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Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

March 27, 2024

The Honorable Pamela Beidle
Chair, Finance Committee
3 East
Miller Senate Office Building
Annapolis, MD 21401-1991

RE: House Bill 1327– Maryland Department of Health - Body Altering Aesthetics Advisory Committee – Letter of Information

Dear Chair Beidle and Committee Members:

The Maryland Department of Health (Department) respectfully submits this letter of information for House Bill 1327– Maryland Department of Health - Body Altering Aesthetics Advisory Committee.

House Bill 1327 (HB 1327) establishes the Body Altering Aesthetics Advisory Committee within the Department to study whether the current health occupations licensing and certification system adequately regulates the body altering aesthetics industry in the State. It also requires the Advisory Committee to examine whether it is in the best interest of the State to mandate a national certification or establish a state regulatory entity to certify health care professionals that participate in the body altering aesthetic industry in the State.

The Department understands the desire to study the newly defined field of body altering aesthetics. However, the Department notes that the assigned roles and responsibilities of the Advisory Committee - including the identification and appointment of experts and health professionals in the body altering aesthetics industry and chairing and housing an advisory committee that will study health occupations licensing, certification, and regulation of the industry - include expertise that does not exist within the Department. The Department does not possess the requisite expertise nor resources in body altering aesthetics, and recommends the bill's duties be assigned to a more suitable entity with the required knowledge and skills to effectively perform those responsibilities.

The Department views the study objectives for the Advisory Committee and the focus on licensing and certification to be broad. The scope of study area established by HB 1327 for the Advisory Committee is expansive, and makes it difficult to identify appropriate expertise and resources to execute the study requirements. In addition, the breadth of health professional types included in the Advisory Committee creates a challenge in assigning staffing duties to a single board or professional type. The Department recommends narrowing the study scope and targeted objectives may be appropriate for an effective and efficient execution of HB 1327. The Department also notes

that all but one of the entities represented on the Committee are assigned a single seat; the Convalescent Synergistic Lymphatic Therapy Organization is allotted three representatives, 25% of total membership of the group.

Finally, the Department notes the expedited timeline in the bill, which requires an interim report in December 2024 and a final report in December of 2025. Due to the expansive scope of work mandated by HB 1327, the Department believes the stipulated timeframe will be difficult to meet in producing a final report and recommends an adjustment to the reporting deadlines.

If you have any further questions, please contact Sarah Case-Herron, Director, Office of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laura Herrera Scott'.

Laura Herrera Scott, M.D., M.P.H.
Secretary

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Board of Physicians

Wes Moore, Governor · Aruna Miller, Lt. Governor · Harbhajan Ajrawat, M.D., Chair

2024 SESSION POSITION PAPER

BILL NO.: HB 1327 - Maryland Department of Health - Body Altering Aesthetics
Advisory Committee
COMMITTEE: Finance
POSITION: Letter of Information

POSITION & RATIONALE:

The Maryland Board of Physicians (the Board) is respectfully submitting this letter of information for House Bill (HB) 1327 - Maryland Department of Health - Body Altering Aesthetics Advisory Committee. HB 1327 establishes the Body Altering Aesthetics Advisory Committee (the Committee) and requires the Chair of the Board of Physicians (or their designee) and a physician with experience in cosmetic and reconstructive procedures to be members. In addition, the Committee will complete a study and submit any findings and recommendations regarding the adequate regulation of the body altering aesthetics industry to the Governor and legislature for regulatory or legislative change.

HB 1327 defines “body altering aesthetics industry” to mean “the subset of the health care industry that combines that practice of various health occupations, including massage therapy, nursing, and medicine, with the aesthetic aspirations of the patients and uses a variety of medical techniques, including biomechanics, bioengineering, and biohacking”. The Board regulates cosmetic medical procedures in COMAR 10.32.09. These regulations were updated in 2018 with stakeholder input. COMAR 10.32.09 defines a cosmetic medical procedure as “any treatment using a cosmetic medical device for the purpose of improving an individual’s appearance.” Based on these two definitions, there is overlap in procedures that fall into the definition of “body altering aesthetics industry” and “cosmetic medical procedures.”

Due to the overlap described above and the involvement and membership of physicians required in the Committee, the Board is requesting clarification on the Board’s role, if any, with the Committee and guidance on working with the Committee on regulations and/or legislation regarding the body altering aesthetics industry that will impact cosmetic medical procedures and the Board’s current regulatory authority.

In addition, the Board has concerns that the advisory committee, as currently proposed, weighs heavily towards one for-profit organization.

Thank you for your consideration. For more information, please contact Matthew Dudzic, Manager of Policy and Legislation, 410-764-5042 or Madeline DelGreco, Health Policy Analyst, 443-591-9082.

Sincerely,

Harbhajan Ajrawat, M.D.
Chair, Maryland Board of Physicians

The opinion of the Board expressed in this document does not necessarily reflect that of the Maryland Department of Health or the Administration.