



**WHO:** Health Licensing Office  
Rules Advisory Committee for  
Board of Certified Advanced Estheticians

**WHEN:** April 11, 2016 at 10 a.m.

**WHERE:** Chemeketa Center for Business and Industry  
626 High St. NE  
Salem, Oregon 97301

**What is the purpose of the meeting?**

The purpose of the meeting is to assist (HLO) in drafting and reviewing temporary administrative rules in order to begin certifying advanced estheticians. A working lunch may be served for board members and designated staff in attendance. A copy of the agenda is printed with this notice.

**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.



Health Licensing Office  
Rules Advisory Committee  
Board of Certified Advanced Estheticians



April 11, 2016 at 10 a.m.  
626 High St. NE  
Salem, Oregon 973014

1. **Review of Agenda Item**
2. **Overview of Administrative Rule Schedule**

Working Lunch

3. **Review Draft Temporary Rules**
  - Grandfathering requirements
  - Temporary certification
4. **Rules Advisory Committee Recommendations**
5. **Future Meeting Dates**
6. **Public/Interested Parties Feedback**

**Agenda is subject to change.**

For the most up to date information visit <http://www.oregon.gov/OHA/hlo/Pages/index.aspx>

**Draft  
Administrative  
Rules**

**DIVISION 005**  
**BOARD OF CERTIFIED ADVANCED ESTHETICIANS**  
**GENERAL ADMINISTRATION**

**819-005-0000**

**Definitions**

(1) “Applicant” means a natural person applying to be certified as a “certified advanced esthetician” as that term is defined in Oregon Laws 2015, Chapter 722, section 1(2).

(2) “Class A Temporary Certificate” means

(3) “Class B Temporary Certificate” means

(4) “Office” means Health Licensing Office.

**819-010-0020**

**Advanced Esthetician Class A Temporary Certification – Education or On the Job Training**

**Commented [PS1]:** Formalized education (school) or On the job (OJT) training (apprenticeship).

(1) A Class A temporary certification authorizes the holder to temporarily practice advanced nonablative esthetics under indirect supervision while obtaining required education or on the job training listed in Oregon Laws 2015, Chapter 722, Section 8.

(2) For the purpose of this rule and OAR 819-010-0030 and 819-010-0040 indirect supervision means the supervisor is physically present onsite when a Class A temporary certificate holder is providing services on a client, but may not be immediately accessible, and who provides reasonable supervision over the work of the Class A temporary certification holder, and is available for questions and assistance when needed.

(3) A Class A temporary certificate holder must notify the Office within 10 calendar days of changes in employment status and changes in supervisor.

(4) A Class A temporary certification is valid for two years and may not be renewed.

(5) A Class A temporary certificate holder is prohibited from working until the proposed supervisor is approved by the Office.

**819-010-0030**

**Application Requirements for Advanced Esthetician Class A Temporary Certification – Education or On the Job Training**

An applicant for a Class 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 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) Submit information identifying the applicant's proposed supervisor. Proposed supervisor must meet requirements listed under OAR 819-010-0040;

;

(5) Hold an esthetician certificate under ORS 690.046-690.047 and be in good standing with the Board of Cosmetology.

(6) Submit information identifying the physician or physician assistant licensed under ORS chapter 677, nurse practitioner licensed under ORS 678.375 to 678.390, a dentist licensed under ORS 679, or a naturopathic physician licensed under ORS 685 in which the applicant has entered into a collaborative agreement.

#### **819-010-0040**

#### **Supervision of an Advanced Esthetician Class A Temporary Certificate Holder**

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

(a) Be a physician or physician assistant licensed under ORS chapter 677, nurse practitioner licensed under ORS 678.375 to 678.390, a dentist licensed under ORS 679, or a naturopathic physician licensed under ORS 685. OR

(b) Be hold a valid esthetics certification ORS 690;

(A) Hold a valid Class 2 temporary certification;

(B) Have no current or pending disciplinary action with the Office or another regulatory body; and

(C) Submit proof of having been practicing advanced nonablative esthetics for at least three years prior to requesting approval as a supervisor.

(2) A supervisor is prohibited from supervising until all required documentation has been completed, submitted and approved by the Office.

