



Fields of Opportunities

STATE OF IOWA

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IOWA BOARD OF MEDICINE
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FOR IMMEDIATE RELEASE

Board approves rules for physicians who serve as medical spa directors

DES MOINES, IA – The Iowa Board of Medicine has approved the filing of new administrative rules that establish the standards of practice and grounds for discipline for physicians who serve as medical directors of medical spas.

The Board's approval of the rules on June 11 came after several months of discussion about the expectations for physicians who serve as medical directors or medical advisors for spas that provide medical aesthetic services, such as treatment of skin and hair ailments. The rules were prompted by Board concerns about physicians who held themselves out as medical directors of medical spas for promotional purposes, but were not actively involved in operation of the spas.

The proposed amendments to 653 Chapter 13 hold a physician medical director responsible for the spa's policies and procedures to ensure quality patient care and for the delegation and supervision of medical aesthetic services to qualified licensed and certified non-physician staff members. Under proposed amendments to 653 Chapter 23, physicians who violate these standards can face disciplinary sanctions, which may include suspension or revocation of their Iowa medical license and a civil penalty of up to \$10,000.

The new rules are not intended to apply to physicians who serve as medical directors of licensed medical facilities, or clinics or practices that provide medical aesthetic services as part of their other medical services.

A public hearing on the new rules will be held at 11 a.m. July 20 at the Board's office. The Board must receive written comments on the proposed amendments by 4:30 p.m. July 20.

The following amendments are proposed:

Item 1: Chapter 13 Adopt **new** rules 653—13.8 thru 653—13.8(4) as follows:

653 – 13.8 (148, 272C) Standards of practice – medical directors – medical spas delegation and supervision of medical aesthetic services performed by qualified licensed and certified non-physician persons. This rule establishes standards of practice for physicians or surgeons or osteopathic physicians or surgeons who serve as a medical director at a medical spa.

13.8(1) Definitions. As used in this rule.

“Delegation” means to entrust or transfer the performance of a medical aesthetic service to qualified licensed and certified non-physician persons.

“Medical aesthetic service” means the diagnosis, treatment, or correction of human conditions, ailments, diseases, injuries, or infirmities of the skin, hair, nails and mucous membranes, by any means, methods, devices, or instruments including the use of a biological or synthetic material, chemical application, mechanical device, or displaced energy form of any kind if it alters or damages or is capable of altering or damaging living tissue below the superficial epidermal cells, with the exception of hair removal. Medical aesthetic service includes, but is not limited to, the following services: ablative laser therapy; vaporizing laser therapy; non-superficial light device therapy; injectables; tissue alteration services; nonsuperficial light emitting diode therapy; non-superficial intense pulse light therapy; nonsuperficial radiofrequency therapy; non-superficial ultrasonic therapy; non-superficial exfoliation; non-superficial microdermabrasion; non-superficial dermaplane exfoliation, nonsuperficial lymphatic drainage, botox injections, collagen injections, and tattoo removal.

“Medical director” means a physician who assumes the role, or holds themselves out, as medical director or a physician who serves as a medical advisor for a medical spa. The medical director is responsible for implementing policies and procedures to ensure quality patient care and for the delegation and supervision of medical aesthetic services to qualified licensed and certified non-physician persons.

“Medical spa” means any entity, however organized, which is advertised, announced, established, or maintained for the purpose of providing medical aesthetic services. Medical spa shall not include a dermatology practice which is wholly owned and controlled by one or more Iowa-licensed physicians if at least one of the owners is actively practicing at each location.

“Qualified licensed and certified non-physician persons” means any person who is not licensed to practice medicine and surgery or osteopathic medicine and surgery but may include persons licensed or certified by another licensing board in Iowa and is qualified to perform medical aesthetic services under the supervision of a qualified physician.

“Supervision” means the oversight of qualified licensed and certified non-physician persons who perform medical aesthetic services delegated by a medical director.

