

**COSMETIC PROCEDURE AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jeffrey D. Stenquist**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to cosmetic procedures.

**Highlighted Provisions:**

This bill:

▶ allows a telemedicine service to be used for an initial consult before the initiation of a treatment protocol or series of treatments; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-1-102**, as last amended by Laws of Utah 2022, Chapter 415

**58-1-302.1**, as enacted by Laws of Utah 2023, Chapter 278

**58-1-506**, as last amended by Laws of Utah 2023, Chapter 223

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **58-1-102** is amended to read:

**58-1-102. Definitions.**



28 [For purposes of] As used in this title:

29 (1) "Ablative procedure" [~~is as defined in~~] means the same as that term is defined in  
30 Section 58-67-102.

31 (2) "Cosmetic medical procedure":

32 (a) [~~is as defined in~~] means the same as that term is defined in Section 58-67-102; and

33 (b) except for Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah  
34 Osteopathic Medical Practice Act, does not apply to the scope of practice of an individual  
35 licensed under this title if the individual's scope of practice includes the authority to operate or  
36 perform surgical procedures.

37 (3) "Department" means the Department of Commerce.

38 (4) "Director" means the director of the Division of Professional Licensing.

39 (5) "Division" means the Division of Professional Licensing created in Section  
40 58-1-103.

41 (6) "Executive director" means the executive director of the Department of Commerce.

42 (7) "Licensee" includes any holder of a license, certificate, registration, permit, student  
43 card, or apprentice card authorized under this title.

44 (8) (a) (i) "Nonablative procedure" means a procedure that is expected or intended to  
45 alter living tissue, but not intended or expected to excise, vaporize, disintegrate, or remove  
46 living tissue.

47 (ii) Notwithstanding Subsection (8)(a)(i), nonablative procedure includes hair removal.

48 (b) "Nonablative procedure" does not include:

49 (i) a superficial procedure;

50 (ii) the application of permanent make-up; or

51 (iii) the use of photo therapy and lasers for neuromusculoskeletal treatments that are  
52 performed by an individual licensed under this title who is acting within their scope of practice.

53 (9) "Pain clinic" means:

54 (a) a clinic that advertises its primary purpose is the treatment of chronic pain; or

55 (b) a clinic in which greater than 50% of the clinic's annual patient population receive  
56 treatment primarily for non-terminal chronic pain using Schedule II-III controlled substances.

57 (10) "Superficial procedure" means a procedure that is expected or intended to  
58 temporarily alter living skin tissue and may excise or remove stratum corneum but have no

59 appreciable risk of damage to any tissue below the stratum corneum.

60 (11) "Telemedicine service" means the same as that term is defined in Section  
61 [26B-4-704](#).

62 [~~(11)~~] (12) "Unlawful conduct" [~~has the meaning given in~~] means the same as that term  
63 is defined in Subsection [58-1-501](#)(1).

64 [~~(12)~~] (13) "Unprofessional conduct" [~~has the meaning given in~~] means the same as  
65 that term is defined in Subsection [58-1-501](#)(2).

66 Section 2. Section **58-1-302.1** is amended to read:

67 **58-1-302.1. Temporary license for telemedicine.**

68 (1) As used in this section:

69 (a) "Nonresident health care license" means a health care license issued by another  
70 state, district, or territory of the United States.

71 (b) "Telemedicine service" means the same as that term is defined in Section  
72 [~~26-60-102~~] [26B-4-704](#).

73 (2) An individual with a temporary license issued under this section is authorized to  
74 provide a telemedicine service if:

75 (a) the telemedicine service is a service the individual is licensed to perform under the  
76 nonresident health care license of the state, district, or territory that issued the nonresident  
77 health care license;

78 (b) at the time the telemedicine service is performed, the patient is located in Utah; and

79 (c) performing the telemedicine service would not otherwise violate state law.

80 (3) The division shall issue a temporary license described in Subsection (2) to an  
81 individual who has a nonresident health care license in good standing if:

82 (a) the individual has completed an application for a license by endorsement in  
83 accordance with Section [58-1-302](#); and

84 (b) the division determines that they will not be able to process the application within  
85 15 days from the day on which the application is submitted.

86 (4) The division may not charge a fee for a temporary license issued under this section  
87 beyond the fee required for a license issued under Section [58-1-302](#).