(3) A supervisor must be physically present and onsite while the Class A temporary certificate holder is performing services on a client, but is not required to be immediately accessible while the Class A temporary certificate holder provides services.

(4) A supervisor must use the June 2016 Edition of Supervisor Guidelines adopted by the board.

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

**Commented [PS2]:** I will likely add this to the guidelines and remove this from the rule.

(6) A Class A temporary certificate holder's education or on the job training must be documented on a form prescribed by the Office.

(7) A supervisor must notify the Office in writing within 10 calendar days if a Class A temporary certificate holder is no longer being supervised, and must provide the number of hours of education or on the job training the temporary certificate holder completed on a form prescribed by the Office.

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

#### **819-010-0050**

##### **Advanced Esthetician Class B Temporary Certification – Passage of Qualifying Examination**

(1) A Class B temporary certification authorizes the holder to temporarily practice advanced nonablative esthetics without supervision while waiting to pass the board approved qualifying examination required under ORS 676.640

(3) A Class B temporary certificate holder must notify the Office within 10 calendar days of changes in employment status.

(4) An Class B temporary certification is valid for two years and may not be renewed.

#### **819-010-0060**

##### **Application Requirements for Class B Temporary Certification – Passage of Qualifying Examination**

An applicant for a Class B 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 the required fees;

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

(4) Hold an esthetician certificate under ORS 690.046-690.047 and be in good standing with the Board of Cosmetology.

(6) Submit information identifying the physician or physician assistant licensed under ORS chapter 677, nurse practitioner licensed under ORS 678.375 to 678.390, a dentist licensed under ORS 679, or a naturopathic physician licensed under ORS 685 in which the applicant has entered into a collaborative agreement.



**DIVISION 040**  
**BOARD OF CERTIFIED ADVANCED ESTHETICIANS**  
**FEES**

**817-040-0003**

**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, consultation with the Board, are as follows:

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

(b) Original Temporary Certification: \$100

**Draft**  
**Supervision**  
**Guidelines**  
**June 2016 Edition**

**Draft**  
**Administrative**  
**Rule Schedule**



# ADMINISTRATIVE RULE SCHEDULE

## HEALTH LICENSING OFFICE

### BOARD OF CERTIFIED ADVANCED ESTHETICIANS

| Date   | Action   | Time  |
|--|--|-------|
| <b>Temporary Administrative Rules – Grandfathering Requirements</b>                      |  |       |
| 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   | If necessary the Rules Advisory Committee continue to review and provide input on temporary administrative rules to become effective on June 1, 2016.      | 10 am |
| June 1, 2016   | Effective date of temporary administrative rule  |       |
| July 1, 2016   | Begin issuing certification for advanced estheticians  |       |
| December 23, 2016  | Temporary Administrative Rules expire (180 days)   |       |
| <b>Permanent Administrative Rules – Certification Requirements and Scope of Practice</b> |  |       |
| 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 15-August 1, 2016   | Determine Rules Advisory Committee membership  |       |
| August 15-16, 2016<br>Back to back meetings  | Rules Advisory Committee meeting including fiscal impact   | 10 am |
| August 15-16, 2016<br>Back to back meetings  | Rules Advisory Committee meeting   | 10 am |
| August 22, 2016  | Board of Cosmetology meeting   | 10 am |
| September 5-7, 2016  | Board meeting approve proposed administrative rules  | 10 am |
| October 1, 2016  | Notice of proposed administrative rules in Oregon Bulletin   |       |
| October 10-20, 2016  | Public rule hearing  | 10 am |
| October 24, 2016   | Board of Cosmetology meeting   |       |
| October 28, 2016   | Last day for public comment  | 5 pm  |
| November 14-18, 2016   | Board meeting review public comment, hearing officer report and adopt permanent administrative rules. Approve 2017 rulemaking schedule.                    | 10 am |
| December 1, 2016   | Permanent Administrative Rules effective   |       |

| <b>Permanent Administrative Rules – Education and Training</b> |  |       |
|--|--|-------|
| January 19, 2017   | Board Meeting provide input on Rules Advisory Committee  |       |
| February 1-15, 2016  | Determine Rules Advisory Committee membership  |       |
| February 17, 2017<br>March 7, 2017<br>March 21, 2017           | Rules Advisory Committee meeting including fiscal impact   | 10 am |
| February 17, 2017<br>March 7, 2017<br>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:

