

### 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.

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California Legislature  
Senate Committee on Business, Professions & Economic Development  
Senator  
**Gloria Negrete McLeod**  
Chair

October 27, 2009

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

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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,

A handwritten signature in black ink, reading "Gloria Negrete McLeod". The signature is written in a cursive, flowing style.

GLORIA NEGRETE McLEOD  
Senator, 32<sup>nd</sup> District

GNM/rp/ks