

ESTHETICS IN SOUTH DAKOTA

The South Dakota esthetics license was started in July 1, 2003. There have been numerous questions regarding esthetics (skin care) in South Dakota.

First: a licensee with a cosmetologist license may still practice skin care services as well as hair and nail services. If a person only wishes to practice skin care and hair removal, a person needs to attend school for 600 hours and pass the national tests to qualify for an esthetician license.

Esthetics covers the following:

36-15-2.2. License required for practice of esthetics -- Practices constituting esthetics. No person may engage in the practice of esthetics unless the person is licensed by the commission. A person is engaged in the practice of esthetics if that person, for compensation, a fee, or any valuable consideration, engages in any of the following practices with hands, chemicals, or any mechanical or electrical apparatus or appliance for beautifying or cosmetic purposes:

- (1) Beautifying, massaging, cleansing, exfoliating, stimulating, or applying oils, creams, cosmetic preparations, make-up, facial treatments, body treatments, body wraps, antiseptics, scrubs, clays, lotions, masks, waxes, or other preparations for the **noninvasive care** of the skin. For purposes of this subdivision, noninvasive means confined to the nonliving cells of the stratum corneum of the epidermis. Such practices shall be in a superficial mode and not for the treatment of medical disorders, and living cells may never be altered, cut, or damaged;
- (2) Grooming or applying eyebrows or eyelashes, including arching and tinting; or
- (3) Removing superfluous hair by nonpermanent means, including tweezing and waxing.

Esthetics does not include scalp treatments or scalp massage.

NON-INVASIVE is the key word here. We define it as: noninvasive means confined to the nonliving cells of the stratum corneum of the epidermis.

MEDICAL ESTHETICIAN. The cosmetology law does not define or recognize medical esthetician or paramedical esthetician titles. The law recognizes only esthetician and esthetician manager titles in South Dakota, and these must be licensed by the Commission.

ESTHETIC PRACTICES. Cosmetologists and estheticians can only practice esthetics in a licensed salon. A salon license is obtained from the Commission.

Cosmetologists and estheticians can perform microdermabrasion services (after 16 hours of approved advance education) and chemical exfoliation (only certain types). All services must be non-invasive and in a superficial mode.

PROHIBITED. The following equipment and procedures are prohibited by licensees of the Cosmetology Commission: dermaplane procedures, dermabrasion procedures, ultrasound equipment, and blades, knives, and any tools that invade the skin or living cells; and any procedure in which human tissue is cut or altered by mechanical or energy form, including electrical or laser energy or ionizing radiation.

MEDICAL SPAS OR CLINICS. Our licensees may perform esthetics for purposes of beautification in a medical office or medical spa where there is a salon license issued by the Commission. Our licensee's scope of practice is very specific (beautification) and limited to non-invasive, non-medical procedures - working in a medical office under the direct (on-site) supervision of a physician does not alter the scope of the license. The cosmetologist and esthetician cannot perform medical procedures and is not a medical professional.

If a medical facility does obtain a salon license to provide esthetics services, then the facility would need to designate what rooms or physical areas fall under the salon license. The licensed esthetician can provide beautification services only in the designated salon areas. Salon licenses are inspected by the Commission's inspectors.

EXEMPT PROFESSIONS: The following licensed professions are exempt from the cosmetology law (36-15-16) when exclusively engaged in the practice of their respective professions: physicians, physician assistants, nurses, podiatrists, chiropractors, physical therapists, occupational therapists, morticians, barbers. This does not exempt staff working for a physician unless the profession falls under this exemption, an example is a nurse, but the nursing board does not allow nurses to do microdermabrasion. And these professionals can only provide services that fall under a medical definition.