Samie Patnode, Policy Analyst

700 Summer St NE, Suite 320, Salem, OR 97301-1287

[samie.patnode@state.or.us](mailto: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>

**Enrolled**  
**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

# **Other State Requirements**

# State Summaries for Lasers in Esthetics

## (WA, UT, & AZ)

| State      | License  | Education   | Scope (focus on LLRP use)  | Level of Supervision   |   | Other Notables   |
|------------|--|---|--|--|---|--|
|            |  |   |  | Laser Hair Removal   | Other laser services  |  |
| Washington | Master Esthetician                                 | 1200 hrs Classroom OR 1400 Apprentice OR Grandfather clause                 | LLRP use subject to Health Profession rules on supervision/delegation the DOL merely allows LLRP use but does not limit scope. That is left to the specific supervisor's professional rules. | DO, MD = 60mins away<br>ARNP, PA= In building  | No difference from Laser Hair Removal   | Enforcement on esthetician belongs to DOL and supervisors answer to DOH.   |
| Utah       | Basic Esthetician                                  | 600 hrs classroom program OR apprenticeship                                 | "NonAblative Procedures" – limited to: laser hair removal, skin resurfacing, photo rejuvenation, tattoo removal.   | MD, DO or NP provide "indirect supervision"- present in facility                           | MD, DO or NP provide "direct supervision"- present on room  | Law includes a "truth in advertising provision"-If advertised as "medical facility" there must be a MD, DO or NP on premise. Enforcement for supervisors and supervisees is housed in the same Division. |
|            | Master Esthetician                                 | 1200 hrs classroom program OR apprenticeship                                | Same as "Basic" but also allows other advanced esthetics and limited supervision for laser use.  | MD, DO, or NP provide "general supervision"- 60mi or mins away AND treatment plan in place | MD, DO, or NP provide "general supervision" - 60mi or mins away AND initial evaluation w/ treatment plan in place |  |
| Arizona    | Laser Technician Certificate (in chosen specialty) | 40hrs Classroom AND 24 hrs hands-on (including 10 of each chosen specialty) | Laser Hair removal and other procedures as certified. No ablative laser use as with this license.  | MD, DO, NP must be designated and readily accessible by telephone                          | MD, DO, NP must be present at facility  | Enforcement powers are shared and referred across agencies   |

## Washington Master Esthetics Law

During the 2013 legislative session, the WA Legislature enacted this law through HB1779. The Department of Licensing certifies and regulates this profession in collaboration with their Board of Cosmetology. The focus is on the regulation of laser, light, radiofrequency, and plasma devices (LLRPs).

### History:

In WA before the passage of this bill, in order to become a licensed esthetician, a person had to meet the training requirements and take an exam. Training may still occur at a recognized school or through an approved apprenticeship.

- 600 hrs in a school OR
- 800 hrs with an apprenticeship

### Law Effect:

Strengthens training requirements for basic esthetician licensure and creates a new licensure classification.

- Esthetician:
  - Adds services to scope of practice of a basic esthetician license and specifically excludes lasers from that scope. (*Including for hair removal*)
  - Adds 150 hrs to the school requirement (up to 750hrs) for basic esthetician
- Master Esthetician:
  - LLRP use and medium depth peels are within scope with this new license
  - 1200 classroom hrs OR Esthetics License and 450 masters hours
  - 1400 hrs in an apprenticeship
  - Other Paths:
    - Licensed elsewhere and has completed an esthetics program from: CIDESCO, ITEC, or NCEA
    - Licensed elsewhere and requirements are substantially similar to WA Master Esthetician license
    - Licensed elsewhere and has completed a program with requirements that are substantially similar to the programs delineated above
  - **Grandfather Clause-** Before Jan 1, 2015 current Estheticians may apply to become Masters.  
PATHS:
    - Hands on Experience: Completed 35 hrs + as provider of medium depth peels under delegation or supervision of a licensed medical professional OR 7 classroom hrs on medium depth peels. AND Completed 150hrs + employment as a laser operator under delegation or supervision of a licensed medical professional OR 75 classroom hrs laser training.
    - Outside Education: Completed an esthetics program that is recognized by the department by rule.
    - Instructor: An instructor in esthetics who has been licensed as an instructor in esthetics by the department for a minimum of three years.
    - WA Masters Education: Completion of the 1200 hrs approved curriculum.

