



Date: April 15, 2016

To: Stakeholders

From: Samie Patnode, Policy Analyst

Subject: Board of Certified Advanced Estheticians (HB 2642) and tattoo removal

The 2015 Legislature passed House Bill 2642, creating the Board of Certified Advanced Estheticians (Board) within the Health Licensing Office (HLO) to oversee the safe practice of advanced nonablative esthetics and to ensure that individuals who are practicing advanced nonablative esthetics are qualified to perform services on the public. One of the modalities listed within the bill is nonablative tattoo removal, which has generally been an unregulated practice.

This means that as of July 1, 2016, nonablative tattoo removal will be in the scope of practice of certified advanced estheticians.

Oregon Revised Statutes (ORS) 690.350 defines the professions within the Board of Electrologists and Body Art Practitioners as follows:

- (1) “Body piercing” means the puncturing of a part of the body of a live human being to create a permanent hole for ornamentation or decoration. ...
- (3)(a) “Earlobe piercing” means the puncturing of the soft lower part of the external ear of a live human being for ornamentation or decoration.
 - (b) “Earlobe piercing” does not include the puncturing of ear cartilage.
- (4) “Electrolysis” means the process by which hair, with a series of treatments, is permanently removed from the skin by inserting a needle-conductor into the hair follicle and directing electrical energy toward the hair cell. The word “electrolysis” is used in generic form in ORS 690.350 to 690.410 and refers to modalities of galvanic electrolysis, thermolysis and combinations thereof. ...

- (9) “Tattooing” means the process by which a live human being is marked or colored by insertion of nontoxic dyes or pigments to form indelible marks for ornamentation or decoration.

Tattoo removal does not fall within the scope of these definitions. Individuals who wish to continue performing nonablative tattoo removal after July 1, 2016, will have to become certified in advanced esthetics, unless they are exempt in statute. (ORS 676.635 does not apply to licensed health care professionals whose scope of practice includes advanced nonablative esthetics procedures or to students in an advanced nonablative esthetics training or education program.)

There will be grandfathering provisions for people who have been performing advanced nonablative esthetics prior to the passage of House Bill 2642. The bill provides two grandfathering pathways: An individual must be at least 18 years old and be certified as an esthetician under the Board of Cosmetology as well as meet one of these sets of requirements:

- Pathway 1 – Provide 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
- Pathway 2 – Provide 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 the definition of advanced nonablative esthetics procedures (skin rejuvenation, photo rejuvenation, body contouring, dyschromia reduction, cellulite reduction, hair removal or reduction and nonablative tattoo removal).

To learn more about the Board of Certified Advanced Estheticians and how to become certified, go to www.oregon.gov/oha/hlo/Pages/Board-Certified-Advanced-Estheticians.aspx. A Rules Advisory Committee is currently working on certification rules. The next meeting is slated for 10 a.m. Monday, May 23 at the Health Licensing Office, Suite 320, 700 Summer St. NE, Salem, OR, 97301.

If you have further questions, contact HLO policy analyst Samie Patnode at samie.patnode@state.or.us or 503-373-1917.

