

2021 Regular Session

HOUSE RESOLUTION NO. 117

BY REPRESENTATIVE BEAULLIEU

BOARDS/COMMISSIONS: Urges and requests the La. State Board of Medical Examiners to clarify administrative rules concerning certain nonsurgical cosmetic procedures

1 A RESOLUTION

2 To urge and request the Louisiana State Board of Medical Examiners to clarify
3 administrative rules with respect to nonsurgical cosmetic procedures performed with
4 medical lasers.

5 WHEREAS, laws comprising Part I of Chapter 15 of Title 37 of the Louisiana
6 Revised Statutes of 1950 govern the practice of medicine in this state; and

7 WHEREAS, within these laws, R.S. 37:1274.1 provides that laser surgery may be
8 performed only by persons licensed by this state to practice medicine, veterinary medicine,
9 dentistry, or podiatry; and

10 WHEREAS, though the definition of "surgery" in administrative regulations of the
11 Louisiana State Board of Medical Examiners (LAC 46:XLV.7303) refers to the use of lasers
12 and to "elective procedure(s) for aesthetic", no regulations of the board pertain to
13 noninvasive cosmetic procedures; and

14 WHEREAS, in this state, medical lasers with robotics and autonomous software
15 cleared by the United States Food and Drug Administration may be operated by designees
16 of Louisiana-licensed physicians; and

17 WHEREAS, such designees must possess a signed authorization from a state-
18 licensed physician in order to use the equipment without a physician present for a procedure;
19 and

20 WHEREAS, in contrast, the laws and regulations of over forty other states provide
21 for less-stringent requirements relating to the use of medical lasers; typically, the laws and

1 regulations of other states require only a physician sponsor for a person's use of any type of
2 medical laser; and

3 WHEREAS, the software and robotics features of present-day medical lasers
4 virtually eliminate the possibility of human error associated with manual use of the
5 equipment; and

6 WHEREAS, Louisiana's law on laser surgery was enacted in 1991 and has not been
7 amended since that time, and the administrative rules of the Louisiana State Board of
8 Medical Examiners currently lack any provisions pertaining to nonsurgical cosmetic
9 procedures.

10 THEREFORE, BE IT RESOLVED that the House of Representatives of the
11 Legislature of Louisiana does hereby urge and request the Louisiana State Board of Medical
12 Examiners to clarify administrative rules with respect to nonsurgical cosmetic procedures
13 performed with medical lasers.

14 BE IT FURTHER RESOLVED that on or before October 20, 2021, the Louisiana
15 State Board of Medical Examiners shall initiate, through the notice process provided for in
16 R.S. 49:953(A), the promulgation of administrative rules called for in this Resolution.

17 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
18 executive director and to the president of the Louisiana State Board of Medical Examiners.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HR 117 Original

2021 Regular Session

Beaullieu

Urges and requests the La. State Board of Medical Examiners (board) to clarify administrative rules with respect to nonsurgical cosmetic procedures performed with medical lasers. Requires the board to initiate the promulgation of such rules through the notice of intent process provided for in the Administrative Procedure Act on or before Oct. 20, 2021.