

1 **COSMETIC MEDICAL PROCEDURES**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Peter C. Knudson**

5 House Sponsor: Stewart Barlow

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7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Division of Occupational and Professional Licensing Act.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ defines:

- 13 • ablative procedure;
- 14 • cosmetic medical facility;
- 15 • cosmetic medical procedure;
- 16 • nonablative procedure;
- 17 • superficial procedure; and
- 18 • supervisor;

19 ▶ prohibits the use of the term "medical" when advertising a facility that performs  
20 cosmetic medical procedures under certain circumstances;

21 ▶ exempts certain licensees from the definition of cosmetic medical procedures;

22 ▶ establishes standards for the supervision of cosmetic medical procedures;

23 ▶ amends the definition of the practice of medicine; and

24 ▶ amends provisions of unprofessional conduct for physicians and other licensees

25 whose scope of practice includes cosmetic medical procedures.

26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **58-1-102**, as renumbered and amended by Laws of Utah 1993, Chapter 297

33 **58-11a-102**, as last amended by Laws of Utah 2010, Chapter 145

34 **58-11a-502**, as last amended by Laws of Utah 2009, Chapter 130

35 **58-16a-102**, as last amended by Laws of Utah 2004, Chapters 48 and 280

36 **58-67-102**, as last amended by Laws of Utah 2011, Chapter 214

37 **58-68-102**, as last amended by Laws of Utah 2011, Chapter 214

38 ENACTS:

39 **58-1-505**, Utah Code Annotated 1953

40 **58-1-506**, Utah Code Annotated 1953

41 **58-1-507**, Utah Code Annotated 1953

42 **58-67-805**, Utah Code Annotated 1953

43 **58-68-805**, Utah Code Annotated 1953



45 *Be it enacted by the Legislature of the state of Utah:*

46 Section 1. Section **58-1-102** is amended to read:

47 **58-1-102. Definitions.**

48 For purposes of this title:

49 (1) "Ablative procedure" is as defined in Section 58-67-102.

50 (2) "Cosmetic medical procedure":

51 (a) is as defined in Section 58-67-102; and

52 (b) except for Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah

53 Osteopathic Medical Practice Act, does not apply to the scope of practice of an individual

54 licensed under this title if the individual's scope of practice includes the authority to operate or

55 perform surgical procedures.

56 [~~(1)~~] (3) "Department" means the Department of Commerce.

57 [~~(2)~~] (4) "Director" means the director of the Division of Occupational and

58 Professional Licensing.

59 ~~[(3)]~~ (5) "Division" means the Division of Occupational and Professional Licensing  
60 created in Section 58-1-103.

61 ~~[(4)]~~ (6) "Executive director" means the executive director of the Department of  
62 Commerce.

63 ~~[(5)]~~ (7) "Licensee" includes any holder of a license, certificate, registration, permit,  
64 student card, or apprentice card authorized under this title.

65 (8) (a) (i) "Nonablative procedure" means a procedure that is expected or intended to  
66 alter living tissue, but not intended or expected to excise, vaporize, disintegrate, or remove  
67 living tissue.

68 (ii) Notwithstanding Subsection (8)(a)(i), nonablative procedure includes hair removal.

69 (b) "Nonablative procedure" does not include:

70 (i) a superficial procedure;

71 (ii) the application of permanent make-up; or

72 (iii) the use of photo therapy and lasers for neuromusculoskeletal treatments that are  
73 performed by an individual licensed under this title who is acting within their scope of practice.

74 (9) "Superficial procedure" means a procedure that is expected or intended to  
75 temporarily alter living skin tissue and may excise or remove stratum corneum but have no  
76 appreciable risk of damage to any tissue below the stratum corneum.

77 ~~[(6)]~~ (10) "Unlawful conduct" has the meaning given in Subsection 58-1-501(1).

78 ~~[(7)]~~ (11) "Unprofessional conduct" has the meaning given in Subsection 58-1-501(2).

79 Section 2. Section **58-1-505** is enacted to read:

80 **58-1-505. Cosmetic medical procedure supervisor.**

81 (1) For purposes of this section and Section 58-1-506:

82 (a) "Cosmetic medical facility" means a physician's office or a facility that has a  
83 supervisor who performs the supervision required in Section 58-1-506.

84 (b) "Supervisor" means:

85 (i) a physician with an unrestricted license under Chapter 67, Utah Medical Practice

86 Act, or Chapter 68, Utah Osteopathic Medical Practice Act, who is acting within the scope of  
87 the practice of medicine, as defined in Section 58-67-102; and

88 (ii) an advanced practice registered nurse with an unrestricted license under Chapter  
89 31b, Nurse Practice Act, who is acting within the scope of practice of advanced practice  
90 registered nursing, as defined in Section 58-31b-102.

91 (2) (a) An individual authorized by this title to perform a cosmetic medical procedure  
92 shall be supervised by a supervisor when performing a medical procedure.

93 (b) Cosmetic medical procedures may only be performed in a cosmetic medical  
94 facility.

95 (c) A supervisor may delegate the supervisory role only to another individual who is  
96 qualified as a supervisor.

97 Section 3. Section **58-1-506** is enacted to read:

98 **58-1-506. Supervision of cosmetic medical procedures.**

99 (1) For purposes of this section:

100 (a) "Delegation group A" means the following who are licensed under this title, acting  
101 within their respective scope of practice, and qualified under Subsections (2)(f)(i) and (iii):

102 (i) a physician assistant, if acting under the supervision of a physician and the  
103 procedure is included in the delegation of services agreement as defined in Section 58-70a-102;

104 (ii) a registered nurse;

105 (iii) a master esthetician; and

106 (iv) an electrologist, if evaluating for or performing laser hair removal.

107 (b) "Delegation group B" means:

108 (i) a practical nurse or an esthetician who is licensed under this title, acting within their  
109 respective scope of practice, and qualified under Subsections (2)(f)(i) and (iii); and

110 (ii) a medical assistant who is qualified under Subsections (2)(f)(i) and (iii).

