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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

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

Introduced By: Representatives Fogarty, McNamara, Bennett, Maldonado, and  
Ruggiero

Date Introduced: January 26, 2017

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 94

4 DELEGATION OF NON-ABLATIVE TREATMENTS

5 **23-94-1. Definitions.**

6 As used in this chapter:

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

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

10 (3) "Licensed health care professional" means a person who is allowed to perform  
11 surgery within the scope of their licensed practice.

12 (4) "Non-ablative treatment" means any laser or intense pulsed light treatment or  
13 treatment by another energy source, chemical, or modality that is not expected or intended to  
14 remove, burn, or vaporize tissue. This shall include treatments related to laser hair removal.

15 (5) "Supervision" means the overseeing of the delegated non-ablative treatment  
16 performed by a delegate. Supervision shall only be provided by a licensed health care  
17 professional.

18 **23-94-2. General restrictions.**

1 (a) The use of a laser or energy-based device that is expected or intended to remove,  
2 burn, or vaporize the live epidermal surface of the skin is surgery and may only be performed by  
3 a licensed health care professional who is allowed to perform surgery within the scope of their  
4 licensed practice.

5 (b) Non-ablative treatment may be performed by a delegate if the treatment has been  
6 delegated, the delegating licensed health care professional provides the appropriate on-site  
7 supervision, and the delegate has met the necessary training requirements.

8 **23-94-3. Delegation of non-ablative treatment.**

9 (a) Prior to delegating the performance of a non-ablative treatment, the delegating  
10 licensed health care professional shall perform the initial assessment of the patient to determine  
11 which treatment is appropriate for the patient and determine the settings on the chosen device.

12 (b) Prior to delegating the performance of a non-ablative treatment, the delegating  
13 licensed health care professional shall ensure that the delegate has satisfactorily met the training  
14 requirements and that the treatment is within the scope of practice for the delegate's profession.  
15 The delegating licensed health care professional is responsible for ensuring that the delegate  
16 performing the treatment has demonstrated sufficient proficiency for each non-ablative treatment  
17 performed.

18 (c) Prior to the performance of a delegated non-ablative treatment, the delegating licensed  
19 health care professional shall inform the patient about the training and qualifications of who will  
20 be performing the treatment.

21 (d) A licensed health care professional may delegate the performance of a non-ablative  
22 treatment through the use of a written protocol. The written protocol shall provide, at a minimum:

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

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

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

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

33 (e) The written protocol shall be annually reviewed by the delegating licensed health care  
34 professional and the delegate and updated as necessary. The written protocol shall be provided to

1 the department or to any patient, upon request.

2 **23-94-4. Supervision.**

3 A delegate may only perform a delegated non-ablative treatment under the on-site  
4 supervision of a licensed health care professional. On-site supervision requires:

5 (1) A licensed health care professional to be physically present in the facility where the  
6 non-ablative treatment is to be performed for at least the entire duration of the treatment; and

7 (2) A licensed health care professional shall be immediately available and able to respond  
8 promptly to any question or problem that may occur while the treatment is being performed.

9 **23-94-5. Training.**

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

17 (b) For each non-ablative treatment to be performed, it is the responsibility of the  
18 delegating licensed health care professional to ensure that the delegate is appropriately trained in  
19 the indications and contraindications and the pre- and post-operative care involved in treatment.

20 **23-94-6. Violations and enforcement.**

21 Failure to comply with any provision under this chapter or knowingly delegating a non-  
22 ablative treatment other than as authorized under this chapter shall constitute unprofessional  
23 conduct pursuant to the licensing statute under which the delegating licensed health care  
24 professional practices.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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- 1           This act would provide guidelines for the delegation by licensed health care professionals
- 2   of non-ablative laser or energy-based treatments to a properly-qualified delegate.
- 3           This act would take effect upon passage.

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