



AMERICAN SOCIETY OF  
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FOUNDATION™



October 1, 2019

Ms. Karen G. Wilson  
Healthcare Quality and Safety Branch  
Connecticut Department of Public Health  
410 Capitol Avenue, MS #12HSR  
P.O. Box 340308  
Hartford, CT 06134

**RE: Education Tree of Cosmetology LLC's Esthetician Scope of Practice Request**

Dear Ms. Wilson:

On behalf of the Connecticut Society of Plastic Surgeons (CSPS) and the American Society of Plastic Surgeons (ASPS), we are writing in opposition to the Education Tree of Cosmetology LLC's scope of practice request for estheticians in Connecticut. The Connecticut Society of Plastic Surgeons is the largest association of plastic surgeons in the state and, in conjunction with our national affiliate, ASPS, we represent 94 board-certified plastic surgeons in Connecticut. Our mission is to advance quality care for plastic surgery patients and promote public policy that protects patient safety.

Per your request, below please find responses to your specified questions regarding the impact of the esthetician scope of practice expansion request:

**1) A plain language description of the request:**

The Education Tree of Cosmetology LLC made the following scope of practice request: "After the necessary 600 hours of training, via a DPH approved facility and/or other accepted qualifications, and obtaining a license to be considered an esthetician in Connecticut the following is requested to be the Scope of Practice for Estheticians: Esthetic services are skin care treatments, including, but not limited to, cleansing, toning, stimulating, and exfoliating (including chemical peels of 30% with a pH of 3 or more) on the face, neck, hands and also includes performing any similar procedure on the human body. Esthetic procedures employ cosmetic preparations via hands, devices, apparatus or appliances to enhance or improve the appearance of the skin. This includes esthetician grade equipment and electrical or mechanical devices which include but are not limited to: LEDs (Light Emitting Diodes), Ultrasonic/Ultrasound, High Frequency, Radio Frequency, Microcurrent, Galvanic, and Diamond or Crystal Microdermabrasion. Further, the esthetic services also include: makeup application, tinting and beautifying lashes and brows, including strip lashes, removal of unwanted hair on the face and body using manual and mechanical means; excludes the use of prescriptive laser devices, the performance of a cosmetic medical procedure, as defined in section 19a-903c of the general statutes or any practice, activity or treatment that constitutes the practice of medicine and covered under another State Statute before June 2019 passage of Bill 7424."

ASPS and CSPA support the licensure of estheticians, however, we do not believe estheticians should be permitted to perform significant procedures, such as the administration of certain chemical peels and the use of lasers and energy-based devices for skin resurfacing. There are substantial potential adverse effects of those procedures, and they should only be independently performed by physicians and the licensed medical professionals currently listed under [CT Gen Stat § 19a-903c \(2014\)](#). Estheticians have no medical education and training, and the scope of practice request would only require them to complete 600 hours of training, by a fellow esthetician. These are energy-based devices and applications, and they require an understanding of physiology that estheticians simply do not have and thus simply cannot convey in that – or any – amount of time.

We encourage the Department to deny this request. It will preserve patient safety in the state.

**2) Public health and safety benefits that the requestor believes will occur if the request is implemented and, if applicable, a description of any harm to public health and safety if it is not implemented;**

We believe that the proposed scope of practice request will undermine patient safety in the state and could lead to negative health outcomes. Unlike physicians, nurses, physician assistants and other medical professionals, estheticians have no medical training. The proposed scope of practice request, only requires that estheticians hold a high school diploma and complete 600 hours of practical training and experience. This training is not even required to be performed under the supervision of a medical professional and instead can be supervised by another esthetician who has been licensed by the state. It is completely inappropriate for an individual with such limited training and no medical experience to independently perform any procedure that can harm someone.

