

On August 24, 2020, the North Carolina Board of Cosmetic Art Examiners (the “Board”) issued a declaratory ruling holding that the practice of dermaplaning was not within the scope of practice for cosmetologists or estheticians as set forth in Chapter 88B of the North Carolina General Statutes.

After further consideration, on July 25, 2022, the Board decided to prospectively change its prior declaratory ruling of August 24, 2020 pursuant to N. C. Gen. Stat. §150B-4(a). Accordingly, effective as of July 25, 2022, the Board has determined that because the intention of the services of both dermaplaning and micro-needling are the stimulation of the skin, these modalities of services fall within the scope of practice for both estheticians and cosmetologists.

Additionally, effective as of July 25, 2022, the Board has determined, as discussed further in this guidance document, to allow FDA-approved devices to be used for dermaplaning and micro-needling as long as the intent of the service falls within the licensee’s scope of practice. As with all cosmetic art services, licensees must ensure they are fully trained prior to performing these services in order to protect the safety of the consumer.

GUIDANCE

N. C. Gen. Stat. §88B-2(11a) defines “esthetics” as follows:

Esthetics. - Refers to any of the following practices: giving facials; applying makeup; performing skin care; removing superfluous hair from the body of a person by use of creams, tweezers, or waxing; applying eyelashes to a person, including the application of eyelash extensions, brow or lash color; beautifying the face, neck, arms, or upper part of the human body by use of cosmetic preparations, antiseptics, tonics, lotions, or creams; surface manipulation in relation to skin care; or cleaning or stimulating the face, neck, ears, arms, hands, bust, torso, legs, or feet of a person by means of hands, devices, apparatus, or appliances along with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

The practice of “esthetics” commonly includes but is not limited to:

- (1) Superficial exfoliation treatments on the epidermis (outer layer of skin) using products or devices used in accordance with manufacturer’s written instructions.
- (2) Superfluous hair removal on the human body by use of depilatories, tweezers, waxing.
- (3) Use of esthetic devices, that are intended to be used for cosmetic skin care purposes and improving the appearance of the skin.

- (4) Make up application on the face and beautifying lashes and brows with the use of products used in accordance with manufacturer's written instructions.
- (5) Body treatments, that are intended to be performed for beautifying the skin with the use of cosmetic preparations or devices.

Examples of services that fall within the scope of practice for an esthetician as outlined in N. C. Gen. Stat. §88B-2(11a) and (1) through (5) above are as follows:

- (1) Exfoliation treatments using products used in accordance with manufacturer's written instructions. Defined as:
 - (a) Manual scrubs including mechanical brush use.
 - (b) Superficial and light chemical exfoliation including but not limited to; alpha hydroxy acids, beta hydroxy acids, modified Jessner solutions, trichloroacetic acid less than 20%.
 - (c) Vitamin based acids.
 - (d) Any combination of cosmetic preparations intended for light and superficial exfoliation results and used in accordance with manufacturer instructions.
 - (e) Enzymes and/or herbal exfoliators.
- (2) Use of esthetic devices or any combination of devices that are intended to be used for improving the appearance of the skin. Esthetic devices allowed must be FDA approved, if FDA approval is required for the classification of the device, be operated within manufacturer written guidelines and FDA registered if required under 201(h) of the Federal Food Drug & Cosmetic (FD&C) Act. Including but not limited to:
 - (a) Low Level radio frequency device
 - (b) Galvanic current
 - (c) High frequency
 - (d) Mechanical brushes
 - (e) Vacuum spray device
 - (f) Steamers
 - (g) Microcurrent devices
 - (h) Microdermabrasion devices
 - (i) Dermaplaning
 - (j) Microneedling device not deeper than 1 mm
 - (k) Magnifying lamp, woods lamp
- (3) Make up application on the face and beautifying lashes and brows with the use of products used in accordance with manufacturer's written instructions. Including but not limited to:
 - (a) Artificial lashes
 - (b) Lash and brow tint
 - (c) Lash lift and brow lamination

- (4) Body treatments which use water, appliances, devices, cosmetic preparations intended to improve the appearance of the skin. Including not limited to:
 - (a) Body scrubs, manually applied with hands or brushes
 - (b) Body wraps using muds, aromatherapy, creams or other specifically designated cosmetic product
 - (c) Dry brushing

- (5) Extraction techniques including but not limited to:
 - (a) Use of a metal extractor tool
 - (b) Use of a disposable lancet

“Esthetics” shall not include any practice, activity, or treatment that constitutes the practice of medicine.

Licensed cosmetologists and estheticians are prohibited from using a product, device, machine or technique or any combination of the same, which penetrates the client's skin beyond the epidermis.

Licensed cosmetologists and estheticians are prohibited from diagnosing injury, illness or disease.

Use of devices that fall within FDA classifications 3, 3A, 3B, 4 or any Radiation Emitting Devices designation are NOT within the scope of practice.

Licensed cosmetologists and/or estheticians cannot state or refer to their licensure or practice as “Medical” or “Master”. Such claims are untruthful and a violation of Board regulations that provide that individuals may not “[M]ake any statement to a member of the public either verbally or in writing, stating or implying the licensee or student has completed training, licensure or certification that the licensee/student does not hold or has not completed or not recognized by the Board or NC General Statutes” and further provide that “[a] violation of this prohibition is considered practicing or attempting to practice by fraudulent misrepresentation” under N. C. Gen. Stat. §88B-24.

Licensed cosmetologists and estheticians must ensure that they maintain equipment, follow disinfection requirements and perform services in compliance with the Board’s Infection Control administrative rules in 21 NCAC 14H.