

# HOUSE BILL 1230

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71r3039

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By: **Delegate Simmons**

Introduced and read first time: February 21, 2007

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Physicians – Cosmetic Medical Procedures and Treatments – Regulation**

3 FOR the purpose of requiring certain physicians performing certain cosmetic medical  
4 procedures or treatments to conduct a certain on–site evaluation; requiring  
5 certain physicians to develop a certain treatment plan; requiring certain  
6 cosmetic medical procedures and treatments to be performed in certain  
7 locations; authorizing certain physicians to delegate certain cosmetic medical  
8 procedures and treatments to certain physician assistants and registered  
9 nurses; requiring physicians who delegate certain cosmetic medical procedures  
10 or treatments using a certain device to conduct a certain on–site evaluation at  
11 certain times; requiring certain physicians who delegated certain cosmetic  
12 medical procedures or treatments maintain a certain availability; defining  
13 certain terms; and generally relating to the regulation of physicians who  
14 perform cosmetic medical procedures and treatments.

15 BY adding to

16 Article – Health Occupations

17 Section 14–508

18 Annotated Code of Maryland

19 (2005 Replacement Volume and 2006 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Health Occupations**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **14-508.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
3 MEANINGS INDICATED.

4 (2) "COSMETIC MEDICAL PROCEDURE OR TREATMENT" MEANS A  
5 MEDICAL PROCEDURE OR TREATMENT THAT ALTERS OR RESHAPES THE  
6 STRUCTURE OF AN INDIVIDUAL'S BODY SOLELY TO IMPROVE THE INDIVIDUAL'S  
7 APPEARANCE.

8 (3) "ON-SITE EVALUATION" MEANS A DIRECT INTERACTION  
9 BETWEEN AN INDIVIDUAL AND A PHYSICIAN AT THE PHYSICIAN'S LEGAL PLACE  
10 OF BUSINESS.

11 (B) (1) BEFORE A PHYSICIAN PERFORMS A COSMETIC MEDICAL  
12 PROCEDURE OR TREATMENT ON AN INDIVIDUAL, THE PHYSICIAN SHALL  
13 CONDUCT AN ON-SITE EVALUATION OF THAT INDIVIDUAL.

14 (2) A PHYSICIAN SHALL DEVELOP A TREATMENT PLAN AFTER  
15 CONDUCTING AN ON-SITE EVALUATION UNDER PARAGRAPH (1) OF THIS  
16 SUBSECTION.

17 (C) A COSMETIC MEDICAL PROCEDURE OR TREATMENT SHALL BE  
18 PERFORMED AT:

19 (1) THE PHYSICIAN'S LEGAL PLACE OF BUSINESS; OR

20 (2) A HOSPITAL OR AMBULATORY SURGERY CENTER AT WHICH  
21 THE PHYSICIAN IS AUTHORIZED TO PRACTICE.

22 (D) (1) A PHYSICIAN MAY ONLY DELEGATE COSMETIC MEDICAL  
23 PROCEDURES OR TREATMENTS TO A LICENSED PHYSICIAN ASSISTANT OR A  
24 REGISTERED NURSE WHO HAS THE APPROPRIATE TRAINING OR CERTIFICATION.

25 (2) A PHYSICIAN WHO DELEGATES A COSMETIC MEDICAL  
26 PROCEDURE OR TREATMENT THAT USES A LASER OR INTENSE PULSE LIGHT  
27 DEVICE THAT IS CLASSIFIED AS A CLASS IIIB OR A CLASS IV BY THE FEDERAL  
28 FOOD AND DRUG ADMINISTRATION SHALL CONDUCT AN ON-SITE EVALUATION  
29 OF THE INDIVIDUAL RECEIVING THE COSMETIC MEDICAL PROCEDURE OR

1 TREATMENT AT LEAST AFTER EVERY OTHER COSMETIC MEDICAL PROCEDURE  
2 OR TREATMENT.

3 (3) THE PHYSICIAN WHO DELEGATES A COSMETIC MEDICAL  
4 PROCEDURE OR TREATMENT TO A PHYSICIAN ASSISTANT OR REGISTERED  
5 NURSE SHALL BE AVAILABLE TO IMMEDIATELY TREAT ANY COMPLICATIONS  
6 THAT ARISE DURING OR FROM A COSMETIC MEDICAL PROCEDURE OR  
7 TREATMENT.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2007.