13.8(2) Practice of medicine. The performance of medical aesthetic services is the practice of medicine. Medical aesthetic services shall only be performed by qualified licensed and certified non-physician persons if the service has been delegated by the medical director who is responsible for supervision of the services performed. A medical director shall not delegate medical aesthetic services to non-physician persons who are not appropriately licensed and certified in Iowa.

13.8(3) Medical director. A physician who serves as medical director at a medical spa shall:

a. Hold an active unrestricted Iowa medical license to supervise each delegated medical aesthetic service;

- b. Possess the appropriate education, training, experience and competence to safely supervise each delegated medical aesthetic service;
- c. Retain responsibility for the supervision of each medical aesthetic service performed by licensed and certified non-physician persons;
- d. Ensure that all advertising activities do not include false, misleading, or deceptive representations; and
- e. Be clearly identified as the medical director in all advertising activities, Internet web sites and signage related to the medical spa.

13.8(4) Delegated medical aesthetic service. When a medical director delegates a medical aesthetic service to qualified licensed and certified non-physician persons, the service shall be:

- a. Within the medical director's scope of practice and medical competence to supervise;
- b. Of the type that a reasonable and prudent physician would conclude is within the scope of sound medical judgment to delegate; and
- c. A routine and technical service, the performance of which does not require the skill of a licensed physician.

13.8(5) Supervision. A medical director who delegates performance of a medical aesthetic service to qualified licensed and certified non-physician persons is responsible for providing appropriate supervision. The medical director shall ensure that:

- a. All licensed and certified non-physician persons are qualified and competent to safely perform each medical aesthetic service by personally assessing the person's education, training, experience and ability;
- b. Qualified licensed and certified non-physician persons do not perform any medical aesthetic services which are beyond the scope of that person's license, certification or registration unless they are supervised by a qualified supervising physician;
- c. All qualified licensed and certified non-physician persons receive direct, in-person on-site supervision from the medical director at least four hours each week and that the regular supervision is documented;
- d. The medical director provides on-site review of aesthetic services performed by qualified licensed and certified non-physician persons each week and reviews at least ten percent of patient charts for services performed by qualified licensed and certified non-physician persons;
- e. The medical director is physically located within sixty miles of the location where qualified licensed and certified non-physician persons perform medical aesthetic services at all times;
- f. The medical director is available, in-person or electronically, at all times, to consult with qualified licensed and certified non-physician persons who perform medical aesthetic services, particularly in case of injury or an emergency;
- g. The medical director assesses the legitimacy and safety of all equipment or other technologies being used by qualified licensed and certified non-physician persons who perform medical aesthetic services;
- h. The medical director develops and implements protocol for responding to emergencies or other injuries suffered by persons receiving medical aesthetic services performed by qualified licensed and certified non-physician persons;
- i. All qualified licensed and certified non-physician persons maintain accurate and timely medical records for the medical aesthetic services they perform;
- j. Each patient provides appropriate informed consent for medical aesthetic services performed by qualified licensed and certified non-physician persons and that such informed consent is timely documented in the patient's medical record;

k. Each patient receiving medical aesthetic services performed by qualified licensed and certified non-physician persons is informed of the identity of the medical director if requested; and

l. The board receives written verification of the education and training of all qualified licensed and certified non-physician persons who perform medical aesthetic services at a medical spa, within fourteen (14) days of a request by the board.

13.8(7) Exceptions. This rule is not intended to apply to physicians who serve as medical directors of licensed medical facilities, clinics or practices that provide medical aesthetic services as part of or incident to their other medical services.

13.8(8) Physician Assistants. Nothing in these rules shall be interpreted to contradict or supersede the rules established in 645 IAC 327.

Item 2 – 23.1 Adopt **new** subrules 23.1(43) and 23.1(44)

23.1(43) Violation of the standards of practice for medical directors who delegate and supervise medical aesthetic services performed by non-physician persons at a medical spa as set out at 653 – subrule 13.8.

23.1(44) Failing to provide the board with written verification of the education and training of all non-physician persons who perform medical aesthetic services at a medical spa, within fourteen (14) days of a request by the board as set out at 653 – subrule 13.8(4)(j).