



# Board of Certified Advanced Estheticians

**OREGON ADMINISTRATIVE RULES**

**(UNOFFICIAL COPY)**

**CHAPTER 819, DIVISION 005 – 050**

**PERMANENT RULES EFFECTIVE**

**JUNE 29, 2018**



## **HEALTH LICENSING OFFICE**

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Division 5

GENERAL ADMINISTRATION

**819-005-0005**

**Definitions**

As used in OAR 819-005-0005 to 819-050-0020:

- (1) “Ablative” means the total destruction of the epidermis creating a wound pursuant to the definition under OAR 819-005-0005(6) and ORS 676.630(4).
- (2) “Applicant” means a natural person applying to be certified as a “certified advanced esthetician” defined in ORS 676.630(2).
- (3) “Board” means the Board of Certified Advanced Estheticians.
- (4) “Modality” defined under ORS 676.630 means:
  - (a) Light energy hair removal;
  - (b) Photo rejuvenation and dyschromia reduction;
  - (c) Skin rejuvenation;
  - (d) Cellulite reduction;
  - (e) Body contouring;
  - (f) Nonablative tattoo removal.
- (5) “FDA” means Food and Drug Administration.
- (6) “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 as defined under ORS 676.630.
- (7) “Office” means Health Licensing Office.

**Statutory/Other Authority:** 676.615, 676.630 & 676.655

**Statutes/Other Implemented:** 676.630 & 676.655

**History:**

[BCAE 3-2017, amend filed 12/29/2017, effective 01/01/2018](#)

BCAE 1-2017, f. & cert. ef. 1-3-17

### 819-005-0015

#### **Election of Chairperson and Vice Chairperson**

The chairperson and vice chairperson may be elected at the request of the Board. The elected Board chairperson and vice chairperson may serve continuously until the Board elects another chairperson and vice chairperson.

**Statutory/Other Authority:** ORS 676.615, ORS 676.650 & ORS 676.655

**Statutes/Other Implemented:** ORS 676.650 & ORS 676.655

**History:**

[BCAE 2-2018, adopt filed 06/28/2018, effective 06/28/2018](#)

[BCAE 2-2017, temporary adopt filed 12/29/2017, effective 01/01/2018 through 06/29/2018](#)

### 819-005-0020

#### **Vacancies in Office**

If the chairperson or vice chairperson are unable to complete their term, the Board must elect another chairperson or vice chairperson.

**Statutory/Other Authority:** ORS 676.650, ORS 676.655 & ORS 676.615

**Statutes/Other Implemented:** ORS 676.650 & ORS 676.655

**History:**

[BCAE 2-2018, adopt filed 06/28/2018, effective 06/28/2018](#)

[BCAE 2-2017, temporary adopt filed 12/29/2017, effective 01/01/2018 through 06/29/2018](#)

### 819-005-0025

#### **Duties of Officers**

(1) Except for the provision listed in subsection (2) of this rule, the chairperson must preside at all meetings. The chairperson shall confer with the Office on matters that come up between meeting dates, and matters that need to be placed on the agenda for Board meetings. The chairperson may order or reorder the agenda.

(2) In the absence of the chairperson from a meeting or a portion of a meeting, the vice chairperson will preside at the meeting.

(3) Decisions will be made by a vote of the Board and carried out with a motion and second and a majority vote.

**Statutory/Other Authority:** ORS 676.615, ORS 676.650 & ORS 676.655

**Statutes/Other Implemented:** ORS 676.650 & ORS 676.655

Health Licensing Office, Board of Certified Advanced Estheticians  
Oregon Administrative Rules, Chapter 819, Division 005 – 050  
Permanent Rules Effective: June 29, 2018  
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**History:**

[BCAE 2-2018, adopt filed 06/28/2018, effective 06/28/2018](#)

[BCAE 2-2017, temporary adopt filed 12/29/2017, effective 01/01/2018 through 06/29/2018](#)

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Division 20

APPLICATION REQUIREMENTS FOR CERTIFICATION

819-020-0100

**Certified Advanced Esthetics Education Requirements**

All educational curriculum for certified advanced esthetics must meet requirements set forth by the Health Licensing Office and the Board of Certified Advanced Estheticians.

(1) Until **December 31, 2018** a certified advanced esthetics career school curriculum must include 500 hours of theory and practical education. The education must include a minimum of 280 theory hours, 195 practical hours, 25 discretionary hours and a minimum of 110 procedures listed in the December 15, 2017 Advanced Esthetics Curriculum available on the Office Website.

