

MINUTES
MASSACHUSETTS BOARD OF REGISTRATION IN MEDICINE
MEDICAL SPA TASK FORCE

July 16, 2008

PRESENT

Medical Spa Task Force Members

Boards:

Nancy Achin Audesse, Board of Registration in Medicine
Gino Chisari, RN, Board of Registration in Nursing

Legislature:

Timothy M. O'Neill, Office of Peter Koutoujian
Tony Sousa, Office of Joan Menard
Dean Toulan, Office of Joan Menard

Appointees:

Stephanie Cogliano, RE
Dianne Quibell, MD
Winifred Nee Tobin, Consumer
Jeffrey Dover, MD
Faye Marie Jenkins, RN
Karen Bonney, Board of Cosmetology
An G. Hinds
Karen McKoy, MD
Barbara Kellman, JD, Board of Registration in Nursing
Charles Kilb, Board of Cosmetology

Absent:

Representative Peter Koutoujian
Jagruti Patel, MD
Senator Joan Menard

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, Goals for Today's Discussion

Nancy Achin Audesse, Executive Director of the Board of Registration in Medicine (BORIM) called to order the meeting of the Medical Spa Task Force, hereinafter, MSTF. The goal of this meeting is to discuss the major issues still pending with the MSTF including the creation of an advanced aesthetician license, sale of goods policy and legislative issues.

2. Approval of May 28th Minutes

Ms. Achin Audesse brought forth a motion to approve the minutes of the May 28th MSTF. Minutes were approved with minor typographical changes. Amended minutes accepted unanimously

3. Discussion Topic: Sale of Goods Policy

Dr. Dover provided a general overview of the changes to BORIM's Sale of Goods Policy. The task force agreed that products should not be displayed in patient examination rooms. It was recommended that BORIM adopt the policy which allows the sale of practice related products in a physician's office following patient treatments. BORIM will publicly announce the reviewing of the draft so that the public may comment on it at that time. Ms. Achin Audesse further stated that BORIM will issue guidelines and other instructions on how to post appropriate information about the products and how to inform patients that products can be purchased elsewhere. The MSTF agreed that with the process.

4. Discussion Topic: To what level should non-hair removal laser/light procedures be assigned?

Current draft guidelines would allow physicians and nurses to remove and treat spots. The MSTF posed the question whether it is safe and appropriate for nurses to treat the spot and whether or not other licensees should be granted the same privilege including advanced aestheticians with advanced training. Mr. Chisari discussed some of the issues with the Board of Registration in Nursing (BORN) including nursing supervision of aestheticians. Because the types of procedures are generally medical, it is appropriate that a nurse be involved in the assessment of the client. There would be protocol expressed so that if the assessment was different than normally expected, then the procedure would not continue without physician referral. Nurses would not be diagnosing, just assessing, as they do now in the practice of nursing. Unlike a physician's role in supervising, nurses would not delegate to advanced aestheticians, but would work in a collaborative role as supervising health care professional.

Dr. McKoy raised the concern that treating spots is diagnostic and not appropriate for non-physicians. Unless there is specific referral from physician, treatment would not be appropriate. Or treatment may be appropriate by an advanced practitioner registered nurse (APRN) or physician assistant (PA) with specialized training in dermatology. Mr.

Chisari stated that BORN regulations, 244 CMR defines the scope of practice for a nurse which includes the ability to do comprehensive systematic health assessments, APRN's have the authority to diagnose. BORN would create advisory opinions as to the specific amount of training necessary to maintain competency. Regulations do not allow a nurse to diagnose, but does allow for a health assessment and to make a determination for a referral or consultation with a physician prior to treatment. This process is no different than any other health related consult with the public, and continues to be done in collaboration with the medical director. Ms. Achin Audesse asked the MSTF if all were in agreement that an RN can evaluate the skin prior to treatment with laser or light. Ms. Achin Audesse requested a formal vote in the decision. Recommendation One is that there must be an evaluation by a physician, PA, APRN prior to treatment with laser or light. Recommendation Two is that prior to treatment, there must be an evaluation by a physician, PA, APRN or RN practicing within accordance of guidelines of training as set by BORN. If Recommendation Two carries, both BORN and BORM would require educational advisories and recommendations, so that all are held to the same standards. Recommendation One Vote: 7 opposed 2 in favor 4 abstained. Recommendation Two Vote: 2 opposed 7 in favor 4 abstained. Recommendation 2 carries.