111 (c) "Direct cosmetic medical procedure supervision" means the supervisor:

112 (i) has authorized the procedure to be done on the patient by the supervisee; and

113 (ii) is present and available for a face-to-face communication with the supervisee when

114 and where a cosmetic medical procedure is performed.

115 (d) "General cosmetic medical procedure supervision" means the supervisor:

116 (i) has authorized the procedure to be done on the patient by the supervisee;

117 (ii) is available in a timely and appropriate manner in person to evaluate and initiate

118 care for a patient with a suspected adverse reaction or complication; and

119 (iii) is located within 60 minutes or 60 miles of the cosmetic medical facility.

120 (e) "Indirect cosmetic medical procedure supervision" means the supervisor:

121 (i) has authorized the procedure to be done on the patient by the supervisee;

122 (ii) has given written instructions to the person being supervised;

123 (iii) is present within the cosmetic medical facility in which the person being

124 supervised is providing services; and

125 (iv) is available to:

126 (A) provide immediate face-to-face communication with the person being supervised;

127 and

128 (B) evaluate the patient, as necessary.

129 (f) "Hair removal review" means:

130 (i) conducting an in-person, face-to-face interview of a patient based on the responses

131 provided by the patient to a detailed medical history assessment that was prepared by the

132 supervisor;

133 (ii) evaluating for contraindications and conditions that are part of the treatment plan;

134 and

135 (iii) if the patient history or patient presentation deviates in any way from the treatment

136 plan, referring the patient to the supervisor and receiving clearance from the supervisor before

137 starting the treatment.

138 (2) A supervisor supervising a nonablative cosmetic medical procedure for hair

139 removal shall:

140 (a) have an unrestricted license to practice medicine or advanced practice registered

141 nursing in the state;

- 142 (b) develop the medical treatment plan for the procedure;
- 143 (c) conduct a hair removal review, or delegate the hair removal review to a member of
- 144 delegation group A, of the patient prior to initiating treatment or a series of treatments;
- 145 (d) personally perform the nonablative cosmetic medical procedure for hair removal, or
- 146 authorize and delegate the procedure to a member of delegation group A or B;
- 147 (e) during the nonablative cosmetic medical procedure for hair removal provide general
- 148 cosmetic medical procedure supervision to individuals in delegation group A performing the
- 149 procedure, except physician assistants, who shall be supervised as provided in Chapter 70a,
- 150 Physician Assistant Act, and indirect cosmetic medical procedure supervision to individuals in
- 151 delegation group B performing the procedure; and
- 152 (f) verify that a person to whom the supervisor delegates an evaluation under
- 153 Subsection (2)(c) or delegates a procedure under Subsection (2)(d) or (3)(b)(ii):
- 154 (i) has received appropriate training regarding the medical procedures developed under
- 155 Subsection (2)(b);
- 156 (ii) has an unrestricted license under this title or is performing under the license of the
- 157 supervising physician and surgeon; and
- 158 (iii) has maintained competence to perform the nonablative cosmetic medical
- 159 procedure through documented education and experience of at least 80 hours, as further
- 160 defined by rule, regarding:
- 161 (A) the appropriate standard of care for performing nonablative cosmetic medical
- 162 procedures;
- 163 (B) physiology of the skin;
- 164 (C) skin typing and analysis;
- 165 (D) skin conditions, disorders, and diseases;
- 166 (E) pre and post procedure care;
- 167 (F) infection control;
- 168 (G) laser and light physics training;
- 169 (H) laser technologies and applications;

- 170 (I) safety and maintenance of lasers;
- 171 (J) cosmetic medical procedures an individual is permitted to perform under this title;
- 172 (K) recognition and appropriate management of complications from a procedure; and
- 173 (L) cardio-pulmonary resuscitation (CPR).

174 (3) For a nonablative cosmetic medical procedure other than hair removal under  
175 Subsection (2):

176 (a) (i) except as provided in Subsection (3)(a)(ii) and (iii), a physician who has an  
177 unrestricted license to practice medicine shall:

178 (A) develop a treatment plan for the nonablative cosmetic medical procedure; and

179 (B) conduct an in-person face-to-face evaluation of the patient prior to the initiation of  
180 a treatment protocol or series of treatments;

181 (ii) a nurse practitioner who has an unrestricted license for advanced practice registered  
182 nursing may perform the evaluation and develop the treatment plan under Subsection (3)(a)(i)  
183 for nonablative medical procedures other than tattoo removal; or

184 (iii) a physician assistant acting under the supervision of a physician, with the  
185 procedure included in the delegation of service agreement as defined in Section 58-70a-102,  
186 may perform the evaluation under Subsection (3)(a)(i)(B) for nonablative medical procedures  
187 other than tattoo removal; and

188 (b) the supervisor supervising the procedure shall:

189 (i) have an unrestricted license to practice medicine or advanced practice registered  
190 nursing;

191 (ii) personally perform the nonablative cosmetic medical procedure or:

192 (A) authorize and provide general cosmetic medical procedure supervision for the  
193 nonablative cosmetic medical procedure that is performed by a registered nurse or a master  
194 esthetician;

195 (B) authorize and provide supervision as provided in Chapter 70a, Physician Assistant  
196 Act, for the nonablative cosmetic medical procedure that is performed by a physician assistant,  
197 if the procedure is included in the delegation of services agreement; or

198 (C) authorize and provide direct cosmetic medical procedure supervision for the  
199 nonablative cosmetic medical procedure that is performed by an esthetician; and

200 (iii) verify that a person to whom the supervisor delegates a procedure under

201 Subsection (3)(b):

202 (A) has received appropriate training regarding the medical procedures to be  
203 performed;

204 (B) has an unrestricted license and is acting within their scope of practice under this  
205 title; and

206 (C) is qualified under Subsection (2)(f)(iii).

