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SENATE FILE 224

BY TINSMAN

STATE GOVERNMENT

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to permissible utilization of laser, pulsed
2 light, and radio frequency devices, and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 224
STATE GOVERNMENT

1 Section 1. NEW SECTION. 135.39C LASER, PULSED LIGHT, AND
2 RADIO FREQUENCY DEVICES -- RESTRICTIONS -- PENALTY.

3 1. DEFINITIONS. For the purposes of this section:

4 a. "Ablative treatment" means the use of a laser, pulsed
5 light, or radio frequency device as part of a medical
6 treatment intended to remove, burn, or vaporize the epidermal
7 surface of skin.

8 b. "Nonablative treatment" means the use of a laser,
9 pulsed light, or radio frequency device in a manner not
10 intended to remove, burn, or vaporize the epidermal surface of
11 the skin, including but not limited to cosmetic hair removal
12 procedures.

13 c. "On-site supervision" means continuous supervision in
14 which the supervising physician is in the same building.

15 d. "Physician" means a person licensed in Iowa to practice
16 medicine and surgery, osteopathic medicine and surgery, or
17 osteopathy.

18 2. The use of a laser, pulsed light, or radio frequency
19 device for any medical procedure to treat a physical disease,
20 disorder, deformity, or injury, including ablative treatment,
21 shall only be performed by a physician, and shall constitute
22 the practice of medicine and surgery, osteopathic medicine and
23 surgery, or osteopathy pursuant to chapters 148, 150, and
24 150A.

25 3. The use of a laser, pulsed light, or radio frequency
26 device for nonablative treatment may be delegated by a
27 physician and performed by a physician assistant, advanced
28 registered nurse practitioner, or registered nurse if the
29 following requirements are met:

30 a. On-site supervision is provided by a physician.

31 b. A physical examination of the patient is provided prior
32 to the procedure and informed consent obtained.

33 c. Advanced training in the use of a laser, pulsed light,
34 or radio frequency device has been completed by the physician
35 assistant, advanced registered nurse practitioner, or

1 registered nurse, including but not limited to clinical and
2 academic training regarding fundamentals of laser operation,
3 the bioeffects of laser radiation on the eye and skin, the
4 significance of specular and diffuse reflections, the nonbeam
5 hazards of lasers, the nonionizing radiation hazards, laser
6 and laser system classifications, and control measures.
7 Standards for such training shall be adopted by the department
8 by rule.

9 The use of a laser, pulsed light, or radio frequency device
10 for nonablative treatment, including hair removal procedures,
11 by any person other than a physician assistant, advanced
12 registered nurse practitioner, or registered nurse operating
13 pursuant to the requirements of this subsection is prohibited.

14 4. A violation of this section constitutes a serious
15 misdemeanor.

16 Sec. 2. Section 157.1, subsection 2, Code 2005, is amended
17 by striking the subsection.

18 Sec. 3. Section 157.1, subsection 12, paragraph c, Code
19 2005, is amended to read as follows:

20 c. Removing superfluous hair from the body of a person by
21 the use of depilatories, waxing, sugaring, or tweezers, ~~or use~~
22 ~~of any certified laser products~~. This excludes the practice
23 of electrology, whereby hair is removed with an electric
24 needle.

25 Sec. 4. Section 157.1, subsections 14 and 16, Code 2005,
26 are amended by striking the subsection.

27 Sec. 5. Section 157.2, Code 2005, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 5. Persons licensed under this chapter
30 shall not perform any procedure involving the use of a laser,
31 pulsed light, or radio frequency device for hair removal or
32 any other purpose, except as provided in section 135.39C.

33 Sec. 6. Section 157.3A, subsection 1, paragraph a, Code
34 2005, is amended to read as follows:

35 a. A licensed esthetician, who intends to provide services

1 pursuant to section 157.1, subsection 12, paragraphs "a" and
2 "c", having received additional training on the use of
3 microdermabrasion ~~or-a-certified-laser-product~~ shall submit a
4 written application and proof of additional training and
5 certification for approval by the board. Training shall be
6 specific to the service provided ~~or-certified-laser-product~~
7 used.

