



# Board of Certified Advanced Estheticians

**OREGON REVISED STATUTES**  
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**CHAPTER 676.630 – 660**  
**& 676.992**  
**2023 EDITION**



## **HEALTH LICENSING OFFICE**

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## CERTIFIED ADVANCED ESTHETICIANS

### **676.630 Definitions for ORS 676.630 to 676.660.** As used in ORS 676.630 to 676.660:

(1) “Advanced nonablative esthetics procedure” means a procedure that uses a laser, intense pulsed light or other device for nonablative procedures performed on the skin or hair, including, but not limited to, procedures performed in conjunction with one of the following modalities:

- (a) Skin rejuvenation;
- (b) Photo rejuvenation;
- (c) Body contouring;
- (d) Dyschromia reduction;
- (e) Cellulite reduction;
- (f) Hair removal or reduction; and
- (g) Nonablative tattoo removal.

(2) “Certified advanced esthetician” means a person certified to practice advanced nonablative esthetics procedures under ORS 676.630 to 676.660.

(3) “Device” has the meaning given that term by the Board of Certified Advanced Estheticians by rule, in collaboration with the Board of Cosmetology.

(4) “Esthetician” means a person certified to practice esthetics under ORS 690.005 to 690.225.

(5) “Nonablative” means involving an action performed on the skin or hair of a person that does not result in the wounding of skin or underlying tissue. [2015 c.722 §1; 2021 c.366 §7]

**676.635 Prohibition on unauthorized practice of advanced nonablative esthetics procedures or unauthorized use of title.** (1) A person may not practice advanced nonablative esthetics procedures or use a title, word or abbreviation, including the designation certified advanced esthetician, that indicates that the person is authorized to practice advanced nonablative esthetics procedures unless the person is certified by the Board of Certified Advanced Estheticians under ORS 676.640.

(2) Notwithstanding ORS 677.080, a certified advanced esthetician may practice advanced nonablative esthetics procedures.

(3) This section does not apply to:

(a) A person who is a licensed health care professional if the person’s scope of practice includes the practice of advanced nonablative esthetics procedures; or

(b) A student enrolled in an advanced nonablative esthetics education program or training program or in an advanced nonablative esthetics program that combines education and training. [2015 c.722 §2]

**676.640 Certification for practice of advanced nonablative esthetics procedures; rules.** (1) Except as provided in subsection (3) of this section, the Health Licensing Office shall issue a certificate to practice advanced nonablative esthetics procedures to an applicant who:

- (a) Is at least 18 years of age;
- (b) Is an esthetician in good standing with the Board of Cosmetology;
- (c) Successfully completes:

(A) Subject to subsection (2) of this section, an advanced nonablative esthetics education program or training program, or an advanced nonablative esthetics program that combines education and training, that is approved by the Board of Certified Advanced Estheticians; or

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- (B) A nationally recognized program that is approved by the Board of Certified Advanced Estheticians and through which individuals are certified to use lasers or other devices for purposes related to practicing advanced nonablative esthetics procedures;
- (d) Passes an examination adopted by the Board of Certified Advanced Estheticians by rule; and
  - (e) Pays the applicable fees established under ORS 676.576.
- (2) An education program described in subsection (1)(c)(A) of this section must be:
- (a) If the program is located in this state, licensed through the Higher Education Coordinating Commission; or
  - (b) If the program is not located in this state, substantially equivalent to a program licensed through the Higher Education Coordinating Commission.
- (3) The office shall issue a certificate to practice advanced nonablative esthetics procedures to an applicant who:
- (a) Is an esthetician in good standing with the Board of Cosmetology;
  - (b) Is authorized and in good standing to practice advanced nonablative esthetics procedures in a state where the requirements to practice nonablative esthetics procedures are substantially similar to the requirements to practice advanced nonablative esthetics procedures in this state; and
  - (c) Pays the applicable fee established under ORS 676.576.
- (4) The office shall issue a temporary certificate to perform advanced nonablative esthetics procedures to an applicant who:
- (a) Is an esthetician in good standing with the Board of Cosmetology;
  - (b) Meets any qualifications prescribed by the office by rule; and
  - (c) Pays the applicable fee established under ORS 676.576. [2015 c.722 §3]

**676.645 Renewal of certificate; rules.** (1) A certificate issued under ORS 676.640 (1) or (3) must be renewed annually. To renew a certificate under this section, a certified advanced esthetician must submit to the Health Licensing Office:

- (a) A renewal application;
  - (b) Proof that the certified advanced esthetician has completed any continuing education requirements established by the Board of Certified Advanced Estheticians by rule; and
  - (c) The applicable renewal fee established under ORS 676.576.
- (2) A temporary certificate issued under ORS 676.640 (4) expires as prescribed by the office by rule. [2015 c.722 §4]

**676.647 Prohibition on use of unregistered device; rules.** (1) A person may not use a device that is not registered with the United States Food and Drug Administration to perform advanced nonablative esthetics procedures.

(2) The Board of Certified Advanced Estheticians may adopt rules to carry out this section. [2021 c.366 §2]

**676.650 Board of Certified Advanced Estheticians.** (1) There is established the Board of Certified Advanced Estheticians within the Health Licensing Office, consisting of:

- (a) Nine members appointed by the Governor; and
  - (b) The section manager of the Radiation Protection Services Section of the Oregon Health Authority, or the section manager's designee.
- (2) Of the nine members appointed by the Governor:
- (a) Five must be certified advanced estheticians;
  - (b) Two must be physicians or physician assistants licensed under ORS chapter 677 or nurse practitioners licensed under ORS 678.375 to 678.390; and

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(c) Two must be public members who are residents of this state.

(3) The board member described in subsection (1)(b) of this section is a nonvoting ex officio member of the board.

(4) The term of office of each appointed member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(5) The voting members of the board shall select one of the voting members as chairperson and another voting member as vice chairperson. The board shall establish the terms of service for the chairperson and the vice chairperson and the duties and powers of the chairperson and the vice chairperson.

(6) A majority of the voting members of the board constitutes a quorum for the transaction of business.

(7) Official action by the board requires the approval of a majority of the voting members of the board.

(8) The board shall meet at a place, day and hour determined by the board. The board also may meet at other times and places specified by the call of the chairperson or of a majority of the voting members of the board. [2015 c.722 §5]

**676.655 Board powers; rules.** (1) In addition to the powers granted to the Board of Certified Advanced Estheticians by ORS 676.630 to 676.660, the board shall have the power to:

(a) Adopt rules and take actions necessary to carry out the duties of the board under ORS 676.630 to 676.660.

(b) Adopt rules establishing sanitation and safety requirements for advanced nonablative esthetics procedures.

(c) Adopt rules establishing a professional code of conduct for certified advanced estheticians.

(d) Adopt any other rule necessary to regulate certified advanced estheticians.

(e) Provide advice to the Health Licensing Office on issues related to advanced nonablative esthetics procedures.

(f) Compile information related to advanced nonablative esthetics procedures and direct the office to disseminate the information to certified advanced estheticians.

(2) In adopting rules under subsection (1)(b) of this section, the board shall adopt rules:

(a) Requiring a certified advanced esthetician to conduct all advanced nonablative esthetics procedures in a facility for which a license has been issued under ORS 690.055;

(b) Requiring a certified advanced esthetician to maintain client disclosure forms that include, at a minimum, disclosure of the existence of professional liability insurance; and

(c) Requiring a certified advanced esthetician to enter into an agreement with:

(A) A physician licensed under ORS chapter 677 or a nurse practitioner licensed under ORS 678.375 to 678.390; or

(B) A licensed health care professional who works at the same location as the certified advanced esthetician and who has the authority to prescribe drugs listed in Schedule III, IV or V.

