tattoo Removal	10	14	
TOTAL HOURS OF PRACTICAL EXPERIENCE:	70	+ 98	
TOTAL HOURS OF TRAINING:	208		

Affirmation of Education and Practical Experience

By signing below, I affirm that the required education and practical experience indicated above has been received by the above named Certified Advanced Esthetician applicant, in accordance with Oregon Laws 2015, chapter 722, Section 8, and all education, training, and supervision provisions contained within Oregon Administrative Rules, and that the information listed on this training verification is true and accurate.

Signature of Supervisor

Date

Signature of Applicant

Date



HEALTH LICENSING OFFICE
Board of Certified Advanced Estheticians

700 Summer St. NE, Suite 320, Salem, OR, 97301
Phone: 503-378-8667 | Fax: 503-370-9004
www.oregon.gov/oha/hlo | Email: hlo.info@state.or.us

ADVANCED ESTHETICS 500 HOUR LASER OPERATOR WORK EXPERIENCE CERTIFICATION

(Use this form when applying for a Temporary certification)

Applicant Name (please print):

Oregon Laws 2015, chapter 722, Section 8, provides -Notwithstanding the requirements listed in section 3 (1)(c) of this 2015 Act [676.640 (1)(c)], the Health Licensing Office shall, until January 1, 2018, issue a certificate to practice advanced nonablative esthetics procedures to an applicant who, in lieu of those requirements: (1) Provides proof to the office of having been employed for not less than 500 hours as a laser operator under the supervision of a health care professional whose scope of practice includes the practice of advanced nonablative esthetics procedures.

NOTE: If you had more than one supervisor that made up the 500 total hours required, then you must complete this form for each of the supervisors that provided training.

1. Employer Information

Name of Employer Where Training Was Received:

Employer Physical Business Address:

City:

State:

Zip:

2. Supervisor Information

Name of Applicant's Supervisor:

Supervisor's Health Care Professional Credential/License #:

Supervisor's Contact Numbers: Business Cell Other

3. Applicant Laser Operator Employment Dates and Total Hours

Laser Operator Employ Start Date: Laser Operator Employ End Date: Total Laser Operator Hours:

4. Supervisor Verification of Training

As a qualified Health Care Professional, in the practice of advanced nonablative esthetics procedures, I certify by signing below that the above named applicant, under my supervision, successfully completed and satisfactorily performed the laser operator work experience hours indicated above.

➔ **Supervisor Signature:**

Date:



HEALTH LICENSING OFFICE
Board of Certified Advanced Estheticians

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 Phone: 503-378-8667 | Fax: 503-370-9004
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**EDUCATION AND PRACTICAL EXPERIENCE HISTORY VERIFICATION
 FOR TEMPORARY CERTIFICATION**

(Use this form when applying for a Temporary certification)

NOTE: Use this form when some or all of the required education and practical experience were obtained without direct or indirect supervision prior to July 1, 2016. Please remember to submit supporting documentation with this form that may include but is not limited to manufacturer training certificates, education transcripts, supervision records, employment records and client records, or supervisor's theory and practical procedures tracking forms.

Theory Instruction Includes: **Laser:** Physics and biological effects, dosimetry and beam parameters, component of the laser system, delivery devices and instruments, and overview of clinical applications. **Administrative controls:** Laser committee, role of the LSO, DLSO, LSSC, development of policies and procedures, documentation methods, regulations, standards and recommended professional practices, certification criteria and skills validation. **Procedural controls:** controlled access, eye protection, reflection hazards, flammability hazards and draping, electrical safety, management of plume, and equipment testing, aligning and troubleshooting.

Practical Experience Includes: Hours spent providing services of a modality listed in ORS 676.630(1)(a) through (g), either under indirect supervision, or unsupervised.

APPLICANT NAME: LAST		FIRST		MIDDLE INTIAL	
Modalities	List Names of Educational Provider(s), Trainer(s), or Employer(s)	Hours of Theory Received	Hours of Practical Experience	Dates of Education, Training, or Experience	
Skin Rejuvenation				From:	To:
				From:	To:
				From:	To:
				From:	To:
				From:	To:
Total Skin Rejuvenation Hours					
Photo Rejuvenation				From:	To:
				From:	To:
				From:	To:
				From:	To:
				From:	To:
Total Photo Rejuvenation Hours					
Body Contouring				From:	To:
				From:	To:
				From:	To:
				From:	To:
				From:	To:
Total Body Contouring Hours					

Please return this completed form with your application. Remember to retain a copy for your records.

EDUCATION AND TRAINING HISTORY VERIFICATION FOR TEMPORARY CERTIFICATION (continued)

APPLICANT NAME: LAST		FIRST	MIDDLE INITIAL	
Modalities	List Names of Educational Provider(s), Trainer(s), or Employer(s)	Hours of Theory Received	Hours of Practical Experience	Dates of Education, Training, or Employment
Dyschromia Reduction				From: To:
				From: To:
Total Dyschromia Reduction Hours				
Cellulite Reduction				From: To:
				From: To:
Total Cellulite Reduction Hours				
Hair Removal or Reduction				From: To:
				From: To:
Total Hair Removal or Reduction Hours				
Nonablative Tattoo Removal				From: To:
				From: To:
Total Hair Removal or Reduction Hours				
Cumulative Hours – All Modalities				

Affirmation of Education and Practical Experience

By signing below, I affirm that the education and practical experience indicated above has been received and that the information listed on this training verification is true and accurate.

Signature of Applicant

Date

Please return this completed form with your application. Remember to retain a copy for your records.



HEALTH LICENSING OFFICE
Board of Certified Advanced Estheticians

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ADVANCED ESTHETICAN PROVISIONAL CERTIFICATION APPLICATION

A provisional certification authorizes the holder to practice advanced nonablative esthetics under supervision for the purpose of education and training for each modality listed in ORS 676.630(1) and laser theory and fundamentals. A provisional certification is valid through December 31, 2017 or until a temporary or permanent certificate is obtained.

