



Issue Response

OREGON HEALTH LICENSING AGENCY

Cosmetic Injectables (e.g. Botox)

April 15, 2013

The Oregon Health Licensing Agency has received numerous questions and inquiries regarding the use of cosmetic injectables with trade names such as Botox, Restylane and Juvederm.

The Oregon Health Licensing Agency consulted with its legal counsel at the Department of Justice and responded to these questions as follows:

The Oregon Health Licensing Agency published a document in 2006 called Facial Forward that discussed an esthetician's ability to administer cosmetic injectables. The agency has removed that document from the website and **does not** consider the advice contained in it to be current.

The Board of Cosmetology does not regulate the practice of medicine, nor does it have the authority or expertise to define what is and what is not considered to be the practice of medicine. The Board of Cosmetology does have the authority to issue a license to an esthetician and to define what is included in an esthetician's scope of practice, bounded by the statutory language granting the authority. In this case, ORS 690.005 (6) states that esthetics does not include practices that are for "medical diagnosis or treatment of disease..."

The Oregon Medical Board, the entity authorized to determine what is and what is not the practice of medicine, considers the administration of cosmetic injectables to be the practice of medicine. This means that the administration of cosmetic injectables **is not** within the scope of practice for an esthetician practicing under the esthetician license issued by the Board of Cosmetology and the Oregon Health Licensing Agency. An esthetician administering injectable cosmetics is providing a service that is **outside the scope of practice** for an esthetician in Oregon. Questions regarding the appropriateness of an individual administering injectable cosmetics, which is considered to be the practice of medicine, should be directed to the Oregon Medical Board.

The Oregon Health Licensing Agency, on behalf of the Board of Cosmetology, will be working with representatives of other health regulatory boards to more fully understand each board's overlapping interests. We plan to develop a detailed response to this and other "medical-related" services once we have met with the other health regulatory boards. We hope to have our response available later this summer.

Important Note: OHLA does not provide personal legal advice to licensees or members of the public. The responses below 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.