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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO HEALTH AND SAFETY- DELEGATION OF NON-ABLATIVE
TREATMENTS

Introduced By: Representatives Corvese, Vella-Wilkinson, Lima, O'Brien, and
Azzinaro

Date Introduced: January 31, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 95

4 DELEGATION OF NON-ABLATIVE TREATMENTS

5 **23-95-1. Definitions.**

6 As used in this chapter:

7 (1) "Delegate" means a person tasked by a licensed health care professional or a medical
8 director performing non-ablative treatment.

9 (2) "Department" means the Rhode Island department of health.

10 (3) "Electrologist" means a person who is licensed by the department to perform
11 electrolysis.

12 (4) "Electrolysis" means the method of removing hair from the human body by the
13 application of an electrical current or any other form of energy to the hair-papilla or other source
14 of hair germination by means of a needle or any other instrument or device to cause
15 decomposition, coagulation, dehydration or other form of tissue destruction, to permanently
16 disable the hair follicle from producing hair.

17 (5) "Laser light" means an intense, coherent, directional beam of light produced by
18 stimulated emission of photons; the word laser shall mean the acronym for light amplification by

1 stimulated emission of radiation.

2 (6) "Laser hair removal" means using laser light to perform hair removal or reduction, or
3 electrolysis performed with laser light.

4 (7) "Licensed health care professional" means an advanced practical nurse practitioner or
5 physician assistant licensed in Rhode Island, who is allowed to perform surgery within the scope
6 of their licensed practice.

7 (8) "Medical director" means a Rhode Island licensed physician.

8 (9) "Non-ablative treatment" means any laser or intense pulsed light treatment or
9 treatment by another energy source, chemical, or modality that is not expected or intended to
10 remove, burn, or vaporize tissue. The term "non-ablative treatment" shall not include treatments
11 related to electrolysis or laser hair removal if those treatments are performed by a licensed
12 electrologist.

13 (6) "Supervision" means the overseeing of the delegated non-ablative treatment
14 performed by a delegate. Supervision shall only be provided by a licensed health care
15 professional or a medical director.

16 **23-95-2. General restrictions.**

17 (a) The use of a laser or energy-based device that is expected or intended to remove,
18 burn, or vaporize the live epidermal surface of the skin is surgery and may only be performed by
19 a licensed health care professional or medical director who is allowed to perform surgery within
20 the scope of their licensed practice and may not be delegated.

21 (b) Non-ablative treatment may be performed by a delegate if the treatment has been
22 delegated, the delegating licensed health care professional or medical director provides the
23 appropriate supervision, and the delegate has met the necessary training requirements.

24 **23-95-3. Delegation of non-ablative treatment.**

25 (a) Prior to delegating the performance of a non-ablative treatment, the delegating
26 licensed health care professional or medical director shall perform the initial assessment of the
27 patient to determine which treatment is appropriate for the patient and determine the settings on
28 the chosen device.

29 (b) Prior to delegating the performance of a non-ablative treatment, the delegating
30 licensed health care professional or medical director shall ensure that the delegate has
31 satisfactorily met the training requirements and that the treatment is within the scope of practice
32 for the delegate's profession. The delegating licensed health care professional or medical director
33 is responsible for ensuring that the delegate performing the treatment has demonstrated sufficient
34 proficiency for each non-ablative treatment performed.

1 (c) Prior to the performance of a delegated non-ablative treatment, the delegating licensed
2 health care professional or medical director shall inform the patient about the training and
3 qualifications of who will be performing the treatment. This notice may be written or verbal.

4 (d) A licensed health care professional or medical director may delegate the performance
5 of a non-ablative treatment through the use of a written protocol developed by the medical
6 director. The written protocol shall provide, at a minimum:

7 (1) The identification of the devices and settings to be used;

8 (2) A description of appropriate care and follow-up for common complications, injuries,
9 or adverse reactions that may result from the treatment, including a plan to manage medical
10 emergencies;

11 (3) A description of the treatment plan to be followed for each non-ablative treatment
12 delegated under the written protocol, including the method to be used for documenting decisions,
13 communicating with the delegating licensed health care professional, and recording all treatment
14 provided in the patient's record; and

15 (4) A quality assurance plan for monitoring care provided by the delegate including
16 patient care review and any necessary follow-up.

17 (e) The written protocol shall be annually reviewed by the delegating licensed health care
18 professional or medical director and the delegate and updated as necessary. The written protocol
19 shall be provided to the department or to any patient, upon request.

20 **23-95-4. Supervision.**

21 A delegate may only perform a delegated non-ablative treatment under the supervision of
22 a licensed health care professional or medical director. Supervision requires a licensed health care
23 professional or medical director to be immediately available and able to respond promptly to any
24 question or problem that may occur while the treatment is being performed.

25 **23-95-5. Training.**

26 (a) A licensed health care professional or medical director who delegates the performance
27 of a non-ablative treatment shall be able to document to the department, upon request, the
28 completion of appropriate training in the physics, safety, and surgical techniques involved in the
29 use of laser and energy-based devices capable of damaging living tissues. This training should
30 include an extensive understanding of cutaneous medicine and surgery, the indications and
31 contraindications for such procedures, the pre- and post-operative care involved in treatment, as
32 well as the treatment of complications associated with these devices.

33 (b) For each non-ablative treatment to be performed, it is the responsibility of the
34 delegating licensed health care professional or medical director to ensure that the delegate is

1 [appropriately trained in the indications and contraindications and the pre- and post-operative care](#)
2 [involved in treatment.](#)

3 **23-95-6. Violations and enforcement.**

4 [Failure to comply with any provision under this chapter or knowingly delegating a non-](#)
5 [ablative treatment other than as authorized under this chapter shall constitute unprofessional](#)
6 [conduct pursuant to the licensing statute under which the delegating licensed health care](#)
7 [professional practices.](#)

8 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HEALTH AND SAFETY- DELEGATION OF NON-ABLATIVE
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1 This act would appropriate procedures regulating the delegation of non-ablative
2 treatment, otherwise known as any laser or intense pulsed light treatment or treatment by another
3 energy source, chemical, or modality that is not expected or intended to remove, burn, or vaporize
4 tissue.

5 This act would take effect upon passage.

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