1. Applicant Information

APPLICANT NAME: LAST FIRST MIDDLE INITIAL

RESIDENTIAL PHYSICAL ADDRESS (REQUIRED)

CITY STATE ZIP

MAILING ADDRESS (IF DIFFERENT FROM RESIDENTIAL ADDRESS)

CITY STATE ZIP

PHONE: HOME CELL BUSINESS TELEPHONE EMAIL

GENDER BIRTHDATE SOCIAL SECURITY NUMBER (REQUIRED)
 Female Male

Have you ever been known under any other name?
 No Yes – If yes, list full name(s):

Current Board of Cosmetology (BOC) Esthetics certification #

Besides your current BOC Esthetics certificate, do you hold or have you held any other licensure, certification or registration with the Health Licensing Office or any other state? No Yes - If yes, please list information below.

State: Lic./Cert./Reg.# Expiration:

State: Lic./Cert./Reg.# Expiration:

State: Lic./Cert./Reg.# Expiration:

Name of Board of Cosmetology facility where services are performed COS Facility license number

Name of Health Care Provider (HCP) with whom you have a Collaborative Agreement HCP license number

2. Proposed Supervisor Information

SUPERVISOR NAME: LAST FIRST MIDDLE INITIAL

SUPERVISOR LICENSE/CERTIFICATE NUMBER
 HCP LICENSE # BOC ESTHETICS CERT.# BCAE CERT.#

NOTE: You must submit a supervisor attestation form for this proposed supervisor and each additional proposed supervisors, if any (see *BCAE Supervisor Attestation form*).

3. * (Complete This Section Only If Submitting Payment By Mail) *****

Method Of Payment For Application Fee = \$100; Provisional Certificate Fee = \$100

Please check one: Cash Check Money order Purchase order Credit card (see below)

Type of Credit Card: Visa MasterCard Discover (Cardholder must either be the applicant or be present at the time application is submitted) **Do Not Fax or Email Credit Card Information**

Name on card: _____

Card number: _____ Exp: _____ Authorized amount: \$ _____

Cardholder signature: _____

4. Individual Records Questions: Please accurately answer all of the questions below. The Office may review your information through the Law Enforcement Data System, other governmental agencies, and private vendors to confirm the accuracy of the information. Any misrepresentation or failure to disclose information may result in disciplinary action.

● Are you now, or have you ever been, the subject of any active or inactive disciplinary action or voluntary resignation of a professional license, certificate, registration or permit imposed by a licensing or regulatory authority in this or any other state? Disciplinary action includes, but is not limited to, probation, suspension, civil penalty, or any other sanction limiting, in any way, a license, certificate, registration or permit. Yes No If yes, please explain (**attach additional pages if necessary**):

● Have you ever been convicted of a misdemeanor or felony? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please list all convictions, including the charges as stated in the court documents and year convicted (attach additional pages if necessary).	Year Convicted

● As of today are you on probation or parole? Yes No If yes, you **must** provide a letter of release from your probation or parole officer authorizing you to obtain an authorization to practice. If you are on bench probation, or probation with the court, you must provide documentation of your conditions of the probation.

As part of your application for initial or renewed occupational or professional license, certification, or registration issued by the Health Licensing Office, you are required to provide your Social Security number (SSN) to the Office. This is mandatory. The authority for this requirement is ORS 25.785, ORS 305.385, 42 USC §405(c)(2)(C)(i), 42 USC § 666(a)(13), and 41 CFR 61.7. Failure to provide your SSN will be a basis to refuse to issue or renew the license, certification, or registration you seek. This record of your SSN is used for child support enforcement and tax administration purposes (including identification). The HLO will use your SSN for these purposes only, unless you authorize other uses of the number. Your SSN will remain on file with the Office.

I have examined this application and certify that it is true, correct, and complete. I understand that knowingly making a false statement on this application will be cause for denial, suspension, or revocation of my license, certification or registration. I have enclosed the required fees and documentation.

Applicant Signature:	Date:
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ORS 181.534, 670.280, 676.608, and 676.612 authorize the Health Licensing Office to conduct criminal background checks and the office requests that you voluntarily provide your Social Security number for this purpose. I understand my application may be subject to a criminal background check.

Before issuing a default final order, the Health Licensing Office must determine the military status of a Respondent, under 50 USC App § 521(b) (Supp. 2005). Your Social Security Number may be used in order to verify your military status (or lack thereof).

If any disciplinary action is taken against your license, certification, or registration, your Social Security Number may be reported to the federal Health Care Integrity and Protection Data Bank (NPDB) under Title IV of Public Law 99-660, the Health Care Quality Improvement Act of 1986 (Title IV); Section 1921 of the Social Security Act (Section 1921); Section 1128E of the Social Security Act (Section 1128E); and their implementing regulations found at 45 CFR Part 60.

I hereby voluntarily consent to disclose my Social Security number to the HLO for criminal background checks, verification of military status, and reports to the Health Care Integrity and Protection Data Bank. Failure to provide your Social Security number for these purposes will not be used as a basis to deny your application, or to deny you any right, benefit or privilege provided by law. If you consent to the use of your Social Security number by the HLO for these purposes, it may be used only for these purposes.

Applicant Signature:	Date:
-----------------------------	--------------

Attestation of maintaining client disclosure forms:
By signing below, I attest to maintaining client disclosure forms that include, but are not limited to, at minimum, disclosure of the existence of professional liability insurance pursuant to ORS 676.655(2)(b).

Applicant Signature:	Date:
-----------------------------	--------------

5. Affirmative Action – Voluntary Question

The State of Oregon has an Affirmative Action Policy. If you choose to provide this information, it will help us evaluate the effectiveness of our affirmative action programs. This information will also be used in the aggregate (i.e. as a whole, not individually) for research and statistical purposes. It will not be tied specifically or directly to your licensing information.

