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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 licensed or unlicensed 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 a licensed or unlicensed non-physician person.

“Licensed or unlicensed non-physician person” means a person who is not licensed to practice medicine and surgery or osteopathic medicine and surgery and may include persons licensed to practice other professions and unlicensed persons.

“Medical aesthetic service” means a service which includes, but is not limited to, the following: ablative laser therapy; vaporizing laser therapy; light device therapy; injectables; tissue alteration services; non-ablative, non-vaporizing laser and light device therapy; light emitting diode therapy; intense pulse light therapy; radiofrequency therapy; ultrasonic therapy; superficial and non-superficial exfoliation; superficial and non-superficial microdermabrasion; superficial and non-superficial dermaplane exfoliation; superficial and non-superficial lymphatic drainage and chemical peels.

“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 licensed or unlicensed 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.

“Supervision” means the oversight of a licensed or unlicensed non-physician person who performs a medical aesthetic service delegated by a medical director.

**13.8(2) 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 delegated medical aesthetic service;
- 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(3) Delegated medical aesthetic service.** When a medical director delegates a medical aesthetic service to a licensed or unlicensed non-physician person, 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(4) Supervision.** A medical director who delegates performance of a medical aesthetic service to a licensed or unlicensed non-physician person is responsible for providing appropriate supervision. The medical director shall ensure that:

a. All licensed or unlicensed non-physician persons are qualified and competent to safely perform any delegated service by personally assessing the person's education, training, experience and ability;

b. All licensed or unlicensed non-physician persons do not perform any services which are beyond that person's competence or the scope of that person's license, certification or registration;

c. All licensed or unlicensed non-physician persons regularly receive direct, in-person supervision from the medical director or a qualified designated physician and that the regular supervision is documented;

d. The medical director or a qualified designated physician regularly provides on-site review of aesthetic services performed by licensed or unlicensed non-physician persons and reviews a representative sample of patient charts for services performed by a licensed or unlicensed non-physician persons;

e. The medical director or a qualified designated physician is physically located within a reasonable distance from the location where a licensed or unlicensed non-physician person performs delegated services;

f. The medical director or a qualified designated physician is available, in-person or electronically, to consult with a licensed or unlicensed non-physician person, particularly in case of a patient injury or emergency;

g. The medical director is consulted regarding all new equipment or other technologies being considered for use on persons receiving aesthetic services at a medical spa to assess their legitimacy and safety;

h. The medical director is responsible for the development and implementation of protocol for responding to an emergency or other injury suffered by a person receiving aesthetic services at a medical spa.

i. All licensed or unlicensed non-physician persons maintain accurate and timely medical records for the delegated services they perform;

j. Each patient provides appropriate informed consent for delegated services performed by a licensed or unlicensed non-physician person and that such informed consent is timely documented in the patient's medical record;

k. Each patient receiving delegated services performed by a licensed or unlicensed non-physician person is informed of the identity of the medical director or qualified designee if requested; and

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

**13.8(5) Exceptions.** This rule is not intended to apply to physicians who serve as medical directors of licensed medical facilities, clinics or practices that provide aesthetic services as part of or incident to their medical services.

**13.8(6) 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 licensed or unlicensed 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 licensed or unlicensed non-physician persons who perform delegated 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).