

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

BCAE 1-2024

CHAPTER 819

OREGON HEALTH AUTHORITY

HEALTH LICENSING OFFICE, BOARD OF CERTIFIED ADVANCED ESTHETICIANS

FILED

01/21/2024 6:08 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Define advanced esthetics device.

EFFECTIVE DATE: 01/26/2024

AGENCY APPROVED DATE: 10/23/2023

CONTACT: Carrie Edwards
503-373-1902
carrie.edwards@oha.oregon.gov

1430 Tandem Ave NE
180
Salem, OR 97301

Filed By:
Samantha Patnode
Rules Coordinator

ADOPT: 819-030-0001

RULE TITLE: Definition of Advanced Esthetics Device

NOTICE FILED DATE: 08/31/2023

RULE SUMMARY: Definition of advanced esthetics device.

RULE TEXT:

Pursuant to ORS 676.630(3), the Board and the Board of Cosmetology collaboratively developed the definition of "Device" (advanced esthetics device) in this rule. This rule sets forth the specific characteristics of an advanced esthetics device.

(1) An advanced esthetician is limited to using advanced esthetics devices as follows:

(a) Limited to performing services that are "nonablative" as defined in ORS 676.630 and OAR 819-005-0005.

(b) Limited to services performed on the hair and skin.

(2) An advanced esthetician may perform advanced nonablative esthetic procedures that go beyond the epidermis using advanced esthetics devices listed in subsection (3) of this rule.

(3) An advanced esthetics device is a:

(a) Laser;

(b) Intense Pulse Light; or

(c) Piece of equipment or a mechanism that meets all of the following:

(i) Shares the same risk and safety qualities as lasers and intense pulse light devices.

(ii) Is capable of performing nonablative procedures on the skin or hair.

(iii) Is capable of performing procedures in conjunction with a modality.

(iv) Is registered with the United States FDA.

(4) An advanced esthetic device may not be of greater risk or greater inherent risk as a laser or intense pulse light.

(5) It is the responsibility of the advanced esthetician to be trained and educated on the devices and procedures used in the practice of advanced nonablative esthetics.

(6) An individual certified to practice advanced nonablative esthetics procedures is responsible for determining if any services or devices to be used on clients are prohibited by law.

(7) Services provided and devices used by certified advanced estheticians that are prohibited, unsafe, dangerous or cause harm may result in a violation of incompetence, negligence, or unprofessional conduct pursuant to ORS 676.612(2)(j) and under Office or Board rules.

STATUTORY/OTHER AUTHORITY: ORS 676.630, ORS 690.005, ORS 676.665, ORS 676.647

STATUTES/OTHER IMPLEMENTED: ORS 676.630, ORS 676.647