Sources- SHB 1779, 2013 Regular Session; WAC 308-20-040 to 575; Title 246 WAC; Department of Health; Ben Rogers, WA State Cosmetology Licensing Program Manager



### Definition and Scope of Master Esthetician:

- All the services of a licensed esthetics
- Perform medium depth peels
- Use “medical devices” including LLRPs. (\*\*\*)Use of a “medical device” is subject to supervision and delegation of a licensed health professional (MD, DO, ARNP, or PA) according to the laws and rules of WA.)

“the care of the skin for compensation including all of the methods allowed in the definition of the practice of esthetics. It also includes the performance of medium depth peels and the **use of medical devices** for care of the skin and permanent hair reduction. The medical devices include, but are not limited to, lasers, light, radio frequency, plasma, intense pulsed light, and ultrasound. The use of **a medical device must comply with state law and rules, including any laws or rules that require delegation or supervision by a licensed health professional** acting within the scope of practice of that health profession.” (Emphasis added)

### **Example of Licensed Health Professionals laws and rules:**

WAC 246-919-605 Physicians:

(1)For the purposes of this rule, laser, light, radiofrequency, and plasma devices (hereafter LLRP devices) are medical devices that:

- (a) Use a laser, noncoherent light, intense pulsed light, radiofrequency, or plasma to topically penetrate skin and alter human tissue; and
- (b) Are classified by the federal Food and Drug Administration as prescription devices.

(2) Because an LLRP device penetrates and alters human tissue, ***the use of an LLRP device is the practice of medicine*** under RCW [18.71.011](#). The use of an LLRP device can result in complications such as visual impairment, blindness, inflammation, burns, scarring, hypopigmentation and hyperpigmentation.

### **Enforcement:**

*If a master esthetician is found to have been using an LLRP without supervision (as defined by the supervision profession) who has the power to discipline?*

Both the DOL and the DOH will be involved so long as there was a potential identifiable supervisor? The DOL would likely cite the esthetician for unprofessional conduct and in an extreme case the unlawful practice of medicine .

The DOH oversees the boards for all the potential supervisors and would take separate action as they saw fit.

## Utah Master Esthetician and Laser Usage

During the 2012 legislative session, the Utah Legislature passed SB 40, relating to Cosmetic Medical Procedures

### History:

Utah had previously adopted the classification of Master Esthetician and this law sought to clarify the scope of practice and define language around cosmetic medical procedures. Additionally, this law sought to clarify what constituted the practice of medicine and who could advertise their business as “medical.”

### Law Effect:

Classifies procedures based upon the amount of potential damage to the tissue. Creates a complex system of supervision based upon the type of procedure. All procedures involving lasers must be supervised.

- Basic Esthetician:
  - 600 hrs classroom training or approved apprenticeship and successful application & exam
  - Adds eyebrow and eyelash services to scope of practice
  - May use lasers under direct supervision of a “cosmetic supervisor” (MD, DO or NP)
- Master Esthetician:
  - 1200 classroom hrs or approved apprenticeship and successful application & exam
  - May use lasers and other devices under “general supervision” only after treatment plan is developed or authorized by medical professional (MD, DO or NP)

### Definitions:

**Cosmetic Medical Procedure-** includes use of cosmetic medical device to perform ablative and nonablative procedures.

**Ablative Procedure-** expected to excise, vaporize, disintegrate, or remove living tissue. (CO2, erbium, YAG) \*Does not include hair removal

*\*No esthetician (even masters) may use an Ablative laser or do an ablative procedure under any circumstances\**

**Nonablative Procedure-** expected or intended to alter living tissue, but not intended to excise, vaporize, disintegrate, or remove living tissue. Includes hair removal but not “superficial procedures,” permanent make-up or lasers used as neuromusculoskeletal treatments (*Chiropractors*).

**Superficial Procedure-** expected and intended to temporarily alter living skin tissue, and may excise or remove stratum corneum but have no appreciable risk of damage to any tissue below.

**Cosmetic Supervisor-** includes only a MD, DO, or NP and is required for any “cosmetic medical procedure” (primarily nonablative in this context) the supervision includes verification of training, licensing requirements, and competency of supervisee.

