

North Dakota STATE BOARD OF COSMETOLOGY

Advanced Esthetic Procedures Regulatory Compliance Handbook

Guidance for Establishments, Practitioners, and Medical Directors

2026 Edition

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Board Mission and Regulatory Authority

Mission

The mission of the North Dakota State Board of Cosmetology is to protect the health, safety, and welfare of the public through the effective regulation of cosmetology professions and establishments within the State of North Dakota.

The Board fulfills this mission by:

- Establishing minimum standards for professional education and competency
- Licensing qualified practitioners and establishments
- Adopting administrative rules necessary to implement state law
- Conducting inspections to ensure sanitation and safety standards
- Investigating complaints and enforcing compliance with applicable laws and rules

Regulatory Authority

The Board's authority is established under North Dakota Century Code Chapter 43-11. Administrative rules are codified in North Dakota Administrative Code Title 32, effective January 1, 2026.

These statutes and rules authorize the Board to regulate:

- Cosmetologists
- Estheticians
- Advanced Estheticians
- Manicurists
- Apprentices
- Instructors
- Schools of cosmetology
- Licensed establishments

Preface

As technology and treatment modalities continue to evolve within the aesthetics industry, advanced esthetic procedures have become increasingly common in licensed establishments and medical spa environments. These procedures may involve specialized equipment, chemical agents, or techniques that require heightened attention to sanitation, safety protocols, and professional oversight.

This handbook was developed to provide clear, practical guidance to practitioners, establishments, and collaborating medical professionals regarding the safe and lawful performance of advanced esthetic procedures in North Dakota. It reflects the requirements of

NDCC Chapter 43-11 and NDAC Title 32, as well as applicable OSHA standards and ANSI guidelines that apply above and beyond state law.

Important Notice

This handbook provides guidance but does not replace governing statutes and administrative rules. When any conflict exists, the statute or rule governs. Licensees and establishments remain responsible for complying with all applicable laws and regulations.

How to Use This Handbook

This handbook is organized into five sections plus a glossary, inspector checklist, and appendices:

Section	Contents
Section I — Regulatory Framework	Legal authority, statutory definitions, and scope of practice
Section II — Professional Practice	Advanced esthetics scope, medical oversight, supervision models, and written protocols
Section III — Safety & Compliance	Facility requirements, infection control, OSHA compliance, and laser safety
Section IV — Advanced Procedure Guidance	Microneedling, chemical peels, and nonablative energy-based procedures
Section V — Documentation & Client Safety	Consultation, informed consent, recordkeeping, and adverse event reporting
Glossary & Appendices	Statutory definitions, compliance tools, inspection checklist, and templates

SECTION I Regulatory Framework

1. Introduction and Purpose

The North Dakota State Board of Cosmetology regulates cosmetology, esthetics, advanced esthetics, manicuring, apprentices, instructors, schools, and licensed establishments within the state. The Board's primary responsibility is safeguarding public health, safety, and welfare through licensing, inspection, education, and enforcement of professional standards.

Advanced esthetic procedures represent one of the fastest-growing segments of the aesthetics industry. These services may involve medical-grade devices, controlled skin injury techniques, or chemical exfoliation methods that extend beyond traditional esthetic services and require additional regulatory safeguards:

- Defined scope of practice limitations
- Medical oversight and supervision requirements
- Sanitation and infection control standards
- Establishment licensing requirements
- Board enforcement authority

2. Statutory Authority and Regulatory Framework

The Board operates under North Dakota Century Code Chapter 43-11 and administrative rules under North Dakota Administrative Code Title 32 (effective January 1, 2026). These statutes authorize the Board to license professionals and establishments, adopt administrative rules, conduct inspections, investigate complaints, and enforce disciplinary action.

SECTION II

Professional Practice Requirements

3. Scope of Practice in North Dakota

Scope of practice determines what procedures may legally be performed, what training is required, and when medical oversight is necessary. The legal framework is established under NDCC §43-11-27.2, NDCC §43-11-01, and NDAC Title 32.

3.1 Licensed Professions Regulated by the Board

Each of the following license types carries specific authorized services and training requirements:

- Cosmetologist
- Esthetician
- Advanced Esthetician
- Manicurist
- Apprentice
- Instructor

3.2 Esthetics Scope of Practice — NDCC §43-11-01(5)

Esthetics means the practice of a variety of services to beautify or improve the appearance of the skin. Under NDCC §43-11-01(5), esthetics includes:

- Beautifying, massaging, cleansing, or stimulating the skin using cosmetic preparations, antiseptics, tonics, lotions, or creams
- Use of a device to care for the skin, including microdermabrasion, dermaplaning, or high frequency
- Cosmetic peels using less than 30% alpha hydroxy acid, 20% beta hydroxy acid, 15% resorcinol, or 15% trichloroacetic acid
- Application of cosmetics, eyelashes, or eyelash extensions
- Perming, laminating, tinting, or lightening eyebrows, eyelashes, or other body hair
- Depilating, tweezing, shaving, sugaring, or waxing hair from the body

Esthetics does NOT include: any procedure invading living tissue below the stratum corneum layer of the epidermis, threading hair removal, or advanced esthetic procedures.

