

2021 Regular Session

HOUSE RESOLUTION NO. 117

BY REPRESENTATIVE BEAULLIEU

A RESOLUTION

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

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

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

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

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

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

WHEREAS, in contrast, the laws and regulations of over forty other states provide for less-stringent requirements relating to the use of medical lasers; typically, the laws and regulations of other states require only a physician sponsor for a person's use of any type of medical laser; and

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

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

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

BE IT FURTHER RESOLVED that the rule clarification requested in this Resolution shall ensure physician oversight and direct involvement and shall mandate medical prescreening as directed by a physician in order to avoid medical complications or adverse reactions.

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES