

MEMORANDUM

STATE OF ALASKA

To: Rick Younkins,
Acting Chief Investigator

Date: March 1, 2005

From: Rick Urion, Director 
Division of Occupational
Licensing

Re: Licensing requirements
for skin care procedures

Unless advised otherwise, the following is the division's position regarding the procedures reflected below (this memo supercedes my June 24, 2004 memorandum on this topic):

Electrolysis

Correctly administered, electrolysis results in the **permanent** loss of hair (as opposed to laser hair removal which results in the permanent reduction of hair).

Prior to 1986, the definition for esthetics (referred to then as "cosmetology") did not refer to superfluous hair removal, however, indicated "use of mechanical or electrical apparatus or appliances" was part of the scope of practice. In a 1985 memorandum, the Department of Law advised the division that the statutory definition of cosmetology was broad enough to include "electrolysis". However, in 1986, prior to the board taking a position on the matter, the definition for cosmetology was changed to include reference to "temporary removal of superfluous hair."

Staff for the Board of Barbers and Hairdressers have routinely advised individuals requesting information about licensing that electrolysis is not regulated in Alaska (other than the requirement to hold a business license). The reason that electrolysis has not been regulated by the board is because electrolysis results in "permanent" loss of hair and the scope of practice for estheticians deals only with "temporary removal of superfluous hair".

Due to the lack of specific reference of licensing requirements regarding who may practice electrolysis, it is the division's position that individuals holding a state business license can practice electrolysis.

Laser Hair Removal:

There are several types of laser devices for the removal of hair. In staff e-mail communication with the FDA, the question was asked "Are all laser hair removal systems considered "medical lasers" and as such are prescription devices available for sale only to licensed practitioners?" The FDA's response was "Yes all are prescription medical lasers sold only to licensed practitioners, which are under the jurisdiction of each individual state licensing board."

It is my understanding that there are high power or "hot" lasers and low power or "cold" lasers. Hot Lasers: Staff have read that hot lasers cause thermal changes and destroy tissues and should only be used by professionals in the medical field. Cold Lasers: Apparently, cold lasers are not capable of inducing thermal changes in the tissue, and when properly used, they apply a simulative effect rather than a destructive one.

I am aware that in recent years, the division investigated a medical case where at least three patients were burned while performing laser hair removal with hot lasers. Additionally, I understand it is the opinion of the State Medical Board that only physicians or mid-level practitioners (Physician Assistants or Advanced Nurse Practitioners) may perform (hot) laser hair removal.

According to the FDA, laser hair removal results in the “permanent reduction” of hair and manufacturers may not claim that laser hair removal is either painless or permanent unless the FDA determines that there are sufficient data to demonstrate such results. To date, we are unaware of any FDA ruling allowing the claim of “permanent hair removal”.

Botox

The State Medical Board declined to render an opinion on who can inject Botox. The Board of Barbers and Hairdressers stated that estheticians may not inject Botox or perform a procedure that results in an injection below the dermal layer.

Again, due to the potential for harm to consumers, is the division’s position that only physicians or individuals under their supervision may inject botox.

Dermabrasion/Microdermabrasion

The State Medical Board confirmed that estheticians should not use equipment that would, for example, remove skin tags or in any way result in the practice of medicine. Estheticians may perform dermabrasion and microdermabrasion that does not go below the dermal layer.

The following is a synopsis of licensing requirements:

Physicians or individuals under their supervision (potentially non-licensees) may perform:

Laser Hair Removal
Botox Injections
Dermabrasion
Chemical Peels

Estheticians licensed under the Board of Barbers and Hairdressers may perform:

Microdermabrasion
Dermabrasion not below the dermal layer
Chemical Peels not below the dermal layer
Laser Hair Removal (cold)

Electrolysis

Not regulated (other than a business license)

cc: State Medical Board
Board of Barbers and Hairdressers
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Judy Weske, Licensing Supervisor
Leslie Gallant, Executive Administrator
Cindy Evans, Licensing Examiner
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