88 Section 3. Section **58-1-506** is amended to read:

89 **58-1-506. Supervision of cosmetic medical procedures.**

90 (1) For purposes of this section:

91 (a) "Delegation group A" means the following who are licensed under this title, acting  
92 within their respective scopes of practice, and qualified under Subsections (2)(f)(i) and (iii):

93 (i) a physician assistant, if acting in accordance with Chapter 70a, Utah Physician  
94 Assistant Act;

95 (ii) a registered nurse;

96 (iii) a master esthetician; and

97 (iv) an electrologist, if evaluating for or performing laser hair removal.

98 (b) "Delegation group B" means:

99 (i) a practical nurse or an esthetician who is licensed under this title, acting within their  
100 respective scopes of practice, and qualified under Subsections (2)(f)(i) and (iii); and

101 (ii) a medical assistant who is qualified under Subsections (2)(f)(i) and (iii).

102 (c) "Direct cosmetic medical procedure supervision" means the supervisor:

103 (i) has authorized the procedure to be done on the patient by the supervisee; and

104 (ii) is present and available for a face-to-face communication with the supervisee when  
105 and where a cosmetic medical procedure is performed.

106 (d) "General cosmetic medical procedure supervision" means the supervisor:

107 (i) has authorized the procedure to be done on the patient by the supervisee;

108 (ii) is available in a timely and appropriate manner in person to evaluate and initiate  
109 care for a patient with a suspected adverse reaction or complication; and

110 (iii) is located within 60 minutes or 60 miles of the cosmetic medical facility.

111 (e) "Hair removal review" means:

112 (i) conducting an in-person, face-to-face interview of a patient based on the responses  
113 provided by the patient to a detailed medical history assessment that was prepared by the  
114 supervisor;

115 (ii) evaluating for contraindications and conditions that are part of the treatment plan;  
116 and

117 (iii) if the patient history or patient presentation deviates in any way from the treatment  
118 plan, referring the patient to the supervisor and receiving clearance from the supervisor before  
119 starting the treatment.

120 (f) "Indirect cosmetic medical procedure supervision" means the supervisor:

- 121 (i) has authorized the procedure to be done on the patient by the supervisee;
- 122 (ii) has given written instructions to the person being supervised;
- 123 (iii) is present within the cosmetic medical facility in which the person being
- 124 supervised is providing services; and
- 125 (iv) is available to:
  - 126 (A) provide immediate face-to-face communication with the person being supervised;
  - 127 and
  - 128 (B) evaluate the patient, as necessary.
- 129 (2) A supervisor supervising a nonablative cosmetic medical procedure for hair
- 130 removal shall:
  - 131 (a) have an unrestricted license to practice medicine or advanced practice registered
  - 132 nursing in the state;
  - 133 (b) develop the medical treatment plan for the procedure;
  - 134 (c) conduct a hair removal review, or delegate the hair removal review to a member of
  - 135 delegation group A, of the patient prior to initiating treatment or a series of treatments;
  - 136 (d) personally perform the nonablative cosmetic medical procedure for hair removal, or
  - 137 authorize and delegate the procedure to a member of delegation group A or B;
  - 138 (e) during the nonablative cosmetic medical procedure for hair removal provide general
  - 139 cosmetic medical procedure supervision to individuals in delegation group A performing the
  - 140 procedure, except physician assistants, who shall act in accordance with Chapter 70a, Utah
  - 141 Physician Assistant Act, and indirect cosmetic medical procedure supervision to individuals in
  - 142 delegation group B performing the procedure; and
  - 143 (f) verify that a person to whom the supervisor delegates an evaluation under
  - 144 Subsection (2)(c) or delegates a procedure under Subsection (2)(d) or (3)(c)(ii):
    - 145 (i) has received appropriate training regarding the medical procedures developed under
    - 146 Subsection (2)(b);
    - 147 (ii) has an unrestricted license under this title or is performing under the license of the
    - 148 supervising physician and surgeon; and
    - 149 (iii) has maintained competence to perform the nonablative cosmetic medical
    - 150 procedure through documented education and experience of at least 80 hours, as further
    - 151 defined by rule, regarding:

- 152 (A) the appropriate standard of care for performing nonablative cosmetic medical
- 153 procedures;
- 154 (B) physiology of the skin;
- 155 (C) skin typing and analysis;
- 156 (D) skin conditions, disorders, and diseases;
- 157 (E) pre- and post-procedure care;
- 158 (F) infection control;
- 159 (G) laser and light physics training;
- 160 (H) laser technologies and applications;
- 161 (I) safety and maintenance of lasers;
- 162 (J) cosmetic medical procedures an individual is permitted to perform under this title;
- 163 (K) recognition and appropriate management of complications from a procedure; and
- 164 (L) cardiopulmonary resuscitation (CPR).