Of greatest concern in the request are chemical peels of 30% with a pH of 3 or more, laser medical procedures and light-emitting diodes (LEDs). While chemical peels and energy-based devices are extremely safe and effective when used by medical professionals with appropriate training and oversight, they can cause painful burns and permanent scarring in the wrong hands. Even when used per the manufacturer's recommended guidelines, they can cause profound skin injury. For instance, despite only one-third of laser hair removal procedures being performed by non-physicians (including nurses, nurse practitioners, estheticians, or "technicians"), they accounted for 76% of injury lawsuits from 2002-2012. This number jumped to 85.7% of lawsuits filed between 2008-2012, with 64% of treatments performed outside of a traditional medical setting. Also, we believe that "Ultrasonic/Ultrasound, High Frequency, Radio Frequency" should be further defined in the scope of practice request. Both ultratherapy and radiofrequency treatments can reach subcutaneous targets and like laser devices can cause complications such as thermal burns and scarring. We don't believe that unsupervised estheticians should have the authority to independently perform these procedures because they do not have the medical education and training to treat these complications.

Therefore – for patient safety and quality outcomes – it is critical that all medium chemical peels, energy-based and laser treatments are performed either by physicians or by licensed medical professionals under physician supervision. Under no circumstances do we believe that estheticians should be performing deep chemical peels

**3) The impact that the requestor believes the request will have on the profession's ability to obtain or expand third party reimbursement for the services provided by the profession;**

ASPS and CSPA believe that this scope of practice request will have a limited impact on third party reimbursement since cosmetic medical procedures are traditionally not covered by insurance carriers.

**4) The impact of the request on public access to health care;**

This scope of practice request will not increase public access to health care. These are cosmetic procedure for which there is no deficiency in access. Even if access were an issue, and even if this request resulted in such increase, it would do so at the cost of patient safety. Note, that the requesting organization did not demonstrate a need for this scope expansion through any data validating limited patient access to the practices the expansion includes.

**5) A brief summary of state or federal laws governing the profession;**

According to Connecticut General Statute Title 19a-903c, only a physician, physician assistant, or advanced practice registered nurse can perform a cosmetic medical procedure. Under this current statute a cosmetic medical procedure is defined as “ any procedure performed on a person that is directed at improving the person’s appearance and that does not meaningfully promote the proper function of the body or prevent or treat illness or disease and may include, but is not limited to, cosmetic surgery, hair transplants, cosmetic injections, cosmetic soft tissue fillers, dermaplaning, dermastamping, dermarolling, dermabrasion that removes cells beyond the stratum corneum, chemical peels using modification solutions that exceed thirty per cent concentration with a pH value of lower than 3.0, laser hair removal, laser skin resurfacing, laser treatment of leg veins, sclerotherapy and other laser procedures, intense pulsed light, injection of cosmetic filling agents and neurotoxins and the use of class II medical devices designed to induce deep skin tissue alteration.”

**6) The state’s current regulatory oversight of the profession;**

Currently, estheticians in Connecticut are not licensed and there are no specific training requirements for the profession. However, the Connecticut Department of Health is responsible for regulating the businesses and Medical spas that many of these estheticians work at.

**7) All current education, training, and examination requirements and any relevant certification requirements application to the profession;**

As noted, there is currently no law mandating the licensure of estheticians. During the 2019 legislative session, the Assembly considered H.B. 6742, which would rectify that. We support establishing licensing standards for estheticians to ensure that these professionals have completed practical training and meet a set of professional standards established by the state. However, as we commented on during the legislative process, we believe that any scope of practice expansion or licensure of estheticians needs to ensure that they are prohibited from performing all cosmetic medical procedures. As this current request demonstrates, there are cosmetic procedures that meet or exceed the level of intensity and risk of what’s defined as “medical” under state statute. The Department should be mindful of this as it considers the current and future expansion requests.

**8) A summary of known scope of practice changes requested or enacted concerning the profession in the five years preceding the request;**

Over the past five years there have been no requested or enacted scope of practice requests made by estheticians with the Connecticut Department of Health.