**(2) The 280 hours of theory instruction must include the following:**

- (a) Anatomy, physiology and histology: 25 hours;
- (b) Diseases and disorders: 10 hours;
- (c) Safety, sanitation and infection control: 5 hours;
- (d) Oregon Revised Statutes and Oregon Administrative Rules: 5 hours;
- (e) First Aid, Cardiopulmonary Resuscitation and Blood Borne Pathogens: 8 hours;
- (f) Food and Drug Administration: 2 hours;
- (g) American National Standard for Safe Use of Lasers (ANSI): 40 hours;
- (h) Technologies: 15 hours which is inclusive of all areas as specified below:
  - (A) Intense pulse light;
  - (B) Lasers;
  - (C) Plasma;
  - (D) Nonablative fractional collagen induction;
  - (E) Esthetic radio frequency;
  - (F) Esthetic ultrasound;

**Health Licensing Office, Board of Certified Advanced Estheticians**  
**Oregon Administrative Rules, Chapter 819, Division 005 – 050**  
**Permanent Rules Effective: June 29, 2018**  
**Unofficial Copy**

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(G) Cryolipolysis;

(H) Microwaves; and

(I) Emerging technologies.

(i) Light energy hair removal: 25 hours;

(j) Photo rejuvenation and dyschromia reduction: 25 hours;

(k) Skin rejuvenation: 45 hours;

(l) Cellulite reduction: 25 hours;

(m) Body contouring: 25 hours; and

(n) Nonablative tattoo removal: 25 hours.

**(3) The 195 hours of practical instruction includes 110 procedures as specified below:**

(a) Light energy hair removal: 25 hours and 20 procedures;

(b) Photo rejuvenation and dyschromia reduction: 30 hours and 20 procedures;

(c) Skin rejuvenation: 50 hours and 25 procedures;

(d) Cellulite reduction: 35 hours and 15 procedures;

(e) Body contouring: 35 hours and 15 procedures; and

(f) Nonablative tattoo removal: 20 hours and 15 procedures.

**(4) 25 Discretionary hours may be completed within the theory or practical portion of the education.**

(5) As of **January 1, 2019** A certified advanced esthetics career school curriculum must include 500 hours of theory and practical education. The education must include a minimum of 280 theory hours, 195 practical hours, 25 discretionary hours and a minimum of 110 procedures listed in the January 1, 2019 Advanced Esthetics Curriculum available on the Office Website.

**(6) The 280 hours of theory instruction must include the following:**

(a) Anatomy, physiology and histology: 25 hours;

(b) Diseases and disorders: 10 hours;

(c) Safety, sanitation and infection control: 5 hours;

**Health Licensing Office, Board of Certified Advanced Estheticians**  
**Oregon Administrative Rules, Chapter 819, Division 005 – 050**  
**Permanent Rules Effective: June 29, 2018**  
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- (d) Oregon Revised Statutes and Oregon Administrative Rules: 5 hours;
- (e) First Aid, Cardiopulmonary Resuscitation and Blood Borne Pathogens: 8 hours;
- (f) Food and Drug Administration: 2 hours;
- (g) American National Standard for Safe Use of Lasers (ANSI): 40 hours;
- (h) Technologies: 15 hours which is inclusive of all areas as specified below:
  - (A) Intense pulse light;
  - (B) Lasers;
  - (C) Plasma;
  - (D) Nonablative fractional collagen induction;
  - (E) Esthetic radio frequency;
  - (F) Esthetic ultrasound;
  - (G) Cryolipolysis;
  - (H) Microwaves; and
  - (I) Emerging technologies.
- (i) Light energy hair removal: 25 hours;
- (j) Photo rejuvenation and dyschromia reduction: 25 hours;
- (k) Skin rejuvenation: 45 hours;
- (l) Cellulite reduction: 25 hours;
- (m) Body contouring: 25 hours; and
- (n) Nonablative tattoo removal: 25 hours.

**(7) The 195 hours of practical instruction which includes 110 procedures as specified below:**

- (a) Light energy hair removal: 25 hours and 20 procedures;
- (b) Photo rejuvenation and dyschromia reduction: 30 hours and 20 procedures;

**Health Licensing Office, Board of Certified Advanced Estheticians**  
**Oregon Administrative Rules, Chapter 819, Division 005 – 050**  
**Permanent Rules Effective: June 29, 2018**  
**Unofficial Copy**

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- (c) Skin rejuvenation: 50 hours and 25 procedures;
- (d) Cellulite reduction: 35 hours and 15 procedures;
- (e) Body contouring: 35 hours and 15 procedures; and
- (f) Nonablative tattoo removal: 20 hours and 15 procedures.

**(8) 25 Discretionary hours may be completed within the theory or practical portion of the education.**

(9) Education must be conducted at a licensed career school and by a licensed teacher through the Higher Education Coordinating Commission.

(10) The theory portion of the curriculum must be completed prior to the practical portion of the curriculum.

(11) A teacher licensed under ORS Chapter 345 and OAR Chapter 715 must provide direct supervision when practical training is being performed by a student. Supervision must be provided within following ratios:

- (a) Four students to one teacher ratio while students are observing practical procedures; and
- (b) One student to one teacher ratio while the student is performing practical operation without assistance.

