

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES

# GUIDANCE DOCUMENT

“This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Nebraska Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.”

Pursuant to  
Neb. Rev. Stat. § 84-901.03

## Advisory Opinions

### Cosmetology and Esthetics

Advisory statements are issued by the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art for informational purposes only; they are **Not** legal opinions and are non-binding. The advisory opinions define acts, which in the opinion of the board, are or are not permitted in the practice of cosmetology and/or esthetics.

The practice of Esthetics/Cosmetology is upon the skin (epidermis); services below the epidermis and into the dermis are not within the scope of practice.

BB Glow	<b>Not</b> within the practice, this procedure goes below the epidermis. (8/1/22)
Cellulite Cavitation	Within cosmetology and esthetic practice (9/10/18)
Cool Lifting	<b>Not</b> within the practice, this procedure goes below the epidermis. (6/5/17)
Cool Sculpting	<b>Not</b> within the practice, this procedure goes below the epidermis. (6/5/17)
Cryoclear	Cryoclear has two FDA approved devices, one that doctors use and one that estheticians can use which stays on the top level of the skin. (6/5/2017)
Cupping	<b>Not</b> within the practice, this procedure goes into the Dermis. (1/5/15)
Dermapen	.03 or .05 acceptable. (9/18/13)
Dermaplaning	Within cosmetology and esthetic practice as it is an exfoliating treatment used on the outer layer of skin. (8/4/11)
Dermarolling	Within cosmetology and esthetic practice. (10/17/11)
Dermatone	Within cosmetology and esthetic practice. (8/31/12)
Endermologie	Within cosmetology and esthetic practice. (9/10/18)
Eyelash and Brow Tinting	Within cosmetology and esthetic practice. (9/9/13)
Eyelash application, coloring, & curling	It is the Board's position that Nebraska licensed Estheticians can apply, color, and curl eyelashes. Such services must be provided in a Nebraska licensed establishment. The Board is in the process of updating regulations (172 NAC 36, section 002) under the definition of esthetics as set out in Neb. Rev. Stat. §38-1026. (1/3/2022)
Fibroblasting (plasma)	1. Uses the arc for Thermal heat which is heating the skin, <b>Not</b> within in esthetic or cosmetology scope. 2. It also Cauterizes the skin. <b>Not</b> within in esthetic or cosmetology scope. 3. Goes to Deep Layers beyond the Epidermal Layer. <b>Not</b> within in esthetic or cosmetology scope. (2/2021)
Henna	Natural henna application does not require a license providing there is NO developer in the henna. If developer, falls within cosmetology and esthetics. (9/10/2018)
Hyaluron Pen	<b>Not</b> within the practice, this procedure goes below the epidermis into the papillary layer of the dermis. (2/28/2020)
Intense Pulsed Light (IPL)	<b>Not</b> within the practice. (8/5/2001 per Medical Board)
Jett Plasma	<b>Not</b> within the practice, this procedure goes below the epidermis. (8/1/22)
Keratin Brow Infusion Treatment	Within cosmetology and esthetic practice. (2/4/2019)
Lamprobe	<b>Not</b> within the practice, this procedure goes below the epidermis as it heats up tissue/skin. (12/27/18)
Lasers	<b>Not</b> within the practice. (8/5/2001 Medical Board)
Micro Blading Eyebrows	Within Permanent Color Technician practice (9/11/2017)

Micro Current (Tama Blue Onyx)	Within cosmetology and esthetic practice (7/11/2018)
Micro Needling	Within cosmetology and esthetic practice <b>when using <u>Up to and including .05 or .5 or .50 mm needles</u></b> ; larger needles are for medical use only. (8/1/22)  AKA: Collagen Induction Therapy-(CIT), Dermarolling, Dry needling, MicroChanneling, MesoStamping, Needle Dermabrasion, & Skin Needling  <b>References:</b> 12 <sup>th</sup> edition of <i>Milady Standard Esthetics: Fundamentals</i> 1st Edition, 1st Printing, December 2020, <i>Pivot Point Fundamentals: Esthetics</i>
PELLEVE device	<b>Not</b> within the practice, this procedure delivers constant gradual radiofrequency energy to the dermal tissue. (5/5/14)
Peels	Mild peels which do not penetrate into the dermis are acceptable. (2/19/14)
Plasma Lift, Soft Lift, & Similar Plasma Procedures or Devices	<b>Not</b> within the practice (9/10/18)
Radio Frequency Skin Tightening	<b>Not</b> within the practice, this procedure goes below the epidermis as it heats up tissue/skin. (9/10/18)
Red Light Therapy Beds	Within cosmetology and esthetic practice. (2/4/2019)
Vacuum Therapy	<b>Not</b> within the practice, this procedure goes below the epidermis. (9/10/18)
Wood Therapy also known as Maderoterapia	<b>Not</b> within the practice, this procedure goes below the epidermis. (9/10/18)

 **Dermatologic Workgroup Final Report:** This report provides additional information relating to dermatologic services that can be provided by cosmetologists and estheticians.

**Reminder:** With any service or use of implements, one must be competent and trained in providing the service and must practice within the Cosmetology and/or Esthetics scope of practice for which s/he is licensed.

## **Body Art**

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Body art means body piercing, branding, permanent color technology, and tattooing.

Dry Tattooing Paramedical Tattooing	Within tattooing <b><u>if it includes inserting dyes for the procedure</u></b> (12/4/2017) Paramedical tattooing falls within the <u>scope</u> of practice for tattooing or permanent color technology. <u>Dry tattooing</u> is <b>Not</b> within the scope of practice of body art.
Keratin Brow Infusion Treatment	<b>Not</b> body art practice. (2/4/2019)
Micro Blading Eyebrows	Within Permanent Color Technician practice (9/11/2017)