**9) The extent to which the request directly affects existing relationships within the health care delivery system;**

ASPS and CSPA believe that giving estheticians the authority to independently perform chemical peels and use light-based technologies would undermine the existing norm of physician-led, team-based health care delivery. It is imperative that there is a lead physician supervising the administration of these procedures. The lead physician plays a critical role in determining whether the patient is a

candidate for medical services, identifying potential complications before they arise, and triaging complications that may occur.

**10) The anticipated economic impact of the request on the health care delivery system;**

It is our belief that the Department should always value patient safety over economic considerations when evaluating medical scope of practice proposals. However, it is important to note that the Education Tree of Cosmetology LLC in their original scope of practice request noted that “there is no measurable application to determine if this will have [an] economic affect.” Given that the requesting organization is unable to demonstrate that this scope of practice request will help drive jobs or revenue for the state, we strongly encourage the Department to weigh the issue of patient safety above all else when considering this request.

**11) Regional and national trends in licensing of the health profession making the request and a summary of relevant scope of practice provisions enacted in other states;**

Many states across the U.S. require the licensure of estheticians and further ensure that there are laws and statues in place to protect patients from non-medical professionals performing surgical procedures. Below are three examples of esthetician scope of practice regulations from Northeastern states neighboring Connecticut.

New Jersey regulates skin care specialists by authorizing them to only perform the following: “applying cosmetic preparations, antiseptics, tonics, creams or makeup to the scalp, face or neck; massaging, cleansing or stimulating the face, neck, or upper chest and upper back, with or without cosmetic preparations, either by hand, mechanical, or electrical appliances; and removing superfluous hair from the face, neck, arm, legs or abdomen by the use of depilatories, waxing, or tweezers, but not by the use of electrolysis.”

In Vermont, esthetician scope of practice includes “massaging, cleanings, stimulating, manipulating, beautifying or otherwise working on the scalp, face, or neck, by using cosmetic preparations, antiseptics, tonics, lotions, or creams.”

Maine’s scope of practice for estheticians involves the following practices, “beautifying, massaging, cleansing, stimulating, toning, or exercising the skin of the human body by the use of cosmetic preparations, tonics, lotions, creams, antiseptics or clays or any device, electrical or otherwise, for the care of the skin; applying makeup or eyelashes to any person; or trimming or tinting eyebrows and eyelashes.”

**12) Identification of any health care professions that can reasonably be anticipated to be directly affected by the request, the nature of the impact, and efforts made by the requestor to discuss it with such health care professions;**

In their scope request, the estheticians discuss how the scope of practice request will directly impact their profession and not other medical professions. As physicians, we have concerns with allowing non-medical professionals to independently perform procedures for which there are potential complications those professionals are not trained to treat. When complications do arise and require diagnosis and treatment, they come to us. If the provider is not trained to treat the known complications of the procedure, then we do not believe they should be permitted to perform the procedure.

As for efforts made by Education Tree of Cosmetology to discuss it with other professions, we were certainly not engaged, and the requestor also failed to document any outreach or discussions in their application.

**13) A description of how the request relates to the health care profession's ability to practice to the full extent of the profession's education and training;**

It is our firm belief that 600 hours of training does not properly prepare an esthetician for complications that could arise from many of the procedures included in the request, chiefly chemical peels and use of lasers or energy-based devices. Simply put, this request puts estheticians squarely *past* the full extent of their education and training.

Thank you for your commitment to improving patient safety in Connecticut. For the reasons listed above, we urge you to reject the Education Tree of Cosmetology, LLC's scope of practice request and ensure that only medical professionals can perform significant cosmetic procedures in Connecticut. Please do not hesitate to contact Patrick Hermes (ASPS) at [pghermes@plasticsurgery.org](mailto:pghermes@plasticsurgery.org) or Lisa Winkler (CSPS) at [lisa@grassrootsct.com](mailto:lisa@grassrootsct.com) with any questions or concerns.

Sincerely,



Lynn Jeffers, MD, MBA, FACS  
President, American Society of Plastic Surgeons



Thomas Sena, MD  
President, Connecticut Society of Plastic Surgeons

CC: Ms. Jo Ann Benoit  
Education Tree of Cosmetology, LLC  
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