



## Notice of Petition for Declaratory Order

On December 11, 2023, the Iowa Board of Barbering and Cosmetology Arts & Sciences accepted for review a Petition for Declaratory Order submitted by Ms. Kim Sievers pursuant to Iowa Code § 17A.9 and 645 Iowa Administrative Code Chapter 8. The Petition requests a Declaratory Order from the Iowa Board of Barbering and Cosmetology Arts & Sciences regarding HydraFacial® services.

Notice is being provided to the public for those that may have an interest in HydraFacial® services, including those licensed through Iowa in one or more of the barbering and cosmetology arts and sciences, and the professional organizations that may have an interest in HydraFacial® services.

### **Petition for Intervention**

Any person who qualifies under any applicable provision of law as an intervenor and who files a petition for intervention shall be allowed to intervene in the proceeding. Petitions for Intervention may be filed by any interested party no later than January 26, 2024, at the Iowa Board of Barbering and Cosmetology Arts & Sciences, Department of Inspections, Appeals, & Licensing, 6200 Park Avenue, Suite 100, Des Moines, IA 50321 or emailed to [PLPublic@idph.iowa.gov](mailto:PLPublic@idph.iowa.gov).

### **Public Comment**

Any member of the public, whether or not they qualify as an intervenor under any applicable provision of law, may submit comments or evidence to be considered by the Board of Barbering and Cosmetology Arts & Sciences in advance of the hearing. All comments and evidence must be submitted no later than February 20, 2024, and they may be submitted to the Iowa Board of Barbering and Cosmetology Arts & Sciences, Department of Inspections, Appeals, & Licensing, 6200 Park Avenue, Suite 100, Des Moines, IA 50321 or emailed to [PLPublic@idph.iowa.gov](mailto:PLPublic@idph.iowa.gov).

### **Hearing**

A public hearing will be held at 1:00 p.m. on February 28, 2024, at the Iowa Board of Barbering and Cosmetology Arts & Sciences, Department of Inspections, Appeals, & Licensing, 6200 Park Avenue, Suite 100, Des Moines, IA 50321.

### **Petition for Declaratory Order**

*The Petition for Declaratory Order asserts the following statement of facts, which has been reproduced here verbatim:*

The HydraFacial is a facial treatment similar to another treatment called microdermabrasion.

- Microdermabrasion uses a “mildly abrasive instrument to gently sand your skin, removing the thicker, uneven outer layer.
- **Hydrafacial is not microdermabrasion.** “The [HydraFacial] device uses an exfoliating tip paired with suction to remove dead skin cells from the surface of your face. After skin is exfoliated, serums are infused into the skin.
- Cosmetologists perform the Keravive Scalp Treatment, using the HydraFacial machine.
- HydraFacial does not penetrate the skin.

There are three steps in the HydraFacial treatment. There is no downtime - a common word for recovery time in dermatology - and the entire treatment can be done in as little as 30 minutes.

### 1. **Cleanse and Peel**

This is the resurfacing step when skin is exfoliated. "Exfoliation is the process of removing dead skin cells from the outer layer of the skin. This is all done in the HydraFacial with the Hydra Facial tip. This "generates a fluid vortex over the skin that gently dislodges impurities and dead skin cells.

### 2. **Extract and Hydrate**

The tip gets gunk out of pores and delivers topical moisturizers simultaneously.

### 3. **Infuse and Protect**

Treatment will finish with "boosters," or serums. These are geared toward your skin goal, which may include reducing the appearance of hyperpigmentation, fine lines and wrinkles, dull skin, or enlarged pores. The treatment is entirely customizable through these "boost" serums, which is a major perk for patients.

HydraFacial treatments **do not penetrate the skin's layers** as deeply as other skin resurfacing procedures, such as chemical peels, micro needling, and microdermabrasion. These treatments are therefore safe for people of all skin types and tones, rarely cause side effects and require no downtime.

HydraFacial offers extensive training and continuing education for salons that have a HydraFacial machine. Would then a cosmetologist be able to acquire approval through HydraFacial training.

*The Petition for Declaratory Order presents the following questions:*

1. Can a cosmetologist licensed after July 1, 2005 perform a HydraFacial?
2. If so, is there any additional training required?
3. Does Hydra Facial fall under the guidelines as for microdermabrasion?

*The Petition for Declaratory Order presents the following reasons for the Petition:*

1. Iowa Law is unclear on whether a cosmetologist licensed after July 1, 2005 can perform Hydra Facial.



2. Hydra Facial is non-invasive and does not penetrate the skin and should not be sanctioned under the same laws as microdermabrasion, micro-needling, or chemical peels.

### **Public Record**

A copy of the Petition for Declaratory Order will be posted on the Board of Barbering and Cosmetology Arts & Science website with the meeting agenda for the public hearing (<https://dial.iowa.gov/calendar>) and is available for viewing and copying at the Board office of the Iowa Board of Barbering and Cosmetology Arts & Sciences, Department of Inspections, Appeals, & Licensing, 6200 Park Avenue, Suite 100, Des Moines, IA 50321. A copy may also be obtained by contacting Venus Vendoures Walsh at [venus.vendoures-walsh@idph.iowa.gov](mailto:venus.vendoures-walsh@idph.iowa.gov).

### **Distribution List**

A copy of this Notice of Petition for Declaratory Order is distributed to the public online. The Notice is also distributed via email to:

Ms. Kim Sievers, Petitioner

Mr. Paul Bokota, General Counsel, the HydraFacial Company

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