

# GEORGIA COMPOSITE MEDICAL BOARD

EXECUTIVE DIRECTOR  
LaSham Hughes, MBA



BOARD CHAIRPERSON  
David W. Retterbush, MD

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## **GEORGIA COMPOSITE MEDICAL BOARD** **NOTICE OF INTENT TO AMEND AND ADOPT RULES**

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Composite Medical Board (hereinafter "Board") proposes amendments to the Georgia Composite Medical Board Rules, **Rule 360-35 "Lasers."** An exact copy of the proposed rule is attached to this Notice.

This notice, together with an exact copy of the proposed rules and a synopsis of the proposed amendments is forwarded to all persons who have requested, in writing, that they be placed on the interested parties' mailing list. A copy of this notice, an exact copy of the proposed rules and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the office of the Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36<sup>th</sup> Floor, Atlanta, Georgia 30303. These documents will also be available for review on the Board's website at [www.medicalboard.georgia.gov](http://www.medicalboard.georgia.gov).

A public hearing is scheduled to begin at **8:30 a.m. on September 3, 2015** at the 36th Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia 30303, to provide the public an opportunity to comment upon and provide input into the proposed rules. At the public hearing, any interested person who will be affected by these rules may present his or her written comments to the Board no later than **August 24, 2015** or make comments at the public hearing. Comments may be directed to Diane Atkinson, Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36<sup>th</sup> Floor, Atlanta, Georgia 30303-3465 or may be received by the Board by e-mail at [mdatkinson@dch.ga.gov](mailto:mdatkinson@dch.ga.gov).

The proposed amendments will be considered for adoption by the Board at its meeting scheduled to begin at **8:30 a.m. on September 3, 2015** at the Board offices on the 36th Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia 30303

The Board voted to adopt this Notice of Intent on **July 9, 2015** meeting. The Board will consider at its meeting on **September 3, 2015 at 8:30 a.m.** the comments from the public hearing whether the formulation and adoption of these proposed rule amendments imposes excessive regulatory costs on any license or entity and whether any cost to comply with the proposed rule amendments could be reduced by a less expensive alternative that accomplishes the objectives of the statutes which are the basis of the proposed rule. Additionally at its meeting on **September 3, 2015** the Board will consider

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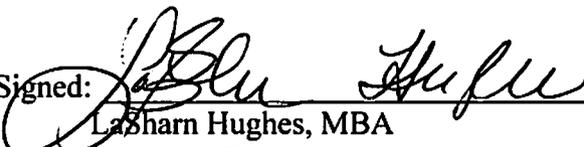
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whether it is legal or feasible in meeting the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3) (A) (B) (C) (D). This Notice is adopted and posted in compliance with O.C.G.A. § 50-13-4 of the Georgia Administrative Procedures Act. A synopsis of the proposed rules and an economic impact statement are attached to this Notice.

The authority for promulgation of these rules is O.C.G.A. Authority Section O.C.G.A. Sec. 43-34-5, 43-34-242, 43-34-244, 43-34-248, 43-34-249.1, and 50-13-9.1, 50-36-1.

Date: 7-13-15

Signed: 

LaSharn Hughes, MBA  
Executive Director  
Georgia Composite Medical Board

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LaSham Hughes, MBA



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## ECONOMIC IMPACT AND SYNOPSIS FOR AMENDMENTS TO CHAPTER 360-35 Lasers

### ECONOMIC IMPACT:

The attached rules are promulgated under the authority of the Medical Practice Act, Title 43, Chapter 34. The Composite State Board of Medical Examiners licenses and regulates nine professions. The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated. Additionally, it is not legal or feasible to meet the objectives of the Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated to adopt or implement differing actions for businesses listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D).

### RULE SYNOPSIS:

#### **Rule Chapter 360-34 “Lasers”**

**Purpose/Main Feature:** The proposed new rule is to adopt and implement standards for the practice of cosmetic lasers practitioners.

O.C.G.A Sec. 43-34-5, 43-34-242, 43-34-244, 43-34-248, 43-34-249.1, 50-13-9.1, and 50-36-1.