(12) The requirements under subsection (11)(a) and (b) of this rule do not preclude four students from observing one student performing the practical procedure under the same teacher.

[ED. NOTE: To view tables referenced in rule text, [click here to view rule.](#)]

**Statutory/Other Authority:** ORS 345, ORS 676.615, ORS 676.655, ORS 676.640 & ORS 676.630

**Statutes/Other Implemented:** ORS 676.655 & ORS 676.640

**History:**

[BCAE 2-2018, adopt filed 06/28/2018, effective 06/28/2018](#)

[BCAE 2-2017, temporary adopt filed 12/29/2017, effective 01/01/2018 through 06/29/2018](#)

**819-020-0110**

**Advanced Esthetician Certification**

(1) A permanent certification authorizes the holder to practice advanced nonablative esthetics.

**Health Licensing Office, Board of Certified Advanced Estheticians**  
**Oregon Administrative Rules, Chapter 819, Division 005 – 050**  
**Permanent Rules Effective: June 29, 2018**  
**Unofficial Copy**

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(2) A permanent certification is valid for one year and becomes inactive on the last day of the month one year from the date of issuance or renewal.

**Statutory/Other Authority:** ORS 676.615, ORS 676.655, ORS 676.640, ORS 676.592 & ORS 676.583

**Statutes/Other Implemented:** ORS 676.655 & ORS 676.640

**History:**

[BCAE 2-2018, adopt filed 06/28/2018, effective 06/28/2018](#)

[BCAE 2-2017, temporary adopt filed 12/29/2017, effective 01/01/2018 through 06/29/2018](#)

**819-020-0120**

**Application Requirements for Certified Advanced Esthetician**

(1) An individual applying for certification to practice nonablative esthetics must meet the requirements pursuant to ORS 676.640 and must:

(a) Meet the requirements of OAR 331 Division 30;

(b) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of all required fees;

(c) Be at least 18 years of age and provide the Office official documentation verifying date of birth, such as a copy of the applicant's birth certificate, driver's license, or passport;

(d) Hold an active esthetic certificate through the Board of Cosmetology pursuant to ORS 690.046 through 690.047 and be in good standing with no current or pending disciplinary action; and

(e) Provide documentation of completing one of the following pathways:

(2) **PATHWAY ONE – GRADUATE OREGON SCHOOL:** A graduate of an Oregon licensed career school for advanced nonablative esthetics that meets requirements pursuant to OAR 819-020-0100 must:

(a) Submit official transcript from a licensed career school under ORS 345 showing proof of completion of required certified advanced esthetics curriculum approved by the Board under OAR 819-020-0100; and

(b) Provide official proof of having passed a Board-approved examination listed in OAR 819-020-0130 within two years before or after the date of application. Examination results must be submitted to the Office directly from the examination provider and constitute proof of passage of a Board-approved examination. Examination results provided directly by the applicant are not acceptable.

**Health Licensing Office, Board of Certified Advanced Estheticians**  
**Oregon Administrative Rules, Chapter 819, Division 005 – 050**  
**Permanent Rules Effective: June 29, 2018**  
**Unofficial Copy**

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(3) **PATHWAY TWO – NATIONAL CERTIFICATION:** An individual who has a certification to use lasers or other devices for purposes related to practicing advanced nonablative esthetics procedures from a nationally recognized program that is approved by the Board must:

- (a) Provide official proof of having certification to use lasers or other devices for purposes related to practicing advanced nonablative esthetics procedures from a nationally recognized program that is approved by the Board; and
- (b) Provide official proof of having passed a Board-approved examination listed in OAR 819-020-0130 within two years before or after the date of application. Examination results must be submitted to the Office directly from the examination provider and constitute proof of passage of a Board-approved examination. Examination results provided directly by the applicant are not acceptable.

(4) **PATHWAY THREE - RECIPROCITY:** An individual 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 Oregon must provide documentation showing substantial equivalency to Oregon including but not limited to the following:

- (a) License requirement in state;
- (b) Scope of practice within the state;
- (c) Program or course curriculum including hours;
- (d) Theory hours;
- (e) Practical hours; and
- (f) Teacher requirements.

(5) **PATHWAY FOUR OUT OF STATE EDUCATION OR TRAINING PROGRAM:** Pursuant to ORS 676.640(2)(b), if a training or education program is not located in Oregon it must be substantially equivalent to a program licensed through the Higher Education Coordinating Commission. Documentation supporting substantial equivalence must include but is not limited to the following:

- (a) License requirement in state;
- (b) Scope of practice within the state;
- (c) Program or course curriculum including hours;
- (d) Theory hours;
- (e) Practical hours; and

**Health Licensing Office, Board of Certified Advanced Estheticians**  
**Oregon Administrative Rules, Chapter 819, Division 005 – 050**  
**Permanent Rules Effective: June 29, 2018**  
**Unofficial Copy**

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(f) Teacher requirements.