Ethnic Background *(check only one)*

- (A) **Asian or Pacific Islander:** Persons having origins in any of the peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa.
- (B) **African American *(not of Hispanic origin)*:** Persons having origins in any of the Black racial groups of Africa.
- (H) **Hispanic:** Persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish cultures or origin, regardless of race.
- (I) **American Indian or Alaskan Native:** Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
- (W) **Caucasian *(not of Hispanic origin)*:** Persons having origins in any of the original peoples of Europe, North Africa or the Middle East.

REQUIREMENTS FOR PROVISIONAL ADVANCED ESTHETICIAN CERTIFICATION

Applicant must:

- Meet the requirements of OAR 331 division 30;
- Submit a completed application form prescribed by the HLO, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fee = **\$100** and certificate fee = **\$100** *(see method of payment section above)*;
- Submit one form of acceptable **photographic** identification as outlined in OAR 331-030-0000(10), **which must include applicant's current legal name:** Front and back of legible (clear) photocopies if submitted by mail; *driver license, state ID card, passport or military ID card*;
- Submit proof of being at least 18 years of age and provide a copy of their birth certificate, or school/military/governmental record with age documented *(if not already provided on photographic identification required above)*;
- Hold an active esthetic certificate through the Oregon Board of Cosmetology pursuant to ORS 690.046-690.047 and be in good standing with no current or pending disciplinary action;
- Submit information identifying the applicant's proposed supervisor (**NOTE: all proposed supervisors must meet requirements listed under OAR 819-020-0070 (1)(a) or (b) and must complete an Advanced Esthetics Supervisor Attestation form**); and
- Submit information identifying the individual with whom the applicant has entered into a collaborative agreement. The collaborative agreement must be with one of the following health care professionals who holds an active license in good standing with no current or pending disciplinary action:
 - a) Physician licensed under ORS chapter 677;
 - b) Nurse practitioner licensed under ORS 678.375 to 678.390;
 - c) Dentist licensed under ORS 679 who works at the same location as the certified advanced esthetician and who has the authority to prescribe drugs listed in Schedule III, IV or V; or
 - d) Naturopathic physician licensed under ORS 685 who works at the same location as the certified advanced esthetician and who has the authority to prescribe drugs listed in Schedule III, IV or V.



HEALTH LICENSING OFFICE
Board of Certified Advanced Estheticians

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 Phone: 503-378-8667 | Fax: 503-370-9004
www.oregon.gov/oha/hlo | Email: hlo.info@state.or.us

ADVANCED ESTHETICIAN TEMPORARY CERTIFICATION APPLICATION

1. Applicant Information

APPLICANT NAME: LAST	FIRST	MIDDLE INITIAL
----------------------	-------	----------------

RESIDENTIAL PHYSICAL ADDRESS (**REQUIRED**)

CITY	STATE	ZIP
------	-------	-----

MAILING ADDRESS (IF DIFFERENT FROM RESIDENTIAL ADDRESS)

CITY	STATE	ZIP
------	-------	-----

PHONE: <input type="checkbox"/> HOME <input type="checkbox"/> CELL	BUSINESS TELEPHONE	EMAIL
--	--------------------	-------

GENDER <input type="checkbox"/> Female <input type="checkbox"/> Male	BIRTHDATE	SOCIAL SECURITY NUMBER (REQUIRED)
---	-----------	--

Have you ever been known under any other name?
 No Yes – If yes, list full name(s):

Current Board of Cosmetology (BOC) Esthetics certification #

Besides your current BOC Esthetics certificate, do you hold or have you held any other licensure, certification or registration with the Health Licensing Office or any other state? No Yes - If yes, please list information below.

State:	Lic./Cert./Reg.#	Expiration:

Name of Board of Cosmetology facility where services are performed (<i>if applicable</i>)	COS Facility license number
---	-----------------------------

Name of Health Care Provider (HCP) with whom you have a Collaborative Agreement	HCP license number
---	--------------------

2. * (Complete This Section Only If Submitting Payment By Mail) *****

Method Of Payment For Application Fee = \$100; Temporary Certification Fee = \$100

Please check one: Cash Check Money order Purchase order Credit card (*see below*)

Type of Credit Card: Visa MasterCard Discover (*Cardholder must either be the applicant or be present at the time application is submitted*) **Do Not Fax or Email Credit Card Information**

Name on card: _____

Card number: _____ Exp: _____ Authorized amount: \$ _____

Cardholder signature: _____

(Do not write in this section – Official use only)

License #: _____ Initials _____ OTC Verified ID Type: _____

Approval Code/CK# _____

3. Individual Records Questions: Please accurately answer all of the questions below. The Office may review your information through the Law Enforcement Data System, other governmental agencies, and private vendors to confirm the accuracy of the information. Any misrepresentation or failure to disclose information may result in disciplinary action.

● Are you now, or have you ever been, the subject of any active or inactive disciplinary action or voluntary resignation of a professional license, certificate, registration or permit imposed by a licensing or regulatory authority in this or any other state? Disciplinary action includes, but is not limited to, probation, suspension, civil penalty, or any other sanction limiting, in any way, a license, certificate, registration or permit. Yes No If yes, please explain (**attach additional pages if necessary**):

● Have you ever been convicted of a misdemeanor or felony? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please list all convictions, including the charges as stated in the court documents and year convicted (attach additional pages if necessary).	Year Convicted

● As of today are you on probation or parole? Yes No If yes, you **must** provide a letter of release from your probation or parole officer authorizing you to obtain an authorization to practice. If you are on bench probation, or probation with the court, you must provide documentation of your conditions of the probation.

As part of your application for initial or renewed occupational or professional license, certification, or registration issued by the Health Licensing Office, you are required to provide your Social Security number (SSN) to the Office. This is mandatory. The authority for this requirement is ORS 25.785, ORS 305.385, 42 USC §405(c)(2)(C)(i), 42 USC § 666(a)(13), and 41 CFR 61.7. Failure to provide your SSN will be a basis to refuse to issue or renew the license, certification, or registration you seek. This record of your SSN is used for child support enforcement and tax administration purposes (including identification). The HLO will use your SSN for these purposes only, unless you authorize other uses of the number. Your SSN will remain on file with the Office.

