

Georgia Composite Medical Board

Executive Director

LaSharn Hughes, MBA



Chairperson

Barby Simmons, DO

Vice Chairperson

Thomas Harbin, MD

2 Peachtree Street, NW • 6th Floor • Atlanta, Georgia 30303 • (404) 656-3913 • www.medicalboard.georgia.gov

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 by amending **Rule 360-35-.01 “Definitions” and Rule 360-35-.05 “Practice.”** An exact copy of the proposed rules are attached to this Notice.

This notice, together with an exact copy of the proposed rules and a synopsis of the proposed amendments may be reviewed between 8:00 a.m. and 4:00 p.m., Monday through Friday, except official state holidays, at 2 Peachtree Street, NW., 6th Floor, Atlanta, GA 30303. These documents can also be reviewed online at <http://medicalboard.georgia.gov/notice-intent-amendadopt-rules>.

A public hearing is scheduled to begin at **8:30 a.m. on June 3, 2021 via TEAMS** to provide the public an opportunity to comment upon and provide input into the proposed rules. At the public hearing, any interested person may present data, make a statement or comment, or offer a viewpoint or argument orally or in writing. Lengthy statements and statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. To ensure their consideration, submit all written comments by **May 28, 2021 to lhughes@dch.ga.gov** via mail to the Georgia Composite Medical Board Rules Committee at 2 Peachtree Street, N.W., 6th Floor, Atlanta, Georgia 30303.

The Board voted to adopt this Notice of Intent on **March 4, 2021**. Upon conclusion of the public hearing on **June 3, 2021**, the Board will consider 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, the Board will consider 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), and (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. Secs. 43-34-5, 43-34-242, 43-34-244, 43-34-248(b), 43-34-249.1.

Issued this day April 29, 2021.

LaSharn Hughes, MBA
Executive Director
Georgia Composite Medical Board

ECONOMIC IMPACT AND SYNOPSIS FOR

RULE CHAPTER 360-35

Lasers

ECONOMIC IMPACT:

The attached rules are promulgated under the authority of the Medical Practice Act, Title 43, Chapter 34. The Georgia Composite Medical Board licenses and regulates nine professions. The formulation and adoption of these rules do 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 in O.C.G.A. §50-13-4(a)(3)(A), (B), (C) and (D).

RULE SYNOPSIS:

Rule 360-35-.01 “Definitions”

Purpose/Main Features: The purpose of the proposed amendment is to provide clarification that the supervision by the consulting physician can be handled via telecommunications.

Rule 360-35-.05 “Practice”

Purpose/Main Features: The purpose of the proposed amendment eliminates the on-site supervisory requirement and required direct supervision, which is now defined in the proposed change to Rule 360-36-.01 Definitions.”

Authority: O.C.G.A. §§ 43-34-5, 43-34-242, 43-34-244, 43-34-248(b), 43-34-249.1.

Chapter 360-35

Lasers

Rule 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) "Cosmetologist" means a person who is registered to practice the occupation of cosmetologist by the State Board of Cosmetology and Barbers pursuant to Chapter 10, Title 43 of the O.C.G.A.
- (7) "Direct supervision" means the supervising physician (MD/DO) is physically present on the premises **or via telecommunications** and immediately available to lend medical assistance if needed.
- (8) "Esthetician" means a person who is registered to engage in the occupation of an esthetician by the State Board of Cosmetology and Barbers pursuant to Chapter 10, Title 43 of the O.C.G.A.
- (9) "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.
- (10) "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 radio frequency devices, ultrasound devices, thermal devices and lasers not regulated by the FDA.
- (11) "Medical Practitioner" means a nurse, physician assistant or physician.
- (12) "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.
- (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) "Physician" means one who is licensed by the Board to practice medicine.

- (15) "Physician Assistant" means a person who is licensed by the Board as a physician assistant.
- (16) "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. §§ 43-34-5, 43-34-242, 43-34-244, 43-34-248, 43-34-249.1.

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~~ **direct** 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) **Direct** ~~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. §§ 43-34-5, 43-34-242, 43-34-244, 43-34-248.