(6) For the purpose of subsection (3) of this rule there are currently no Board-approved nationally recognized programs. Individuals who are seeking board approval of a nationally recognized program must submit documentation that fully explains the criteria and requirements of the nationally recognized program.

NOTE: The applicant is responsible for payment of fees to other organizations including but not limited to examination fees.

**Statutory/Other Authority:** ORS 676.615, ORS 676.655, ORS 676.640, ORS 676.592 & ORS 676.583

**Statutes/Other Implemented:** ORS 676.655 & ORS 676.640

**History:**

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**819-020-0130**

**Approved Examination**

Information on the December 2017 version of the Board approved written examination can be accessed on the Office website.

[ED. NOTE: To view tables referenced in rule text, [click here to view rule.](#)]

**Statutory/Other Authority:** ORS 676.615, ORS 676.640, ORS 676.655 & ORS 676.586

**Statutes/Other Implemented:** ORS 676.640 & ORS 676.655

**History:**

[BCAE 2-2018, adopt filed 06/28/2018, effective 06/28/2018](#)

[BCAE 2-2017, temporary adopt filed 12/29/2017, effective 01/01/2018 through 06/29/2018](#)

**819-020-0150**

**Examination Retake Requirements**

(1) Pursuant to ORS 676.655(1)(a) in order for an applicant to retake a written examination:

(a) After first failed attempt — applicant may not retake for seven calendar days;

(b) After second failed attempt — applicant may not retake for seven calendar days;

(c) After third failed attempt — applicant may not retake for 30 calendar days, must submit an official transcript certifying additional training from an licensed advanced esthetics career school on a form prescribed by the Office.

**Health Licensing Office, Board of Certified Advanced Estheticians**  
**Oregon Administrative Rules, Chapter 819, Division 005 – 050**  
**Permanent Rules Effective: June 29, 2018**  
**Unofficial Copy**

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- (d) After fourth failed attempt — applicant may not retake for seven calendar days;
  - (e) After fifth failed attempt — applicant may not retake for seven calendar days;
  - (f) After sixth failed attempt — applicant may not retake for 30 calendar days, must submit an official transcript certifying additional training from an licensed advanced esthetics career school on a form prescribed by the Office.
  - (g) After seventh failed attempt — ability to retake, requirements for retake, or both will be determined by the Board on a case-by-case basis.
- (2) An applicant retaking the examination must meet the requirements under OAR 331-030-0000 and pay all applicable fees.

**Statutory/Other Authority:** ORS 676.615, ORS 676.640, ORS 676.655 & ORS 676.586

**Statutes/Other Implemented:** ORS 676.640 & ORS 676.655

**History:**

[BCAE 2-2018, adopt filed 06/28/2018, effective 06/28/2018](#)

[BCAE 2-2017, temporary adopt filed 12/29/2017, effective 01/01/2018 through 06/29/2018](#)

Division 25

RENEWAL REQUIREMENTS

**819-025-0000**

**Display of Authorization and Posting Requirements**

- (1) A certification holder must post advanced esthetic certificate in public view.
- (2) A certification holder may temporarily conceal the address printed on the certification document with a covering that is removable.

**Statutory/Other Authority:** ORS 676.615 & ORS 676.655

**Statutes/Other Implemented:** ORS 676.655

**History:**

[BCAE 2-2018, adopt filed 06/28/2018, effective 06/28/2018](#)

[BCAE 4-2017, temporary adopt filed 12/29/2017, effective 01/01/2018 through 06/29/2018](#)

**819-025-0010**

**Certification Issuance and Renewal**

(1) A certification holder is subject to the provisions of OAR Chapter 331, Division 30 regarding the renewal of a certification, and provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate certification.

(2) Certification renewal under this rule is valid for one year and becomes inactive on the last day of the month one year from the date of issuance or renewal.

**(3) CERTIFICATION RENEWAL:** To avoid delinquency penalties, a certification holder must renew prior to the certification entering inactive status. The certification holder must submit the following:

(a) Renewal application form;

(b) Payment of required renewal fees pursuant to OAR 819-040-0005;

(c) Attestation of having obtained required annual continuing education under OAR 819-025-0020 and 819-020-0030, on a form prescribed by the Office, whether certification is current or inactive;

(d) Attestation of current certification in cardiopulmonary resuscitation from an Office-approved provider;

(e) Attestation of current first aid training by an Office-approved provider;

**Health Licensing Office, Board of Certified Advanced Estheticians**  
**Oregon Administrative Rules, Chapter 819, Division 005 – 050**  
**Permanent Rules Effective: June 29, 2018**  
**Unofficial Copy**

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- (f) Attestation of current certification in blood borne pathogens training from an Office-approved provider;
- (g) Attestation of having a collaborative agreement with a health-care provider pursuant to OAR 819-030-0020; and
- (h) Provide proof of having an active esthetic certificate through the Board of Cosmetology pursuant to ORS 690.046 and be in good standing with no current or pending disciplinary action.

