

Industry Bulletin – Fibroblast

Fibroblast or Plasma Skin Tightening devices are used to treat skin conditions such as loose skin, moles, skin tags, stretch marks, and sunspots. These devices use an electrical arc which may result in swelling and/or brown marks that have the appearance of minor scabbing. Treating such conditions is not within the scope of practice for any of the Board's licensees.

The Barbering and Cosmetology Act (Act) defines the scope of practice of cosmetology and its specialty branch of skin care. (California Business and Professions Code, section 7316 (b) and (c).) A person licensed as a cosmetologist or esthetician is required to limit their practice and services rendered to the public to only those areas for which they are licensed. (California Business and Professions Code, section 7317.)

If a machine or device produces any of the following, you are working out of your scope of practice:

- Bleeding
- Bruising
- Edema
- Inflammation
- Oozing
- Excoriation
- Scabbing
- Removal of skin below the epidermis
- Piercing of skin
- Heating or burning of the skin

Please review the legal excerpts below from California Business and Professions Code (BPC) sections 2052 and 7320.

Legal Excerpts

BPC § 2052

ARTICLE 3. License Required and Exemptions [2050 - 2079]

(Article 3 added by Stats. 1980, Ch. 1313, Sec. 2.)

2052.

(a) Notwithstanding Section 146, any person who practices or attempts to practice, or who advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in this chapter or without being authorized to perform the act pursuant to a certificate obtained in accordance with some other provision of law is guilty of a public offense, punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section 1170

of the Penal Code, by imprisonment in a county jail not exceeding one year, or by both the fine and either imprisonment.

(b) Any person who conspires with or aids or abets another to commit any act described in subdivision (a) is guilty of a public offense, subject to the punishment described in that subdivision.

(c) The remedy provided in this section shall not preclude any other remedy provided by law.

(Amended by Stats. 2011, Ch. 15, Sec. 11. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

BPC § 7320

This chapter confers no authority to practice medicine or surgery.

(Repealed and added by Stats. 1990, Ch. 1672, Sec. 3. Operative July 1, 1992, by Sec. 10 of Ch. 1672.)

The Board does not approve or regulate the sale of skin care machines or devices. The Board does not have regulatory authority over the manufacturing and/or selling of machines or devices. It is the licensee's responsibility to know if they can use the purchased machine within their respective scope of practice.

If you need further statutory clarification, please consult with your personal legal counsel.