3.3 Advanced Esthetics Scope of Practice — NDCC §43-11-01(3)

Advanced esthetics means the practice of advanced cosmetic preparations or procedures using the hands or a mechanical or electronic apparatus for esthetic purposes. Under NDCC §43-11-01(3), it includes:

- Advanced chemical peels
- Microneedling
- Nonablative procedures
- Extractions using lancets

Advanced esthetics does NOT include procedures to treat a medical, physical, or mental ailment, or ablative esthetic procedures.

Scope Limitation — NDCC §43-11-27.2(1)

The practice of cosmetology, manicuring, or esthetics is limited to noninvasive care. A cosmetologist, manicurist, or esthetician may not alter, cut, puncture, or damage any living cells whether superficially or through the use of laser, light, or energy.

3.4 Procedures Outside Scope of Practice

The following are explicitly prohibited for cosmetology licensees under NDCC §43-11-01(1):

- Ablative esthetic procedures — procedures to excise, vaporize, disintegrate, or remove living tissue
- Surgical procedures
- Injections or dermal fillers
- Blood draws
- Medical diagnosis or treatment of disease

Compliance Reminder

The presence of a physician in the facility does not expand the legal scope of practice for a cosmetology licensee.

3.5 Exemptions from Licensure — NDCC §43-11-02

The following licensed professionals are exempt from needing an advanced esthetics license to perform advanced esthetic procedures:

- Physicians or physician assistants practicing under NDCC Chapter 43-17
- Nurses (including Registered Nurses) practicing under NDCC Chapter 43-12.1
- Dentists or dental surgeons practicing under NDCC Chapter 43-28
- Optometrists practicing under NDCC Chapter 43-13
- Chiropractors practicing under NDCC Chapter 43-06

4. Understanding Advanced Esthetics

Advanced procedures typically involve specialized equipment, controlled skin injury, chemical exfoliation, or energy-based technologies intended to stimulate collagen production, improve skin texture, and enhance cosmetic outcomes. Because these procedures interact more significantly with the skin, they carry increased risk compared to traditional esthetic services.

4.1 Common Advanced Esthetic Procedures

- Microneedling (cosmetic and advanced needling)
- Laser hair removal
- Intense pulsed light (IPL)
- Radiofrequency skin tightening
- Advanced chemical peels, including combination peels
- Nonablative resurfacing treatments
- Extractions using lancets

4.2 Increased Risk and Establishment Responsibilities

Potential risks from advanced procedures include burns, infection, hyperpigmentation, and scarring. Establishments offering advanced procedures must ensure:

- Practitioners hold the required advanced esthetician license and applicable certifications
- Training documentation is maintained and available to the Board
- Written treatment protocols are in place and signed
- Required supervision or direction arrangements are documented and filed with the Board

5. Medical Oversight and Collaborative Agreements

Certain advanced esthetic procedures require collaboration with licensed healthcare professionals. Medical oversight ensures that procedures are performed safely and that appropriate medical consultation is available. Requirements are established under NDAC 32-05-01-08.

5.1 Collaborative Agreement Requirements

A formal written collaborative agreement, jointly developed and executed between a licensed advanced esthetician and a supervising health care provider, must be in place prior to performing any services requiring supervision. The agreement must define:

- Procedures performed
- Written protocols for each procedure
- Oversight mechanisms for all supervised procedures

Filing Requirement — NDAC 32-05-01-08(j)(e)

A complete, signed, and dated copy of the collaborative agreement and all written protocols must be submitted to the Board office prior to the commencement of supervised procedures and upon any subsequent revision. The agreement must also be maintained at the practice location and available during inspection.

Additional notification requirements:

- The establishment and advanced esthetician must notify the Board in writing within 48 hours of any change in supervising health care provider
- A new collaborative agreement signed by the advanced esthetician and new provider must accompany the notification
- Advanced estheticians may not perform supervised procedures after termination of an agreement until a new valid agreement is on file with the Board

5.2 Eligible Supervising Health Care Providers — NDAC 32-05-01-08(i)

Eligible supervising health care providers who may oversee advanced estheticians are limited to the following, each of whom must hold an active, unencumbered North Dakota license and be sufficiently trained or certified in the specific procedures being supervised:

- A physician licensed under NDCC Chapter 43-17
- A physician assistant licensed under NDCC Chapter 43-17
- An advanced practice registered nurse (APRN) licensed under NDCC Chapter 43-12.1

Proof of the supervising provider's training or certification in the supervised procedures must be maintained and available to the Board upon request.

Note on Exemptions

Dentists, Optometrists, Chiropractors, and Registered Nurses (non-advanced practice) are exempt under NDCC §43-11-02 from needing an advanced esthetics license to perform advanced esthetic procedures themselves. They are not listed as eligible supervising providers for licensed advanced estheticians under NDAC 32-05-01-08.

5.3 Supervising Provider Responsibilities

The supervising health care provider is responsible for:

- Reviewing and approving all written treatment protocols
- Ensuring the practice operates in compliance with all relevant laws and standards of care
- Being physically onsite a minimum of four hours per week (a log of these hours must be maintained)
- Being readily available for consultation during procedure hours — reachable by telecommunication, able to respond within 30 minutes
- Reviewing client records and outcomes as specified in the written protocol

- Ensuring compliance with all statutes, rules, and standards of practice applicable to their own license

Multi-Location Supervision

A single supervising health care provider may supervise advanced estheticians at a maximum of five licensed establishments, provided separate written protocols specific to each location are developed, signed, submitted to the Board, and maintained on site.

