

HB 2970 B STAFF MEASURE SUMMARY**Carrier:** Sen. Manning Jr**Senate Committee On Health Care****Action Date:** 05/19/21**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 4-1-0-0**Yeas:** 4 - Beyer, Knopp, Manning Jr, Patterson**Nays:** 1 - Heard**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Brian Nieubuurt, LPRO Analyst**Meeting Dates:** 5/5, 5/19**WHAT THE MEASURE DOES:**

Prohibits person from using a device that is not registered with the United States Food and Drug Administration to perform advanced nonablative esthetics procedures. Clarifies definitions of "advanced nonablative esthetics procedure." Authorizes the Board of Certified Advanced Estheticians to define "device" by rule in collaboration with Board of Cosmetology. Defines means for temporary hair removal for purposes of definition of "esthetics." Defines "mechanical or electrical apparatus, appliance or device" and prohibits use without specific authorization by Board of Certified Advanced Estheticians. Clarifies qualifications for a residential care facility administrator license. Adds exception to requirement that owner of dental practice be licensed by Oregon Board of Dentistry for nonprofit charitable corporations that provide dental services to individuals who are 65 years of age or older and individuals who are unable to stand or walk unassisted. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Unintended consequences of House 2642 (2015) on estheticians
- House Bill 4016 (2020)
- Discretionary pause on discipline by Health Licensing Office
- Interpretation of residential care facility administrator license requirements as requiring physical copy of high school diploma
- Dental practices serving seniors and people needing physical assistance

EFFECT OF AMENDMENT:

Adds exception to requirement that owner of dental practice be licensed by Oregon Board of Dentistry for nonprofit charitable corporations that provide dental services to individuals who are 65 years of age or older and individuals who are unable to stand or walk unassisted.

BACKGROUND:

In 2015, House Bill 2642 created a Board of Certified Advanced Estheticians within the Health Licensing Office, which oversees the safe practice of advanced nonablative esthetics and ensures that individuals who are practicing advanced nonablative esthetics are qualified to perform services on the public. In 2019, the Board of Cosmetology revised Oregon Administrative Rules (OARs) with a focus on esthetics scope of practice including use of devices, chemical peels, dermaplaning and client records, and requirements for additional education and training. The revised OARs (Chapter 817) clarified the requirements for the practice of advanced nonablative procedures and use of devices registered with the Food and Drug Administration by licensed Estheticians and Advanced Estheticians.

Community-based care settings, including assisted living facilities, residential care facilities, and memory care communities, make a wide range of individualized services available in a homelike setting to older adults, people

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with disabilities, and individuals with dementia or Alzheimer's disease. According to the Oregon Office of Economic Analysis, the share of Oregon's population that is 75 years or older will increase from around 6-7 percent of the overall population today to 12 percent in 2040. As Oregon's population ages, it is expected that the demand for community-based care will also increase.

The Oregon Dental Practice Act (ORS 679) limits ownership and maintenance of dental practices to dentists licensed by the Oregon Board of Dentistry with specified exceptions. Current exceptions exist for the Oregon Health and Science University School of Dentistry, certain public universities, local governments and Commission on Dental Accreditation (CODA) accredited schools among others.

House Bill 2970 B clarifies scope of practice for estheticians, clarifies qualifications for a residential care facility administrator license, and adds a dental practice ownership exception for nonprofit corporations that provide dental services to seniors and individuals who need assistance standing or walking.