**(4) INACTIVE CERTIFICATION RENEWAL:** A certification holder may be inactive for up to three years. A certification holder who is inactive is not authorized to practice. When renewing after entering inactive status, the certification holder must submit the following:

- (a) Renewal application form;
- (b) Payment of delinquency and certification fees pursuant to OAR 819-040-0005;
- (c) Attestation of having obtained required annual continuing education under OAR 819-025-0020 and 819-020-0030, on a form prescribed by the Office, whether certification is current or inactive;
- (d) Attestation of current certification in cardiopulmonary resuscitation from an Office-approved provider;
- (e) Attestation of current first aid training by an Office-approved provider;
- (f) Attestation of current certification in blood borne pathogens training from an Office approved provider;
- (g) Attestation of having a collaborative agreement with a health-care provider pursuant to OAR 819-030-0020;
- (h) Provide proof of having an active esthetic certificate through the Board of Cosmetology pursuant to ORS 690.046 and be in good standing with no current or pending disciplinary action.

**(5) EXPIRED CERTIFICATION:** A certification that has been inactive for more than three years is expired and the certification holder must reapply for certification and meet the requirements listed in OAR 819-020-0110 and 819-020-0120.

**(6) INITIAL CONTINUING EDUCATION:** A certification holder is not required to attest to having five hours of annual continuing education until their second renewal. The second and all subsequent renewals require annual attestation of five hours of continuing education.

**Statutory/Other Authority:** ORS 676.615, ORS 676.645, ORS 676.655 & ORS 676.586

**Statutes/Other Implemented:** ORS 676.645 & ORS 676.655

**History:**

**Health Licensing Office, Board of Certified Advanced Estheticians**  
**Oregon Administrative Rules, Chapter 819, Division 005 – 050**  
**Permanent Rules Effective: June 29, 2018**  
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[BCAE 4-2017, temporary adopt filed 12/29/2017, effective 01/01/2018 through 06/29/2018](#)

**819-025-0020**

**Continuing Education Requirements**

- (1) To maintain certification, a certified advanced esthetician must complete a minimum of five hours of continuing education every year.
- (2) The subject matter of the continuing education must be related to advanced nonablative esthetics pursuant to OAR 819-020-0100 and ORS 676.630. Continuing education may include the laws and rules, infection control, professional ethics and business practices.
- (3) A certification holder must document compliance with the continuing education requirement through attestation on the certification renewal application. A certification holder is subject to provisions of OAR 819-025-0030 pertaining to periodic audit of continuing education.
- (4) Continuing education may be obtained through online courses, attendance at lectures, sessions, courses, workshops, symposiums seminars or other presentations offered by:
  - (a) Institutions or programs accredited by a federally recognized accrediting agency;
  - (b) Institutions or programs approved by Oregon Higher Education Coordinating Commission;
  - (c) An organization offering continuing advanced nonablative esthetic education opportunities, including but not limited to, Board-approved professional organization, association, hospital, or health-care clinic offering continuing education related to subject matter listed in subsection (2) of this rule.
  - (d) Society of Plastic Surgical Skin Care Specialists, Associated Skin Care Professionals, New Age Spa Institute, Cascade Aesthetic Alliance and National Coalition of Estheticians Manufacturers/Distributors and Associations (NCEA) Commission on Accreditation.
- (5) Continuing education relating to subject matter listed in subsection (2) of this rule may also be obtained through self-study, research, authorship, or teaching, provided that no more than half the required hours be in research, authorship or teaching.
- (6) Obtaining and maintaining proof of continuing education is the responsibility of the certificate holder. The certificate holder must ensure that adequate proof of attainment of required continuing education is available for audit or investigation or when otherwise requested by the Office. Adequate proof of participation is listed under OAR 819-025-0030.
- (7) Documentation of participation in continuing education requirements must be maintained for a period of five years.

**Health Licensing Office, Board of Certified Advanced Estheticians**  
**Oregon Administrative Rules, Chapter 819, Division 005 – 050**  
**Permanent Rules Effective: June 29, 2018**  
**Unofficial Copy**

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(8) Hours of continuing education that are obtained in excess of the minimum requirements listed in this rule will not be carried forward as credit for the subsequent license renewal reporting cycle.

(9) For the purpose of this rule continuing education must include periods of continuous instruction and education, not to include breaks, rest periods, travel, registration or meals.

(10) A certification holder is not required to attest to having five hours of annual continuing education until their second renewal. The second and all subsequent renewals require annual attestation of five hours of continuing education.

**Statutory/Other Authority:** ORS 676.615, ORS 676.586 & ORS 676.655

**Statutes/Other Implemented:** ORS 676.655

**History:**

[BCAE 2-2018, adopt filed 06/28/2018, effective 06/28/2018](#)

[BCAE 4-2017, temporary adopt filed 12/29/2017, effective 01/01/2018 through 06/29/2018](#)

**819-025-0030**

**Continuing Education: Audit, Required Documentation and Sanctions**

(1) The Office will audit a select percentage of certificate holders to verify compliance with continuing education requirements.