(3) The purpose of an agreement described in subsection (2)(c) of this section is to provide a certified advanced esthetician with a licensed health care professional to whom the certified advanced esthetician may refer a client of the certified advanced esthetician. [2015 c.722 §6]

**676.660 Health Licensing Office authority to discipline persons certified to practice advanced nonablative esthetics procedures.** In the manner provided by ORS chapter 183 for

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contested cases, and after consultation with the Board of Certified Advanced Estheticians, the Health Licensing Office may impose a form of discipline described in ORS 676.612 against any person certified under ORS 676.640 for a violation of the provisions of ORS 676.630 to 676.660 or of a rule adopted under ORS 676.630 to 676.660, or for commission of a prohibited act listed in ORS 676.612. [2015 c.722 §7]

## PENALTIES

**676.992 Civil penalties.** (1) Except as provided in subsection (3) of this section, and in addition to any other penalty or remedy provided by law, the Health Licensing Office may impose a civil penalty not to exceed \$5,000 for each violation of the following statutes and any rule adopted under the following statutes:

- (a) ORS 688.701 to 688.734 (athletic training);
- (b) ORS 690.005 to 690.225 (cosmetology);
- (c) ORS 680.500 to 680.565 (denture technology);
- (d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct entry midwifery);
- (e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe piercing, dermal implanting and scarification);
- (f) ORS 694.015 to 694.170 (dealing in hearing aids);
- (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);
- (h) ORS chapter 700 (environmental sanitation);
- (i) ORS 675.365 to 675.410 (sexual abuse specific treatment);
- (j) ORS 678.710 to 678.820 (nursing home administrators and residential care facility administrators);
- (k) ORS 691.405 to 691.485 (dietitians);
- (L) ORS 676.612 (prohibited acts);
- (m) ORS 676.802 to 676.830 (applied behavior analysis);
- (n) ORS 681.700 to 681.730 (music therapy);
- (o) ORS 676.630 to 676.660 (advanced nonablative esthetics procedure);
- (p) ORS 681.740 to 681.758 (art therapy);
- (q) ORS 676.665 to 676.689 (lactation consultation);
- (r) ORS 676.730 to 676.748 (genetic counseling); and
- (s) ORS 676.750 to 676.789 (signed language interpretation).

(2) The office may take any other disciplinary action that it finds proper, including but not limited to assessment of costs of disciplinary proceedings, not to exceed \$5,000, for violation of any statute listed in subsection (1) of this section or any rule adopted under any statute listed in subsection (1) of this section.

(3) Subsection (1) of this section does not limit the amount of the civil penalty resulting from a violation of ORS 694.042.

(4) In imposing a civil penalty under this section, the office shall consider the following factors:

- (a) The immediacy and extent to which the violation threatens the public health or safety;
  - (b) Any prior violations of statutes, rules or orders;
  - (c) The history of the person incurring a penalty in taking all feasible steps to correct any violation;
- and

(d) Any other aggravating or mitigating factors.

(5) Civil penalties under this section shall be imposed as provided in ORS 183.745.

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(6) The moneys received by the office from civil penalties under this section shall be deposited in the Health Licensing Office Account and are continuously appropriated to the office for the administration and enforcement of the laws the office is charged with administering and enforcing that govern the person against whom the penalty was imposed. [2003 c.547 §4; 2005 c.648 §14; 2007 c.841 §17; 2009 c.701 §17; 2009 c.768 §31; 2011 c.346 §31; 2011 c.630 §20; 2011 c.715 §21; 2013 c.82 §5; 2013 c.314 §17; 2013 c.568 §33; 2013 c.657 §10; 2013 c.771 §17; 2015 c.632 §6; 2015 c.674 §16; 2015 c.722 §11; 2017 c.155 §13; 2017 c.421 §9; 2017 c.499 §20; 2018 c.61 §25; 2021 c.231 §14; 2023 c.414 §26; 2023 c.500 §5]

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