

March 17, 2021

Oregon State Legislature Health Care Committee HB2970

Dear Chairman Patterson 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 waiver 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. 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