I have examined this application and certify that it is true, correct, and complete. I understand that knowingly making a false statement on this application will be cause for denial, suspension, or revocation of my license, certification or registration. I have enclosed the required fees and documentation.

Applicant Signature:	Date:
-----------------------------	--------------

ORS 181.534, 670.280, 676.608, and 676.612 authorize the Health Licensing Office to conduct criminal background checks and the office requests that you voluntarily provide your Social Security number for this purpose. I understand my application may be subject to a criminal background check.

Before issuing a default final order, the Health Licensing Office must determine the military status of a Respondent, under 50 USC App § 521(b) (Supp. 2005). Your Social Security Number may be used in order to verify your military status (or lack thereof).

If any disciplinary action is taken against your license, certification, or registration, your Social Security Number may be reported to the federal Health Care Integrity and Protection Data Bank (NPDB) under Title IV of Public Law 99-660, the Health Care Quality Improvement Act of 1986 (Title IV); Section 1921 of the Social Security Act (Section 1921); Section 1128E of the Social Security Act (Section 1128E); and their implementing regulations found at 45 CFR Part 60.

I hereby voluntarily consent to disclose my Social Security number to the HLO for criminal background checks, verification of military status, and reports to the Health Care Integrity and Protection Data Bank. Failure to provide your Social Security number for these purposes will not be used as a basis to deny your application, or to deny you any right, benefit or privilege provided by law. If you consent to the use of your Social Security number by the HLO for these purposes, it may be used only for these purposes.

Applicant Signature:	Date:
-----------------------------	--------------

Individual Records Questions (continued)

Attestation of maintaining client disclosure forms:

By signing below, I attest to maintaining client disclosure forms that include, but are not limited to, at minimum, disclosure of the existence of professional liability insurance pursuant to ORS 676.655(2)(b).

Applicant Signature:

Date:

4. Affirmative Action – Voluntary Question

The State of Oregon has an Affirmative Action Policy. If you choose to provide this information, it will help us evaluate the effectiveness of our affirmative action programs. This information will also be used in the aggregate (i.e. as a whole, not individually) for research and statistical purposes. It will not be tied specifically or directly to your licensing information.

Ethnic Background (check only one)

- (A) **Asian or Pacific Islander:** Persons having origins in any of the peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa.
- (B) **African American (not of Hispanic origin):** Persons having origins in any of the Black racial groups of Africa.
- (H) **Hispanic:** Persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish cultures or origin, regardless of race.
- (I) **American Indian or Alaskan Native:** Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
- (W) **Caucasian (not of Hispanic origin):** Persons having origins in any of the original peoples of Europe, North Africa or the Middle East.

REQUIREMENTS FOR ADVANCED ESTHETICIAN TEMPORARY CERTIFICATION

- Meet the requirements of OAR 331 division 30;
- Submit a completed application form prescribed by the HLO, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees = **\$100** and submit certificate fee = **\$100** (see method of payment section above);
- Submit **one** form of acceptable identification as listed in OAR 331-030-0000(8), **of which must include applicant's current legal name**. Front and back of legible (clear) photocopies if submitted by mail. **Pursuant to OAR 331-030-0000(10) at least one form of identification must be photographic; driver license, state ID card, passport or military ID card;**
- Submit proof of being at least 18 years of age and provide a copy of their birth certificate, or school/military/governmental record with age documented (if not already provided on photographic identification required above);
- Hold a current active esthetic certificate through the Oregon Board of Cosmetology pursuant to ORS 690.046-690.047 and be in good standing with no current or pending disciplinary action;
- Provide name, license number and address of the Board of Cosmetology facility listed under ORS 690.005 where advanced nonablative esthetics procedures are performed by the applicant pursuant to ORS 676.655(2)(a);
- Submit information identifying the individual with whom the applicant has entered into a collaborative agreement pursuant to ORS 676.655(2)(c). The collaborative agreement must be with one of the following health care professions who holds an active license in good standing with no current or pending disciplinary action:
 - (a) Physician licensed under ORS chapter 677;
 - (b) Nurse practitioner licensed under ORS 678.375 to 678.390;
 - (c) Dentist licensed under ORS 679 who works at the same location as the certified advanced esthetician and who has the authority to prescribe drugs listed in Schedule III, IV or V; or
 - (d) Naturopathic physician licensed under ORS 685 who works at the same location as the certified advanced esthetician and who has the authority to prescribe drugs listed in Schedule III, IV or V.
- Submit documentation of qualification for certification through one of the following pathways:

PATHWAY ONE: QUALIFICATION THROUGH 500 HOURS OF EXPERIENCE

Applicant must:

- Submit documentation to the Office showing proof of employment for at least 500 hours as a laser operator under the supervision of one of the following licensed health care professionals whose scope of practice includes the practice of advanced nonablative esthetics procedures and whose license is in good standing with the health care professional's respective regulatory body:

- (i) A physician licensed under ORS chapter 677;
- (ii) A nurse practitioner licensed under ORS 678.375 to 678.390;
- (iii) A dentist licensed under ORS 679; or
- (iv) A naturopathic physician licensed under ORS 685.

PATHWAY TWO: QUALIFICATION THROUGH 168 HOURS OF EXPERIENCE AND 40 HOURS OF EDUCATION

Applicant must:

- When All Education and Practical Experience Was Obtained Under Supervision**

Submit documentation showing completion of 40 hours of education related to laser theory and fundamentals and of having completed 24 hours of practical experience performing in each modality defined under OAR 819-005-0000. Documentation may be submitted on a BCAE advanced esthetics certificate of training form signed by a supervisor (*see BCAE Advanced Esthetics Certificate of Training on the BCAE Forms page*) and include copies of supervisor's theory and practical procedures tracking forms; or

- When Some or All Education and Practical Experience Was Obtained Prior to July 1, 2016**

Submit documentation showing completion of 40 hours of education related to laser theory and fundamentals and of having completed 24 hours of practical experience performing in each modality defined under OAR 819-005-0000. Documentation may be submitted on a BCAE education and practical experience history verification form (*see "BCAE Education And Practical Experience History Verification For Temporary Certification" on the BCAE Forms page*).

