

March 17, 2021

Oregon State Legislature Health Care Committee
HB2970

Dear Chairman, Prusak and Members of the Committee,

My name is Debora Masten. I am a Certified Advanced Esthetician (CAE) and an instructor. I have served as Chairman of the Oregon State Cosmetology Board and on many advisory committees over the past twenty plus years. I am also under contract as a subject matter expert on advanced procedures for the State of Oregon Cosmetology Board.

I am asking for your support for HB2970.

In 2016, when the CAE bill came before the legislature there were many emotional pleas to pass the bill. Those few estheticians were fighting for their livelihood and you listened. Today there are approximately fourteen thousand estheticians that now need you to hear them.

In 2016, it was estimated that twenty five percent of estheticians would get their CAE license. Only about three percent have done so. ORS 676.30 Defines a non-ablative procedure in the CAE law as a laser or Other device registered with the FDA. All non-ablative other devices are not advanced, and this verbiage made it prohibitive to use an FDA device for a non-CAE Esthetician. Because of a verbiage problem in the bill, it took all FDA approved devices out of esthetics scope of practice and put them all into CAE. This was clearly not the intention. The problems were very apparent during rule making. Efforts were made to fix the problem for months, but it became known that the only way to fix the scope of practice was to return and ask for your help in amending HB2642. Last session we were close to passing our bill but unfortunately, we had to begin again. The Health Licensing Agency issued a waver so estheticians could still work but our time is running out and we need to have a permanent fix. That is why we are here today. If this bill fails estheticians will face a financial hardship. These are mostly female owned businesses, many who are sole supporters for their families.

We are not altering the CAE Scope of practice. Oregon Estheticians for fair licensing has asked for council with the HLO to make sure we are aware of any possible regulatory issues. Our verbiage change is not making the public unsafe in any way. We maintain that all FDA requirements are still in administrative rule 817.010.007. Our industry is required to obey all local state and Federal regulations based on ORS 690-165, ORS 690.205. ORS 690,055 and ORS 676.615. The FDA has clear guidelines for medical device registration. There is also a provision for Certified Advanced Estheticians to make even stricter safety standards if they choose to in rule. The claim by the opposition is that there have been less laser injury complaints since the CAE board was established is a fabrication. Denying the truth does

not change the facts. I have requested public records from all the complaints filed with the Health Licensing Office as far back as 2012 for your review. There was a total of four injury complaints. In fact, the number of complaints has increased since the inception of the CAE board. The Forever Young case that was mentioned in opposition letters had many service and business complaints which is a totally separate issue but NOT laser injury complaints. People were overwhelmingly upset because they did not get the services that they paid for. I was the subject matter expert on all three of those cases. Before that there was no widespread issue with injuries or complaints, in fact an exceedingly small number of them. What HB2642 did do was quantify an educational pathway and standards for licensure for those that do want to practice advanced procedures.

The number of estheticians with their CAE license is exceptionally low. Having a separate board with the same items on the agenda is unnecessary. There would be a positive financial savings and give the CAE's better protection in case of any possible legal challenges in the future as well as create a collaboration between practices. We are in this mess because of a lack of collaboration from those that wrote HB2642, and now the estheticians are having to pay out of their own pockets to fix this error.

Most estheticians are afraid of what will happen if this bill fails. We are asking for a correction to an unintentional problem. We would like a collaborative effort and board going forward. Estheticians of Oregon need your support. Please pass HB2970 based on the facts presented.

Sincerely,

Debora Masten
Academy of Advanced Aesthetics