207 (4) A supervisor performing or supervising a cosmetic medical procedure under  
208 Subsection (2) or (3) shall ensure that:

209 (a) the supervisor's name is prominently posted at the cosmetic medical facility  
210 identifying the supervisor;

211 (b) a copy of the supervisor's license is displayed on the wall of the cosmetic medical  
212 facility;

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

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

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

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

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

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

226 **58-1-507. Cosmetic medical procedure -- Truth in advertising.**  
227 Beginning July 1, 2013, a facility that performs a cosmetic medical procedure as  
228 defined in Section 58-67-102 may not advertise or hold itself out to the public as a "medical  
229 spa", "medical facility", or "medical clinic" unless the facility has an individual on the premises  
230 while a cosmetic medical procedure is performed who is licensed under:

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

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

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

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

236 **58-11a-102. Definitions.**

237 As used in this chapter:

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

243 (2) "Approved esthetician apprenticeship" means an apprenticeship that meets the  
244 requirements of Subsection 58-11a-306(3) and the requirements established by rule by the  
245 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
246 Administrative Rulemaking Act.

247 (3) "Approved master esthetician apprenticeship" means an apprenticeship that meets  
248 the requirements of Subsection 58-11a-306(4) and the requirements established by rule by the  
249 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
250 Administrative Rulemaking Act.

251 (4) "Approved nail technician apprenticeship" means an apprenticeship that meets the  
252 requirements of Subsection 58-11a-306(5) and the requirements established by rule by the  
253 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah

254 Administrative Rulemaking Act.

255 (5) "Barber" means a person who is licensed under this chapter to engage in the  
256 practice of barbering.

257 (6) "Barber instructor" means a barber who is licensed under this chapter to teach  
258 barbering at a licensed barber school or in an apprenticeship program as defined in Section  
259 58-11a-306.

260 (7) "Board" means the Barber, Cosmetology/Barbering, Esthetics, Electrology, and  
261 Nail Technology Licensing Board created in Section 58-11a-201.

262 (8) "Cosmetic laser procedure" includes a nonablative procedure as defined in Section  
263 58-67-102.

264 (9) "Cosmetic supervisor" means a supervisor as defined in Section 58-1-505.

265 [~~(8)~~] (10) "Cosmetologist/barber" means a person who is licensed under this chapter to  
266 engage in the practice of cosmetology/barbering.

267 [~~(9)~~] (11) "Cosmetologist/barber instructor" means a cosmetologist/barber who is  
268 licensed under this chapter to teach cosmetology/barbering at a licensed cosmetology/barber  
269 school, licensed barber school, licensed nail technology school, or in an apprenticeship  
270 program as defined in Subsection 58-11a-306(2).

271 [~~(10)~~] (12) "Direct supervision" means that the supervisor of an apprentice or the  
272 instructor of a student is immediately available for consultation, advice, instruction, and  
273 evaluation.

274 [~~(11)~~] (13) "Electrologist" means a person who is licensed under this chapter to engage  
275 in the practice of electrology.

276 [~~(12)~~] (14) "Electrologist instructor" means an electrologist who is licensed under this  
277 chapter to teach electrology at a licensed electrology school.

278 [~~(13)~~] (15) "Esthetician" means a person who is licensed under this chapter to engage  
279 in the practice of esthetics.

280 [~~(14)~~] (16) "Esthetician instructor" means a master esthetician who is licensed under  
281 this chapter to teach the practice of esthetics and the practice of master-level esthetics at a

282 licensed esthetics school, a licensed cosmetology/barber school, or in an apprenticeship  
283 program as defined in Subsection 58-11a-306(3).

284 ~~[(15)]~~ (17) "Fund" means the Barber, Cosmetologist/Barber, Esthetician, Electrologist,  
285 and Nail Technician Education and Enforcement Fund created in Section 58-11a-103.

286 ~~[(16)]~~ (18) "Licensed barber or cosmetology/barber school" means a barber or  
287 cosmetology/barber school licensed under this chapter.

288 ~~[(17)]~~ (19) "Licensed electrology school" means an electrology school licensed under  
289 this chapter.

290 ~~[(18)]~~ (20) "Licensed esthetics school" means an esthetics school licensed under this  
291 chapter.

292 ~~[(19)]~~ (21) "Licensed nail technology school" means a nail technology school licensed  
293 under this chapter.

294 ~~[(20)]~~ (22) "Master esthetician" means an individual who is licensed under this chapter  
295 to engage in the practice of master-level esthetics.

296 ~~[(21)]~~ (23) "Nail technician" means an individual who is licensed under this chapter to  
297 engage in the practice of nail technology.

298 ~~[(22)]~~ (24) "Nail technician instructor" means a nail technician licensed under this  
299 chapter to teach the practice of nail technology in a licensed nail technology school, a licensed  
300 cosmetology/barber school, or in an apprenticeship program as defined in Subsection  
301 58-11a-306(5).

302 ~~[(23)]~~ (25) "Practice of barbering" means:

303 (a) cutting, clipping, or trimming the hair of the head of any person by the use of  
304 scissors, shears, clippers, or other appliances;

305 (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying; and

306 (c) removing hair from the face or neck of a person by the use of shaving equipment.

307 ~~[(24)]~~ (26) "Practice of barbering instruction" means instructing barbering in a licensed  
308 barber school, licensed cosmetology/barber school, or in an apprenticeship program as defined  
309 in Subsection 58-11a-306(1).