6. Supervision Models — NDAC 32-05-01-08(d)(7)

All direction and supervision must be documented. The following definitions are established under NDAC 32-05-01-08.

6.1 Direction — NDAC 32-05-01-08(d)(7)(a)

“Direction” means the comprehensive, overarching authority and responsibility a licensed physician, physician assistant, or advanced registered nurse has over an advanced esthetics practice. This involves:

- Establishing and approving all medical protocols
- Delegating specific procedures
- Ensuring the practice operates in compliance with all relevant laws and standards of care

6.2 Supervision — NDAC 32-05-01-08(d)(7)(c)

“Supervision” means the active, direct, and continuous oversight of an advanced esthetician by a licensed medical professional. It requires the supervising professional to:

- Be available for immediate consultation
- Have ultimate responsibility for all delegated medical procedures

The degree of supervision is determined by the complexity of the procedure and the specific protocols established by the supervising professional.

6.3 Documented Supervision — NDAC 32-05-01-08(d)(7)(b)

“Documented supervision” means the creation and maintenance of a formal, written record for each advanced esthetic procedure that requires medical oversight. This record serves as legal proof of compliance and must include:

1. The specific procedure performed
2. The date and time of the procedure
3. The name and license number of the supervising medical professional and the licensed advanced esthetician
4. A clear attestation that the required level of supervision was provided and that the supervising professional is accountable for the patient’s care

6.4 Procedures Requiring Direction or Supervision — NDAC 32-05-01-08(d)(6)

The following procedures require direction or supervision by a licensed health care provider:

- Advanced needling (needle depth exceeding 0.5 mm)
- Chemical peels formulated to penetrate beyond the epidermis, compounded in a pharmacy, or that necessitate administration by a licensed health care provider due to depth of exfoliation
- All nonablative procedures

7. Written Treatment Protocols — NDAC 32-05-01-08(j)

An individual written protocol must be established for each procedure performed under the supervision of a health care provider. Protocols must be signed and dated by both the advanced esthetician and the supervising health care provider, reviewed annually, and maintained at the practice location.

7.1 Required Protocol Elements

Each protocol must detail:

- Specific procedures covered and devices used
- Device parameters and settings guidelines
- Criteria for client selection and contraindications
- Pre-procedure and post-procedure care instructions
- Plan for managing potential complications and adverse events
- Emergency procedures and contact information
- Method and frequency of supervision, including requirements for supervisor availability (via telecommunication or in person) during procedures
- Method and frequency for supervisor review of client records and outcomes
- Requirements for client consultation with the supervising health care provider, specifying: criteria requiring an initial in-person or telehealth consultation; procedures for supervisor review and approval of the advanced esthetician's initial assessment; and minimum frequency for supervising provider follow-up consultations during a series of treatments

Protocol Submission

Signed protocols must be submitted to the Board office along with the collaborative agreement prior to commencement of supervised procedures and upon any subsequent revision.

SECTION III

Safety and Compliance Standards

8. Facility and Operational Requirements — NDAC 32-03-01-10.2

Advanced esthetic procedures may only be performed by licensed advanced estheticians who hold all applicable certifications required by law or rule. All procedures must be performed in a licensed establishment meeting the requirements below.

8.1 Establishment Licensing

All locations providing cosmetology or esthetic services must hold a valid establishment license issued by the Board. The license must be displayed in a visible location.

8.2 Facility Requirements for Advanced Procedures — NDAC 32-03-01-10.2(1)

Advanced esthetic procedures must be performed in a room that:

- Is enclosed by floor-to-ceiling walls and a door
- Is physically separated from any area used for hair or nail services
- Does not permit consumption of food or beverages by any person in the room
- Maintains devices, instruments, and supplies that are properly cleaned and stored

Operational and personnel records must be maintained and made available to the Board upon request.

8.3 Equipment and Instrumentation — NDAC 32-03-01-10.2(2)

Device tips must be single use only. Once affixed to a handpiece, a device tip must not be removed and reused. Whether used or unused, the tip must be disposed of in an appropriate waste container. All reusable instruments and equipment must be cleaned and disinfected in accordance with the manufacturer's instructions and applicable state and federal guidelines.

All laser, light, and energy devices must be FDA-cleared or approved for the specific intended cosmetic use. Proof of FDA status must be available for inspection. Devices must be maintained and calibrated per manufacturer's instructions. Maintenance and calibration logs must be kept and available for inspection.

8.4 Information, Disclosure, and Aftercare — NDAC 32-03-01-10.2(4)

Educational and aftercare information must be readily available. Each client must receive written aftercare instructions that include at minimum:

- The name, address, and telephone number of the establishment and licensee
- A statement advising the client to seek medical attention if necessary

8.5 Supply Storage

Supplies must be stored in enclosed cabinets or drawers. Sterile or single-use items must be stored in clean, dry environments.

9. Cleaning, Disinfection, and Infection Control

Proper sanitation and infection control are essential to protect clients and practitioners. Advanced esthetic procedures may involve contact with bodily fluids or compromised skin barriers, making infection prevention practices especially critical.