8 Sec. 7. Section 157.3A, subsection 2, paragraph a, Code
9 2005, is amended to read as follows:

10 a. A licensed cosmetologist having received additional
11 training in the use of chemical peels, or microdermabrasion,
12 ~~or-a-certified-laser-product~~ shall submit a written
13 application and proof of additional training ~~and-certification~~
14 for approval by the board. A cosmetologist who is licensed
15 after July 1, 2005, shall not be eligible to provide chemical
16 peels, or practice microdermabrasion procedures, ~~or-use~~
17 ~~certified-laser-products~~.

18 Sec. 8. Section 157.3A, subsections 3 and 4, Code 2005,
19 are amended by striking the subsections.

20 Sec. 9. Section 157.5, subsection 1, unnumbered paragraph
21 1, Code 2005, is amended to read as follows:

22 A licensed cosmetologist, esthetician, or electrologist who
23 provides services relating to the use of a ~~certified-laser~~
24 ~~product~~, chemical peel, or microdermabrasion, shall obtain a
25 consent in writing prior to the administration of the
26 services. A consent in writing shall create a presumption
27 that informed consent was given if the consent:

28 Sec. 10. Section 157.5, subsection 2, Code 2005, is
29 amended to read as follows:

30 2. A licensed cosmetologist, esthetician, or electrologist
31 who provides services related to the use of a ~~certified-laser~~
32 ~~product~~, chemical peel, or microdermabrasion, shall submit a
33 report to the board within thirty days of any incident
34 involving the provision of such services which results in
35 physical injury requiring medical attention. Failure to

1 comply with this section shall result in disciplinary action
2 being taken by the board.

3 Sec. 11. Section 157.12A, Code 2005, is repealed.

4 EXPLANATION

5 This bill places restrictions on the utilization of lasers,
6 pulsed light, and radio frequency devices in medical and
7 cosmetic procedures.

8 The bill defines an ablative treatment to mean use of a
9 laser, pulsed light, or radio frequency device as part of a
10 medical treatment intended to remove, burn, or vaporize the
11 epidermal surface of the skin. A nonablative treatment is
12 defined as the use of a laser, pulsed light, or radio
13 frequency device in a manner not intended to remove, burn, or
14 vaporize the epidermal surface of the skin, including but not
15 limited to cosmetic hair removal procedures.

16 The bill provides that use of a laser, pulsed light, or
17 radio frequency device for any medical procedure to treat a
18 physical disease, disorder, deformity, or injury, including
19 ablative treatment, shall only be performed by a physician,
20 and shall constitute the practice of medicine and surgery,
21 osteopathic medicine and surgery, or osteopathy pursuant to
22 Code chapters 148, 150, and 150A. The bill also provides that
23 the use of a laser, pulsed light, or radio frequency device
24 for nonablative treatment may be delegated by a physician and
25 performed by a physician assistant, advanced registered nurse
26 practitioner, or registered nurse. The bill specifies certain
27 conditions under which a nonablative treatment may be
28 delegated. On-site supervision must be provided by a
29 physician, which is defined as continuous supervision in which
30 the supervising physician is in the same building. Also, a
31 physical examination of the patient must be provided prior to
32 the treatment and informed consent obtained. Additionally,
33 advanced training in the use of a laser, pulsed light, or
34 radio frequency device must be completed, including but not
35 limited to clinical and academic training regarding

1 fundamentals of laser operation, the bioeffects of laser
2 radiation on the eye and skin, the significance of specular
3 and diffuse reflections, the nonbeam hazards of lasers, the
4 nonionizing radiation hazards, laser and laser system
5 classifications, and control measures.

6 The bill states that use of a laser, pulsed light, or radio
7 frequency device for nonablative treatment, including hair
8 removal procedures, by any person other than a physician
9 assistant, advanced registered nurse practitioner, or
10 registered nurse is expressly prohibited, and that a violation
11 of these provisions constitutes a serious misdemeanor.

12 The bill makes a number of conforming changes to Code
13 chapter 157, relating to the practice of cosmetology, which
14 currently permits the utilization of certified laser products
15 for hair removal procedures under the general, rather than on-
16 site, supervision of a physician. The bill provides that
17 persons licensed pursuant to Code chapter 157 shall no longer
18 be authorized to perform any procedure involving the use of a
19 laser, pulsed light, or radio frequency device for hair
20 removal or any other purpose.

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