310            [~~(25)~~] (27) "Practice of basic esthetics" means any one of the following skin care  
311 procedures done on the head, face, neck, arms, hands, legs, feet, eyebrows, or eyelashes for  
312 cosmetic purposes and not for the treatment of medical, physical, or mental ailments:

313            (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or  
314 masks, manual extraction, including a comedone extractor, depilatories, waxes, tweezing, the  
315 application of eyelash extensions, natural nail manicures or pedicures, or callous removal by  
316 buffing or filing;

317            (b) limited chemical exfoliation as defined by rule;

318            (c) removing superfluous hair by means other than electrolysis, except that an  
319 individual is not required to be licensed as an esthetician to engage in the practice of threading;

320            (d) other esthetic preparations or procedures with the use of the hands, a  
321 high-frequency or galvanic electrical apparatus, or a heat lamp for cosmetic purposes and not  
322 for the treatment of medical, physical, or mental ailments; or

323            (e) except as provided in Subsection (27)(e)(i), cosmetic laser procedures under  
324 [~~direct~~] the direct cosmetic medical procedure supervision of a [~~licensed health care~~  
325 ~~practitioner as defined by rule,~~] cosmetic supervisor limited to the following:

326            (i) superfluous hair removal which shall be under indirect supervision;

327            (ii) anti-aging resurfacing enhancements;

328            (iii) photo rejuvenation; or

329            (iv) tattoo removal.

330            [~~(26)~~] (28) (a) "Practice of cosmetology/barbering" means:

331            (i) styling, arranging, dressing, curling, waving, permanent waving, cleansing,  
332 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a  
333 person;

334            (ii) cutting, clipping, or trimming the hair by the use of scissors, shears, clippers, or  
335 other appliances;

336            (iii) arching eyebrows, or tinting eyebrows or eyelashes, applying eyelash extensions,  
337 or any combination of these procedures;

338 (iv) removing hair from the face, neck, shoulders, arms, back, torso, feet, bikini line, or  
339 legs of a person by the use of depilatories, waxing, or shaving equipment;

340 (v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces  
341 or both on the human head; or

342 (vi) practicing hair weaving or hair fusing or servicing previously medically implanted  
343 hair.

344 (b) The term "practice of cosmetology/barbering" includes:

345 (i) the practice of basic esthetics; and

346 (ii) the practice of nail technology.

347 (c) An individual is not required to be licensed as a cosmetologist/barber to engage in  
348 the practice of threading.

349 ~~[(27)]~~ (29) "Practice of cosmetology/barbering instruction" means instructing  
350 cosmetology/barbering as defined in Subsection ~~[(26)]~~ (28) in a licensed cosmetology/barber  
351 school or in an apprenticeship program as defined in Subsection 58-11a-306(2).

352 ~~[(28)]~~ (30) "Practice of electrology" means:

353 (a) the removal of superfluous hair from the body of a person by the use of electricity,  
354 waxing, shaving, or tweezing; or

355 (b) cosmetic laser procedures under the ~~[general]~~ supervision of a ~~[licensed health care~~  
356 ~~practitioner as defined by rule,]~~ cosmetic supervisor limited to superfluous hair removal.

357 ~~[(29)]~~ (31) "Practice of electrology instruction" means instructing electrology in a  
358 licensed electrology school.

359 ~~[(30)]~~ (32) "Practice of esthetics instruction" means instructing esthetics in a licensed  
360 esthetics school, a licensed cosmetology/barber school, or instructing master-level esthetics in a  
361 licensed esthetics school or in an apprenticeship program as defined in Subsections  
362 58-11a-306(2), (3), and (4).

363 ~~[(31)]~~ (33) (a) "Practice of master-level esthetics" means:

364 (i) any of the following when done for cosmetic purposes on the head, face, neck,  
365 torso, abdomen, back, arms, hands, legs, feet, eyebrows, or eyelashes and not for the treatment

366 of medical, physical, or mental ailments:

367 (A) body wraps as defined by rule;

368 (B) hydrotherapy as defined by rule;

369 (C) chemical exfoliation as defined by rule;

370 (D) advanced pedicures as defined by rule;

371 (E) sanding, including microdermabrasion;

372 (F) advanced extraction;

373 (G) other esthetic preparations or procedures with the use of:

374 (I) the hands; or

375 (II) a mechanical or electrical apparatus which is approved for use by division rule for

376 beautifying or similar work performed on the body for cosmetic purposes and not for the

377 treatment of a medical, physical, or mental ailment; or

378 (H) cosmetic laser procedures under the ~~[general]~~ supervision of a ~~[licensed health care~~

379 ~~practitioner as defined by rule,]~~ cosmetic supervisor with a physician's evaluation before the

380 procedure, as needed, unless specifically required under Section 58-1-506, and limited to the

381 following:

382 (I) superfluous hair removal;

383 (II) anti-aging resurfacing enhancements;

384 (III) photo rejuvenation; or

385 (IV) tattoo removal with a physician's evaluation before the tattoo removal procedure;

386 and

387 (ii) lymphatic massage by manual or other means as defined by rule.

388 (b) Notwithstanding the provisions of Subsection ~~[(31)]~~ (33)(a), a master-level

389 esthetician may perform procedures listed in Subsection ~~[(31)]~~ (33)(a)(i)(H) ~~[for noncosmetic~~

390 ~~purposes]~~ if done under the supervision of a ~~[licensed health care practitioner]~~ cosmetic

391 supervisor acting within the scope of the ~~[licensed health care practitioner's]~~ cosmetic

392 supervisor license ~~[as defined by rule]~~.

393 (c) The term "practice of master-level esthetics" includes the practice of esthetics, but

394 an individual is not required to be licensed as an esthetician or master-level esthetician to  
395 engage in the practice of threading.

396 ~~[(32)]~~ (34) "Practice of nail technology" means to trim, cut, clean, manicure, shape,  
397 massage, or enhance the appearance of the hands, feet, and nails of an individual by the use of  
398 hands, mechanical, or electrical preparation, antiseptic, lotions, or creams, including the  
399 application and removal of sculptured or artificial nails.

400 ~~[(33)]~~ (35) "Practice of nail technology instruction" means instructing nail technology  
401 in a licensed nail technician school, licensed cosmetology/barber school, or in an  
402 apprenticeship program as defined in Subsection 58-11a-306(5).

