

AMENDED IN SENATE MAY 26, 2006
AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1423

Introduced by Senator Figueroa

February 22, 2006

An act to add Section 2265 to the Business and Professions Code, relating to the healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1423, as amended, Figueroa. Laser procedures.

Existing law, the Medical Practice Act, creates the Medical Board of California that is responsible, through its Division of Licensing, for issuing a physician and surgeon's certificate to qualified applicants. Under existing law, it is a crime to violate the regulatory provisions of the Medical Practice Act.

This bill would ~~require~~ *permit* a physician and surgeon to ~~provide immediate supervision, as defined, of a registered nurse or physician assistant performing or administering a~~ *delegate the performance or administration of an elective cosmetic medical procedure or treatment, as defined, using a laser or intense pulse light device only to a licensed health care provider acting within the scope of his or her license under the supervision, as defined, of a physician and surgeon. The bill would impose other specified duties on a physician and surgeon who delegates the performance or administration of an elective cosmetic medical procedure or treatment to a licensed health care provider under these provisions.*

Because the violation of the ~~supervision~~ requirements added to the Medical Practice Act would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2265 is added to the Business and
2 Professions Code, to read:

3 2265. (a) A physician and surgeon ~~who delegates~~ shall
4 *delegate* the performance or administration of ~~a~~ *an elective*
5 cosmetic medical procedure or treatment utilizing a laser or
6 intense pulse light device *only* to a ~~physician assistant or a~~
7 ~~registered nurse shall provide immediate supervision of the~~
8 ~~procedure or treatment.~~

9 ~~(b) licensed health care provider acting within the scope of his~~
10 ~~or her license and under the supervision of a physician and~~
11 ~~surgeon.~~

12 *(b) The physician and surgeon shall personally observe all*
13 *elective cosmetic medical procedures or treatments delegated to*
14 *a licensed health care provider under this section until he or she*
15 *is assured of the provider's competency.*

16 *(c) The physician and surgeon shall establish written*
17 *standardized procedures or protocols for the care of a patient*
18 *when he or she has delegated the performance of an elective*
19 *cosmetic medical procedure or treatment to a licensed*
20 *healthcare provider under this section.*

21 *(d) The physician and surgeon shall review, countersign, and*
22 *date a minimum of 10 percent of medical records of patients*
23 *within 30 days of the performance or administration of the*
24 *elective cosmetic medical procedure or treatment by the licensed*
25 *health care provider to whom it was delegated under this section.*

26 *(e) The physician and surgeon shall have continuing*
27 *responsibility to follow the progress of the patient and to make*
28 *sure that the licensed health care provider to whom the*
29 *performance or administration of the elective cosmetic medical*

1 *procedure or treatment was delegated under this section does not*
2 *function autonomously.*

3 (f) *The physician and surgeon shall be responsible for all*
4 *medical services provided by the licensed health care provider*
5 *under his or her supervision to whom the performance or*
6 *administration of the elective cosmetic medical procedure or*
7 *treatment was delegated under this section.*

8 (g) *Nothing in this section shall excuse the physician and*
9 *surgeon from the primary and continued responsibility for the*
10 *welfare of the patient.*

11 (h) *The following definitions apply for purposes of this*
12 *section:*

13 (1) ~~“Cosmetic~~—*Elective cosmetic* ~~medical procedure or~~
14 ~~treatment”~~ *means a medical procedure or treatment that is*
15 *performed to alter or reshape a normal structure of the body*
16 *solely to improve the patient’s appearance. “Elective cosmetic*
17 *medical procedure or treatment” does not include a medical*
18 *procedure or treatment that constitutes cosmetic surgery or*
19 *reconstructive surgery as defined in Section 1367.63 of the*
20 *Health and Safety Code.*

21 (2) ~~“Immediate supervision” means that the physician and~~
22 ~~surgeon is onsite where the cosmetic medical procedure or~~
23 ~~treatment is being performed and is available to the physician~~
24 ~~assistant or registered nurse for immediate consultation at the~~
25 ~~time of the performance or administration of the procedure or~~
26 ~~treatment.~~

27 (2) *“Supervision” means the physician and surgeon, or a*
28 *physician and surgeon he or she designates, shall be available*
29 *for consultation in person or by electronic communication at all*
30 *times when the elective cosmetic medical procedure or treatment*
31 *is being performed or administered by the licensed health care*
32 *provider and shall be able to arrive on the premises within one*
33 *hour.*

34 SEC. 2. *No reimbursement is required by this act pursuant to*
35 *Section 6 of Article XIII B of the California Constitution because*
36 *the only costs that may be incurred by a local agency or school*
37 *district will be incurred because this act creates a new crime or*
38 *infraction, eliminates a crime or infraction, or changes the*
39 *penalty for a crime or infraction, within the meaning of Section*
40 *17556 of the Government Code, or changes the definition of a*

1 crime within the meaning of Section 6 of Article XIII B of the
2 California Constitution.

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5 **CORRECTIONS:**

6 **Text-Page 3.**

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