(2) Certificate holders notified of selection for audit of continuing education attestation must submit to the Office, within 30 calendar days from the date of issuance of the notification, satisfactory evidence of participation in required continuing education in accordance with OAR 819-025-0030.

(3) Evidence of successful completion of the required continuing education may include the following:

(a) Name of continuing education sponsor/provider;

(b) Course agenda – including the date of the training and breakdown of hours for each agenda item, lunch and breaks;

(c) Course outline – including a detailed summary of each topic discussed and the learning objective or training goal of each agenda item. The content of the course must have a direct relationship between the course training and subject matter related to requirements listed in OAR 819-025-0020;

(d) Background resume of speakers or instructors; and

(e) Documentation of attendance and successful course completion including but not limited to certificate, transcript, sponsor statement, affidavit attesting to attendance or diploma.

**Health Licensing Office, Board of Certified Advanced Estheticians**  
**Oregon Administrative Rules, Chapter 819, Division 005 – 050**  
**Permanent Rules Effective: June 29, 2018**  
**Unofficial Copy**

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(4) Evidence of self-study, research, authorship or teaching successful completion of the required continuing education may include the following:

(a) Name of sponsor or source, type of study, description of content, date of completion, and duration in hours in accordance with OAR 819-025-0020(1);

(b) Name of approved correspondence courses or national home study issues;

(c) Name of publications, textbooks, printed material or audio cassettes, including date of publication, publisher, and ISBN identifier; and

(d) Name of films, videos, or slides, including date of production, name of sponsor or producer and catalog number.

(5) If documentation of continuing education is incomplete, the certificate holder has 30 calendar days from the date of the deficiency notice to correct the deficiency and submit further documentation of completion of the required continuing education.

(6) Misrepresentations of continuing education or failure to complete continuing education requirements may result in disciplinary action, which may include, but is not limited to, assessment of a civil penalty and suspension or revocation of the certificate.

**Statutory/Other Authority:** ORS 676.615, ORS 676.586 & ORS 676.655

**Statutes/Other Implemented:** ORS 676.655

**History:**

[BCAE 2-2018, adopt filed 06/28/2018, effective 06/28/2018](#)

[BCAE 4-2017, temporary adopt filed 12/29/2017, effective 01/01/2018 through 06/29/2018](#)

Division 30

PRACTICE STANDARDS

**819-030-0005**

**General Practice Standards**

- (1) A certified advanced esthetician must wear a name tag that clearly states the individual's name and in what capacity the individual is working in and designate in each client's treatment log documenting who performed the service and in what capacity the service was being performed including but not limited to medical assistant or registered nurse.
- (2) A certified advanced esthetician is prohibited from making any false representation either verbally or in writing that would imply services being performed outside the scope of practice are connected to their certified advanced esthetician practice.
- (3) A certified advanced esthetician is prohibited from performing:
  - (a) Ablative services; and
  - (b) Internal vaginal rejuvenation that goes beyond the introitus (vaginal opening).
- (4) Procedures performed without using a laser or other device registered with the FDA are not considered advanced nonablative esthetics services pursuant to ORS 676.630(1).
- (5) Services provided by a certified advanced esthetician to a client that are prohibited, unsafe, dangerous or cause serious harm may result in a violation of incompetence, negligence or unprofessional conduct pursuant to ORS 676.612(2)(j), OAR 331-020-0070 or OAR 331-020-0075.

**Statutory/Other Authority:** ORS 676.615, ORS 676.586, ORS 676.630 & ORS 676.655

**Statutes/Other Implemented:** ORS 676.630 & ORS 676.655

**History:**

[BCAE 2-2018, adopt filed 06/28/2018, effective 06/28/2018](#)

[BCAE 4-2017, temporary adopt filed 12/29/2017, effective 01/01/2018 through 06/29/2018](#)

**819-030-0010**

**Client Disclosure Practice Standards**

A certified advanced esthetician must maintain and provide to each client a "client disclosure form" pursuant to ORS 676.655, which includes at minimum the existence of professional liability insurance. The client disclosure information may be combined with other documentation used by the certified advanced esthetician including but not limited to informed consent or summary of visit.

**Health Licensing Office, Board of Certified Advanced Estheticians**  
**Oregon Administrative Rules, Chapter 819, Division 005 – 050**  
**Permanent Rules Effective: June 29, 2018**  
**Unofficial Copy**

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**Statutory/Other Authority:** ORS 676.615, ORS 676.586, ORS 676.630 & ORS 676.655

**Statutes/Other Implemented:** ORS 676.630 & ORS 676.655

**History:**

[BCAE 2-2018, adopt filed 06/28/2018, effective 06/28/2018](#)

[BCAE 4-2017, temporary adopt filed 12/29/2017, effective 01/01/2018 through 06/29/2018](#)

**819-030-0020**

**Collaborative Agreement**

(1) Pursuant to ORS 676.655(2)(c), a certified advanced esthetician must enter into a collaborative agreement with one or more of the following health-care professionals who hold an active license in good standing with no current or pending action:

(a) Physician licensed under ORS Chapter 677;

(b) Nurse practitioner licensed under ORS 678.375 to 678.390;

(c) 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 which includes, but is not limited to, the following:

(A) Dentist licensed under ORS 679;

(B) Naturopathic physician licensed under ORS 685; or

(C) Certified Registered Nurse Anesthetists licensed under ORS 678.245 to 678.285.

