

ASCP/AHP Opposes Proposed Colorado Rule Amendment

Associated Skin Care Professionals (ASCP) and Associated Hair Professionals (AHP) are concerned about the scope of practice terminology in the proposed amendment to Colorado's existing rule.

A reduced scope of practice will be in effect if the proposed amendment is implemented. The proposed changes include the term "penetration of the stratum corneum." This would prevent licensed professional estheticians and cosmetologists from providing treatments that are currently within their scope of practice. This can be interpreted as limiting individual practice and moving many standard treatments into review of the medical board, unfairly affecting small business growth and reducing the income earning potential of licensed professionals. Public safety is a foremost concern, and it is adequately addressed by current and proposed disinfection standards, core training curriculum, and liability insurance guidelines. Liability claims for this portion of the profession are historically low.

Proposed compromise: Specify that estheticians and cosmetologists are prohibited from the use of a product, device, machine or other technique, or combination of the same, which "penetrates, destroys or alters the client's skin beyond the epidermis."

A reduced scope of practice will also be in effect for certain modalities if the proposed amendment is implemented. The proposed changes will prohibit standard professional equipment and techniques, and do not reflect current scientific and regulatory guidelines. This would create an undue economic burden on licensed professionals and limit their liability insurance coverage. Public safety issues in this case are already adequately addressed by the increased requirement of additional training, as well as the professional standards currently required by insurance providers and associations. **Proposed compromise: 1. Remove "retinoids" and specify "only cosmetic products and/or chemical substances that do not result in structural alteration or destruction of skin below the epidermis." 5. "Any device or machine listed as FDA class II, III, IV ablative and fractional ablative medical devices or lasers." 6. Could read "devices and machines classified as FDA class I, or exempt, are to be used in accordance with the manufacturer intended use."**

As associations that include professional liability insurance as a member benefit, ASCP and AHP can attest to the fact that both professions have the potential to harm a client if the practitioner does not have core competency in certain areas. In order for a member to receive liability coverage, they must have proof of additional training in that modality, be licensed by the state they are practicing in, and adhere to that state's scope of practice. With more than 12,000 members nationwide, we can affirm that licensed professionals have low incidence of liability claims under the current scope of practice guidelines.

We respectfully ask that a compromise be made in the terminology of the rules, or delay a decision until all parties affected by the changes can provide additional facts and opinion.

Susanne Schmaling

ASCP Director of Education