RULES  
OF  
COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

CHAPTER 360-35  
LASERS

<u>360-35-.01</u>	<u>Definitions</u>
<u>360-35-.02</u>	<u>Licensure</u>
<u>360-35-.03</u>	<u>Renewal Requirements</u>
<u>360-35-.04</u>	<u>Continuing Education Requirements and Approved Providers</u>
<u>360-35-.05</u>	<u>Practice</u>
<u>360-35-.06</u>	<u>Consulting Physician</u>
<u>360-35-.07</u>	<u>Facility Requirements</u>
<u>360-35-.08</u>	<u>Informed Consent</u>
<u>360-35-.09</u>	<u>Change of Name or Address</u>
<u>360-35-.10</u>	<u>Prohibited Activities</u>
<u>360-35-.11</u>	<u>Disciplinary Actions</u>
<u>360-35-.12</u>	<u>Permitted Activities</u>
<u>360-35-.13</u>	<u>Composition and Responsibilities of the Advisory Committee</u>

**360-35-.01. Definitions.**

For purposes of this Chapter, the following definitions apply:

- (1) "Assistant Laser Practitioner" means a person who had been licensed by the Board to practice as a cosmetic laser practitioner under the on-site supervision of a senior laser practitioner but the senior laser practitioner does not have to be on-site if the only service being performed is hair removal using lasers or pulsed light devices.
- (2) "Board" means the Georgia Composite Medical Board.
- (3) "Continuing medical education (CME) educator" or "continuing education (CE) educator" means an individual who teaches courses approved by the Accreditation Council for Continuing Medical Education (ACCME).
- (4) "Cosmetic laser practitioner" means a person licensed by the Board to provide cosmetic laser services and whose license is in good standing.
- (5) "Cosmetic laser services" means nonablative elective cosmetic light based skin care, photo rejuvenation, or hair removal using lasers or pulsed light devices approved by the United States Food and Drug Administration for noninvasive procedures.
- (6) "Direct supervision" means the supervising physician (MD/DO) is physically present on the premises and immediately available to lend medical assistance if needed.

(7) "Facility" means any location, place, area, structure, office, institution, or business or a part thereof in which is performed or provided cosmetic laser services regardless of whether a fee is charged for such services.

(8) "Lasers" means light-based devices that are prescription devices, the sale of which are regulated by the U.S. Food and Drug Administration, (FDA), that can be sold only to licensed practitioners with prescriptive authority. It does not include devices which are not light based such as radiofrequency devices, ultrasound devices, thermal devices and lasers not regulated by the FDA.

(9) "Medical Practitioner" means a nurse, physician assistant or physician.

(10) "Nurse" means a person who is licensed to practice as a registered professional nurse or who is authorized by the Georgia Board of Nursing to engage in advanced nursing practice pursuant to Article 1, Chapter 26, Title 43 of the O.C.G.A.

(11) "Physician" means one who is licensed by the Board to practice medicine.

(12) "Physician Assistant" means a person who is licensed by the Board as a physician assistant.

(13) "Offices" shall mean a facility offering cosmetic laser services which serves as the principal place of practice at which a physician regularly sees patients for the general and usual care rendered and administered by a physician.

(14) "Senior Laser Practitioner" means a physician assistant or a nurse who has been licensed to practice the occupation of a cosmetic laser practitioner and who practices pursuant to the protocols of a consulting physician.

Authority : O.C.G.A. Sections 43-34-5, 43-34-242, 43-34-244, 43-34-248 and 43-34-249.1.

### **Rule 360-35-.02. Licensure.**

(1) Applicants for licensure as an assistant laser practitioner or senior laser practitioner must submit an application on a form approved by the Board, submit an application fee, and submit an affidavit that the applicant is a United States citizen, a legal permanent resident of the United States, or that he/she is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act. If the applicant is not a U.S. citizen, he/she must submit documentation that will determine his/her qualified alien status. The Board participates in the DHS-USCIS SAVE (Systematic Alien Verification for Entitlements or "SAVE") program for the purpose of verifying citizenship and immigration status information of non-citizens. If the applicant is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act, he/she must provide the alien number issued by the Department of Homeland Security or other federal immigration agency.

(2) An applicant for licensure as an assistant laser practitioner must also show that he/she:

(a) Is 21 years old or older;

(b) Holds a current license as a physician assistant, licensed practical nurse, nurse, esthetician, or master cosmetologist or has previously held a license or certificate as a medical practitioner; and

(c) Has received at least three laser certificates from attending laser/intense pulsed light (IPL) courses as approved by the Board, directly taught by a licensed physician or certified continuing medical education or continuing education educator.