Supervision has 3 distinct levels:

**Direct Supervision-** the supervising licensee is present and available for face-to-face communication with the person being supervised when and where services are being provided and the supervisor authorizes the procedure to be done on the patient.

**Indirect Supervision-** requires the supervisor authorizes the procedure to be done on the patient; provides written instructions to the person being supervised; is present within the facility in which the person being supervised is providing services; and is available to provide immediate face-to-face communication with the person being supervised as necessary.

**General Supervision-** has authorized the work to be performed by the person being supervised; is available in a timely and appropriate manner for consultation with the patient if needed upon initiation of treatment; and is located no more than 60 mins or 60 miles from facility.

### Laser Hair Removal

\*Special supervision and requirements exist for laser hair removal including a prescribed medical history form and developed treatment plan by supervisor.

- Master Estheticians, Electrologists, and RNs require only “general supervision” from a “Cosmetic Supervisor” \*PAs have separate rules
- Basic Estheticians and LPNs require “indirect supervision” from a MD, DO or NP

**Nonablative Procedure** (not hair removal)- anti-aging resurfacing, photo rejuvenation, tattoo removal.

- The treatment plan and face to face initial evaluation of the patient is conducted by Cosmetic Supervisor. \*An NP may not supervise tattoo removal and PA have special rules too
- A Master Esthetician or RN may do any of these procedures with “General Supervision” of a MD or DO
- A Basic Esthetician may do these procedures under “Direct Supervision” of a MD or DO.

**\*\*\*Cosmetic Medical Procedures must only be performed in a Cosmetic Medical Facility**

**Truth in Advertising -** In order to advertise as “medical” facility of any ilk the facility must have a MD, Do or NP on premise while “cosmetic medical procedures” are performed.

### **Enforcement:**

The Division of Occupational and Professional Licensing is the umbrella organization for all the potential supervisors and supervisees, so they can regulate lack of supervision within their division. An esthetician who uses lasers without appropriate supervision would be outside their scope of practice.

Sources: Utah Medical Practice Act 58-67-102; Licensing Act 58-1-101 to 507; HB 238 General Session 2013

## **Arizona Cosmetic Laser and IPL Device Use**

The Radiation Regulatory Agency regulates all laser use, including cosmetic use.

### **Licensure**

Laser Technician Certification- issued by the Radiation Regulatory Agency (RRA)

Certification Options(*all must be certified in Laser Hair Reduction and may choose among the other procedures*):

- Hair Reduction
- Photo Facial to include: Skin Rejuvenation, Skin Tightening, Wrinkle Reduction, Facial Erythema, or Acne Reduction
- Vascular Reduction to include: Spider Vein Reduction or Telangiectasias
- Pigment Reduction to include: Lentigo Reduction, Ephelis Reduction, or Acquired Adult Hemangiomas
- Non-Ablative Skin Resurfacing
- Non-Ablative Tattoo Reduction
- Cellulite Reduction
- Laser Peel

Esthetician License- issued by Board of Cosmetology

Includes: for cosmetic purposes; massaging, cleansing, stimulating, manipulating, exercising, beautifying or applying oils, creams, antiseptics, clays, lotions or other preparations, either by hand or by mechanical or electrical appliances. Arching/tinting eyebrows and eyelashes. Hair removal but NOT electrolysis or threading. \*Laser use requires Laser Tech Certification

Cosmetology License- issued by Board of Cosmetology

Includes: all the esthetician services above PLUS hair design. \*Laser use requires Laser Tech Certification

Sources: Arizona Administrative Code Title 12, Ch.1, Radiation Regulatory Agency; Arizona Revised Statutes 32-3233, 32-510, 32-516; Jerry W. Perkins, X-ray and Non-Ionizing Compliance Program Manager, Arizona Radiation Regulatory Agency

## Training

- Laser Technician Certificate-
  - 40 hrs didactic training at an RRA certified training program
  - 24 hrs hands-on training with health professional supervision
  - Complete 10 of each cosmetic procedure in which they seek certification (From hair reduction to cellulite or tattoo reduction) under supervision of medical professional or “supervising” laser technician.\*
- \*Supervising laser technician – Laser tech who has a minimum of one hundred hours of hands-on experience per procedure.
- Aesthetician-600 hrs at a licensed school OR equivalent from another state
  - Training includes 40 hrs didactic laser training
- Cosmetologist- 1600 hrs at a licensed school OR equivalent from another state
  - Training includes 40 hrs didactic laser training

## Scope of Practice

A Laser Technician may use a laser or IPL device:

**For hair removal** under the indirect supervision [readily accessible by telecommunication] of a health professional whose scope of practice permits the supervision.

