

Georgia Composite Medical Board

Executive Director
Robert Jeffery, MBA

Deputy Executive Director
Karl Reimers



Chairperson
John S. Antalis, MD

Vice Chairperson
E. Daniel DeLoach, MD, FACS

2 Peachtree Street, NW • 36th 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."** 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 may be reviewed between 8:00 a.m. and 4:00 p.m., Monday through Friday, except official State holidays, at 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 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 **August 10, 2017** at 2 Peachtree Street, N.W., 36th Floor, 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 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, written comments must be sent to tburks@dch.ga.gov or to the Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303, and must be received by August 1, 2017.

The Board voted to adopt this Notice of Intent on **June 9, 2017**. Upon conclusion of the public hearing on **August 10, 2017**, 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. §§ 43-34-5, 43-34-242, 43-34-244, 43-34-248, and 43-34-249.1..

Issued this day, June 15, 2017.

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ECONOMIC IMPACT AND SYNOPSIS FOR AMENDMENTS TO CHAPTER 360-35

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 Chapter 360-35-.01, “Definitions.”

Purpose/Main Feature: The purpose of this proposed amendment is to clarify the definitions of “cosmetologist” and “esthetician”.

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

Rule 360-35-.01. Definition

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 a cosmetologist by the State Board of Cosmetology and Barbers pursuant to Chapter 10, Title 43 of the O.C.G.A.
- ~~(6)~~(7) "Direct supervision" means the supervising physician (MD/DO) is physically present on the premises and immediately available to lend medical assistance if needed.
- ~~(7)~~(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.
- ~~(7)~~(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.
- ~~(8)~~(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 radiofrequency devices, ultrasound devices, thermal devices and lasers not regulated by the FDA.
- ~~(9)~~(11) "Medical Practitioner" means a nurse, physician assistant or physician.
- ~~(10)~~(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.
- ~~(11)~~(14) "Physician" means one who is licensed by the Board to practice medicine.

~~(12)~~(15) "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)~~(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.