

Stylist article – May 2019 - **Buyer Beware**

You've seen them online, at trade shows and in countless catalogues: every year, thousands of skin care machines and devices are manufactured and brought into the United States for sale to beauty professionals. But as a licensee of the Board of Barbering and Cosmetology, you should be wary. These machines may or may not have gone through proper testing and/or FDA approvals, and, depending on the service they perform and how they are used, could cause you to work outside your scope of practice as a cosmetologist or esthetician.

Unfortunately, the Board does not have regulatory authority over the manufacturing and/or sale of machines and devices. It is the licensee's responsibility to know if they can use a particular machine or device within his or her scope of practice.

Business and Professions (B&P) Code sections 7316 (b) and (c) define the scope of practice for cosmetology and its specialty branch, skin care. Licensed cosmetologists and estheticians are required to limit their practice and services to those areas for which they are licensed (B&P Section 7317). Moreover, Board licensees are specifically prohibited from practicing medicine or surgery (B&P Section 7320) or performing invasive procedures which result in the removal, destruction, incision, or piercing of a client's skin beyond the epidermis, or applying electricity which visibly contracts the muscle (California Code of Regulations Section 991).

If you're using any machine or device that causes such things as bleeding, bruising, swelling, or inflammation, you are working outside your scope of practice, regardless of the claims of the manufacturer.

Some things to consider before purchasing a new machine:

- Is the machine registered with the FDA and compliant with FDA requirements?
- Make sure you know the machine's intended use, what the manufacturer claims it does, and the machine's FDA classification (select FDA class 2 devices and all Class 3 devices, for example, are out of scope for our licensees).
- Does the machine have any safety certifications? Does it carry the UL, CSA or CE listed mark on the device and power cord?
- Does the manufacturer maintain liability insurance on the machine?
- Have you been provided with instructions on how to properly clean/disinfect the machine?
- Are there any associated contraindications associated with the use of the machine?

If you are unsure of the answers to these questions, ask the manufacturer prior to purchasing the machine.

For a more complete discussion of skin care devices and other products, and how to determine if their use falls within your scope of practice, read the Board's bulletin on the subject at http://barbercosmo.ca.gov/forms_pubs/publications/skin_device.shtml.