**For cosmetic purposes other than hair removal** if they are directly supervised [present at the facility where and when the device is being used] by a health professional whose scope of practice permits the supervision and the laser tech has been certified in those procedures.

## Supervision

**"Indirect supervision"** means supervision by a health professional who is licensed in Arizona, whose scope of practice allows the supervision, and who *is readily accessible by telecommunication*.

**"Directly supervised"** means a health professional who is licensed in this state and whose scope of practice allows the supervision supervises the use of a laser or IPL device for cosmetic purposes while the health professional is *present at the facility where and when* the device is being used.

Sources: Arizona Administrative Code Title 12, Ch.1, Radiation Regulatory Agency; Arizona Revised Statutes 32-3233, 32-510, 32-516; Jerry W. Perkins, X-ray and Non-Ionizing Compliance Program Manager, Arizona Radiation Regulatory Agency

**"Health professional"** means a person licensed pursuant to chapter 13, 14, 15, 17 or 25 of this title. [MD, NP, (RN, LPN, MA, NA, Nurse Anesthetist), DO, PA]\*\*\**However their scope of practice must allow the supervision. (Generally an MD, DO, and NP)*

## **Enforcement**

The Board of Cosmetology shall investigate any complaint from the public or from another board or Radiation Regulatory Agency regarding a licensed aesthetician who performs cosmetic laser procedures or procedures using IPL devices pursuant to this section. The board shall report to the agency any complaint it receives about the training or performance of an esthetician who is certified as a laser technician.

The agency (RRA) shall investigate any complaint from a member of the public or another board or agency involving the training, education, practice or complaint of harm resulting from a laser technician performing procedures for cosmetic purposes under this article and shall take appropriate disciplinary action as necessary including revocation of the laser technician's certification or revocation of a registrant's or employer's license to own or operate a laser or IPL device.

# **Public/Interest Parties Feedback**

## Patnode Samie

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**From:** Leslie Carlson <leslie@brinkcomm.com>  
**Sent:** Tuesday, April 05, 2016 8:57 PM  
**To:** Patnode Samie  
**Subject:** Rules governing IPL machines

Hi:

I'm writing a letter of support from my hair removal expert, Judy Saperstone, who uses an IPL machine only in her office.

I've been a client of hers for years -- both for electrolysis and IPL treatments -- and am upset that she is unable to be grandfathered in under your new rules because she works alone, does not have access to a laser machine, and uses IPL for hair removal -- a different technology.

Please amend your rules to allow Judy to continue working.

Thanks,  
Leslie Carlson

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**BRINK**

Leslie Carlson Principal 503 805 5560

Communications for Good BRINKCOMM.COM



## Patnode Samie

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**From:** Paula A. Barran <PBarran@Barran.com>  
**Sent:** Tuesday, April 05, 2016 3:06 PM  
**To:** Patnode Samie  
**Cc:** Judith Saperstone  
**Subject:** HB 2642 (grandfathering)

Board of Certified Advanced Estheticians  
Attn: Samie Patnode

Re: Judith Saperstone, COS-FT-10143571

To whom it may concern:

I am writing on behalf of Ms. Saperstone, who holds a license in good standing with the Board of Cosmetology, and specific to the requirements for grandfathering as identified in 2015 HB 2642 and on the Board's website. Ms. Saperstone understands that she is not eligible for grandfathering because the equipment she operates is not a laser (it is an "other" modality) and which is not used for the activities that are identified (which relate to laser). The "pathways to licensure" identified in the Board's website (<https://www.oregon.gov/OHLA/CAE/pages/index.aspx>) are specific to laser operators. That creates a substantial issue for operators such as Ms. Saperstone, who use non-laser technology. Their technology is covered under this new law, but the licensure is narrowly restricted. The way the website describes the process, practitioners who use other modalities are excluded from following a grandfathering pathway. It is not sensible to interpret a statute which covers an "other device" in a way that requires practitioners who are trained on non-laser devices to become trained on a laser device that they do not own and do not wish to operate. Instead, this law was plainly intended to recognize these other devices (see S. 1, defining a procedure "that uses a laser or other device (emphasis supplied)), which should mean that grandfathering should also contemplate that they would not be laser operators.

