

January 2020

Question 1: What is esthetics?

Answer 1: Esthetics, in Oregon, has been defined by the legislature in ORS 690.005(5):

"Esthetics" means any of the following skin care or facial care practices performed on the human body or face for the purpose of keeping the skin of the human body or face 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 electric apparatuses or appliances for cleansing, stimulating, manipulating, exfoliating or applying lotions or creams.

(b) Temporary removal of hair.

(c) Makeup artistry.

(d) Eyelash services.

(e) Facial and body wrapping.

(f) Facial and body waxing.

Question 2: Can an esthetician practice advanced esthetics without an advanced nonablative esthetics certificate?

Answer 2: No. The only persons who can practice advanced nonablative esthetics without a certificate are licensed healthcare providers acting within their scope and students enrolled in a Board approved advanced nonablative esthetics training or education program.

Question 3: I have my esthetics certificate – what am I prohibited from doing unless I have an advanced esthetics certificate?

Answer 3: By statute, you must have an advanced esthetics certificate when performing services that fall under the definition of advanced esthetics. Advanced nonablative esthetics procedures are defined as:

ORS 676.603(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.*

It is important to note that the definition includes not just lasers, but "other devices." The statute also ties lasers and other devices to the USFDA requirements. As a result, Health Licensing Office and the Board of Cosmetology cannot independently define what is a device under this statute but must defer to the USFDA. The USFDA requires devices to be registered with the USFDA if the device effects or claims to effect the structure or function of the human body, including products that are intended to affect living layers of skin.

With the passage of the advanced esthetics statutes, the legislature changed the scope of practice for estheticians who were only certified by the Board of Cosmetology. By statute, estheticians needed to get an advanced esthetics certificate to practice

anything within the scope of advanced esthetics. For example, many estheticians had been providing laser hair removal but were no longer allowed to do so as a result of these statutes.

Question 4: What products or manual, mechanical or electrical appliance or apparatus can I use as an esthetician?

Answer 4: You can use products or manual, mechanical or electrical appliance or apparatus that *do not* require USFDA registration, which include the following:

- Products or manual, mechanical or electrical appliance or apparatus that do not penetrate into living skin (e.g., epidermal and dermal layers of the skin) and *claim only* to do the following:
 - Facilitate exfoliation of the skin (i.e. disruption of the stratum corneum);
 - Improvement of appearance of the skin;
 - Give skin a smoother look and feel; or
 - Give skin a luminous look.

“The terms “Esthetician” and “Advanced Esthetician” refer to individuals who hold different authorizations. An “Esthetician” holds an authorization that is governed by the Board of Cosmetology. An “Advanced Esthetician” holds an authorization governed by the Board of Certified Advanced Estheticians.

Board of Cosmetology rules related to esthetics in addition to all other rules are available on the Health Licensing Office [website](#).