9.1 Written Safety Plan — NDAC 32-03-01-10.2(6)

Establishments and independent licensees must implement a written safety plan addressing at minimum:

- Protection of clients and personnel from bloodborne pathogens
- Handling, storage, and disposal of regulated waste
- Disinfection and sterilization of reusable instruments
- Use of single-use disposable instruments where appropriate
- Procedures for minimizing cross-contamination
- Equipment maintenance and service logs

The infection control plan must comply with OSHA Standard 29 CFR 1910.1030 and include:

5. An exposure control plan
6. Safety Data Sheets (SDS) for all regulated products
7. Regulated waste pickup receipts
8. Red bag documentation if applicable

9.2 Standard Precautions

- Hand hygiene before and after each client
- Use of appropriate personal protective equipment (PPE)
- Proper handling and disposal of contaminated materials

9.3 Disinfection of Implements

Nonporous reusable tools must be cleaned and disinfected using an EPA-registered disinfectant per manufacturer's instructions:

9. Remove all visible debris

10. Rinse implements thoroughly

1. Immerse in disinfectant for the full required contact time per manufacturer's instructions

9.4 Single-Use Items — NDAC 32-01-02-01(19)

“Single use” means items that may not be used more than once and are disposed of after use on each client. These items cannot be properly cleaned so all visible residue is removed, or they are contaminated by exposure or damaged by cleaning and disinfecting. Single-use items include:

- Cotton pads and gauze
- Disposable applicators and spatulas
- Needle cartridges and lancets
- Device tips (once affixed to a handpiece, even if unused)

9.5 Blood Exposure and Sharps Disposal

If bleeding occurs during a service, practitioners must:

11. Stop the procedure immediately
12. Apply gloves if not already worn
13. Clean and disinfect the area using appropriate products
2. Dispose of all sharps (needles, lancets, device tips) in an approved, puncture-resistant sharps container consistent with OSHA 29 CFR 1910.1030 requirements
14. Dispose of all contaminated materials as regulated biological waste consistent with applicable state and federal requirements

Sharps Disposal Requirement

All sharps, needle cartridges, and lancets must be discarded in a properly labeled, puncture-resistant sharps container. Sharps may not be placed in regular trash. Regulated waste pickup receipts and red bag documentation must be maintained per the written safety plan.

10. OSHA Compliance and Workplace Safety

Facilities offering advanced esthetic procedures must comply with applicable OSHA standards. OSHA requirements apply above and beyond North Dakota state requirements.

10.1 Bloodborne Pathogen Standard — OSHA 29 CFR 1910.1030

Employers must implement an exposure control plan, provide employee training, require use of personal protective equipment, ensure proper sharps disposal, and maintain regulated waste pickup documentation.

10.2 Hazard Communication — OSHA 29 CFR 1910.1200

Facilities must maintain Safety Data Sheets (SDS) for all regulated products, ensure proper chemical labeling, and provide employee training on chemical safety.

10.3 Employee Training

Employees must receive documented training on infection control, equipment safety, and emergency procedures. Training records must be retained and available for inspection.

11. Emergency Preparedness — NDAC 32-03-01-10.2(7)

Establishments must develop and maintain written protocols for responding to common adverse events associated with advanced esthetic procedures, including:

- Allergic reactions
- Burns
- Excessive bleeding
- Chemical or product-related sensitivities

Emergency protocols must:

- Be posted in a conspicuous location within the procedure room
- Include emergency contact information, including the supervising health care provider if applicable
- Ensure availability of first-aid supplies appropriate to the procedures performed
- Be reviewed and understood by all personnel involved in advanced esthetic procedures

12. Laser and Energy Device Safety Programs — NDAC 32-03-01-10.2(3) and 32-05-01-08(d)(8)

Establishments performing nonablative laser procedures must develop and maintain a written laser safety program consistent with ANSI Z136.3 guidelines. The program must be in writing and available to the Board upon request.

12.1 Laser Safety Program Requirements

A comprehensive laser safety program consistent with ANSI Z136.3 must include:

- Designation of a certified Laser Safety Officer (LSO) for each location
- Written laser safety policies and standard operating procedures
- Establishment of a treatment-controlled area with controlled access during operation
- ANSI-compliant laser warning signs at all entrances to the treatment-controlled area

- Provision and mandatory use of appropriate protective eyewear for the licensee, client, and any other individuals in the treatment area during operation
- Hazard controls including window coverings, nonreflective surfaces, and plume evacuation for procedures generating airborne contaminants
- Device service and maintenance logs
- Records of internal laser safety audits and corrective actions

12.2 Laser Safety Officer (LSO) — NDAC 32-05-01-08(d)(8)(a)

Each licensed establishment where nonablative laser procedures are performed must designate a certified LSO for that specific location. A single LSO covering multiple locations requires written Board approval.

