



## State of Idaho

### Division Of Occupational and Professional Licenses Idaho Barber and Cosmetology Services Licensing Board

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## **PRACTICE OF ESTHETICS & USE OF MEDICAL DEVICES BOARD GUIDANCE**

### **Use of Medical Devices in the Practice of Esthetics**

- The practice of esthetics is limited to noninvasive skincare treatments.
- A noninvasive procedure or device:
  - Penetrates no deeper than 0.3 mm, affecting only the nonliving stratum corneum.
  - Does not cause permanent structural or functional changes to living tissue.
  - Is intended solely for cosmetic enhancement without therapeutic claims.
- Any procedure exceeding these guidelines, by delving into living tissue, causing durable structural changes, or making medical claims, would be deemed invasive and outside an Idaho esthetician's lawful scope of practice.
- Esthetician may use noninvasive Class I and Class II medical devices designed for skincare, although use of Class II devices require supervision.

### **Supervision Requirements for Use of Class II Devices**

- Estheticians using Class II devices must be supervised by an authorized healthcare practitioner, which includes licensed chiropractors, dentists, medical doctors, advance practice registered nurses, and podiatrists.
- Supervisors must be "authorized" and qualified to operate the Class II device, and the device should fall within their scope of practice.
- The supervisor must be onsite or readily available to provide immediate assistance or intervention when necessary.

### **Services Outside the Scope of Esthetician's License (e.g., Medical Treatments)**

- The Board retains jurisdiction over estheticians who provide medical treatments or other non-esthetic services when they (1) engage in the practices of esthetics; or (2) they hold themselves out as an esthetician or imply that they are authorized to perform procedures based on their esthetician license.
- Estheticians who do not hold themselves out as estheticians either explicitly or implicitly are generally exempt from the Board's jurisdiction. The Board does not have jurisdiction

over estheticians performing non-esthetic services when they clearly disclaim that the service is not provided under their esthetics license. For example, if an esthetician (1) works solely as a medical assistant outside of a licensed establishment, or (2) provides a distinct service with documented informed consent expressly stating that the service is not performed under the esthetician's license.

## **Informed Consent**

- A proper informed consent process should include, at a minimum:
  - Clear Disclosure: Unambiguously disclose that the service is non-esthetic in nature and is performed outside the Board's regulation or the esthetician's license.
  - Documentation: Obtain the client's written acknowledgement that the service falls outside the licensed scope of esthetics.
  - Avoid Misrepresentation: Ensure no advertising, written materials, or verbal statements imply the service is covered by the esthetics license.
  - Disclaimers should be prominent and communicated before the commencement of the service.
- The esthetician must take steps to remove any implication that the non-esthetic service is being rendered under the Board's regulatory authority.
- The non-esthetic service may be otherwise regulated, and the esthetician should take deliberate steps to ensure compliance with those legal and regulatory requirements.

## **False or Deceptive Statements, Use of Title**

- The Board may discipline estheticians for advertising that includes knowingly false or deceptive statements.
- Estheticians may not use titles such as "medical esthetician." These titles are likely to mislead or deceive consumers into believe that the esthetician has medical training, Board-sanctioned credentials, or authorization to perform medical procedures.
- Estheticians working outside of a cosmetology establishment under the supervision of a licensed healthcare practitioner must not represent themselves as estheticians when performing procedures beyond their licensed scope.