



Issue Response

OREGON HEALTH LICENSING AGENCY

Cosmetology – Esthetics

October 23, 2011

The Oregon Health Licensing Agency (Agency) has received several inquiries regarding the removal of permanent tattoos and the use of ElimInk to remove permanent tattoos and whether or not it is within the scope of practice for esthetics.

Upon consideration and request by the Board of Cosmetology, the Agency consulted with its General Counsel at the Department of Justice who reviewed applicable statutes and rules, and performed close analysis concerning the use of laser therapy, the type of deep layer dermabrasion required to remove a tattoo, and the tattoo removal system of ElimInk. The conclusions for questions are outlined below:

Issue #1: *Whether tattoo removal is the practice of esthetics when done using laser dermabrasion, and other similar methods?*

Short Answer #1: Likely not.

Answer #1: "Laser therapy and dermabrasion for tattoo removal do not appear to be within the scope of esthetics in Oregon. Engaging in both of those practices pose a significant risk of damage to the skin expressly prohibited under OAR 817-015-0050(2). Further local anesthetics are injected before laser tattoo removal and the injection of such drugs is outside the scope of any cosmetology license including that of estheticians."

Issue #2: *Whether the use of ElimInk to remove tattoos is the practice of esthetics or the practice of tattoo artistry?*

Short Answer #2: Likely neither.

Answer #2

"Tattoo removal via ElimInk also appears to be outside the scope of esthetics. Although the risk of skin damage appears to be minimized under this method of tattoo removal, estheticians generally have not obtained appropriate training in the devices or chemicals used. Finally, even if the Board - through the contested case process - were to determine that a practitioner's training outside of cosmetology school in the use of those devices and chemicals sufficient for safety and effectiveness, their use by estheticians appear to be expressly prohibited under OAR 817-015-

0050(1)."

Important Note: The Agency does not provide personal legal advice to licensees or members of the public. The responses listed here are specific to only those questions asked. Even slight changes in the scope or content of the question may change the applicability of these responses in a different situation. Please consult your own attorney for legal advice regarding Oregon laws and administrative rules.