The LSO must:

- Hold current certification from a Board-approved laser safety officer training program demonstrating competency consistent with ANSI Z136.3 and applicable OSHA standards
- A licensed advanced esthetician who meets certification requirements may serve as the LSO

LSO responsibilities include:

- Hazard evaluation and specifying control measures
- Verifying operator training and credentials
- Ensuring compliance with all safety protocols and recordkeeping requirements
- Conducting periodic safety audits
- Maintaining: current LSO certification, inventory of all Class 3B and Class 4 lasers, documentation of hazard assessments, records of laser safety training for all personnel, records verifying protective eyewear availability and inspection, device service and maintenance logs

SECTION IV
Advanced Procedure Guidance

13. Microneedling Regulatory Guidance — NDAC 32-01-02-01 and 32-05-01-08

Microneedling is a cosmetic procedure that uses sterile needles to create controlled micro-channels in the skin, stimulating the body’s natural wound healing response to increase collagen and elastin production. A valid advanced esthetician license and microneedling certification are required to perform any microneedling procedure.

13.1 Cosmetic Needling vs. Advanced Needling — NDAC 32-01-02-01(8) and (2)

Type	Definition and Requirements
Cosmetic Needling NDAC 32-01-02-01(8)	Use of an apparatus employing multiple tiny needles or cones that do not penetrate past the epidermis layer. Devices MUST utilize a single-use, nonadjustable needle or cone tip with a FIXED LENGTH of 0.5 mm or less. Adjustable-depth devices are not permitted for cosmetic needling. Medical supervision is not required for cosmetic needling alone.
Advanced Needling NDAC 32-01-02-01(2)	Use of a microneedling device creating skin microchannels exceeding 0.5 mm in depth. ALWAYS requires direction or supervision by a licensed health care provider (physician, physician assistant, or APRN). Documented supervision record required for every procedure.

Supervision Requirement — NDAC 32-05-01-08(d)(6)(a)
Advanced needling procedures **ALWAYS** require direction or supervision by a licensed health care provider. There are no exceptions. A collaborative agreement and documented supervision record must be in place before any advanced needling procedure is performed.

13.2 Microneedling Certification — NDAC 32-05-01-08.2

Microneedling is prohibited without a valid advanced esthetician license and Board-approved microneedling certification. Certification requirements:

- Board-approved 12-hour program (minimum 3 hours didactic, minimum 6 hours in-person supervised hands-on training)
- Certificate of completion submitted to the Board prior to performing any microneedling procedure
- Certificate must include instructor and student name, completion date, total hours, and signed instructor attestation of hands-on competency

13.3 Equipment Requirements

Microneedling devices must utilize sterile, single-use disposable needle cartridges or tips. Per NDAC 32-03-01-10.2(2):

- Device tips are single use only — once affixed to a handpiece, tips must not be removed and reused
- Whether used or unused, tips must be disposed of in an appropriate waste container
- For cosmetic needling: devices must use a nonadjustable, fixed-length tip of 0.5 mm or less

13.4 Infection Control for Microneedling

Because microneedling intentionally disrupts the skin barrier, strict sanitation practices must be followed. Practitioners must:

- Wear gloves and appropriate PPE throughout the procedure
- Disinfect all treatment surfaces before and after each client
- Prepare skin with antiseptic prior to treatment
- Dispose of all sharps and needle cartridges in an approved, puncture-resistant sharps container (OSHA 29 CFR 1910.1030)
- Maintain regulated waste pickup receipts and red bag documentation per the written safety plan

13.5 Aftercare Instructions and Recordkeeping

Per NDAC 32-03-01-10.2(4) and (5), every microneedling client must receive written aftercare instructions including at minimum:

- The name, address, and telephone number of the establishment and licensee
- A statement advising the client to seek medical attention if necessary
- Post-procedure skin care guidance appropriate to the procedure performed

Client records must be maintained for a minimum of three years and must include all elements listed under Section 16 of this handbook. Documentation of the supervision model and the supervising provider (for advanced needling) is required in each record.

14. Chemical Peels and Exfoliation Procedures

Chemical peels use chemical agents to exfoliate the outer layers of the skin. The depth of the peel determines the level of skin injury and associated risk. A valid advanced esthetician license and advanced chemical peel certification are required for advanced chemical peels.

14.1 Classification of Peels Under ND Law

Peel Type	Definition and Authorization
Chemical Peel (Esthetics scope) NDAC 32-01-02-01(3)	Single, one-time layer of a nonprescription, esthetic-grade exfoliating agent intended solely to remove nonliving skin cells from the superficial layers of the epidermis. Performed by licensed estheticians or advanced estheticians. Concentration limits: <30% AHA, <20% BHA, <15% resorcinol, <15% TCA.
Advanced Chemical Peel NDAC 32-01-02-01(1)	Professionally regulated, commercially available chemical exfoliant causing controlled injury to the epidermis for therapeutic skin rejuvenation. May be applied in multiple layers per manufacturer’s instructions. Must not penetrate past the epidermis. Requires advanced esthetician license and chemical peel certification.
Combination Peel NDAC 32-01-02-01(4)	Advanced chemical peel using two or more chemical exfoliating agents applied simultaneously or sequentially to achieve penetration beyond the superficial layers of the epidermis. Requires advanced esthetician license, chemical peel certification, and may require medical direction or supervision depending on depth.

14.2 Chemical Peel Certification — NDAC 32-05-01-08.3

Advanced chemical peel procedures are prohibited without a valid advanced esthetician license and Board-approved certification. Certification requires a minimum eight-hour hybrid course (didactic and in-person hands-on training). Certificate of completion must be submitted to the Board prior to performing these procedures.