165 (3) For a nonablative cosmetic medical procedure other than hair removal under  
166 Subsection (2):

167 (a) a physician who has an unrestricted license to practice medicine, a nurse  
168 practitioner who has an unrestricted license for advanced practice registered nursing, or a  
169 physician assistant acting in accordance with Chapter 70a, Utah Physician Assistant Act, who  
170 has an unrestricted license to practice as a physician assistant, shall:

- 171 (i) develop a treatment plan for the nonablative cosmetic medical procedure; and
- 172 (ii) conduct an ~~[in-person face-to-face]~~ evaluation of the patient ~~[prior to]~~ either  
173 in-person or utilizing a telemedicine service before the initiation of a treatment protocol or  
174 series of treatments; [and]

175 (b) a nurse practitioner or physician assistant conducting an in-person face-to-face  
176 evaluation of a patient under Subsection (3)(a)(ii) prior to removing a tattoo shall:

- 177 (i) inspect the patient's skin for any discoloration unrelated to the tattoo and any other  
178 indication of cancer or other condition that should be treated or further evaluated before the  
179 tattoo is removed;
- 180 (ii) refer a patient with any such condition to a physician for treatment or further  
181 evaluation; and
- 182 (iii) shall not supervise a nonablative cosmetic medical procedure to remove a tattoo on

183 the patient until the patient has been approved for the tattoo removal by a physician who has  
184 evaluated the patient; and

185 (c) the supervisor supervising the procedure shall:

186 (i) have an unrestricted license to practice medicine or advanced practice registered  
187 nursing;

188 (ii) personally perform the nonablative cosmetic medical procedure or:

189 (A) authorize and provide general cosmetic medical procedure supervision for the  
190 nonablative cosmetic medical procedure that is performed by a registered nurse or a master  
191 esthetician;

192 (B) authorize and provide supervision as provided in Chapter 70a, Utah Physician  
193 Assistant Act, for the nonablative cosmetic medical procedure that is performed by a physician  
194 assistant; or

195 (C) authorize and provide direct cosmetic medical procedure supervision for the  
196 nonablative cosmetic medical procedure that is performed by an esthetician; and

197 (iii) verify that a person to whom the supervisor delegates a procedure under  
198 Subsection (3)(c):

199 (A) has received appropriate training regarding the medical procedures to be  
200 performed;

201 (B) has an unrestricted license and is acting within the person's scope of practice under  
202 this title; and

203 (C) is qualified under Subsection (2)(f)(iii).

204 (4) A supervisor performing or supervising a cosmetic medical procedure under  
205 Subsection (2) or (3) shall ensure that:

206 (a) the supervisor's name is prominently posted at the cosmetic medical facility  
207 identifying the supervisor;

208 (b) a copy of the supervisor's license is displayed on the wall of the cosmetic medical  
209 facility;

210 (c) the patient receives written information with the name and licensing information of  
211 the supervisor who is supervising the nonablative cosmetic medical procedure and the person  
212 who is performing the nonablative cosmetic medical procedure;

213 (d) the patient is provided with a telephone number that is answered within 24 hours

214 for follow-up communication; and

215 (e) the cosmetic medical facility's contract with a master esthetician who performs a  
216 nonablative cosmetic medical procedure at the facility is kept on the premises of the facility.

217 (5) Failure to comply with the provisions of this section is unprofessional conduct.

218 (6) A chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice  
219 Act, is not subject to the supervision requirements in this section for a nonablative cosmetic  
220 medical procedure for hair removal if the chiropractic physician is acting within the scope of  
221 practice of a chiropractic physician and with training specific to nonablative hair removal.

222 Section 4. **Effective date.**

223 This bill takes effect on May 1, 2024.