



37 (d) “Physician” means an allopath or osteopath who has an active, unrestricted medical  
38 license granted under the authority of XX and practices within the state that the  
39 medical spa is located.

**Drafting Note – RE: “Physician”:** States may choose to define “allopath” and “osteopath” for further clarification.

40 (e) “Delegate” means a non-physician tasked with performing a procedure as defined in  
41 Paragraph (b) by a Physician as defined in Paragraph (d).

**Drafting Note – RE: “Delegate”:** States may choose to list the different types of non-physician categories that have the authority to perform cosmetic medical procedures. This should not be interpreted to expand the scope of practice authority of any non-physician health care provider.

42 (f) “Supervision” means a supervising physician that is both present at the site and  
43 immediately able to respond in-person as needed.

#### 44 **Section 4. Protecting Patients in a Medical Spa Setting**

45 (a) A physician who performs or supervises cosmetic medical procedures by a non-  
46 physician must be trained in the indications for and performance of the cosmetic  
47 medical procedure. Training by a vendor or manufacturer of any medical devices  
48 used during a cosmetic medical procedure may not be the physician’s only  
49 educational training.

**Drafting note – States may wish to include the following educational requirements:**

*(i) Training by a vendor or manufacturer of any medical device used by a cosmetic medical procedure may not be the physician’s only educational training.*

*(ii) ACGME or AOA approved continuing medical education, or completion of an ACGME or AOA accredited postgraduate program that includes training in the cosmetic medical procedure being performed satisfies the education requirement.*

50 (b) The supervising physician must:  
51 i. Develop and maintain written office protocols for each cosmetic medical  
52 procedure.  
53 ii. Perform the initial assessment of the patient.  
54 iii. Prepare a written treatment plan for each patient, including diagnosis,  
55 course of treatment and specifications for any device being utilized.  
56 iv. Obtain patient consent if the procedure is being done by a non-physician  
57 provider and identify credentials and name of the non-physician provider  
58 who will be performing the medical procedure.  
59 v. Create and maintain medical records in a manner consistent with  
60 accepted medical practice and in compliance with the rules of the State  
61 of XX.

- 62 (c) Non-physician providers may only perform cosmetic medical procedures in which  
63 they have been properly trained and if the procedure has been delegated to them  
64 by a supervising physician. All non-physician providers must:
- 65 i. Wear identification that clearly communicates they are not physicians  
66 and identifies the type of provider they are and their licensing.
  - 67 ii. Review and follow written protocols for each delegated cosmetic medical  
68 procedure;
  - 69 iii. Verify that the supervising physician has assessed the patient and given  
70 written treatment instructions for each procedure to be performed;
  - 71 iv. Review the cosmetic medical procedure to be performed with each  
72 patient;
  - 73 v. Notify the medical director and supervising physician of any adverse  
74 events or complications before the patient leaves the medical spa or as  
75 they become aware; and follow-up communications with the patient  
76 post-operatively;
  - 77 vi. Document all relevant details of the cosmetic medical procedure in each  
78 patient's medical record; and
  - 79 vii. Satisfy any requirements imposed by the licensing board of the non-  
80 physician.

***Drafting note - RE: Protecting Patients in a Medical Spa Setting:*** This section should not be interpreted to expand existing statute or regulation regarding the scope of practice of non-physician providers.

*States may choose to require medical spas to post if a physician is not on-site and mandate adverse event reporting to the U.S. Food and Drug Administration.*

81 **Section 5. Effective.** This Act shall become effective immediately upon being enacted into law.