14.3 Supervision Requirements for Chemical Peels

Chemical peels formulated to penetrate beyond the epidermis, compounded in a pharmacy, or that necessitate administration by a licensed health care provider due to depth of exfoliation require direction or supervision by a licensed health care provider per NDAC 32-05-01-08(d)(6)(b).

14.4 Practitioner Responsibilities and Contraindications

Practitioners must evaluate skin type and condition, select appropriate peel strength, and monitor skin response throughout treatment. Chemical peels should not be performed in cases of active skin infections, recent isotretinoin use, or open wounds or lesions. Clients must receive written aftercare instructions.

15. Nonablative Energy-Based Procedures

Nonablative esthetic procedures are defined under NDCC §43-11-01(6) as the use of a laser, light, or energy device for the purpose of skin rejuvenation, body contouring, dyschromia reduction, cellulite reduction, hair removal, hair reduction, or tattoo removal, and are not intended to excise, vaporize, disintegrate, or remove living tissue.

Examples include laser hair removal, IPL, radiofrequency skin tightening, and light-based pigmentation treatments. Nonablative laser procedures require direction or supervision by a licensed health care provider per NDAC 32-05-01-08(d)(6)(c).

15.1 Laser Certification Requirement — NDAC 32-05-01-08.1

Nonablative laser procedures require a valid advanced esthetician license and Board-approved laser certification:

- Minimum 40 hours didactic instruction through a Board-approved provider
- Minimum 48 hours supervised hands-on clinical training including specific procedure minimums
- Passing score on a Board-approved laser safety examination
- Certificate of completion submitted to the Board prior to performing laser procedures

15.2 Device Compliance

All laser, light, and energy devices must be FDA-cleared or approved for the specific intended cosmetic use. Proof of FDA status, maintenance logs, and calibration records must be maintained and available for inspection.

15.3 Risks and Operator Training

Nonablative treatments may produce adverse effects including burns, blistering, hyperpigmentation, or hypopigmentation. Practitioners must receive training covering device operation, Fitzpatrick skin typing, recognition of adverse reactions, and emergency procedures.

SECTION V

Documentation and Client Safety

16. Client Consultation and Informed Consent

A thorough consultation is required prior to any advanced esthetic procedure. A proper consultation protects both client and practitioner by documenting that the procedure was explained, contraindications were evaluated, and consent was obtained.

16.1 Consultation Components

- Review of the client's medical history and relevant health conditions
- Review of current medications and supplements
- Evaluation of current skin condition (including Fitzpatrick skin type)
- Identification of contraindications
- Discussion of treatment goals and realistic expectations

16.2 Informed Consent — NDAC 32-03-01-10.2(5)(a)

Informed consent must be documented using a signed consent form specific to the procedure performed. It must include:

- Description of the procedure
- Potential risks and complications
- Acknowledgment of risks associated with the procedure
- Expected recovery or downtime

The form must be signed and dated by the client prior to treatment and retained in the client's record.

16.3 Client Education

Clients must receive written aftercare instructions including the establishment's name, address, and telephone number, and a statement advising them to seek medical attention if necessary.

17. Recordkeeping Requirements — NDAC 32-03-01-10.2(5)

Accurate records are essential for safe practice, continuity of care, and regulatory compliance. Records may be required during inspections or complaint investigations.

17.1 Required Client Record Elements

Records must be maintained for all clients receiving advanced esthetic procedures for a minimum of three years, stored securely in either physical or digital format to prevent unauthorized access. Each client record must include at minimum:

- A signed informed consent specific to the procedure performed
- The date, type, and area of the procedure performed
- The name and license number of the performing licensee
- Relevant medical history and screening for contraindications
- Acknowledgment of risks associated with the procedure
- Documentation of any adverse event and actions taken
- For advanced needling and other supervised procedures: documentation of the supervision model, supervising provider name and license number, and attestation of supervision per NDAC 32-05-01-08(d)(7)(b)

17.2 Photographic Documentation

Many advanced procedures benefit from before-and-after photography for treatment planning and monitoring progress. Client written permission must be obtained before photographs are taken.

18. Adverse Event Reporting — NDAC 32-03-01-10.2(6)(h)

Any licensee or establishment aware of a serious adverse event resulting from an advanced esthetic procedure must report such event to the Board within ten business days.

18.1 Adverse Events Requiring Mandatory Reporting

- Any outcome requiring medical or surgical intervention beyond routine aftercare
- Second-degree or higher burns
- Significant or atypical scarring
- Infection requiring prescription medication
- Pigmentary changes requiring medical intervention
- Hospitalization due to the procedure
- Permanent injury or disfigurement

18.2 Immediate Response

1. Stop the procedure immediately
2. Assess the client's condition
3. Provide appropriate first aid
4. Contact the supervising health care provider if applicable

18.3 Incident Report Requirements

Reports must be submitted on a Board-provided form and include:

- Client initials or unique identifier, age, and gender (do not include full identifying information)
- Date of procedure and date event was discovered
- Type of procedure and products or devices used
- Name and license number of the performing licensee
- Supervising physician's name, if applicable
- Description of the event and body area affected
- Interventions performed and follow-up actions taken
- Known medical treatment received by the client outside the facility

Confidentiality

Client confidentiality must be preserved in all reports. Identifying information beyond initials or unique identifiers must not be submitted unless specifically requested by the Board as part of an official investigation.

