

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 662

Short Title: Require Supervision/Use of Lasers/Medicine.

(Public)

Sponsors: Senators Purcell; and Forrester.

Referred to: Health Care.

March 12, 2007

A BILL TO BE ENTITLED  
AN ACT REQUIRING PERSONS USING NON-ABLATIVE TREATMENT IN THE  
PRACTICE OF MEDICINE TO BE SUPERVISED BY A PHYSICIAN  
LICENSED BY THE NORTH CAROLINA MEDICAL BOARD.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 1 of Chapter 90 of the General Statutes is amended by adding a new section to read:

**"§ 90-18.5. Use of non-ablative treatment.**

(a) For purposes of this section, the following definitions shall apply:

(1) Non-ablative treatment. – Any laser or intense pulsed light treatment that is not expected or intended to incise, remove, burn, or vaporize the epidermal surface of the skin, including treatments related to laser hair removal.

(2) Physician. – An individual licensed by the North Carolina Medical Board to practice medicine.

(b) A person, other than a physician licensed under this Article, may use non-ablative treatment in the practice of medicine only under the following conditions:

(1) A supervising physician is on-site or readily available to the person performing the non-ablative treatment consistent with the appropriate standard of care for the profession.

(2) The supervising physician has established written protocols that provide, as a minimum, a statement identifying the supervising physician responsible for the performance of the non-ablative treatment and all persons authorized to use the specified laser or intense pulsed light device, the methods by which the laser or intense pulsed light device is to be operated, and a description of the appropriate care and follow-up for common complications, serious injury, or emergencies resulting from the use of non-ablative treatment.

- 1           (3)    The supervising physician has ensured that the non-licensed person has  
2           adequate training and education to perform non-ablative treatment.
- 3           (4)    If medication is prescribed or dispensed in connection with the  
4           non-ablative treatment, the supervising physician has ensured that  
5           before prescribing or dispensing medication, the patient has been  
6           examined by a physician licensed to practice medicine in this State, the  
7           prescription is medically indicated for the treatment, and the patient  
8           has received thorough instructions on the safe use and application of  
9           the medication.
- 10       (c)    Only a physician may use lasers or intense pulsed light devices for ablative  
11       procedures.
- 12       (d)    Before any initial non-ablative treatment, and at any time thereafter when  
13       medically indicated, a physician licensed by the Board shall examine the patient and  
14       sign the patient's medical chart.
- 15       (e)    The supervising physician shall retain full legal and professional  
16       responsibility for any patient receiving non-ablative treatment.
- 17       (f)    Any professional corporation offering non-ablative treatment shall comply  
18       with the requirements of Chapter 55B of the General Statutes.
- 19       (g)    The Board may adopt rules it deems necessary to enforce this section and  
20       regulate the use of non-ablative treatment in the practice of medicine in this State."
- 21           **SECTION 2.** This act is effective when it becomes law.