403 ~~[(34)]~~ (36) "Recognized barber school" means a barber school located in a state other  
404 than Utah, whose students, upon graduation, are recognized as having completed the  
405 educational requirements for licensure in that state.

406 ~~[(35)]~~ (37) "Recognized cosmetology/barber school" means a cosmetology/barber  
407 school located in a state other than Utah, whose students, upon graduation, are recognized as  
408 having completed the educational requirements for licensure in that state.

409 ~~[(36)]~~ (38) "Recognized electrology school" means an electrology school located in a  
410 state other than Utah, whose students, upon graduation, are recognized as having completed the  
411 educational requirements for licensure in that state.

412 ~~[(37)]~~ (39) "Recognized esthetics school" means an esthetics school located in a state  
413 other than Utah, whose students, upon graduation, are recognized as having completed the  
414 educational requirements for licensure in that state.

415 ~~[(38)]~~ (40) "Recognized nail technology school" means a nail technology school  
416 located in a state other than Utah, whose students, upon graduation, are recognized as having  
417 completed the educational requirements for licensure in that state.

418 ~~[(39)]~~ (41) "Salon" means a place, shop, or establishment in which  
419 cosmetology/barbering, esthetics, electrology, or nail technology is practiced.

420 ~~[(40)]~~ (42) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.

421 ~~[(41)]~~ (43) "Unprofessional conduct" is as defined in Sections 58-1-501 and

422 58-11a-501 and as may be further defined by rule by the division in collaboration with the  
423 board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

424 Section 6. Section **58-11a-502** is amended to read:

425 **58-11a-502. Unlawful conduct.**

426 Unlawful conduct includes:

427 (1) practicing or engaging in, or attempting to practice or engage in activity for which a  
428 license is required under this chapter unless:

429 (a) the person holds the appropriate license under this chapter; or

430 (b) an exemption in Section 58-1-307 or 58-11a-304 applies;

431 (2) knowingly employing any other person to engage in or practice or attempt to  
432 engage in or practice any occupation or profession licensed under this chapter if the employee  
433 is not licensed to do so under this chapter or exempt from licensure;

434 (3) touching, or applying an instrument or device to the following areas of a client's  
435 body:

436 (a) the genitals or the anus, except in cases where the patron states to a licensee that the  
437 patron requests a hair removal procedure and signs a written consent form, which must also  
438 include the witnessed signature of a legal guardian if the patron is a minor, authorizing the  
439 licensee to perform a hair removal procedure; or

440 (b) the breast of a female patron, except in cases in which the female patron states to a  
441 licensee that the patron requests breast skin procedures and signs a written consent form, which  
442 must also include the witnessed signature of a parent or legal guardian if the patron is a minor,  
443 authorizing the licensee to perform breast skin procedures; [~~and~~]

444 (4) using or possessing as a nail technician a solution composed of at least 10% methyl  
445 methacrylate on a client[.]; or

446 (5) performing an ablative procedure as defined in Section 58-67-102.

447 Section 7. Section **58-16a-102** is amended to read:

448 **58-16a-102. Definitions.**

449 In addition to the definitions in Section 58-1-102, as used in this chapter:

- 450 (1) "Board" means the Optometrist Licensing Board created in Section 58-16a-201.
- 451 (2) "Contact lens" means any lens that:
- 452 (a) has a spherical, cylindrical, or prismatic power or curvature;
- 453 (b) is made pursuant to a current prescription; or
- 454 (c) is intended to be worn on the surface of the eye.
- 455 (3) (a) "Contact lens prescription" means a written or verbal order for contact lenses
- 456 that includes:
- 457 (i) the commencement date of the prescription;
- 458 (ii) the base curve, power, diameter, material or brand name, and expiration date;
- 459 (iii) for a written order, the signature of the prescribing optometrist or physician; and
- 460 (iv) for a verbal order, a record maintained by the recipient of:
- 461 (A) the name of the prescribing optometrist or physician; and
- 462 (B) the date when the prescription was issued or ordered.
- 463 (b) A prescription may include:
- 464 (i) a limit on the quantity of lenses that may be ordered under the prescription if
- 465 required for medical reasons documented in the patient's files; and
- 466 (ii) the expiration date of the prescription, which shall be two years from the
- 467 commencement date, unless documented medical reasons require otherwise.
- 468 (c) When a provider prescribes a private label contact lens for a patient the prescription
- 469 shall include:
- 470 (i) the name of the manufacturer;
- 471 (ii) the trade name of the private label brand; and
- 472 (iii) if applicable, the trade name of the equivalent national brand.
- 473 (4) "Contact lens prescription verification" means a written request from a person who
- 474 sells or provides contact lenses that:
- 475 (a) is sent to the prescribing optometrist or physician; and
- 476 (b) seeks the confirmation of the accuracy of a patient's prescription.
- 477 (5) "Eye and its adnexa" means the human eye and all structures situated within the

478 orbit, including the conjunctiva, lids, lashes, and lacrimal system.

479 (6) "Fitting of a contact lens" means:

480 (a) the using of a keratometer to measure the human eye;

481 (b) utilizing refractive data provided by a licensed optometrist or ophthalmologist; and

482 (c) trial fitting of contact lenses, which includes a period of time for evaluation for fit

483 and performance, to determine a tentative contact lens prescription for a patient if the patient:

484 (i) has not worn contact lenses before; or

485 (ii) has changed to a different type or base curve.

486 (7) "Laser surgery" means surgery in which human tissue is cut, burned, or vaporized

487 by means of laser or ionizing radiation.

488 (8) "Ophthalmic lens" means any lens used to treat the eye and that:

489 (a) has a spherical, cylindrical, or prismatic power;

490 (b) is made pursuant to an unexpired prescription; and

491 (c) is intended to be used in eyeglasses or spectacles.