Please include any other documentation that supports obtaining the total number of hours required to qualify for temporary licensure, such as manufacturer training certificates, educational transcripts, supervision records signed by a supervisor, employment records and client records, or supervisor's theory and practical procedures tracking forms.



HEALTH LICENSING OFFICE
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ADVANCED ESTHETICS SUPERVISOR ATTESTATION

NOTE: A supervisor attestation must be completed for each person receiving training under supervision as outlined in OAR 819-020-0070. (This form is to be submitted by applicant when applying for a Provisional certification).

1. Information of Person to be Supervised

NAME: LAST		FIRST	MIDDLE INITIAL
HOME ADDRESS OF PERSON TO BE SUPERVISED (PHYSICAL LOCATION)			
CITY		STATE	ZIP
MAILING ADDRESS OF PERSON TO BE SUPERVISED (IF DIFFERENT THAN ABOVE)			
CITY		STATE	ZIP
PHONE: <input type="checkbox"/> HOME <input type="checkbox"/> CELL	BUSINESS TELEPHONE	EMAIL	

(DO NOT WRITE IN THIS SPACE, OFFICE USE ONLY) HLO APPLICANT CERTIFICATION # _____

2. Supervisor Information

SUPERVISOR NAME: LAST		FIRST	MIDDLE INITIAL
PHYSICAL ADDRESS WHERE TRAINING WILL BE PROVIDED (REQUIRED)			
CITY		STATE	ZIP
PHONE: <input type="checkbox"/> HOME <input type="checkbox"/> CELL	BUSINESS TELEPHONE	EMAIL	
SUPERVISION STARTING DATE		PROJECTED ENDING DATE	

QUALIFICATIONS: Please Check All That Apply and Sign Below

I hold an active license as a: Physician Nurse Practitioner Dentist Naturopathic Physician, whose scope of practice includes the practice of advance nonablative esthetic procedures; or

I hold an active esthetics certificate through the Oregon Board of Cosmetology, and I hold an active permanent or temporary advanced nonablative esthetics certification through the Board of Certified Advanced Estheticians.

License/Certificate #'s _____

Dates of Issue: _____ Expiration Dates: _____

I am in good standing with my professional licenses/certificates listed above and have no current or pending disciplinary actions.

By signing below, I attest that I have been practicing advanced nonablative esthetics for at least three years prior to the date of this application in the modality in which I will be supervising. I also attest that as a supervisor in advanced nonablative esthetics, I have read, understand, and will comply with all rules and regulations applicable to my duties and responsibilities in providing supervision (direct or indirect) to the trainee listed above, as set forth in Oregon Administrative Rule, 819-020-0070.

➡ Supervisor Signature: _____ Date: _____

Qualifications and Requirements for Advanced Nonablative Esthetics Supervisor

OAR 819-020-0070

(1) To be approved as a supervisor of a provisional certificate holder, an individual must:

(a) Hold an active license as a physician under ORS chapter 677, nurse practitioner licensed under ORS 678.375 to 678.390, a dentist licensed under ORS 679, a or naturopathic physician licensed under ORS 685 and whose scope of practice includes the practice of advanced nonablative esthetic procedures. The supervisor must have no current or pending disciplinary action with a regulatory body; and

(A) Attest to practicing advanced nonablative esthetics for at least three years prior to the date of application in the modality in which they will be supervising the provisional certificate holder;

OR

(b) Hold an active esthetic certificate through the Oregon Board of Cosmetology pursuant to ORS 690.046-690.047 and be in good standing with no current or pending disciplinary action;

(A) Hold an active permanent or temporary advanced nonablative esthetics certification under ORS 676.630 to 676.660 through the Board of Certified Advanced Estheticians with no current or pending disciplinary action with the Office;

(B) Attest to practicing advanced nonablative esthetics for at least three years prior to the date of application in the modality for which they will be supervising the provisional certificate holder; and

(2) For each modality, the supervisor must:

(a) Directly supervise the provisional certificate holder for at least the first ten hours of supervision, including allowing the provisional certificate holder to assist in the procedure; and

(a) Have the provisional certificate holder for at least the first ten hours of supervision, assist the supervisor while performing procedures in a modality under the direct supervision of the supervisor which means the supervisor is present in the facility and actively involved in direct oversight and training; and

(b) Indirectly supervise the provisional certificate holder for at least the next fourteen hours of procedures; indirect supervision includes being available for consultation in person or from offsite including but not limited to phone or video conferencing; and

(b) Have the provisional certificate holder for at least the next fourteen hours of supervision, perform procedures under the supervisor's indirect supervision which includes being available for consultation or information on or offsite from where procedures are being performed; and

(c) Upon completion of the above twenty-four hours listed in (a) through (b) of this rule in a modality, the provisional certificate holder must meet with the supervisor in that modality at least once every 30 days to discuss the provisional certificate holder's procedures and questions, and provide information on contraindications and appropriate referrals or consultations.

(d) Have the provisional certificate holder obtain at least forty hours of education in laser theory and fundamentals listed in the 2011 American National Standard Z136.1 and American National Standards Laser Safety Education Program Z136.3. The education must include the following topics:

(a) The Laser

(A) Physics and biological effects

(B) Dosimetry and beam parameters

(C) Components of the laser system, delivery devices, and instrumentation

(D) Overview of clinical applications

(b) Administrative Controls

(A) Laser committee

(B) Role of the LSO, DLSO, LSSC

(C) Development of policies and procedures

(D) Documentation methods

(E) Regulations, standards and recommended professional practices

(F) Certification criteria and skills validation

(c) Procedural Controls

(A) Controlled access

(B) Eye protection

(C) Reflection hazards

(D) Flammability hazards and draping

(E) Electrical safety

(F) Management of plume

(G) Equipment testing, aligning, and troubleshooting

(4) A supervisor must exercise management, guidance, and control over the activities of the provisional certificate holder and must use reasonable professional judgment when supervising. A supervisor is responsible for all matters related to the provisional certificate holder's advanced nonablative esthetics procedures.

