

212 (c) the patient receives written information with the name and licensing information of  
213 the supervisor who is supervising the nonablative cosmetic medical procedure and the person  
214 who is performing the nonablative cosmetic medical procedure;

215 (d) the patient is provided with a telephone number that is answered within 24 hours  
216 for follow-up communication; and

217 (e) the cosmetic medical facility's contract with a master esthetician who performs a  
218 nonablative cosmetic medical procedure at the facility is kept on the premises of the facility.

219 (5) Failure to comply with the provisions of this section is unprofessional conduct.

220 (6) A chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice  
221 Act is not subject to the supervision requirements in this section for a nonablative cosmetic  
222 medical procedure for hair removal if the chiropractic physician is acting within the scope of  
223 practice of a chiropractic physician and with training specific to nonablative hair removal.

224 Section 4. Section **58-1-507** is enacted to read:

225 **58-1-507. Cosmetic medical procedure -- Truth in advertising.**

226 **H→ [A] Beginning July 1, 2013, a ←H** facility that performs a cosmetic medical procedure  
226a as defined in Section 58-67-102

227 may not advertise or hold itself out to the public as a "medical spa", "medical facility" or  
228 "medical clinic" unless the facility has an individual on the premises while a cosmetic medical  
229 procedure is performed who is licensed under:

230 (1) Chapter 31b, Nurse Practices Act, as an advanced practice registered nurse,  
231 practicing as a nurse practitioner;

232 (2) Chapter 67, Utah Medical Practice Act; or

233 (3) Chapter 68, Utah Osteopathic Medical Practice Act.

234 Section 5. Section **58-11a-102** is amended to read:

235 **58-11a-102. Definitions.**

236 As used in this chapter:

237 (1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship  
238 that meets the requirements of Subsection 58-11a-306(1) for barbers or Subsection  
239 58-11a-306(2) for cosmetologist/barbers and the requirements established by rule by the  
240 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
241 Administrative Rulemaking Act.

242 (2) "Approved esthetician apprenticeship" means an apprenticeship that meets the

739 rule to be dispensed only by prescription or is restricted to administration only by practitioners.

740 ~~[(11)]~~ (15) "SPEX" means the Special Purpose Examination of the Federation of State  
741 Medical Boards.

742 ~~[(12)]~~ (16) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-68-501.

743 ~~[(13)]~~ (17) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-68-502  
744 and as may be further defined by division rule.

745 Section 11. Section **58-68-805** is enacted to read:

746 **58-68-805. Supervision of cosmetic medical procedures.**

747 **Ĥ→ [An] (1) Except as provided in Subsection (2), an ←Ĥ osteopathic physician and**  
747a **surgeon may not delegate the performance of an ablative**  
748 **cosmetic medical procedure to an individual who is not licensed under this chapter or Chapter**  
749 **67, Utah Medical Practice Act.**

749a **Ĥ→ (2) A physician may delegate to an advanced practice registered nurse with an**  
749b **unrestricted license under Chapter 31b, Nurse Practice Act, the performance of an erbium full**  
749c **ablation resurfacing procedure or a CO2 fractionated resurfacing procedure, if the physician:**

749d **(a) prescribes that specific procedure for the patient who is to receive the procedure;**

749e **(b) ensures that the advanced practice registered nurse performs the procedure under**  
749f **the indirect supervision of the physician; and**

749g **(c) verifies that the advanced practice registered nurse is qualified to perform the**  
749h **procedure by having received at least 50 hours of training specific to the procedure to be**  
749i **performed and the laser to be used. ←Ĥ**