

Senate Bill 498

By: Senator Wiles of the 37th

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Article 9 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated,  
2 relating to cosmetic laser services, so as to change certain provisions relating to the licensing  
3 of cosmetic laser practitioners; to require that each patient be examined prior to any cosmetic  
4 laser service being performed; to require that each facility offering cosmetic laser services  
5 have a supervisor; to provide certain qualifications and responsibilities for supervisors; to  
6 require that certain information regarding cosmetic laser practitioners, supervisors, and  
7 consulting physicians be disclosed by the facilities; to provide for a licensed physician to be  
8 a member of the advisory board; to provide for related matters; to provide for a contingent  
9 effective date; to repeal conflicting laws; and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 Article 9 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to  
13 cosmetic laser services, is amended by revising Code Section 43-34-244, relating to two  
14 levels of license and applications, as follows:

15 "43-34-244.

16 (a) There shall be two levels of a license for a cosmetic laser practitioner: assistant laser  
17 practitioner and senior laser practitioner.

18 (b) Any person desiring to obtain a license as a cosmetic laser practitioner under the terms  
19 of this article shall make application to the board as follows:

20 (1) An applicant for an 'assistant laser practitioner' license shall present proof that he or  
21 she:

22 (A) Holds a current valid license or certificate of registration as a physician's assistant,  
23 nurse, esthetician, or master cosmetologist, or has previously held a license or  
24 certificate of registration as a medical practitioner; and

1 (B) Has received at least three laser certificates from attending laser/intense pulsed  
 2 light (IPL) courses as approved by the board, directly taught by a licensed physician or  
 3 certified continuing medical education or continuing education educator.

4 If, after review of the application, it is determined that the applicant is at least 21 years  
 5 of age; has met the minimum educational requirements; is of good moral character; and  
 6 is possessed of the requisite skill to perform properly cosmetic laser services, a license  
 7 shall be issued to the applicant entitling the applicant to practice the occupation of  
 8 cosmetic laser practitioner at the assistant laser practitioner level under the direct  
 9 supervision of a senior laser practitioner.

10 (2) An applicant for a 'senior laser practitioner' license shall present proof that he or she:

11 (A) Holds a current valid license or certificate of registration as a physician's assistant  
 12 or nurse or has previously held a license or certificate of registration as a medical  
 13 practitioner;

14 (B) Has at least three years of clinical or technological medical experience, or both;

15 (C) Has been or was licensed or nationally board certified as a medical practitioner for  
 16 at least three years; and

17 (D) Has received at least two laser certificates from attending laser/intense pulsed light  
 18 (IPL) continuing medical education courses as approved by the board, directly taught  
 19 by a licensed physician or certified continuing medical education or continuing  
 20 education educator.

21 If, after review of the application, it is determined that the applicant is at least 21 years  
 22 of age; has met the minimum educational and clinical training requirements to perform  
 23 cosmetic laser services with indirect supervision; is of good moral character; and is  
 24 possessed of the requisite skill to perform properly these services, a license shall be  
 25 issued to the applicant entitling the applicant to practice the occupation of cosmetic laser  
 26 practitioner at the senior laser practitioner level pursuant to the protocols of a consulting  
 27 physician.

28 ~~(c) The board shall be authorized to waive any education requirements under this Code~~  
 29 ~~section in cases of hardship, disability, or illness or under such other circumstances as the~~  
 30 ~~board deems appropriate with respect to any applicant who has practiced as a cosmetic~~  
 31 ~~laser practitioner prior to July 1, 2007.~~

32 (c)(1) Any person desiring to obtain a license as an 'assistant laser practitioner' who does  
 33 not meet the requirements of paragraph (1) of subsection (b) of this Code section shall  
 34 also be eligible for a license as an 'assistant laser practitioner' if he or she makes  
 35 application to the board within six months of the effective date of this article and presents  
 36 proof that he or she:

1 (A) Prior to the effective date of this article, obtained a minimum of at least 2,000  
 2 hours of experience in administering cosmetic laser service; and

3 (B) Has received at least three laser certificates from attending laser/intense pulsed  
 4 light (IPL) courses, directly taught by a licensed physician or certified continuing  
 5 medical education or continuing education educator.

6 (2) Any person licensed pursuant to paragraph (1) of this subsection shall not perform  
 7 any cosmetic laser services unless under the direct supervision of a physician licensed  
 8 under this chapter who is trained in laser modalities.

9 (d) Should an applicant have a current cosmetic laser practitioner license or certificate of  
 10 registration in force from another state, country, territory of the United States, or the  
 11 District of Columbia, where similar reciprocity is extended to this state and licensure  
 12 requirements are substantially equal to those in this state, and have paid a fee and have  
 13 submitted an application, the applicant may be issued a license at the appropriate level  
 14 entitling him or her to practice the occupation of a cosmetic laser practitioner at that level,  
 15 unless the board, in its discretion, sees fit to require a written or a practical examination  
 16 subject to the terms and provisions of this article. ~~The board shall be authorized to waive~~  
 17 ~~any education or experience requirements applicable to any person who holds a current~~  
 18 ~~license or certificate to practice as a cosmetic laser practitioner outside of this state and~~  
 19 ~~who desires to obtain a license at a level authorized under this Code section to practice as~~  
 20 ~~a cosmetic laser practitioner in this state in cases of hardship, disability, or illness or under~~  
 21 ~~such other circumstances as the board deems appropriate."~~

## 22 SECTION 2.

23 Said article is further amended by revising Code Section 43-34-248, relating to agreement  
 24 with consulting physician, as follows:

25 "43-34-248.