(5) A supervisor must document the provisional certificate holder's education and training on a form prescribed by the Office.

(6) A supervisor must provide the supervision described under subsection (2) of this rule in the modality in which they are supervising for the duration of time the individual holds a provisional certificate.

If the supervisor determines the provisional certificate holder needs further supervision either direct or indirect, they may require hours in addition to what is described under subsection (2) of this rule

The supervisor may require supervision in addition to what is described under subsection (2) of this rule.

Return This Application And Keep A Copy For Your Records

Advanced Esthetics Training - Information

The State of Oregon, Board of Certified Advanced Estheticians (BCAE) requires that all Certified Advanced Estheticians complete 208 hours of training in an Advanced Esthetics Training Program (ANET); the ANET program includes 40 hours of training in laser theory and 168 hours of practical experience.

The 168 hours of practical experience must include:

- 10 hours for each modality, in which a provisional certificate holder assists the supervisor in the modality; and
- 14 hours for each modality, in which a provisional certificate holder performs the modality, under the supervisor's indirect supervision.

The 10 hours assisting the supervisor performing procedures in each modality must be completed under the direct supervision of an approved supervisor. "Direct supervision" means the supervisor is present in the facility and actively involved in direct oversight and training, as specified in Oregon Administrative Rule 819-020-0070.

The 14 hours performing procedures in each modality must be under indirect supervision of an approved supervisor. "Indirect supervision" means the supervisor is available for consultation or information, on or offsite, from where procedures are being performed, as specified in Oregon Administrative Rule 819-020-0070.

Prior approval must be obtained from the Health Licensing Office (HLO) for individuals to act as a supervisor according to Oregon Administrative Rule 819-020-0070.

The ANET program contains specified training categories for each training segment; theory and practical experience. The amount of training within each category is **required**, it is the responsibility of the trainee and supervisor to ensure all training requirements have been completed

The 40 hours of education in laser theory and fundamentals must be obtained from the 2011 American National Standards Z136.1 and the American National Standards Laser Safety Education Program Z136.3 and must include topics listed in Oregon Administrative Rule 819-020-0070.

The 168 hours of practical experience must include performing each modality which are listed in 819-005-0000.

The Theory and Practical Experience Training Tracking Forms must be maintained during the ANET program by the provisional license holder and initialed by the approved supervisor. Supervisors must exercise management, guidance and control over the activities of the provisional certificate holder as specified in Oregon Administrative Rule 819-020-0070.

Advance Nonablative Esthetics Training Information, Continued

Upon completion of the ANET program, the Certification of Training Form* must be completed by the approved supervisor. The Certification of Training Form, and the Theory and Practical Experience Training Tracking Forms must be submitted, by the provisional certificate holder, to the HLO, with the Advanced Esthetician Temporarily Certification Application.

Provisional certification for education and training is not valid after December 31, 2017, as specified in Oregon Administrative Rule 819-020-0050

Role of the Supervisor

1. Construct a training plan with the trainee, with appropriate sequence, using the basic building blocks of the training categories.
2. Identify, establish, and revise, as needed, the training plan with the trainee.
3. Assess, with the trainee, his/her learning needs on the basis of knowledge and understanding of the training program.
4. Actively guide the trainee through the training program by providing:
 - a. A training program orientation.
 - b. Clarification and information regarding expectations.
 - c. Frequent progress and evaluation meetings; restructuring the planned program, if desired, upon newly identified learning needs as the training progresses.

Role of the Trainee

1. Assist the supervisor in identifying, establishing, and revising as needed the training plan based on knowledge and training.
2. Engage in the training program in a professional manner.

ANET Forms

The ANET program includes the following forms:

1. **Theory Training Tracking Form** – Used to track the amount of training in each theory category.
2. **Practical Experience Training Tracking Form** – Used to track the amount of training obtained for each modality.
3. **Certification of Training Form*** – Used to certify the trainee has completed the ANET.



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Salem, OR 97301-1287

Phone: (503)378-8667

Fax: (503)585-9114

<http://www.oregon.gov/oha/hlo/Pages/index.aspx>

«Todays_Date»

«Trainee_Full_Name»

«Trainee_Mailing_Address»

«Trainee_City_State_and_Zip»

Dear «Trainee_Full_Name»:

The Health Licensing Office (HLO), Board of Certified Advanced Estheticians (BCAE), has received and approved your application for an Advanced Esthetician Provisional Certification; your Advanced Esthetician Provisional Certification is enclosed; you may now commence your Advanced Esthetics Training (ANET) under the direct supervision of your approved supervisor, «Supervisors_Full_Name».

The HLO is providing you with the ANET Packet you will use during your training, which is a requirement of Oregon Administrative Rules 819-020-0070.

It is the responsibility of both the trainee and the approved supervisor to ensure the required training has been completed.

The ANET packet will be used to guide you and your supervisor through the required training and contains the following information:

- Training Program Information
- Training Tracking Forms:
 - Theory Training Tracking Form
 - Practical Experience Training Tracking Form
- Certification of Training Form*

The Theory and Practical Experience Training Tracking Forms must be maintained during the ANET program by the provisional license holder and initialed by the approved supervisor. Supervisors must exercise management, guidance and control over the activities of the provisional certificate holder as specified in Oregon Administrative Rule 819-020-0070.

Upon completion of the ANET program, the Certification of Training Form* must be completed by the approved supervisor. The Certification of Training Form, and the Theory and Practical Experience Training Tracking Forms must be submitted, by the Provisional Certificate Holder, to the HLO, at the time of application.