(3) An applicant for licensure as a senior laser practitioner must also show that he/she:

(a) Is 21 years old or older;

(b) Holds a current valid license or certificate of registration as a physician assistant or nurse or has previously held a license or certificate of registration as a medical practitioner;

(c) Has at least three years of clinical or technological medical experience, or both;

(d) Has been or was licensed or nationally board certified as a medical practitioner for at least three years;

(e) Has submitted verification of licensure from every state in which the applicant has ever held any type of license or if a medical practitioner, has submitted verification of national board certification;

(f) Has received at least two laser certificates from attending laser/intense pulsed light (IPL) continuing medical education courses as approved by the Board, directly taught by a licensed physician or certified continuing medical education or continuing education educator; and

(4) A person currently licensed in another state may apply for licensure in Georgia as an assistant laser practitioner or senior laser practitioner by submitting an application, paying a fee, showing he/she is currently licensed in another state, that state has requirements similar to and not less stringent than Georgia, that state would accept licensees from Georgia, and passing an examination approved by the Board.

Authority : O.C.G.A. Sections 43-34-5, 43-34-244 and 50-36-1.

### **Rule 360- 35-.03. Renewal Requirements.**

(1) All licenses shall expire biennially unless renewed.

(2) Each licensee shall notify the Board within thirty (30) days, in writing, of all changes of address. Any mailing or notice from the Board shall be considered to be served on the licensee when sent to the licensee's last address on file with the Board.

(3) All active licenses must be renewed every two years. This may be done via the internet or through mail. A licensee may not practice after the expiration date of the license. A license must be renewed biennially by the last day of the month in which the applicant's birthday falls, and

the licensee must establish satisfaction of Board-approved continuing education requirements to be eligible for renewal.

(4) Licensees have the right to obtain a late renewal of their licenses during the three (3) month period immediately following the expiration date. During this period, the penalty for late renewal applies. A licensee may not practice after the expiration date of his or her license.

(5) The Board shall administratively revoke any license not renewed prior to the expiration of the late renewal period. In order to obtain a license after revocation for failure to renew, an applicant must reapply for a new license and meet the requirements in effective at the time of the application.

(6) Notwithstanding the provisions of paragraph (4) of this rule, any service member as defined in O.C.G.A. § 43-1-31 whose license to practice as a cosmetic laser practitioner expired while on active duty outside the state shall be permitted to practice in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of his or her discharge from active duty or reassignment to a location within the state. Such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of his or her discharge from active duty or reassignment to a location within this state. The service member must present to the Board a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.

(7) The fee for renewals and late renewals shall be designated in the fee schedule.

(8) All applicants must provide an affidavit and a secure and verifiable document in accordance with O.C.G.A. 50-36-1(f). If the applicant has previously provided a secure and verifiable document and affidavit of United States citizenship, no additional documentation of citizenship is required for renewal. If the applicant for renewal is not a United States citizen, he/she must submit documentation that will determine his/her qualified alien status. The Board participates in the DHS-USCIS SAVE (Systematic Alien Verification for Entitlements or "SAVE") program for purpose of verifying citizenship and immigration status information of non-U.S. citizens. If the applicant for renewal is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act, he/she must provide the alien number issued by the Department of Homeland Security or other federal agency.

Authority : O.C.G.A. Sections 43-1-31, 43-34-5, 43-34-245 and 50-36-1.

#### **360-35-.04. Continuing Education Requirements and Approved Providers.**

(1) An applicant for renewal who has been initially licensed by the Board by examination for less than two years shall not be required to complete the continuing education hours in order to renew the license for the first time. However, for the next renewal, the licensee must obtain 5 hours of continuing education.

(2) Each licensee must be renewed biennially by the last day of the month in which the applicant's birthday falls and the licensee must establish satisfaction of at least 5 (five) contact hours of Board-approved continuing education requirements to be eligible for renewal.

(3) Each licensee shall be required to answer questions on their renewal application form that establish compliance with Board approved continuing education requirements. Licensees will not be required to send documentation of compliance with continuing education requirements for renewal, unless requested by the Board.

(4) False statements regarding satisfaction of continuing education on the renewal form or any other document connected with the practice of cosmetic laser practitioner may subject the licensee to disciplinary action by the Board.

(5) Each licensee who must meet the requirements of this chapter must maintain record of attendance and supporting documents for Board approved continuing education for a period of 5 years from the date of attendance. At a minimum, the following information must be kept:

(a) name of provider;

(b) name of program;

(c) hours of continuing education units completed; and

(d) date of completion.

