

To: Oregon State Representatives, Senators and Regulators:

Please see attached HB2642 I ask for your consideration in this very important matter. Our Oregon Representatives Ms. Hoyle and Ms. Doherty are supporting this bill which allows 16,000+ Estheticians to perform advanced dangerous medical procedures in the State of Oregon. This bill would be in direct conflict with the Oregon Medical Board, the FDA, the statutory description of what constitutes medical practice and lastly the Corporate Practice of Medicine in the state of Oregon. The bill has no provision for providing malpractice insurance, bonding to protect the consumer from fraud or for medical oversight. The state of Washington requires a physician to prescribe the treatments and to be responsible for overseeing the treatments and available for the treatment of complications. The state of California only allows nurses and physicians to perform these treatments. For over 10 years Oregon has failed to regulate this industry and failed to prosecute those who are breaking the current laws. Please refer to the website created to educate the consumers of Oregon www.illegalmespa.com We have seen hundreds of injured and defrauded patients over the years not knowing where to go and what to do. We have hundreds of tanning salons, nail salons, hair salons, and various shops performing medical procedures some without even a business license. Just recently, as many of you know the Oregon Attorney General finally closed down Forever Young Club Tan and they have over 1000 Oregon consumer complaints. Thus far none of these consumers have been reimbursed. I understand that the state of Oregon is all about creating jobs but I would assume that the priority should be protecting Oregon consumers.

When the general public sees a medical advertisement via TV, paper, website, or flyer it's assumed that the Medical Board regulates these places. This is not the case. The Medical Board only regulates licensed physicians in the state of Oregon. Now the OHA (Oregon Health and Licensing Agency) has added to the state website that if they should receive a complaint about an Esthetician performing a medical procedure they will forward the complaint to the Oregon Medical Board. No other state agency seems willing to take ownership of this issue. So essentially no one will proceed against an Esthetician or even a lay person who decides to set up shop in a local mall, purchase a laser and advertise on Groupon or Living Social to treat any number of medical conditions including acne, rosacea and varicose veins. After identifying over 50 centers in a 5 mile radius of our clinic advertising to treat medical conditions and informing the OHA they decided to forward the complaints to the Medical Board (a known bureaucratic blind alley.) Unfortunately this has been the case for the past 10 years and creating a new board overseen by the same state agency that currently refuses to discipline it's licensees for practicing medicine and breaking the current laws is just another way of papering over the problem. The OHA has incrementally expanded Estheticians scope of practice over the past in spite of its own rules barring the use of mechanical devices which may harm or damage the skin. In point of fact all of these devices can and do harm and damage the skin.

Furthermore the current proposal clearly confuses ablative and nonablative treatments. Skin resurfacing, laser peels, laser vaporization, lasabrasion, tattoo removal and skin needling are all ablative procedures. These procedures frequently require pain medications, antibiotics and antiviral agents before the treatment. Would you now have the Estheticians prescribe these as well? 7% of ablative laser patients will suffer postoperative infections. Who treats those? These treatments which can break the skin can expose both patient and operator to Aids and Hepatitis. Will you require Hepatitis and TB shots for providers? Not to mention vein reduction, pigment lentigo reduction and acne reduction which are clearly medical treatments. Differentiating melasma from sundamage from cancer seems like an impossible stretch for an Esthetician. Some of these procedures our office and most Dermatologists would not perform due to potential for scarring and increased or decreased pigmentation. We know of Plastic Surgeons who have discontinued Laser Resurfacing due to the complications. Even our office using only nonablative devices have experienced patients with burns, scarring, infections, necrosis and significant pigmentation issues and lawsuits with experienced physician oversight. If you really believe that 5 Estheticians appointed by the director of the OHA will exercise any control over this industry based on past performance then I believe you have a formula for disaster. Recently in the news OHA has had issues regulating multiple nail salons using nonsterile techniques causing Oregon consumers infections such as MRSA, a lost fingertip, and even a leg amputation because of unsanitary practices and facility environment. [Here is the most recent news story as of January 27, 2015](#). Do you really believe that the OHA and the Board of Cosmetology should be regulating the practice of medicine if they are having these problems regulating nail salons? In this instance and many others the OHA seems more interested in levying fines than in closing down dangerous practices.

If you ultimately allow Estheticians to practice medicine then why not add a Dermatologist, Plastic Surgeon and Laser Physician to the Board? These are medical devices and medical procedures and if you had the chance to see what we see you would not allow this to happen in Oregon. We have done everything possible to alert, educate, sit on boards, meet with the state, it's really in your hands. We have spent thousands of dollars on attorney firms for them to tell us yes, these people are practicing medicine illegally but the state has the discretion to look the other way. You've been looking the other way for many years and it's been at the expense of Oregon consumers. I appreciate your time and it's apparent that I'm passionate about protecting the consumers of Oregon. Some of you may think this is about money because of the services that we offer but let me assure you our laser business is

gone. At one point in time I had 15 medical assistants performing laser procedures under a physician's oversight. Now I have two that I can't keep busy because anyone can advertise through Groupon or Living Social a series of laser procedures at \$99 and have thousands of patients purchase it in one day. If this is a way of creating jobs in Oregon you should really think about the Oregon consumers who pay for the Groupon and the Esthetician shuts down and takes the cash then reopens under another name. This is not about creating jobs this is about protecting Oregon consumers from being injured.

Now is the time to protect your constituents from fraudulent and dangerous practices. Catastrophic cases caused changes in the laws of California, Washington, Idaho and many other states. The California patient was burned so severely she was rendered infertile, the Washington patient died and the Idaho patient was blinded. This bill opens the door further for your state to have a similar experience. You need legitimate physician oversight on the New Board and in the practices. Those Estheticians who are already voluntarily practicing legitimately will confirm that for you. If you are treating a "disease" a physician should "see" it "diagnose" it and "prescribe" the treatment. You also need malpractice, bonding, and stringent qualifications. Competency testing like all other Medical Providers should be mandatory. And finally allowing shady corporate entities to employ Estheticians has already yielded disastrous results. These entities should be owned and operated by licensed physicians only. Thank you for your time and support in protection Oregon consumers.

Sincerely,
Melissa Neubert
Aesthetic Medicine
4800 Meadows #100
Lake Oswego, OR 97035
Clinic 503-697-9777