19. Compliance Risks and Enforcement

19.1 Common Compliance Violations

- Performing procedures outside the authorized scope of practice
- Performing supervised procedures without a valid collaborative agreement on file with the Board
- Advanced esthetician performing advanced needling or nonablative procedures without a supervising health care provider agreement
- Using adjustable-depth devices for cosmetic needling
- Reusing single-use device tips
- Failure to maintain written treatment protocols
- Improper or absent sharps disposal
- Failure to maintain required records for three years

19.2 Possible Disciplinary Actions

The Board may take the following disciplinary actions upon finding violations:

- Letters of warning
- Administrative fines
- Settlement agreements
- License suspension
- License revocation

Self-Audit Recommendation

Establishments should conduct periodic self-audits using the Inspector Reference Checklist in this handbook to identify and correct compliance issues before inspections occur.

Glossary of Terms

Definitions marked with a statute or rule citation are taken directly from North Dakota law.

Ablative Esthetic Procedure — NDCC §43-11-01(1) — An esthetic procedure to excise, vaporize, disintegrate, or remove living tissue. Ablative procedures may not be performed by cosmetologists, estheticians, advanced estheticians, or manicurists.

Advanced Chemical Peel — NDAC 32-01-02-01(1) — The application of a professionally regulated, commercially available chemical exfoliant intended to cause controlled injury to the epidermis for therapeutic skin rejuvenation. May be applied in multiple layers following manufacturer's instructions but must not penetrate past the epidermis layer. Medical supervision may be required.

Advanced Esthetician — NDCC §43-11-01(2) — An individual who practices advanced esthetics and esthetics under a license issued by the Board.

Advanced Esthetics — NDCC §43-11-01(3) — The practice of advanced cosmetic preparations or procedures using the hands or a mechanical or electronic apparatus for esthetic purposes. Includes advanced chemical peels, microneedling, nonablative procedures, and extractions using lancets.

Advanced Needling — NDAC 32-01-02-01(2) — A form of microneedling using a microneedling device employing multiple needles or prongs to create skin microchannels exceeding one-half of a millimeter in depth for cosmetic purposes. Must be performed under the supervision of a licensed medical professional. Always requires direction or supervision.

Chemical Peel — NDAC 32-01-02-01(3) — The application of a single, one-time layer of a nonprescription, esthetic-grade, commercially available exfoliating agent intended solely to remove nonliving skin cells from the superficial layers of the epidermis. Concentration limits apply under NDCC §43-11-01(5).

Collaborative Agreement — A formal, written document jointly developed and executed between a licensed advanced esthetician and a supervising health care provider, required before performing procedures requiring supervision. Must be submitted to and on file with the Board.

Combination Peel — NDAC 32-01-02-01(4) — An advanced chemical peel involving the use of two or more chemical exfoliating agents, applied simultaneously or sequentially, to achieve a depth of penetration extending beyond the superficial layers of the epidermis.

Cosmetic Needling — NDAC 32-01-02-01(8) — A form of microneedling using an apparatus with multiple tiny needles or cones that do not penetrate past the epidermis layer. Devices must utilize a single-use, nonadjustable needle or cone tip with a fixed length of one-half of a millimeter or less.

Direction — NDAC 32-05-01-08(d)(7)(a) — The comprehensive, overarching authority and responsibility a licensed physician, physician assistant, or advanced registered nurse has over an advanced esthetics practice. Involves establishing and approving all medical protocols, delegating specific procedures, and ensuring compliance with all relevant laws and standards of care.

Documented Supervision — NDAC 32-05-01-08(d)(7)(b) — The creation and maintenance of a formal, written record for each advanced esthetic procedure requiring medical oversight, serving as legal proof of compliance. Must include the procedure, date and time, name and

license number of both the supervising professional and the advanced esthetician, and attestation of supervision.

Esthetics — NDCC §43-11-01(5) — The practice of a variety of services to beautify or improve the appearance of the skin, limited to noninvasive care affecting only the nonliving cells of the stratum corneum layer of the epidermis.

High Frequency (in Basic Esthetics) — The use of a high-frequency electrical device in esthetic skin care services, typically utilizing a glass electrode through which a low-amperage, high-frequency alternating electrical current is applied to the skin surface. Used for purposes such as stimulating circulation, ozone production for antiseptic effect, and enhancing product penetration. High frequency is explicitly listed as a permissible esthetic device service under NDCC §43-11-01(5)(a)(2) and is within the scope of practice of a licensed esthetician. It affects only the surface of the skin and does not penetrate living tissue.

Laser Safety Officer (LSO) — An individual certified from a Board-approved laser safety officer training program, responsible for overseeing and enforcing the establishment's laser, light, and energy device safety program consistent with ANSI Z136.3. Each establishment performing nonablative laser procedures must designate a certified LSO for that location.

Microneedling — NDAC 32-05-01-08.2 — A cosmetic skin procedure using sterile needles to create controlled micro-channels in the skin to stimulate collagen production and enhance skin rejuvenation. Encompasses both cosmetic needling and advanced needling. Requires valid advanced esthetician license and Board-approved microneedling certification.