492 (9) "Optometric assistant" means an unlicensed individual:

493 (a) working under the direct and immediate supervision of a licensed optometrist; and

494 (b) engaged in specific tasks assigned by the licensed optometrist in accordance with

495 the standards and ethics of the profession.

496 (10) "Optometrist" or "optometric physician" means an individual licensed under this

497 chapter.

498 (11) "Optometry" and "practice of optometry" mean any one or any combination of the

499 following practices:

500 (a) examination of the human eye and its adnexa to detect and diagnose defects or

501 abnormal conditions;

502 (b) determination or modification of the accommodative or refractive state of the

503 human eye or its range or power of vision by administration and prescription of pharmaceutical

504 agents or the use of diagnostic instruments;

505 (c) prescription, ordering, administration, or adaptation of ophthalmic lenses, contact

506 lenses, ophthalmic devices, pharmaceutical agents, laboratory tests, or ocular exercises to  
507 diagnose and treat diseases, defects, or other abnormal conditions of the human eye and its  
508 adnexa;

509 (d) display of any advertisement, circular, sign, or device offering to:

510 (i) examine the eyes;

511 (ii) fit glasses or contact lenses; or

512 (iii) adjust frames;

513 (e) removal of a foreign body from the eye or its adnexa, that is not deeper than the  
514 anterior 1/2 of the cornea;

515 (f) consultation regarding the eye and its adnexa with other appropriate health care  
516 providers, including referral to other appropriate health care providers; and

517 (g) a person, not licensed as an optometrist, directing a licensee under this chapter to  
518 withhold or alter the eye care services the licensee has ordered.

519 (12) "Pharmaceutical agent" means any diagnostic or therapeutic drug or combination  
520 of drugs that has the property of assisting in the diagnosis, prevention, treatment, or mitigation  
521 of abnormal conditions or symptoms of the eye and its adnexa.

522 (13) "Physician" has the same meaning as defined in [~~Subsection 58-67-102(7)~~]  
523 Sections 58-67-102 and 58-68-102.

524 (14) "Prescription drug" has the same definition as in Section 58-17b-102.

525 (15) "Unexpired" means a prescription that was issued:

526 (a) not more than two years prior to presentation of the prescription for an ophthalmic  
527 lens; or

528 (b) in accordance with Subsection (3) for a contact lens.

529 Section 8. Section **58-67-102** is amended to read:

530 **58-67-102. Definitions.**

531 In addition to the definitions in Section 58-1-102, as used in this chapter:

532 (1) "Ablative procedure" means a procedure that is expected to excise, vaporize,  
533 disintegrate, or remove living tissue, including the use of carbon dioxide lasers and

534 erbium:YAG lasers, and excluding hair removal.

535 [~~(1)~~] (2) "ACGME" means the Accreditation Council for Graduate Medical Education  
536 of the American Medical Association.

537 [~~(2)~~] (3) "Administrative penalty" means a monetary fine or citation imposed by the  
538 division for acts or omissions determined to constitute unprofessional or unlawful conduct, in  
539 accordance with a fine schedule established by the division in collaboration with the board, as a  
540 result of an adjudicative proceeding conducted in accordance with Title 63G, Chapter 4,  
541 Administrative Procedures Act.

542 [~~(3)~~] (4) "Board" means the Physicians Licensing Board created in Section 58-67-201.

543 (5) (a) "Cosmetic medical device" means tissue altering energy based devices that have  
544 the potential for altering living tissue and that are used to perform ablative or nonablative  
545 procedures, such as American National Standards Institute (ANSI) designated Class IIIb and  
546 Class IV lasers, intense pulsed light, radio frequency devices, and lipolytic devices, and  
547 excludes ANSI designated Class IIIa and lower powered devices.

548 (b) Notwithstanding Subsection (5)(a), if an ANSI designated Class IIIa and lower  
549 powered device is being used to perform an ablative procedure, the device is included in the  
550 definition of cosmetic medical device under Subsection (5)(a).

551 (6) "Cosmetic medical procedure":

552 (a) includes the use of cosmetic medical devices to perform ablative or nonablative  
553 procedures; and

554 (b) does not include a treatment of the ocular globe such as refractive surgery.

555 [~~(4)~~] (7) "Diagnose" means:

556 (a) to examine in any manner another person, parts of a person's body, substances,  
557 fluids, or materials excreted, taken, or removed from a person's body, or produced by a person's  
558 body, to determine the source, nature, kind, or extent of a disease or other physical or mental  
559 condition;

560 (b) to attempt to conduct an examination or determination described under Subsection

561 [~~(4)~~] (7)(a);

562 (c) to hold oneself out as making or to represent that one is making an examination or  
563 determination as described in Subsection [~~(4)~~] (7)(a); or

564 (d) to make an examination or determination as described in Subsection [~~(4)~~] (7)(a)  
565 upon or from information supplied directly or indirectly by another person, whether or not in  
566 the presence of the person making or attempting the diagnosis or examination.

567 [~~(5)~~] (8) "LCME" means the Liaison Committee on Medical Education of the  
568 American Medical Association.

569 [~~(6)~~] (9) "Medical assistant" means an unlicensed individual working under the direct  
570 and immediate supervision of a licensed physician and surgeon and engaged in specific tasks  
571 assigned by the licensed physician and surgeon in accordance with the standards and ethics of  
572 the profession.

573 (10) (a) (i) "Nonablative procedure" means a procedure that is expected or intended to  
574 alter living tissue, but is not intended or expected to excise, vaporize, disintegrate, or remove  
575 living tissue.

576 (ii) Notwithstanding Subsection (10)(a)(i), nonablative procedure includes hair  
577 removal.

578 (b) "Nonablative procedure" does not include:

579 (i) a superficial procedure as defined in Section 58-1-102;

580 (ii) the application of permanent make-up; or

581 (iii) the use of photo therapy and lasers for neuromusculoskeletal treatments that are  
582 performed by an individual licensed under this title who is acting within their scope of practice.