(2) All active collaborative agreements must be maintained and kept current by the certified advanced esthetician and made immediately available.

(3) Inactive collaborative agreements must be kept for seven years and must be made immediately available to the Office upon request.

(4) All collaborative agreements must contain the following information:

(a) Name of certified advanced esthetician;

(b) Certificate number of the certified advanced esthetician;

(c) Name of licensed health care professional;

(d) License number of licensed health care professional;

(e) Contact information of the licensed health care professional; and

**Health Licensing Office, Board of Certified Advanced Estheticians**  
**Oregon Administrative Rules, Chapter 819, Division 005 – 050**  
**Permanent Rules Effective: June 29, 2018**  
**Unofficial Copy**

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(f) Effective date of agreement.

(5) The collaborative agreement must be current and updated at all times services are being performed.

(6) Multiple advanced certified estheticians can enter into a collaborative agreement under the same licensed health-care professional; however, each certified advanced esthetician must have individual agreements that meet requirements listed in subsection (1), (2) and (3) of this rule.

(7) For the purpose of this rule and pursuant to ORS 676.655 the purpose of an agreement is to provide a client with a referral to a licensed health care professional. It is not required that the client pursue treatment from the referred licensed health care professional and the licensed health care professional is not required to provide care to the client.

(8) Collaborative agreements may be stored electronically.

**Statutory/Other Authority:** ORS 676.615, ORS 676.586, ORS 676.630 & ORS 676.655

**Statutes/Other Implemented:** ORS 676.630 & ORS 676.655

**History:**

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**819-030-0060**

**Safety and Infection Control Practice Standards**

(1) A certified advanced esthetician performing services must:

(a) Work in a licensed Board of Cosmetology facility with a certification issued under ORS 690.055 pursuant to ORS 676.655(2)(a);

(b) Adhere to facility standards set forth in ORS 690.055 and OAR Chapter 817 Division 10 and Division 20, if applicable to advanced nonablative esthetics;

(c) Use only lasers or other devices registered with the FDA and for nonablative procedures pursuant to ORS 676.630;

(d) Use laser or other device registered with the FDA in a manner described in the manufacturer's instructions and consistent with the manufacturer's intended use of the device by the FDA;

(e) Maintain FDA registration documentation on each laser or device on the facility premises.

(f) Ensure high-level disinfectant is used in accordance with manufacturer's instructions to disinfect surfaces where services are performed.

**Health Licensing Office, Board of Certified Advanced Estheticians**  
**Oregon Administrative Rules, Chapter 819, Division 005 – 050**  
**Permanent Rules Effective: June 29, 2018**  
**Unofficial Copy**

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(g) Adhere to all Centers for Disease Control and Prevention Standard Precautions for All Patient Care.

(2) If a certified advanced esthetician is performing laser services they must meet the standards pursuant to the 2014 American National Standard Z136.1 and the 2011 American National Standards Laser Safety Education Program Z136.3.

(3) Tools, instruments, equipment or devices that come in direct contact with a client must be disposed of or sanitized and disinfected according to manufacturer's instructions before use on each client.

**Statutory/Other Authority:** ORS 676.655 & ORS 676.615

**Statutes/Other Implemented:** ORS 676.655

**History:**

[BCAE 2-2018, adopt filed 06/28/2018, effective 06/28/2018](#)

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**819-030-0070**

**Client Records and Informed Consent**

(1) A certified advanced esthetician is responsible for maintaining all client records. The record must include the following for each client:

(a) Name of the certified advanced esthetician providing service;

(b) Name, address, telephone number and date of birth of client;

(c) Date of each service;

(d) Type of service provided pursuant to OAR 819-005-0005(4) and type of technology or device listed in OAR 819-020-0100(2)(h);

(e) Type of hand piece used on client if applicable;

(f) Location of procedure on the body;

(g) Special instructions or notations relating to the client's medical or skin conditions;

(h) Complete list of the client's sensitivities to medicines or topical solutions;

(i) Description of complications during procedure(s).

(j) Any referral to a health-care professional pursuant to 819-030-0020 and the client's response to the referral.

