

March 16, 2021

Rep. Rachel Prusak, Chair of House Health Care Committee
Reps. Cedric Hayden & Andrea Salinas, Vice Chairs
Members of the House Health Care Committee

Representatives,

HB2970 in its current form is dangerous for Oregon consumers, but there is a solution.. While claiming to fix an issue with Estheticians using some devices, its fix is to erase necessary FDA protections and OSHA-ANSI standards for laser operators, and place oversight of devices out of the hands of the qualified Board of Certified Advanced Estheticians and into the Board of Cosmetology! So essentially a Board filled with Nail Technicians and Hair Dressers are now tasked to create rules for FDA approved medical devices! We are not talking about simple devices available “over the counter” or you can buy through Amazon, but Advanced Medical Equipment that can range in price of up to the hundreds of thousands of dollars just for one device! Certified Advanced Estheticians use these devices, only after hundreds of hours of training and education, in MedSpa’s under Doctor collaboration for body sculpting, skin rejuvenation, wrinkle reduction as well as Laser Hair Removal.

All of the current laws were approved by this committee in 2014 for consumer safety and have protected Oregonians. Oregon went from having hundreds of complaints per year for things like burns and scarring related to these devices to around one complaint last year! This is thanks to you for approving these laws in 2014!

It is unfortunate that the current law is limiting a few devices for Estheticians, but there is a way to fix this without moving all the rules for Medical Devices to a lesser board that honestly doesn’t have the knowledge base to create or ability to enforce these rules. If anything the responsibility to create and enforce rules for Advanced Estheticians and their medical devices should be moved to the Board of Radiology, which has the necessary specialized knowledge and a track record of safety around use and calibration of FDA approved laser and impulse light devices.

FDA approval is necessary. You cannot go around OSHA rules which require ANSI standards. ANSI standards require medical devices to be FDA approved. So this bill clearly defies existing public safety laws. Oregon does not need a bunch of equipment purchased from China on Allibaba.com being used on Oregon consumers because it’s not safe or OSHA/ANSI-compliant!

In conclusion, I think now you can understand why it would be irresponsible to move this Bill or the -1 or -6 amendment forward as written. There is a path to fix the problem Estheticians are having, but it’s not this Bill. HB2970 in its current state is dangerous for Oregonians.

Sincerely,

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