

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

House Bill 1230 (Delegate Simmons)  
Health and Government Operations

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**Physicians - Cosmetic Medical Procedures and Treatments - Regulation**

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This bill requires a physician to conduct an “on-site evaluation” of an individual before performing a cosmetic medical procedure or treatment. The procedure or treatment must be performed at the physician’s legal place of business or a hospital or ambulatory surgery center at which the physician is authorized to practice. A physician may only delegate these procedures or treatments to a licensed physician assistant or a registered nurse who has the appropriate training or certification. A physician who delegates a procedure or treatment that uses a specified laser or intense pulse light device must conduct an on-site evaluation of the individual at least after every other procedure or treatment. A delegating physician must be available to immediately treat any complications that arise.

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**Fiscal Summary**

**State Effect:** The State Board of Physicians (MBP) could notify licensees of the bill’s requirements and enforce those requirements using existing budgeted resources. No effect on revenues.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** To the extent permitted by MBP rules, regulations, and orders, an individual to whom duties are delegated by a licensed physician may perform those

duties without a license to practice medicine. These individuals include any individual authorized to practice any other health occupations regulated under the Health Occupations Article or licensed or certified by the State Emergency Medical Services Board.

MBP may authorize a physician to delegate medical acts to a physician assistant only after a delegation agreement has been executed and submitted to MBP's Physician Assistant Advisory Committee for review and MBP has approved a favorable recommendation by the committee. The delegation agreement has to attest that all medical acts to be delegated to the physician assistant are within the supervising physician's scope of practice and appropriate to the physician assistant's education, training, and level of competence.

**Background:** MBP advises that the bill's requirements are generally consistent with the board's statements on these issues. For example, in 2000 the Board of Physician Quality Assurance (now MBP) issued a declaratory ruling on the delegation of laser hair removal devices. The ruling stated that using lasers for hair removal is an invasive surgical procedure. As such, only physicians, certified nurse practitioners, registered nurses pursuant to a State Board of Nursing declaratory ruling, and physician assistants may use lasers for hair removal. A licensed electrologist cannot operate a laser unless the electrologist also holds a nursing, physician assistant, or physician license.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - March 15, 2007  
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