Ms. Saperstone uses recognized IPL technology to perform hair removal in a manner previously accomplished by electrolysis but more safely and more effectively than laser removal. I know her work well. I believe her to be a careful and skilled practitioner who should not be forced to go out of business because she uses non-laser technology that is covered by this law, with grandfathering provisions that focus on laser technology. It makes sense for the grandfathering provisions to be interpreted in a way that permit practitioners who use non-laser devices to continue in business without having to convert to laser machines.

It may be that her situation was not one contemplated when the website was set up but I hope that as policy analyst you will be in a position to identify a way that she may comply with the requirements of the new law and maintain her license. It would, I believe, be a simple matter to address by temporary rule.

Please let me know if I can provide you any additional information. I would be pleased to speak with you personally if I can assist in any way.

Paula A. Barran  
503 276 2143

## Patnode Samie

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**From:** Judith Saperstone <saperstonejn@gmail.com>  
**Sent:** Tuesday, April 05, 2016 2:00 PM  
**To:** Patnode Samie  
**Subject:** requirements

To: Board of Certified Advanced Estheticians and Rules Advisory Committee

I am an electrologist and an esthetician. My business is Hair Removal - Downtown Portland. I use an IPL machine for hair removal and to do photo facials. It is called a "Trios" made by Viora Medical. I understand that an IPL machine would be under the "other device" mentioned in HB2642. I work alone and have done so for many years. I was trained by the trainer from the manufacturer, Viora Medical. I have a certificate from that training. I have been using this machine for 5 years.

The process of 'grandfathering' for me to get an advanced esthetician's license has requirements that I can not meet. I do not have a health care professional supervising me. My training was not about lasers because an IPL uses a Xenon bulb to destroy the hair follicle. I can't perform the modalities listed on section 1(1) of this 2015 act because an IPL machine does not do them and I have no access to a laser machine. The additional 40 hours of course work related to laser theory and fundamentals would, of course be interesting.

So this is a huge problem for me. More than half of my hair removal business is IPL work. If I can't have a license, I will go out of business. I have been in the hair removal business since 1987. I added the IPL treatments to my practice because I could not make a living with only electrolysis treatments.

I really do not know what I will do if I lose my business.

Please help me with this.

Thank you.

Judith Saperstone

## Patnode Samie

---

**From:** Jenn Bies <jennbies@gmail.com>  
**Sent:** Wednesday, April 06, 2016 7:10 AM  
**To:** Patnode Samie  
**Cc:** Hair Removal - Downtown Portland  
**Subject:** Judith Saperstone

To: Board of Certified Advanced Estheticians and Rules Advisory Committee

I have been seeing Judith Saperstone of Hair Removal - Downtown Portland, for a few years now, specifically for IPL hair removal treatments. Judith has always been very professional, competent, and I've had great results.

My understanding is that a House Bill passed recently that may compromise Judith's ability to continue to offer these services. I sincerely hope you will consider granting her an exception in this matter. Judith is very knowledgeable about the IPL machine and treatment protocols. She practices with integrity - communicating what the treatments can and cannot achieve - her work environment is very clean, and she has always maintained the highest health and safety standards.

Thank you in advance for considering this request.

Regards,  
Jenn

--

Jennifer Bies  
[jennbies@gmail.com](mailto:jennbies@gmail.com)  
[503-313-2109](tel:503-313-2109)

## Patnode Samie

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**From:** Judith Saperstone <saperstonejn@gmail.com>  
**Sent:** Friday, April 08, 2016 8:53 AM  
**To:** Patnode Samie  
**Subject:** Fwd: Enrolled HB 2642

Hi,  
Here's another letter. Thank you for the information. I do appreciate it.  
Judith

----- Forwarded message -----

From: "Cheryl Anderson" <[Cheryl.Anderson@dh.com](mailto:Cheryl.Anderson@dh.com)>  
Date: Apr 8, 2016 7:33 AM  
Subject: Enrolled HB 2642  
To: "Judith Saperstone" <[saperstonejn@gmail.com](mailto:saperstonejn@gmail.com)>  
Cc:

Judith, Please share the content below with any one you deem appropriate. Let me know if you desire adjustments.

