

MINUTES
MASSACHUSETTS BOARD OF REGISTRATION IN MEDICINE
MEDICAL SPA TASK FORCE

August 29, 2007

PRESENT

Task Force Members

Boards:

Nancy Achin Audesse, Board of Registration in Medicine

Gino Chisari, RN, Board of Registration in Nursing

Barbara Kellman, JD, Board of Registration in Nursing

Kathe Mullally, JD, Board of Cosmetology

Legislature:

Senator Joan Menard

Appointees:

Stephanie Cogliano, RE

Faye Marie Jenkins, RN

Dianne Quibell, MD

Winifred Nee Tobin, Consumer

Jeffrey Dover, MD

Jagruti Patel, MD

Jennifer Infurna, MPH

Absent:

Catherine Hinds, Board of Cosmetology

Board Staff

Russ Aims, Board of Registration in Medicine

Brenda Beaton, Esq., Board of Registration in Medicine

Kathleen DiTonno., Board of Registration in Medicine

1. Welcome, Scheduling, Goals for Today's Discussion

Nancy Achin Audesse, the Executive Director of the Board of Registration in Medicine called to order the meeting of the Medical Spa Task Force. Ms. Achin Audesse discussed scheduling for future meetings and the Task Force decided on September 26, 2007, October 24, 2007 and November 28, 2007.

2. Approval of July 18th Minutes

Ms. Achin Audesse brought forth a motion to approve the meeting minutes of July 18, 2007 Medical Spa Task Force Meeting.

Mr. Chisari states that there are a number of changes he would like to make to the minutes of July 18th. These changes will be incorporated into the July minutes and will be posted as draft minutes on the Board's website until the Task Force has had an opportunity to review the changes. Ms. Achin Audesse moves to approve minutes at the next meeting.

3. Discussion Topic: Definition of "Medical Spa"

Ms. Kellman began the discussion by stating in past meetings, Medical Spas were being defined by what they were not, and now they need to be defined it by what a Medical Spa is. Level I Procedures were removed from the definition of a Medical Spa as those licensed to provide just Level I procedures would be licensed by his/her own Board of Registration as an independent practitioner in a private practice setting. Ms. Kellman stated that there was representation by all disciplines, excluding Physician Assistants, in creating the definition of Medical Spas. A Medical Spa is defined as a facility which has one or more sites at which more than one type of licensed practitioner is performing a Level II and/or Level III procedure and which does not qualify for an office exemption. The Task Force went into a discussion about the necessity of obtaining an additional license for a physician and nurse, practicing together and providing Medical Spa services. It was reemphasized that the purpose of obtaining an additional license is not to punish those well qualified professionals already providing services, but to protect the public from unqualified persons from being grandfathered into the system. Ms. Kellman stated that it will still be the responsibility of each physician or nurse to report their level of training and expertise. Each regulatory board would become involved once made aware of any incident.

The task force discussed that some of the office exemptions seem to discourage working relationships among mixed disciplines. While this was not the intention, people may not work with other disciplines in order to qualify for an office exemption. The working groups for each discipline will work on creating specific examples of supervision and delegation to bring to the next meeting. This will help to create real-life scenarios for the workplace and what a reasonable office exemption may be. The task force also stated that they will try to have representation from the Board of Registration of Physician Assistants at the next meeting in an effort to have true representation of the disciplines.

4. Discussion Topic: Until there is a national certification process, what constitutes basic training for individuals using non-ablative devices?

Ms. Kellman provided basic training guidelines used by the state of Texas. The task force discussed that each board's subgroup should discuss what specific training would be appropriate and submit the lists to Mr. Aims for discussion at the next meeting. The proposed training lists should also include information about whether or not a grandfathering clause should be included.

Ms. Achin Audesse reiterated that public comment is welcomed by everyone and comments should be submitted via the Board's website. It was also stated that each regulatory board represented needs to be aware of any existing statutes that might be in conflict or support of the proposed medical regulations.

The task force went into discussion with an example of a Board policy and how the proposed Medical Spa regulations may create a conflict. Board Policy 05-01 prohibits physicians from selling goods from his or her office, with the exception of durable medical goods, in order to prevent unnecessary financial pressure on the patient. The question was raised if this policy would apply to medical spas, and if not, would physicians be found in direct violation of the Board's policy. There was some continued discussion about the need for a balance. The Task Force agreed that it would be reasonable and necessary for medical spas to carry product for consumer sale, and felt that the Board policy should be rethought. It was also agreed that the policy should state that financial interest disclosure would be necessary to the client in order to remove undue pressure to purchase specific products. Ms. Tobin will work on creating consumer protection language for financial disclosure. The Board of Registration in Medicine is the only regulatory board represented that has a direct prohibition on the sale of goods from an office. Ms. Achin Audesse stated that the Board will take this issue under advisement to determine if the Board's policy should be updated or eliminated.

5. Review

Ms. Achin Audesse reviewed the following goals for future Task Force meetings. The task force will update and review the definitions of a Medical Spa for the September meeting and will submit supervision guidelines to Mr. Aims. Ms. Mullally will also provide clear and separate definitions of both cosmetologists and aestheticians. Dr. Patel stated that Level 4 procedures should be added to the definitions for the sole purpose of determining procedures that cannot be done.

The task force will provide final draft versions of training requirements to the group at the October meeting. Also, Ms. Tobin will present consumer language for financial disclosure at the October meeting.

It is the goal of the task force to have final versions of all documents, including delegation, supervision, and training requirements to be ready for the November meeting in order to move onto legislative matters before the end of the year.