**Health Licensing Office, Board of Certified Advanced Estheticians**  
**Oregon Administrative Rules, Chapter 819, Division 005 – 050**  
**Permanent Rules Effective: June 29, 2018**  
**Unofficial Copy**

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(2) Upon initial visit the certified advanced esthetician must obtain signature from the client that they have received and understand the following information and consent to the nonablative esthetic procedure:

- (a) Explanation of procedure;
- (b) Risk(s) of the procedure;
- (c) Description of potential complications or side effects;
- (d) Adverse outcomes;
- (e) Contraindications;
- (f) Alternatives; and
- (g) Aftercare instructions.

(3) Following initial visit referenced in subsection (2) of this rule and if for the same procedure a certified advanced esthetician may have the client initial they have received information listed in subsection (2) of this rule and document any refusal to initial the client record.

(4) Information listed in subsection (2) of this rule may be combined with other documentation used by the certified advanced esthetician.

(5) For the purpose of this rule, records must be maintained on the facility premises for three years. After two years the client record may be stored offsite but must be made available immediately upon request by the client or the Office. If the client is currently receiving services from the certified advanced esthetician the client record must remain on the facility premises or be stored electronically with immediate access.

(6) Client records must be typed or printed in a legible format. Client records that are not readable by the Office will be treated as incomplete.

(7) If a certified advanced esthetician is acting in a dual capacity and providing services outside their scope of practice, the capacity under which the person is working must be clearly documented in the client's record.

(8) All client records may be stored electronically.

**Statutory/Other Authority:** ORS 676.655, ORS 676.615 & ORS 676.568

**Statutes/Other Implemented:** ORS 676.655

**History:**

[BCAE 3-2018, temporary adopt filed 06/28/2018, effective 06/28/2018 through 11/23/2018](#)

**Health Licensing Office, Board of Certified Advanced Estheticians**  
**Oregon Administrative Rules, Chapter 819, Division 005 – 050**  
**Permanent Rules Effective: June 29, 2018**  
**Unofficial Copy**

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**Division 40**

**FEEES**

**819-040-0005**

**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 are as follows:
  - (a) Application for Permanent Certification: \$100.
  - (b) Original Permanent Certification: \$100
  - (c) Annual renewal: \$100
  - (d) Delinquency fee: \$30 for each year in an inactive status up to three years.
  - (e) Replacement of certificate including name change: \$25.
  - (f) Duplicate certificate document: \$25 per copy with maximum of three.
  - (g) Affidavit of licensure: \$50.
  - (h) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.
  - (i) Information packets: \$10

**Statutory/Other Authority:** 676.615, 676.640, 676.655 & 676.592

**Statutes/Other Implemented:** 676.640, 676.655 & 676.592

**History:**

[BCAE 3-2017, amend filed 12/29/2017, effective 01/01/2018](#)

BCAE 1-2017, f. & cert. ef. 1-3-17

Division 50

CIVIL PENALTIES

**819-050-0010**

**Schedule of Penalties for Certified Advanced Estheticians Violations**

The Office, in consultation with the Board, has adopted the following presumptive penalty schedule for certain violations. Any violation of statute or rule will be handled at the discretion of the Office and Board.

Performing, attempting to perform, or purporting to perform nonablative esthetics services without proper certification is a violation of ORS 676.635(1):

(1) Never held or expired:

(a) 1st offense: \$2,500;

(b) 2nd offense: \$5,000;

(c) 3rd offense: Monetary penalty and any other actions allowed by law including revocation or suspension of authorization to practice and refusal to issue a new authorization.

(2) Inactive:

(a) 1st offense: \$200;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1,000; and

(d) 4th offense: Monetary penalty and any other actions allowed by law including revocation or suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(3) Suspended or revoked:

(a) 1st offense: \$2,500;

(b) 2nd offense: \$5,000; and

(c) 3rd offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

**Health Licensing Office, Board of Certified Advanced Estheticians**  
**Oregon Administrative Rules, Chapter 819, Division 005 – 050**  
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**Statutory/Other Authority:** ORS 676.615, ORS 676.586, ORS 676.608 & ORS 676.612

**Statutes/Other Implemented:** ORS 676.586 & ORS 676.608

**History:**

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**819-050-0020**

**Schedule of Penalties for Falsifying or Failure to Post Certificate**

The Office, in consultation with the Board, has adopted the following presumptive penalty schedule for certain violations. Any violation of statute or rule will be handled at the discretion of the Office and Board.

(1) Altering with fraudulent intent or fraudulent use, attempted use, obtainment, or counterfeiting of a certificate issued by the Office is a violation of ORS 676.635(1):

(a) 1st offense: \$1,500;

(b) 2nd offense: \$3,500; and

(c) 3rd offense: \$5,000.

(2) Failing to post a valid certificate issued by the Office in public view is a violation of OAR 819-025-0000:

(a) 1st offense: \$200;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1,000

**Statutory/Other Authority:** ORS 676.615, ORS 676.612, ORS 676.608, ORS 676.586 & ORS 676.655

**Statutes/Other Implemented:** ORS 676.586 & ORS 676.655

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