Please contact me at (503) 373-1902, if you have any questions or need additional information

Sincerely,

Sarah Bye
Qualification Specialist

CC: «Supervisors_Full_Name», approved supervisor

BOARD OF CERTIFIED ADVANCED ESTHETICIANS

Advanced Esthetics Training Theory Training - Tracking Form

Provisional Certificate Holder Name (Print - Last, First, MI) _____ Provisional Certificate # _____										
Supervisory Name (Print - Last, First, MI) _____ Supervisor License # _____										
Start Date _____ End Date _____										
1.0	Laser	DATE								
	Physics and Biological Effects									
	Dosimetry and Beam Parameters	HOURS	TOTAL HOURS							
	Components of the Laser System, Delivery Devices, and Instrumentation									
		DATE								
		HOURS	TOTAL HOURS							
NOTES:		DATE								
		HOURS	TOTAL HOURS							
		DATE								
		HOURS		TOTAL HOURS						
TOTAL HOURS FOR THIS ENTIRE SECTION:										
Supervisor Signature: _____ Date: _____										

BOARD OF CERTIFIED ADVANCED ESTHETICIANS

Advanced Esthetics Training

Theory Training - Tracking Form

Provisional Certificate Holder Name (Print - Last, First, MI) _____ Provisional Certificate # _____																			
Supervisor Name (Print - Last, First, MI) _____ Supervisor License # _____																			
<div style="display: flex; justify-content: space-between;"> Start Date _____ End Date _____ </div>																			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"></td> <td style="width: 10%;"></td> </tr> </table>																			
2.0	Administrative Controls	DATE																	
	Laser Committee																		
	Roles of the LSO, DLSO and LSSC	HOURS	TOTAL HOURS																
	Development of Policies and Procedures																		
	Documentation Methods	DATE																	
	Regulations, Standards and Recommended Professional Practices																		
	Certification Criteria and Skills Validation	HOURS	TOTAL HOURS																
NOTES:																			
		DATE																	
		HOURS	TOTAL HOURS																
		DATE																	
		HOURS	TOTAL HOURS																
TOTAL HOURS FOR THIS ENTIRE SECTION:																			
Supervisor Signature: _____ Date: _____																			

BOARD OF CERTIFIED ADVANCED ESTHETICIANS

Advanced Esthetics Training

Theory Training - Tracking Form

Provisional Certificate Holder Name (Print - Last, First, MI) _____ Provisional Certificate # _____										
Supervisor Name (Print - Last, First, MI) _____ Supervisor License # _____										
Start Date _____ End Date _____										
3.0	Procedural Controls	DATE								
	Controlled Access									
	Eye Protection	HOURS	TOTAL HOURS							
	Reflection Hazards									
	Flammability Hazards and Draping									
	Electrical Safety	DATE								
	Management of Plume									
	Equipment Testing, Aligning, and Troubleshooting	HOURS	TOTAL HOURS							
	Post Procedure									
NOTES:										
		DATE								
		HOURS	TOTAL HOURS							
		DATE								
		HOURS	TOTAL HOURS							
TOTAL HOURS FOR THIS ENTIRE SECTION:										
Supervisor Signature: _____ Date: _____										

BOARD OF CERTIFIED ADVANCED ESTHETICIANS

Advanced Esthetics Training

Practical Experience Training - Tracking Form

Provisional Certificate Holder's Name (Print - Last, First, MI) _____						Certificate # _____			
Supervisor Name (Print - Last, First, MI) _____						Supervisor License # _____			
Start Date _____			End Date _____						
168 Hours of Practical Experience:			Category Codes: Assisted = A Performed = P						
24 Hours Required From Each Modality			10 hours experience assisting (A) the supervisor in each modality; and						
			14 hours of experience performing each modality (P) under indirect supervision.						
Modalities:			Skin Rejuvenation	Photo Rejuvenation	Body Contouring	Dyschromia Reduction	Cellulite Reduction	Hair Removal or Reduction	Nonablative Tattoo Removal
Date:									
Date:									
Date:									
Date:									
Date:									
Date:									
Date:									
Date:									
Date:									
Date:									
Date:									
Date:									
Date:									
Date:									
Date:									
Total Assisted "A" :									
Total Performed "P" :									
168 hours of practical experience; 10 hours assisting "A" and 14 hours performing "P"									
								"A"	"P"
Prior Training Tracking Forms Total <u>Required</u> Hours Completed:									
This Training Tracking Form Total <u>Required</u> Hours Completed:									
Total Overall Hours Completed:									
Supervisor Signature: _____						Date: _____			

Items for Board Action

Approval of 2016 Meeting Dates



ISSUE STATEMENT

HEALTH LICENSING OFFICE
Board of Certified Advanced Estheticians

BACKGROUND AND DISCUSSION:

The Board of Certified Advanced Estheticians will generally meet three times per year at 10 a.m.

ISSUE:

The Health Licensing Office proposes the following Wednesday's meeting dates:

- September 7, 2016
- November 16, 2016

Rules Advisory Committee proposed dates:

- Monday, August 15, 2016
- Tuesday, August 16, 2016

BOARD ACTION:

The Board approves meeting dates for the year 2016. Approved meeting dates:

_____, 2016 at 10 a.m.

_____, 2016 at 10 a.m.

**Approval of
Administrative Rule
Schedule**



ISSUE STATEMENT

HEALTH LICENSING OFFICE

BOARD OF CERTIFIED ADVANCED ESTHETICIANS

BACKGROUND AND DISCUSSION:

During the 2015 Legislative Session, House Bill 2642 was enacted to regulate the practice of advanced non ablative esthetics in Oregon. The bill also created the Board of Certified Advanced Estheticians (Board) to oversee and regulate the practice of advanced nonablative esthetics, including the use of lasers and other devices registered with the U.S. Food and Drug Administration. Beginning in January 2016 the Health Licensing Office (Office) analyzed the content of the bill and recognized that the Board's authority to meet or make decisions did not begin until July 1, 2016.