583 [~~(7)~~] (11) "Physician" means both physicians and surgeons licensed under Section  
584 58-67-301, Utah Medical Practice Act, and osteopathic physicians and surgeons licensed under  
585 Section 58-68-301, Utah Osteopathic Medical Practice Act.

586 [~~(8)~~] (12) (a) "Practice of medicine" means:

587 [~~(a)~~] (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human  
588 disease, ailment, injury, infirmity, deformity, pain or other condition, physical or mental, real  
589 or imaginary, including to perform cosmetic medical procedures, or to attempt to do so, by any

590 means or instrumentality, and by an individual in Utah or outside the state upon or for any  
591 human within the state~~[-, except that conduct described in this Subsection (8)(a) that is~~  
592 ~~performed by a person legally and in accordance with a license issued under another chapter of~~  
593 ~~this title does not constitute the practice of medicine];~~

594 ~~[(b)] (ii) when a person not licensed as a physician directs a licensee under this chapter~~  
595 ~~to withhold or alter the health care services that the licensee has ordered[-, but practice of~~  
596 ~~medicine does not include any conduct under Subsection 58-67-501(2)];~~

597 ~~[(c)] (iii) to maintain an office or place of business for the purpose of doing any of the~~  
598 ~~acts described in Subsection [(8)] (12)(a) whether or not for compensation; or~~

599 ~~[(d)] (iv) to use, in the conduct of any occupation or profession pertaining to the~~  
600 ~~diagnosis or treatment of human diseases or conditions in any printed material, stationery,~~  
601 ~~letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor of medicine,"~~  
602 ~~"physician," "surgeon," "physician and surgeon," "Dr.," "M.D.," or any combination of these~~  
603 ~~designations in any manner which might cause a reasonable person to believe the individual~~  
604 ~~using the designation is a licensed physician and surgeon, and if the party using the designation~~  
605 ~~is not a licensed physician and surgeon, the designation must additionally contain the~~  
606 ~~description of the branch of the healing arts for which the person has a license, provided that an~~  
607 ~~individual who has received an earned degree of doctor of medicine degree but is not a licensed~~  
608 ~~physician and surgeon in Utah may use the designation "M.D." if it is followed by "Not~~  
609 ~~Licensed" or "Not Licensed in Utah" in the same size and style of lettering.~~

610 (b) The practice of medicine does not include:

611 (i) except for an ablative medical procedure as provided in Subsection (12)(b)(ii), the  
612 conduct described in Subsection (12)(a)(i) that is performed in accordance with a license issued  
613 under another chapter of this title;

614 (ii) an ablative cosmetic medical procedure if the scope of practice for the person  
615 performing the ablative cosmetic medical procedure includes the authority to operate or  
616 perform a surgical procedure; or

617 (iii) conduct under Subsection 58-67-501(2).

618           ~~[(9)]~~ (13) "Prescription device" means an instrument, apparatus, implement, machine,  
619 contrivance, implant, in vitro reagent, or other similar or related article, and any component  
620 part or accessory, which is required under federal or state law to be prescribed by a practitioner  
621 and dispensed by or through a person or entity licensed under this chapter or exempt from  
622 licensure under this chapter.

623           ~~[(10)]~~ (14) "Prescription drug" means a drug that is required by federal or state law or  
624 rule to be dispensed only by prescription or is restricted to administration only by practitioners.

625           ~~[(11)]~~ (15) "SPEX" means the Special Purpose Examination of the Federation of State  
626 Medical Boards.

627           ~~[(12)]~~ (16) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-67-501.

628           ~~[(13)]~~ (17) "Unprofessional conduct" is as defined in Sections 58-1-501 and  
629 58-67-502, and as may be further defined by division rule.

630           Section 9. Section **58-67-805** is enacted to read:

631           **58-67-805. Supervision of cosmetic medical procedures.**

632           (1) Except as provided in Subsection (2), a physician may not delegate the performance  
633 of an ablative cosmetic medical procedure to an individual who is not licensed under this  
634 chapter or Chapter 68, Utah Osteopathic Medical Practice Act.

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

638           (a) prescribes that specific procedure for the patient who is to receive the procedure;

639           (b) ensures that the advanced practice registered nurse performs the procedure under  
640 the indirect supervision of the physician; and

641           (c) verifies that the advanced practice registered nurse is qualified to perform the  
642 procedure by having received at least 50 hours of training specific to the procedure to be  
643 performed and the laser to be used.

644           Section 10. Section **58-68-102** is amended to read:

645           **58-68-102. Definitions.**

646 In addition to the definitions in Section 58-1-102, as used in this chapter:

647 (1) "Ablative procedure" means a procedure that is expected to excise, vaporize,  
648 disintegrate, or remove living tissue, including the use of carbon dioxide lasers and  
649 erbium:YAG lasers, and excluding hair removal.

650 ~~[(H)]~~ (2) "ACGME" means the Accreditation Council for Graduate Medical Education  
651 of the American Medical Association.

652 ~~[(Z)]~~ (3) "Administrative penalty" means a monetary fine imposed by the division for  
653 acts or omissions determined to constitute unprofessional or unlawful conduct, as a result of an  
654 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative  
655 Procedures Act.

656 ~~[(S)]~~ (4) "AOA" means the American Osteopathic Association.

657 ~~[(4)]~~ (5) "Board" means the Osteopathic Physician and Surgeon's Licensing Board  
658 created in Section 58-68-201.

659 (6) (a) "Cosmetic medical device" means tissue altering energy based devices that have  
660 the potential for altering living tissue and that are used to perform ablative or nonablative  
661 procedures, such as American National Standards Institute (ANSI) designated Class IIIb and  
662 Class IV lasers, intense pulsed light, radio frequency devices, and lipolytic devices and  
663 excludes ANSI designated Class IIIa and lower powered devices.