5. Discussion Topic: Advanced Aestheticians

Mr. Kilb provided a general overview of the aesthetician license. Currently, there what exists is a basic aesthetician license. All licensees begin with a 300 hour program. Once an advanced aesthetics license program is created, an additional 300 hours of training as well as an exam would be required to move to an advanced license. Cosmetologists receive about 225 hours of skin training within their program. The majority of the MSTF agreed that cosmetology skin hours are not sufficient for the scope of practice of an aesthetician.

Ms. Hinds added insight from the position of aestheticians. For consumer protection there has to be a move to increase the education. Aestheticians are seeking a separate board so that they can obtain advanced hours. Ms. Hinds stated that aestheticians want to be able to work within physician offices and feel that they can provide better education and licensing standards if they work independently from the Board of Registration in Cosmetology. (BORC) Ms. Hinds added that if a separate board was created, it would not require the additional inspection oversight that BORC is requesting for location inspections.

Ms. Achin Audesse briefly explained the regulatory process by which a new board would be created.

The MSTF agreed that there is a need for an advanced aesthetician license and that 1200 hours would be required, rather than the 300 initially recommended by BORC.

Ms. Hinds made a formal recommendation to make a separate board of aesthetics charged with creating an advanced aesthetician license with minimum education requirements.

The MSTF took a vote.

In favor of the recommendation: 9
Opposed: 2
Abstained: 2

Ms. Hinds stated recommended that there be a minimum educational hour requirement of 600 hours for basic aesthetician license with an additional 600 hours to receive an advanced aesthetician license. There would be some provision made for grandfathering current licensees into basic aesthetic licensure. The newly created Board of Aesthetics would acknowledge BIRC licensees for possible grandfathering provisions. The Board of Aesthetics should set new hours, and further recommends that the Board accept existing aestheticians and cosmetologists with experience in skin care. Education would have to be in a licensed facility of formal education. Licensees would be able to petition the Board for credit for an equivalency program for training outside of a formal setting.

In favor of the above recommendation: 9
Opposed: 2
Abstained: 2

The MSTF voted if an aesthetician should be able to work in physician offices.

In favor: 9
Opposed: 2
Abstained: 2

The MSTF voted if the newly created Board of Registration in Aesthetics should have regulatory authority over the practice sight as licensed by DPH the Board would maintain its right to oversee its licensees in the space.

In favor: 9
Opposed: 2
Abstained: 2

The MSTF voted on the recommendation that the Board of Registration in Aesthetics include the authority to inspect the practice of licensees regardless of location.

In favor: 9
Opposed: 0
Abstained: 4

Ms. Achin Audesse asked if the MSTF had any other matters which required a vote.

Ms. Kellman proposed the recommendation that should the legislature act favorably on the recommendations of the MSTF, that a member of the newly created Board of Registration in Aesthetics be included in the ongoing work of the task force.

In favor: 9
Opposed: 0
Abstain: 4

6. Discussion Topic: Review of Draft Report

Ms. Achin Audesse asked if there are any outstanding issues. The draft report will include factual representation of the active involvement of all board including the Board of Registration in Cosmetology.

Mr. Chisari stated on page 4 of the executive summary, in the last paragraph that the term 'supervised by' be changed to 'collaboration with.' On page 13 under recommendation 5, Mr. Chisari requests that nursing be brought into the definition so that it does not only refer to physicians and nursing professions. Also, for clarification, that where appropriate, the practice of nursing is added where the practice of medicine is used.

On page 18 of the draft report, add electrologists under Intense Pulsar Light. Pages 16-19 will be cleaned up for consistent language to include APRNs, MDs, Dos, RNs, and Advanced Aestheticians.

Task members will be alphabetized in the beginning of the draft report.

Mr. Aims explained that the final draft report should be ready to be sent to the Office of Healthcare Finance, Department of Public Health, Legislature, and all concerned board by mid to late August. The Legislature can consider the report in whole or in part. There will need to be separate legislation to create a Board of Registration in Aesthetics. There will be a letter of transmittal included in the submission of the report to the Legislature which clarifies that the report heavily depends on the vote of the creation of an advanced aesthetician license. Once the final draft report has been made, it can be shared with the public.

7. Closing Remarks

In wrapping up the final meeting of the MSTF, Ms. Achin Audesse extends her thanks to BORIM licensees, all participating Boards as well as the outstanding work of Mr. Aims. Ms. Achin Audesse further thanks members of the public for their cooperation and input. Mr. Aims wishes to extend his thanks to Ms. Kellman for her special assistance of the draft report and task force. The MSTF thanked Ms. Achin Audesse for all of her outstanding work and wish her a happy retirement. The MSTF adjourned.