(6) The Board will audit a fixed percentage of randomly selected renewal applications to monitor compliance with the continuing education requirements. Any licensee so audited shall be required to furnish documentation of compliance including name of provider, name of program, hours/continuing education units completed and date of completion. Any licensee audited that has been found to be out of compliance with the Board's continuing education requirements may be subject to disciplinary action.

(7) If the licensee has not complied with the continuing education requirement by the expiration of the license, his/her license shall not be renewed and the license holder shall not engage in the practice of cosmetic laser services.

(8) A licensee may late renew during the three months following the expiration date of his or her license by presenting satisfactory evidence to the Board of completion of the contact hours or continuing education units of Board approved continuing education. Licenses not renewed within 3 months following the expiration date of the license shall be revoked for failure to renew. In order to obtain a valid license after revocation for failure to renew, an applicant must reapply for a new license and meet the requirements in effective at the time of the application.

(9) Any licensee seeking renewal of a license without having fully complied with the Board's continuing education requirements who wishes to seek a waiver or variance of this rule shall file with the Board:

(a) A renewal application and fee and

(b) A statement that complies with the provisions of O.C.G.A. § 50-13-9.1 setting forth the specific facts of substantial hardship which would justify a variance or waiver, including the alternative standards which the person seeking a waiver or variance agrees to meet and a showing that such alternative standards will afford adequate protection for the public health, safety and welfare; and the reason why the variance would serve the purpose of the underlying statute.

(10) Courses should be in the area of cosmetic laser services, equipment safety and operation, procedures, and relative skin modalities, directly taught by a licensed physician or certified continuing medical education or continuing education educator. The following courses are approved by the Board as meeting the continuing education requirements:

(a) Assistant and senior laser practitioners can obtain laser continuing education credit for courses from the following:

1. Courses approved for Category I credit by the Accreditation Council for Continuing Medical Education (ACCME).

2. Courses approved for Category I Continuing Medical Education (CME) credit by AAPA, AMA, AOA, and NCCPA.

3. Laser courses approved by the Georgia Board of Cosmetology.

4. Laser courses approved for Category I credit by Medical Association of Georgia (MAG).

5. Laser courses approved by the Georgia Board of Nursing

6. Courses sponsored by the Georgia Composite Medical Board.

7. Courses taught by a licensed physician specific to laser practice and safety

Authority : O.C.G.A. Sections 43-1-31, 43-34-5, 43-34-11, 43-34-245 and 50-13-9.1.

### **Rule 360-35-.05. Practice.**

(1) Assistant Laser Practitioners may practice as follows:

(a) May perform cosmetic laser services which means nonablative elective cosmetic light based skin care, photo rejuvenation, or hair removal using lasers or pulsed light devices approved by the United States Food and Drug Administration for noninvasive procedures under the on-site supervision of a physician licensed by the Board or a licensed senior laser practitioner.

(b) Shall have patients examined by a consulting physician, or a physician assistant who is a licensed cosmetic laser practitioner or advanced registered practice nurse who is a licensed cosmetic laser practitioner prior to service.

(c) On-site supervision and an examination prior to treatment as described herein are not required for the performance of laser hair removal and pulsed light treatments.

(2) Senior Laser Practitioners may practice as follows

(a) May perform cosmetic laser services including nonablative elective cosmetic light based skin care, photo rejuvenation, or hair removal using lasers or pulsed light devices approved by the United States Food and Drug Administration for noninvasive procedures.

(b) May supervise assistant laser practitioners in the performance of cosmetic laser services as defined in the law.

Authority : O.C.G.A. Sections 43-34-5, 43-34-242, 43-34-244, and 43-34-248.

**Rule 360-35-.06. Consulting Physician.**

(1) In order to qualify as a consulting physician, the physician:

(a) Must be currently licensed to practice medicine in Georgia;

(b) Must have a principal place of business in Georgia or practice outside of Georgia but within 50 miles from a facility with whom the physician will provide supervision;

(c) Must be trained in laser modalities; and

(d) Must be available for emergency consultations.

(2) The consulting physician shall establish proper protocols for the cosmetic laser services provided at a facility and shall file such protocols with the Board.

Authority : O.C.G.A. Sections 43-34-5, 43-34-242, and 43-34-248.

