

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 178

Short Title: Require Supervision/Use of Lasers/Medicine. (Public)

Sponsors: Representatives Howard, England (Primary Sponsors); Current and Faison.

Referred to: Health, if favorable, Judiciary III.

February 14, 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

1 injury, or emergencies resulting from the use of non-ablative  
2 treatment.

3 (3) The supervising physician has ensured that the non-licensed person has  
4 adequate training and education to perform non-ablative treatment.

5 (4) If medication is prescribed or dispensed in connection with the  
6 non-ablative treatment, the supervising physician has ensured that  
7 before prescribing or dispensing medication, the patient has been  
8 examined by a physician licensed to practice medicine in this State, the  
9 prescription is medically indicated for the treatment, and the patient  
10 has received thorough instructions on the safe use and application of  
11 the medication.

12 (c) Only a physician may use lasers or intense pulsed light devices for ablative  
13 procedures.

14 (d) Before any initial non-ablative treatment, and at any time thereafter when  
15 medically indicated, a physician licensed by the Board shall examine the patient and  
16 sign the patient's medical chart.

17 (e) The supervising physician shall retain full legal and professional  
18 responsibility for any patient receiving non-ablative treatment.

19 (f) Any professional corporation offering non-ablative treatment shall comply  
20 with the requirements of Chapter 55B of the General Statutes.

21 (g) The Board may adopt rules it deems necessary to enforce this section and  
22 regulate the use of non-ablative treatment in the practice of medicine in this State."

23 **SECTION 2.** This act is effective when it becomes law.