26 (a) Any facility providing cosmetic laser services shall have an agreement with a  
 27 consulting physician who shall:

28 (1) Be trained in laser modalities;

29 (2) Establish proper protocols for the cosmetic laser services provided at the facility and  
 30 file such protocols with the board; ~~and~~

31 (3) Examine each patient prior to any cosmetic laser service being performed; and

32 ~~(3)~~(4) Be available for emergency consultation with the cosmetic laser practitioner or  
 33 anyone employed by the facility.

34 (b) Any facility providing cosmetic laser services shall have a supervisor present at the  
 35 facility at all times. The supervisor shall supervise the performance of all cosmetic laser  
 36 services performed by a person other than the consulting physician. The supervisor shall

1 be a physician licensed under this chapter who is trained in laser modalities or a senior  
 2 laser practitioner.

3 (c)(1) Any facility providing cosmetic laser services shall post a sign listing the  
 4 consulting physician's name, emergency contact number, his or her board certification  
 5 and specialty, and the address of his or her primary practice location, and indicating  
 6 whether he or she is presently on site at the facility.

7 (2) If the consulting physician is not on site for any period of time during which the  
 8 facility is open, the facility shall post a sign indicating who is presently acting as the  
 9 supervisor for the facility and that person's name, emergency contact number, his or her  
 10 degrees and qualifications, and the type of cosmetic laser practitioner license held."

### 11 SECTION 3.

12 Said article is further amended by revising Code Section 43-34-249, relating to informed  
 13 consent, as follows:

14 "43-34-249.

15 (a) Prior to receiving cosmetic laser services from a cosmetic laser practitioner, a person  
 16 must consent in writing to such services and shall be informed in writing of the general  
 17 terms of the following:

18 (1) The nature and purpose of such proposed procedure;

19 (2) Any material risks generally recognized and associated with the cosmetic laser  
 20 service to be performed which, if disclosed to a reasonably prudent person in the  
 21 customer's position, could reasonably be expected to cause such prudent person to  
 22 decline such proposed cosmetic laser services on the basis of the material risk of injury  
 23 that could result from such proposed services;

24 (3) The name of, the degrees and qualifications held by, and type of license licenses  
 25 obtained by the individual who will be performing the cosmetic laser service ~~has~~  
 26 ~~obtained, the supervisor, and the consulting physician; and~~

27 (4) The steps to be followed after the cosmetic laser service is performed in the event of  
 28 any complications; and

29 (5) The emergency contact information for the consulting physician and the address of  
 30 his or her primary practice location.

31 (a.1) After receiving each cosmetic laser service, a person shall be informed in writing of  
 32 the information required by paragraphs (4) and (5) of subsection (a) of this Code section.

1 (b) It shall be the responsibility of the cosmetic laser practitioner to ensure that the  
2 information required by ~~subsection (a)~~ subsections (a) and (a.1) of this Code section is  
3 disclosed and that the consent provided for in this Code section is obtained.

4 (c) Where the consumer is under 18 years of age, the consent of the consumer's parent or  
5 legal guardian shall be required.

6 (d) The board shall be required to adopt and have the authority to promulgate rules and  
7 regulations governing and establishing the standards necessary to implement this Code  
8 section specifically including but not limited to the disciplining of a cosmetic laser  
9 practitioner who fails to comply with this Code section.

10 (e) Nothing in this Code section shall prohibit the information provided for in this Code  
11 section from being disclosed through the use of video tapes, audio tapes, pamphlets,  
12 booklets, or other means of communication or through conversations with the cosmetic  
13 laser practitioner; provided, however, that such information is also provided in writing and  
14 attached to the consent form which the consumer signs."

#### 15 SECTION 4.

16 Said article is further amended by revising Code Section 43-34-250, relating to the advisory  
17 committee, as follows:

18 "43-34-250.

19 The board shall appoint an advisory committee. The advisory committee shall be  
20 representative of a cross section of the cultural backgrounds, to the extent practical, of the  
21 licensed cosmetic laser practitioners licensed under this article and such members as the  
22 board in its discretion may determine. The advisory committee shall include at least one  
23 person licensed to practice medicine under this chapter. Members shall receive no  
24 compensation for service on the committee. The committee shall have such advisory duties  
25 and responsibilities as the board may determine, including but not limited to consulting  
26 with the board on the issuance, denial, suspension, and revocation of licenses and the  
27 promulgation of rules and regulations under this article. The initial members of the  
28 advisory committee may include persons eligible for licensing under this article.  
29 Subsequent advisory committee members must be licensed pursuant to this article."

#### 30 SECTION 5.

31 This Act shall become effective only if and when the "Georgia Cosmetic Laser Services  
32 Act," approved May 29, 2007 (Ga. L. 2007, p. 626), becomes effective as provided in  
33 Section 2 therein.

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**SECTION 6.**

2 All laws and parts of laws in conflict with this Act are repealed.