664 (b) Notwithstanding Subsection (6)(a), if an ANSI designated Class IIIa and lower  
665 powered device is being used to perform an ablative procedure, the device is included in the  
666 definition of cosmetic medical device under Subsection (6)(a).

667 (7) "Cosmetic medical procedure":

668 (a) includes the use of cosmetic medical devices to perform ablative or nonablative  
669 procedures; and

670 (b) does not include a treatment of the ocular globe such as refractive surgery.

671 ~~[(5)]~~ (8) "Diagnose" means:

672 (a) to examine in any manner another person, parts of a person's body, substances,  
673 fluids, or materials excreted, taken, or removed from a person's body, or produced by a person's

674 body, to determine the source, nature, kind, or extent of a disease or other physical or mental  
675 condition;

676 (b) to attempt to conduct an examination or determination described under Subsection  
677 [~~5~~] (8)(a);

678 (c) to hold oneself out as making or to represent that one is making an examination or  
679 determination as described in Subsection [~~5~~] (8)(a); or

680 (d) to make an examination or determination as described in Subsection [~~5~~] (8)(a)  
681 upon or from information supplied directly or indirectly by another person, whether or not in  
682 the presence of the person making or attempting the diagnosis or examination.

683 [~~6~~] (9) "Medical assistant" means an unlicensed individual working under the direct  
684 and immediate supervision of a licensed osteopathic physician and surgeon and engaged in  
685 specific tasks assigned by the licensed osteopathic physician and surgeon in accordance with  
686 the standards and ethics of the profession.

687 (10) (a) (i) "Nonablative procedure" means a procedure that is expected or intended to  
688 alter living tissue, but is not expected or intended to excise, vaporize, disintegrate, or remove  
689 living tissue.

690 (ii) Notwithstanding Subsection (10)(a)(i), nonablative procedure includes hair  
691 removal.

692 (b) "Nonablative procedure" does not include:

693 (i) a superficial procedure as defined in Section 58-1-102;

694 (ii) the application of permanent make-up; or

695 (iii) the use of photo therapy lasers for neuromusculoskeletal treatments that are  
696 performed by an individual licensed under this title who is acting within their scope of practice.

697 [~~7~~] (11) "Physician" means both physicians and surgeons licensed under Section  
698 58-67-301, Utah Medical Practice Act, and osteopathic physicians and surgeons licensed under  
699 Section 58-68-301, Utah Osteopathic Medical Practice Act.

700 [~~8~~] (12) (a) "Practice of osteopathic medicine" means:

701 [~~a~~] (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human

702 disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real  
703 or imaginary, or to attempt to do so, by any means or instrumentality, which in whole or in part  
704 is based upon emphasis of the importance of the musculoskeletal system and manipulative  
705 therapy in the maintenance and restoration of health, by an individual in Utah or outside of the  
706 state upon or for any human within the state~~[-except that conduct described in this Subsection~~  
707 ~~(8)(a) that is performed by a person legally and in accordance with a license issued under~~  
708 ~~another chapter of this title does not constitute the practice of medicine];~~

709 ~~[(b)] (ii)~~ when a person not licensed as a physician directs a licensee under this chapter  
710 to withhold or alter the health care services that the licensee has ordered~~[-but practice of~~  
711 ~~medicine does not include any conduct under Subsection 58-68-501(2)];~~

712 ~~[(c)] (iii)~~ to maintain an office or place of business for the purpose of doing any of the  
713 acts described in Subsection ~~[(8)] (12)~~(a) whether or not for compensation; or

714 ~~[(d)] (iv)~~ to use, in the conduct of any occupation or profession pertaining to the  
715 diagnosis or treatment of human diseases or conditions, in any printed material, stationery,  
716 letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor of osteopathic  
717 medicine," "osteopathic physician," "osteopathic surgeon," "osteopathic physician and  
718 surgeon," "Dr.," "D.O.," or any combination of these designations in any manner which might  
719 cause a reasonable person to believe the individual using the designation is a licensed  
720 osteopathic physician, and if the party using the designation is not a licensed osteopathic  
721 physician, the designation must additionally contain the description of the branch of the healing  
722 arts for which the person has a license, provided that an individual who has received an earned  
723 degree of doctor of osteopathic medicine but is not a licensed osteopathic physician and  
724 surgeon in Utah may use the designation "D.O." if it is followed by "Not Licensed" or "Not  
725 Licensed in Utah" in the same size and style of lettering.

726 (b) The practice of osteopathic medicine does not include:

727 (i) except for an ablative medical procedure as provided in Subsection (12)(b)(ii), the  
728 conduct described in Subsection (12)(a)(i) that is performed in accordance with a license issued  
729 under another chapter of this title;

730 (ii) an ablative cosmetic medical procedure if the scope of practice for the person  
731 performing the ablative cosmetic medical procedure includes the authority to operate or  
732 perform a surgical procedure; or

733 (iii) conduct under Subsection 58-68-501(2).

734 [~~(9)~~] (13) "Prescription device" means an instrument, apparatus, implement, machine,  
735 contrivance, implant, in vitro reagent, or other similar or related article, and any component  
736 part or accessory, which is required under federal or state law to be prescribed by a practitioner  
737 and dispensed by or through a person or entity licensed under this chapter or exempt from  
738 licensure under this chapter.

739 [~~(10)~~] (14) "Prescription drug" means a drug that is required by federal or state law or  
740 rule to be dispensed only by prescription or is restricted to administration only by practitioners.

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

743 [~~(12)~~] (16) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-68-501.

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

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

747 **58-68-805. Supervision of cosmetic medical procedures.**

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

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

754 (a) prescribes that specific procedure for the patient who is to receive the procedure;

755 (b) ensures that the advanced practice registered nurse performs the procedure under  
756 the indirect supervision of the physician; and

757 (c) verifies that the advanced practice registered nurse is qualified to perform the

758 procedure by having received at least 50 hours of training specific to the procedure to be  
759 performed and the laser to be used.