**Rule 360-35-.07. Facility Requirement.**

(1) Except for physician offices, all facilities providing cosmetic laser services other than hair removal using lasers or pulsed light devices shall meet the following standards:

(a) Must have an agreement with a consulting physician who will examine each patient prior to any cosmetic laser service other than hair removal using lasers or pulsed light devices being performed or who has delegated the authority to perform such examination to a physician assistant in a job description who is a licensed cosmetic laser practitioner, or to an advanced practice registered nurse in a protocol approved by the Board and who is a licensed cosmetic laser practitioner;

(b) Must have a consulting physician who will be available for emergency consultation with the cosmetic laser practitioner or anyone employed by the facility;

(c) Must file with the Board the name, address and credentials of the consulting physician and his/her delegates, if applicable;

(d) Must have a senior laser practitioner or consulting physician present at the facility or immediately available for consultation and supervision either personally or via telecommunications; and

(e) Must post a sign listing the consulting physician's name, emergency contact number, his or her board certification and specialty, and the address of his or her principal place of practice, and indicating whether he or she is presently on site at the facility. If the physician is not on-site, a sign must be posted indicating who is presently acting as supervisor and that person's name, emergency contact number, his or her degrees and qualifications, and the type of cosmetic laser practitioner license held.

(2) Physician offices providing cosmetic laser services other than hair removal using lasers or pulsed light devices shall meet the following standards:

(a) Must have the physician examine each patient prior to any cosmetic laser service other than hair removal using lasers or pulsed light devices being performed or have such examination conducted by a physician assistant authorized in a job description, or by an advanced practice registered nurse in a protocol approved by the Board;

(b) Must have the physician available for emergency consultation with a cosmetic laser practitioner or anyone employed by the facility;

(c) Must file with the Board the name, address and credentials of the physician and his/her delegates, if applicable; and

(d) Must have a senior laser practitioner or physician present at the facility or immediately available for consultation and supervision either personally or via telecommunications if cosmetic laser services are being provided by an assistant laser practitioner.

(3) Failure of a facility to meet the requirements of this Chapter may subject the owner to misdemeanor criminal charges and may subject the licensed cosmetic laser practitioners practicing at such facility and any consulting physician with that facility to disciplinary action by the Board.

Authority : O.C.G.A. Sections 43-34-5, 43-34-248, and 43-34-249.1.

**Rule 360-35-.08. Informed Consent.**

(1) Prior to receiving cosmetic laser services for hair removal from a cosmetic laser practitioner, a person, or if under the age of 18, his or her parent or guardian, must consent in writing to such services and shall be informed in writing of the general terms of the following:

(a) The nature and purpose of such proposed procedure;

(b) Any material risks generally recognized and associated with the cosmetic laser service to be performed which, if disclosed to a reasonably prudent person in the customer's position, could reasonably be expected to cause such prudent person to decline such proposed cosmetic laser services on the basis of the material risk of injury that could result from such proposed services;

(c) The name of, degrees and qualifications held by, and type of licenses obtained by the individual who will be performing the cosmetic laser service; and

(d) The steps to be followed after the cosmetic laser service is performed in the event of any complications.

(2) Prior to receiving cosmetic laser service other than hair removal from a cosmetic laser practitioner, a person, or if under the age of 18, his or her parent or guardian, must consent in writing to such services and shall be informed in writing of the general terms of the following:

(a) The nature and purpose of such proposed procedure;

(b) Any material risks generally recognized and associated with the cosmetic laser service to be performed which, if disclosed to a reasonably prudent person in the customer's position, could reasonably be expected to cause such prudent person to decline such proposed cosmetic laser services on the basis of the material risk of injury that could result from such proposed services;

(c) The name of, degrees and qualifications held by, and type of licenses obtained by the individual who will be performing the cosmetic laser service, by the supervisory, and by the consulting physician;

(d) The steps to be followed after the cosmetic laser service is performed in the event of any complications; and

(e) The emergency contact information for the consulting physician and the address of his or her principal place of practice. If the cosmetic laser service is provided at the physician's office, then this information does not need to be included in the informed consent.

(3) After receiving each cosmetic laser service other than hair removal, a person shall be informed in writing of the steps to be followed after the cosmetic laser service is performed in the event of any complications and the emergency contact information for the consulting physician and the address of his or her principal place of practice.

(4) It shall be the responsibility of the cosmetic laser practitioner to ensure that the information required by this rule is disclosed and that the consent provided for in this Rule is obtained.

