MEDICAL BOARD OF CALIFORNIA
Executive Office

ADVISORY COMMITTEE ON
PHYSICIAN RESPONSIBILITY IN THE
SUPERVISION OF
AFFILIATED HEALTH CARE
PROFESSIONALS

January 28, 2010

Teleconference Location:
Embassy Suites – San Francisco Airport
Mendocino/Burlingame Room
150 Anza Blvd.
Burlingame, CA 94010
650-342-4600

Teleconference Number:
866-225-0463

AGENDA
3:00 p.m. – 3:30 p.m.
(or until the conclusion of Business)

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE
If a quorum of the Board is present, members of the Board who are not members of the Committee may attend only as observers.

1. Call to order - Dr. Moran
2. Introductions: Advisory Committee members and guests - Dr. Moran
3. Overview of the mission and goals of the Advisory Committee - Dr. Moran and Ms. Whitney
4. Nominees for membership - Dr. Moran
5. Legislative history - Ms. Whitney and Ms. Cordray
6. Discussion of the work to be accomplished, as well as expectations and time line of outcomes or products of the Committee’s work - Dr. Moran

The mission of the Medical Board of California is to protect healthcare consumers through the proper licensing and regulation of physicians and surgeons and certain allied healthcare professions and through the vigorous, objective enforcement of the Medical Practice Act, and to promote access to quality medical care through the Board’s licensing and regulatory functions.

2005 Evergreen St, Ste 1200  Sacramento, CA  95815  (916) 263-2389  Fax (916) 263-2387  www.mbc.ca.gov
7. 2010 meeting dates - Dr. Moran
8. Public Comment on items not on the agenda
9. Adjournment
Agenda Item 3

2023.5. (a) The board, in conjunction with the Board of Registered Nursing, and in consultation with the Physician Assistant Committee and professionals in the field, shall review issues and problems surrounding the use of laser or intense light pulse devices for elective cosmetic procedures by physicians and surgeons, nurses, and physician assistants. The review shall include, but need not be limited to, all of the following:

   (1) The appropriate level of physician supervision needed.
   (2) The appropriate level of training to ensure competency.
   (3) Guidelines for standardized procedures and protocols that address, at a minimum, all of the following:
      (A) Patient selection.
      (B) Patient education, instruction, and informed consent.
      (C) Use of topical agents.
      (D) Procedures to be followed in the event of complications or side effects from the treatment.
      (E) Procedures governing emergency and urgent care situations.

   (b) On or before January 1, 2009, the board and the Board of Registered Nursing shall promulgate regulations to implement changes determined to be necessary with regard to the use of laser or intense pulse light devices for elective cosmetic procedures by physicians and surgeons, nurses, and physician assistants.
Barbara Yaroslavsky, President
Medical Board of California
2005 Evergreen Street., Suite 1200
Sacramento, CA  95815

Dear Ms. Yaroslavsky:

I am writing to request the Medical Board of California (MBC) to consider reviewing the appropriate level of physician availability needed within clinics or other settings using laser or intense pulse light devices for elective cosmetic procedures, and adopt appropriate regulations to implement the changes determined to be necessary.

As you know, I authored and the Legislature passed SB 674 this year. Unfortunately, it was vetoed by the Governor. One of the provisions contained in SB 674 required the MBC to adopt regulations on the appropriate level of physician availability needed within clinics or other settings using laser or intense pulse light devices for elective cosmetic procedures. These provisions were included in SB 674 because of the increasing popularity of procedures that are done at medical spas which operate with little or no regulation from the state.

Section 2023.5 of the Business and Professions Code called on the MBC and the Board of Registered Nursing (BRN) to review issues and problems surrounding the use of laser or intense pulse light devices for elective cosmetic procedures by physicians and surgeons, nurses, and physician assistants. The review included the appropriate level of physician supervision, patient selection and the use of topical agents. Section 2023.5 also required MBC and BRN to promulgate regulations needed to implement changes determined to be necessary with regard to the use of laser or intense pulse light devices for cosmetic procedures by physicians and surgeons, nurses and physician assistants.

The MBC and the BRN held numerous meetings, discussions and heard testimony from a number of organizations representing nurses, physicians, physician assistants, patients and the laser industry. The discussions included recommendations on training of personnel that use laser...
equipment, the appropriate level of physician supervision at these facilities, the appropriate advertising to inform patients of the practitioners’ credentials and degrees, who should own or control these facilities, liability issues and establishing standardized procedural rules. The discussions and meetings revealed that there is frequent disregard of the law in the use of laser or intense pulse light devices in the treatment of patients. However, both boards determined no new regulations were necessary.

Pursuant to Section 2023.5, I am requesting that MBC review the issue of physician availability and adopt the necessary regulations to implement changes necessary to ensure the continued protection of California consumers who are increasingly using the services of medical spas.

Thank you for your consideration of this matter. I appreciate what you have done and continue to do to better protect California consumers. If you have questions, please feel free to contact Rosielyn A. Pulmano of my staff at (916) 651-4104.

Respectfully,

GLORIA NEGRETE McLEOD
Senator, 32nd District

GNM/rp/ks
NOMINEES FOR THE ADVISORY COMMITTEE ON PHYSICIAN RESPONSIBILITY IN THE SUPERVISION OF AFFILIATED HEALTH CARE PROFESSIONALS

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
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<tbody>
<tr>
<td>Jack Bruner, M.D.</td>
<td>California Society of Plastic Surgeons</td>
</tr>
<tr>
<td>Beth Grivett, P.A.</td>
<td>California Academy of Physician Assistants</td>
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<tr>
<td>Suzanne Kilmer, M.D.</td>
<td>American Society for Dermatologic Surgery</td>
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<tr>
<td>Victor Narurkar, M.D.</td>
<td>California Society of Dermatology &amp; Dermatologic Surgery</td>
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<tr>
<td>Paul Phinney, M.D.</td>
<td>California Medical Association</td>
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<td>California Society of Facial Plastic Surgery</td>
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# State Pay Period Calendar for 2010

<table>
<thead>
<tr>
<th>Month</th>
<th>Pay Period</th>
<th>Hours</th>
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<tbody>
<tr>
<td>JANUARY 2010</td>
<td>21 Days</td>
<td>168 Hours</td>
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<tr>
<td>FEBRUARY 2010</td>
<td>21 Days</td>
<td>168 Hours</td>
</tr>
<tr>
<td>MARCH 2010</td>
<td>22 Days</td>
<td>176 Hours</td>
</tr>
<tr>
<td>APRIL 2010</td>
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<tr>
<td>MAY 2010</td>
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<tr>
<td>JUNE 2010</td>
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<tr>
<td>JULY 2010</td>
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<tr>
<td>AUGUST 2010</td>
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<tr>
<td>SEPTEMBER 2010</td>
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<tr>
<td>OCTOBER 2010</td>
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<tr>
<td>NOVEMBER 2010</td>
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<tr>
<td>DECEMBER 2010</td>
<td>22 Days</td>
<td>176 Hours</td>
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*NOTE: Holidays and pay periods after July 1, 2009, are subject to any collective bargaining agreements negotiated in Fiscal Year 2009-2010 or thereafter.*