Thank you,

Cheryl

To whom it may concern,

Esthetician Judith Saperstone forwarded HB2642 to me with a concern regarding her ability to retain her hair removal business upon its passage. The bill appears to inadvertently include treatments she provides for hair removed referred to as "IPL" into the same category as Laser treatments.

First let me impress upon you the shame and erosion of confidence that excess hair, especially facial hair, can cause females in our society. It is critically important that women be given a full range of choices of procedures and providers for hair removal.

As near as I can tell, the IPL procedure that Judith provides is not a laser treatment and poses no medical risk. Even if she could accomplish the requirements that a provider of an IPL treatment take classes in laser

procedures, and enter an agreement with a physician or nurse practitioner, it will only serve increase my costs with no benefit to me as a consumer.

Ms. Saperstone is a discreet, competent, and professional esthetician. She is my provider of choice. IPL is my procedure of choice. I implore you to consider revisions to HB 2642 that will allow her to retain her business and procedures for hair removal.

Thank you for your kind consideration.

Cheryl Anderson

Gresham, Oregon

Mobile: 503-702-9857

## Patnode Samie

---

**From:** Judith Saperstone <saperstonejn@gmail.com>  
**Sent:** Friday, April 08, 2016 8:53 AM  
**To:** Patnode Samie  
**Subject:** Fwd: Enrolled HB 2642

Hi,  
Here's another letter. Thank you for the information. I do appreciate it.  
Judith

----- Forwarded message -----

**From:** "Cheryl Anderson" <Cheryl.Anderson@dh.com>  
**Date:** Apr 8, 2016 7:33 AM  
**Subject:** Enrolled HB 2642  
**To:** "Judith Saperstone" <saperstonejn@gmail.com>  
**Cc:**

Judith, Please share the content below with any one you deem appropriate. Let me know if you desire adjustments.

Thank you,

Cheryl

To whom it may concern,

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**Rules Advisory Committee Meeting for  
Board of Certified Advanced Estheticians**

April 11, 2016 10:00

CCBI

|   |  |   |
|---|--|---|
| 1 | Name and organization:<br>Mary Nielsen Spectrum Advanced Aesthetics                                  | Add me to interested party list?<br><input type="checkbox"/>            |
|   | Email address or mailing address:<br>mary@spectrumlasertraining.com / 6956 SW Hampton Tigar OR 97003 |   |
| 2 | Name and organization:<br>Gordon Trone Elite Sante LLC   | Add me to interested party list?<br><input type="checkbox"/>            |
|   | Email address or mailing address:<br>gtrone@gmail.com  |   |
| 3 | Name and organization:<br>JOINT Saperstone IFAIR removed downtown                                    | Add me to interested party list?<br><input checked="" type="checkbox"/> |
|   | Email address or mailing address:<br>SAPERSTONEJN@gmail.com  |   |
| 4 | Name and organization:<br>Cynthia Mendoz   | Add me to interested party list?<br><input checked="" type="checkbox"/> |
|   | Email address or mailing address:<br>aestheticsinstitute@gmail.com                                   |   |
| 5 | Name and organization:<br>Michelle Blackwell, Blackwell Law PC                                       | Add me to interested party list?<br><input type="checkbox"/>            |
|   | Email address or mailing address:<br>mblackwell@blackwell.law  |   |
| 6 | Name and organization:<br>Sonja John   | Add me to interested party list?<br><input checked="" type="checkbox"/> |
|   | Email address or mailing address:<br>sonjajohn10@gmail.com   |   |
| 7 | Name and organization:<br>Betsy Jones  | Add me to interested party list?<br><input checked="" type="checkbox"/> |
|   | Email address or mailing address:<br>betsy1650@gmail.com   |   |
| 8 | Name and organization:   | Add me to interested party list?<br><input type="checkbox"/>            |
|   | Email address or mailing address:  |   |

