

Georgia Composite Medical Board

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NOTICE OF INTENT TO AMEND 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.”** Exact copies 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 MLK Jr. Drive SE, East Tower, 11th Floor, Atlanta, GA 30334. These documents can also be reviewed online at <https://medicalboard.georgia.gov/board/notice-intent-amendadopt-rules>.

A public hearing is scheduled to begin at **8:30 a.m. on May 8, 2025**, at 2 MLK Jr. Drive SE, East Tower, 11th Floor, Atlanta, GA 30334 in Board Room 1162J 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 five minutes per person. Additional comments should be presented in writing. To ensure their consideration, submit all written comments by **May 1, 2025**, to Kimberly.Lemieux@dch.ga.gov or via mail to the Georgia Composite Medical Board Rules Committee at 2 MLK Jr. Drive SE, East Tower, 11th Floor, Atlanta, GA 30334.

The Board voted to adopt this Notice of Intent on **August 1, 2024**. Upon conclusion of the public hearing on **May 8, 2025**, 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, 43-34-8, and 43-34-15.

Issued this day April 8, 2025.

Jason S. Jones
Executive Director

ECONOMIC IMPACT AND SYNOPSES FOR

RULE CHAPTER 360-35 LASERS

ECONOMIC IMPACT:

The attached rule is promulgated under the authority of 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 Chapter 34 of Title 43 of the Official Code of Georgia Annotated. Additionally, it is not legal or feasible to meet the objectives 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 SYNOPSES:

Rule 360-35-.01 Definitions

Purpose/Main Features: The purpose of the proposed amendments is to bring the rule into alignment with current legislation. The main feature of this amendment is to update the definition and supervision language from HB 502 which became effective April 22, 2024.

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

Purpose/Main Features: The purpose of the proposed amendments is to make the rule clearer and bring it into alignment with current legislation. The main feature of this amendment is to update the definition and supervision language from HB 502 which became effective April 22, 2024.

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

**RULES
OF
GEORGIA COMPOSITE MEDICAL BOARD**

**CHAPTER 360-35
LASERS**

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Rule 360-35-.01 Definitions

For purposes of this Chapter, the following definitions apply:

- (1) "Assistant Laser Practitioner" means a person who is licensed by the Board to practice as a cosmetic laser practitioner under the ~~on-site~~ supervision of a senior laser practitioner or physician.
- (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 and includes energy based medical procedures using an ultrasound, cryolipolysis, microwave, or radio frequency device that is not expected or intended to remove, burn, or vaporize the live epidermal surface of the skin, but may damage underlying tissue if used inappropriately.
- (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 and immediately available to lend medical assistance if needed.~~
- (87) "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.
- (98) "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.

- (~~109~~) "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.
- (~~110~~) "Medical Practitioner" means a nurse, physician assistant or physician.
- (~~121~~) "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.
- (~~1312~~) "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.
- (~~1413~~) "Physician" means one who is licensed by the Board to practice medicine.
- (~~1514~~) "Physician Assistant" means a person who is licensed by the Board as a physician assistant.
- (~~1615~~) "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.

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 devises 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 devises 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.