According to the bill certificates must start being issued on July 1, 2016. In order to fulfill these requirement the bill provided Office the authority to enact administrative rules related to the application process for obtaining a certificate in advanced esthetics. In order to fulfill the requirements of the bill the Office appointed a Rules Advisory Committee to help draft temporary rules.

ISSUE:

Review administrative rulemaking schedule which will allow for the Board to begin the permanent rulemaking process.

As part of the administrative rulemaking process a Rules Advisory Committee will be appointed to ensure a collaborative and diverse set of recommendations are presented to the Office and Board. The number of members and types of professional may be determined by the Board in conjunction with the Office. Rules Advisory Committees are used gather information from outside stakeholders and interested parties and therefore Board members will not serve as members on the Rules Advisory Committees.

Possible Rules Advisory Committee Membership Positions

- Certified advanced esthetician
- Basic esthetician
- Instructor for basic and advanced esthetics
- Physician or other health care provider
- Public member
- Radiation protection services staff

Note 2017 meetings have been tentatively scheduled and are on the rulemaking schedule, however the Office will have the Board approve the 2017 rulemaking schedule in the Fall of 2016.

BOARD ACTION:

Approve administrative rule schedule for 2016 and recommendation membership for Rules Advisory Committee.



ADMINISTRATIVE RULE SCHEDULE

HEALTH LICENSING OFFICE

BOARD OF CERTIFIED ADVANCED ESTHETICIANS

Date	Action	Time
Temporary Administrative Rules – Grandfathering Requirements		
March 21, 2016	Rules Advisory Committee review and provide input on temporary administrative rules to become effective on June 1, 2016.	10 am
April 11, 2016	Rules Advisory Committee continue to review and provide input on temporary administrative rules to become effective on June 1, 2016.	10 am
June 17, 2016	Rules Advisory Committee final review of temporary administrative rules to become effective on July 1, 2016.	10 am
July 1, 2016	Effective date of temporary administrative rule	
July 1, 2016	Begin issuing certification for advanced estheticians	
December 27, 2016	Temporary Administrative Rules expire (180 days)	
Permanent Administrative Rules – Certification Requirements and Scope of Practice		
July 11, 2016	New board member orientation and board meeting to approve administrative rulemaking schedule & provide input regarding Rules Advisory Committee membership	10 am
July and August	Determine Rules Advisory Committee membership	
August 15, 2016	Rules Advisory Committee meeting including fiscal impact	10 am
August 16, 2016	Rules Advisory Committee meeting (if needed)	10 am
September 7, 2016	Board meeting approve proposed administrative rules	10 am
October 1, 2016	Notice of proposed administrative rules in Oregon Bulletin	
October 12, 2016	Public rule hearing	10 am
October 28, 2016	Last day for public comment	5 pm
November 16, 2016	Board meeting review public comment, hearing officer report and adopt permanent administrative rules.	10 am
December 1, 2016	Permanent Administrative Rules effective	

Permanent Administrative Rules – Education and Training		
January 19, 2017	Board Meeting provide input on Rules Advisory Committee	
February 1-15, 2017	Determine Rules Advisory Committee membership	
February 17, 2017 March 7, 2017 March 21, 2017	Rules Advisory Committee meeting including fiscal impact	10 am
February 17, 2017 March 7, 2017 March 21, 2017	Rules Advisory Committee meeting	10 am
April 4-6, 2017	Board meeting approve proposed administrative rules	10 am
May 1, 2017	Notice of proposed rules in Oregon Bulletin	
May 24, 2017	Public rule hearing	10 am
May 29, 2017	Last day for public comment	5 pm
June 13-15, 2017	Board meeting review public comment, hearing officer report and adopt permanent rules	10 am
July 1, 2017	Permanent Administrative Rules filed. Note some rules will become effective on July 1, 2017 and others will become effective January 1, 2018	

The Health Licensing Office (HLO) will begin a series of ongoing rulemaking to implement the requirements of [HB 2642](#) from the 2015 Legislative Session. The initial temporary rules will be adopted by HLO not the Board of Certified Advanced Estheticians due to statutory language preventing the Board from meeting before July 1,

The initial rulemaking will be filed as temporary rules which are effective for 180 days. HLO will draft the temporary rule and utilize the Rules Advisory Committee to provide input and recommendations before the temporary rule becomes effective. The temporary rule will provide requirements including application and supervision to obtain a certification in advanced esthetics on July 1, 2016. These requirements are broadly described under Section 8 of HB 2642, the rule will expand on the law and provide clearer guidance for certification process as it relates to grandfathering and certification provisions.

The second phase of rulemaking will be for the Board to adopt permanent rules, including temporary rules which will expire on December 23, 2016. This phase will also include specifying scope of practice for basic and advanced esthetics. For example an individual certified in esthetics through Board of Cosmetology may perform temporary hair removal or reduction by waxing, tweezing or threading but are prohibited from performing temporary hair removal or reduction by use of a laser. The use of a laser would be limited to certified advanced estheticians or to individuals specified in ORS 676.635.

The third phase of rulemaking will be to establish advanced nonablative esthetics training and education requirements for implementation on January 1, 2018 when the grandfathering provisions expire. The training and education may require curriculum/course of study, practical application, supervision (direct/indirect) and timeline to obtain the training and education.

Please send all public comment or questions to:
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samie.patnode@state.or.us . Work: (503) 373-1917

All meetings are held at the Health Licensing Office, Rhoades Conference Room, 700 Summer St, Suite 320, Salem, OR 97301, unless otherwise specified. Members of the public are invited and encouraged to attend all board and committee meetings. However, audience members will not be allowed to participate. For current information regarding administrative rules or the rulemaking process visit the Web at <http://www.oregon.gov/OHA/hlo/Pages/Board-Certified-Advanced-Estheticians.aspx>

Public/Interest Parties Feedback

Other Board Business