Nonablative Esthetic Procedure — NDCC §43-11-01(6) — The use of a laser, light, or energy device for the purpose of skin rejuvenation, body contouring, dyschromia reduction, cellulite reduction, hair removal, hair reduction, or tattoo removal. Not intended to excise, vaporize, disintegrate, or remove living tissue. Requires direction or supervision by a licensed health care provider.

Noninvasive Care — NDCC §43-11-01(7) — Procedures or services limited to nonliving cells in the stratum corneum layer of the epidermis.

Protocol — A written set of instructions, signed and dated by both the advanced esthetician and supervising health care provider, outlining how a specific procedure is to be performed. Must include indications, contraindications, device parameters, pre- and post-procedure care, complication management, emergency procedures, and supervision method and frequency. Must be submitted to the Board and reviewed annually.

Scope of Practice — The range of procedures and services a licensed professional is legally permitted to perform under state law and administrative rule. Scope of practice for esthetics and advanced esthetics is established under NDCC Chapter 43-11 and NDAC Title 32.

Single Use — NDAC 32-01-02-01(19) — Items that may not be used more than once and are disposed of after use on each client. These items cannot be properly cleaned so all visible residue is removed, or they are contaminated by exposure or damaged by cleaning and disinfecting.

Supervision — NDAC 32-05-01-08(d)(7)(c) — The active, direct, and continuous oversight of an advanced esthetician by a licensed medical professional. Requires the supervising professional to be available for immediate consultation and to have ultimate responsibility for all delegated medical procedures.

Inspector Reference Checklist

This checklist summarizes items commonly reviewed during Board inspections. Establishments offering advanced esthetic procedures should maintain documentation demonstrating compliance in all areas.

Licensing

- Establishment license is current and displayed
- All practitioner licenses are current and displayed
- Advanced esthetician license on file for each practitioner performing advanced procedures
- Microneedling certification on file for each practitioner performing microneedling
- Chemical peel certification on file for each practitioner performing advanced chemical peels
- Laser certification on file for each practitioner performing nonablative laser procedures

Facility Requirements

- Procedure room is enclosed by floor-to-ceiling walls and a door
- Procedure room is physically separated from hair and nail service areas
- No food or beverages consumed in the procedure room
- Devices, instruments, and supplies properly cleaned and stored
- Handwashing facilities available

Collaborative Agreement and Medical Oversight

- Valid collaborative agreement on file at the Board (copy also on site)
- Agreement signed and dated by supervising provider and all applicable advanced estheticians
- Supervising provider holds active, unencumbered ND license (physician, PA, or APRN)
- Proof of supervising provider's training/certification in supervised procedures on file
- Board notified within 48 hours of any change in supervising provider
- Log of supervising provider onsite hours maintained (minimum 4 hours/week)

Written Protocols

- Individual written protocol on file for each supervised procedure type
- Protocols signed and dated by both advanced esthetician and supervising provider
- Protocols reviewed annually
- Protocols include all required elements (device parameters, contraindications, emergency procedures, supervision method)
- Protocols available during inspection

Training and Certifications

- Device-specific training records available for all practitioners
- LSO certification on file for each establishment performing laser procedures
- Laser safety officer designated for this specific location
- Records of laser safety training for all personnel in the treatment area

Client Documentation

- Consultation forms completed for each client
- Informed consent forms procedure-specific, signed and dated by client before treatment
- Client records maintained for minimum three years
- Records stored securely in physical or digital format
- Aftercare instructions provided to each client in writing
- Adverse events documented and reported to Board within 10 business days if serious

Infection Control and Sharps

- Written safety plan addressing bloodborne pathogens and regulated waste on file
- Exposure control plan (OSHA 29 CFR 1910.1030) on file
- Safety Data Sheets (SDS) accessible for all regulated products
- Single-use device tips, needle cartridges, and lancets discarded after each client
- Sharps disposed of in approved puncture-resistant sharps container
- Regulated waste pickup receipts on file
- Red bag documentation on file if applicable

Equipment and Device Safety

- All devices FDA-cleared or approved for intended cosmetic use; proof available
- Devices operated per manufacturer's instructions
- Maintenance and calibration logs available for each device
- Device tips single use — not removed and reused once affixed to handpiece
- For cosmetic needling: fixed-length, nonadjustable tip of 0.5 mm or less confirmed

Laser Safety Program (if applicable)

- Written laser safety program consistent with ANSI Z136.3 on file
- ANSI-compliant laser warning signs posted at treatment area entrances
- Appropriate protective eyewear available and inspected for practitioner, client, and others
- Controlled access to treatment area during laser procedures
- Hazard controls in place (window coverings, nonreflective surfaces, plume evacuation)
- Records of laser safety audits and corrective actions

OSHA and Emergency Preparedness

- Hazard communication program (OSHA 29 CFR 1910.1200) on file
- Employee safety training documentation maintained
- Emergency response protocols in writing and posted in procedure room
- First-aid supplies appropriate to procedures performed readily available

Inspection Guidance

Establishments that maintain organized, current documentation and written protocols are significantly more likely to demonstrate compliance during routine inspections. Conduct periodic self-audits before inspections occur.