

PROPOSED REGULATION PUBLICATION FORMS

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle BOARD OF PHYSICIANS

10.32.09 Delegation and Assignment of Performance of Cosmetic Medical Procedures and Use of Cosmetic Medical Devices

Authority: Health Occupations Article, § 14-205, 14-306, 14-404, 14-606 and 15-302

Annotated Code of Maryland

Is There Emergency Text That Is Identical To The Proposed Text:

Yes No

Is There An Incorporation By Reference Document Associated With This Proposal?

Yes No

Does This Proposal Have An Impact On Environmental Hazards Affecting The Health Of Children As Defined In Health-General Article, §13-1501(c)?

Yes (explain) No

Does This Proposal Include An Increase Or Decrease In A Fee For A License?

Yes, complete (1)—(8) No, skip (1)—(8) and proceed to Notice of Proposed Action.

- (1) Explain/justify why an increase or decrease is necessary:
- (2) How much money is needed to operate effectively or to eliminate an operating fund deficit?
- (3) In what year was the most recent fee increase?
- (4) Is the fee revenue retained by the Proposing Unit or passed through to a national organization that administers a uniform licensing exam?
- (5) Describe any measures taken to mitigate the need for increased revenue:

- (6) Describe any special circumstances that have had an adverse impact on the Proposing Unit's operating expenses.
- (7) Describe any consideration given by the Proposing Unit as to the hardship a fee increase may have on the regulated profession.
- (8) Describe any efforts to solicit the opinions of licensees regarding the Proposing Unit's effectiveness and performance.

Notice of Proposed Action

The Secretary of Health proposes to amend .02. under COMAR 10.32.09

Statement of Purpose

The purpose of this action is to clarify the type of chemical peels that are cosmetic medical procedures.

Comparison to Federal Standards

(Check one option)

X There is no corresponding federal standard to this proposed action.

or

___ There is a corresponding federal standard to this proposed action, but the proposed action **is not** more restrictive or stringent.

The corresponding federal standard is: _____

EXPLAIN why the proposed action **is not** more restrictive or stringent than the corresponding federal standard:

or

___ This proposed action **is** more restrictive or stringent than corresponding federal standards as follows:

- (1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:
- (2) Benefit to the public health, safety or welfare, or the environment:
- (3) Analysis of additional burden or cost on the regulated person:
- (4) Justification for the need for more restrictive standards:

Impact Statements

Part A

(check one option)

Estimate of Economic Impact

- X The proposed action has no economic impact.
- Or
- ___ The proposed action has an economic impact. (IF this is checked, complete the following form in its entirety)
- I. Summary of Economic Impact. (INSERT SHORT SUMMARY)
- II. Types of Economic Impact.
- | | | |
|--|----------------------------|------------------|
| | Revenue (R+/R-) | |
| | <u>Expenditure (E+/E-)</u> | <u>Magnitude</u> |
- A. On issuing agency:
- B. On other State agencies:
- C. On local governments:
- | | | |
|--|-----------------|------------------|
| | Benefit (+) | |
| | <u>Cost (-)</u> | <u>Magnitude</u> |
- D. On regulated industries or trade groups:
- E. On other industries or trade groups:
- F. Direct and indirect effects on public:
- III. Assumptions. (Identified by Impact Letter and Number from Section II.)

Part B
Economic Impact on Small Businesses
(check one option)

- X The proposed action has minimal or no economic impact on small businesses.
- or
- ___ The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

Impact on Individuals with Disabilities
(check one option)

- X The proposed action has no impact on individuals with disabilities.
- or
- ___ The proposed action has an impact on individuals with disabilities as follows:
(Agency to complete this assessment)

Opportunity for Public Comment

Comments may be sent to Mark Woodard, Health Policy Analyst II, Maryland Board of Physicians 4201 Patterson Avenue, 4th Floor Baltimore, MD 21215, or call 410-764-2460 or email to mark.woodard@maryland.gov, or fax to 410-358-2252. Comments will be accepted through (leave blank). A public hearing has not been scheduled.

Part C (For legislative use only; not for publication)

- A. Fiscal Year in which regulations will become effective: FY 2019
- B. Does the budget for fiscal year in which regulations become effective contain funds to implement the regulations?
 Yes No N/A
- C. If “yes”, state whether general, special (exact name), or federal funds will be used:
- D. If “no”, identify the source(s) of funds necessary for implementation of these regulations:
- E. If these regulations have no economic impact under Part A, indicate reason briefly:
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason.

10.32.09.02

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

1-4 (text unchanged)

(5) Cosmetic Medical Procedure.

(a) "Cosmetic medical procedure" means a procedure using a cosmetic medical device or medical product to improve an individual's appearance.

(b) "Cosmetic medical procedure" includes the following:

(i) Skin treatments using lasers;

(ii) Skin treatments using intense pulsed light;

(iii) Skin treatments using radio frequencies, microwave, or electric pulses;

(iv) *Chemical peels that ablate living skin tissue* [Deep skin peels];

(v)-(ix) (text unchanged)

(6)-(13) (text unchanged)

ROBERT R. NEALL
Secretary of Health