

March 15, 2019

Esthetics Versus Advanced Esthetics – In Scope of Practice or Out

The Health Licensing Office (HLO) frequently gets inquiries regarding whether certain procedures, products or practices including use of specific devices or technologies are within either esthetics or advanced esthetics. In order to determine whether a certain practice or procedure is within the scope of practice for any regulated profession we turn to the Oregon Revised Statutes (ORS or law). The law provides a broad framework in terms of what is in scope of practice and what is not.

The HLO has provided a simplified tool to help individuals determine if certain practices, procedures or products are within the scope of practice of esthetics or advanced esthetics or neither.

690.005 Definitions for ORS 690.005 to 690.225. As used in ORS 690.005 to 690.225:

“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:

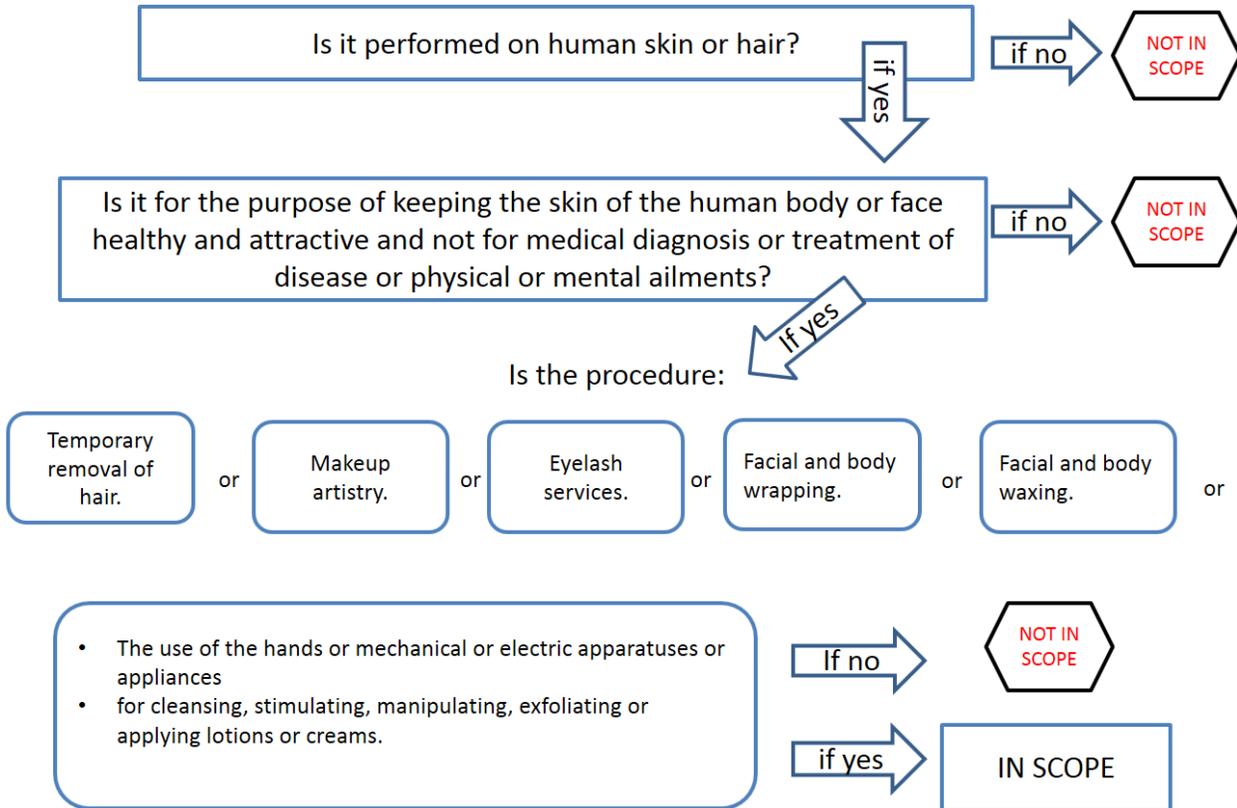
- (a) The use of the hands or mechanical or electric apparatuses or appliances for cleansing, stimulating, manipulating, exfoliating or applying lotions or creams.
- (b) Temporary removal of hair.
- (c) Makeup artistry.
- (d) Eyelash services.
- (e) Facial and body wrapping.
- (f) Facial and body waxing.

Esthetics example - eyelash services including tinting, extending or perming:

- Are eyelash services performed on human skin or hair? **Yes.**
- Are eyelash services performed for the purposed of keeping the skin of the human body or face healthy and attractive and not for the medical diagnosis or treatment of disease or physical or mental ailments? **Yes.**
- Is the procedure temporary removal of hair, makeup artistry, eyelash services, facial and body waxing or wrapping? **Yes.**

Based on the flow chart below eyelash services would be **in** the scope of practice for esthetics.

Is the procedure within scope of a basic certified esthetician?



676.930 Definitions for ORS 676.630 to 676.660. As used in ORS 676.630 to 676.660:

(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.

Advanced esthetics example - nonablative tattoo removal:

- Is nonablative tattoo removal performed on human skin or hair? **Yes.**
- Is a United States Food and Drug Administration registered device used to perform the nonablative tattoo removal? **Yes.** If so the requirement listed in OAR 819 Division 30 must be met.
- Is the procedure nonablative? **Yes.**
- Has the procedure been prohibited by the Board by rule? **No.**

Based on the flow chart below nonablative tattoo removal would be in the scope of practice for advanced esthetics.