(5) The cosmetic laser practitioner can disclose some of this information on the procedures and risks through the use of video tapes, audio tapes, pamphlets, booklets, or other means of communication or through conversations with the cosmetic laser practitioner; provided, however, that such information is also provided in writing and attached to the consent form which the person signs.

(6) Failure to obtain informed consent shall be grounds for disciplinary action against the license of any cosmetic laser practitioner as provided in O.C.G.A. Section 43-34-8.

Authority : O.C.G.A. Sections 43-34-5, 43-34-249, and 43-34-249.1.

**Rule 360- 35-.09. Change of Name or Address.**

(1) A licensee shall notify the Board in writing within 30 days after the license holder's name is legally changed. At the time of notification, submit a certified copy of the official document evidencing the name change. If the name change occurred during naturalization, the application must also include the naturalization number, the name and address of the court, the date of naturalization, and the name change.

(2) Licensees shall notify the Board in writing within 30 days after a change in address of record. Failure to so notify the Board of an address change shall be deemed a violation of this rule and may be grounds for disciplinary action pursuant to O.C.G.A. § 43-34-8.

(3) Licensees who utilize a post office box as the address of record shall also provide a street address where the Board may contact the licensee.

Authority : O.C.G.A. Sections 43-34-5, 43-34-7, 43-34-8, and 43-34-244.

**Rule 360-35-.10. Prohibited Activities.**

(1) It shall be unlawful for any person licensed as a cosmetic laser practitioner to perform cosmetic laser services within any area within one inch of the nearest part of the eye socket of any consumer.

(2) It shall be unlawful for any person licensed as a cosmetic laser practitioner to administer any pharmaceutical agent or other substance by injection.

Authority : O.C.G.A. Sections 43-34-5 and 43-34-251.

**Rule 360-35-.11. Disciplinary Action.**

The Board may impose on a cosmetic laser practitioner or applicant any sanction authorized under subsection (b) of Code Section 43-34-8 upon a finding of any conduct specified in subsection (a) of Code Section 43-34-8.

Authority : O.C.G.A. Sections 43-34-5, 43-34-8 and 43-34-246.

**Rule 360-35-.12. Permitted Activities.**

This Chapter shall not be construed to prohibit:

(1) A licensed physician from engaging in the practice for which he or she is licensed;

(2) A licensed physician assistant from engaging in the practice for which he or she is licensed;

(3) A person licensed by this state as a registered professional nurse, licensed practical nurse, or nurse practitioner from engaging in his or her profession;

(4) A licensed esthetician from engaging in his or her profession;

(5) A master cosmetologist from engaging in his or her profession;

(6) Any person licensed under any other article of this chapter from engaging in the practice for which he or she is licensed;

(7) A person licensed in this state under any other law from engaging in the practice for which he or she is licensed;

(8) The practice of providing cosmetic laser services by a person who is employed by the federal government or any bureau, division, or agency of the federal government while in the discharge of the employee's official duties;

(9) The practice of providing cosmetic laser services by a student enrolled in an accredited school of nursing, schools for physician assistants, or medical school as part of his or her training; or

(10) Employees or authorized representatives of a manufacturer of a laser used for cosmetic laser services from engaging in one or more of the following: evaluating, adjusting, measuring, designing, fabricating, assembling, fitting, servicing, training, repairing, replacing, or delivering a laser used to provide cosmetic laser services under the order, direction, or prescription of a physician or health provider operating within his or her licensed scope of practice.

Authority : O.C.G.A. Sections 43-34-5 and 43-34-243.

**Rule 360-35-.13. Composition and Responsibilities of the Advisory Committee.**

(1) The Board shall appoint an advisory committee, which shall include licensed cosmetic laser practitioners. The initial members of the advisory committee may include persons eligible for licensing under this rule.

(2) The advisory committee shall include at least one person licensed to practice medicine under Chapter 43-34 and specialized in a field with expertise in the biologic behavior of the skin.

(3) Members shall receive no compensation for service on the committee. The committee shall have such advisory duties and responsibilities as the Board may determine, including but not limited to consulting with the Board on the issuance, denial, suspension, and revocation of licenses and the promulgation of rules and regulations concerning O.C.G.A. T. 43, Ch. 34, Art. 9.

(4) Advisory committee members must be licensed by the Board.

Authority : O.C.G.A. Sections 43-34-5 and 43-34-250.

BD Review 7/9