

By Senator Hays

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1                   A bill to be entitled  
2           An act relating to the practice of electrolysis;  
3           amending ss. 458.348 and 459.025, F.S.; revising the  
4           protocols relating to electrolysis or electrology to  
5           require indirect, rather than direct, supervision by a  
6           physician and not require that the physician be at the  
7           location where the electrolysis is performed; amending  
8           s. 478.42, F.S.; defining the term "indirect  
9           supervision" as it relates to the Electrolysis  
10          Practice Act; creating s. 478.451, F.S.; requiring a  
11          licensed electrologist who performs hair removal or  
12          reduction using laser or light-based technology to  
13          practice under a protocol with a supervising licensed  
14          physician; requiring that the protocol require  
15          indirect supervision of the electrologist by the  
16          licensed physician; creating s. 478.456, F.S.;  
17          requiring that adverse incidents be reported to the  
18          Department of Health; requiring that an electrologist  
19          practicing in this state notify the department if the  
20          electrologist was involved in an adverse incident;  
21          requiring that the electrologist's notification be  
22          submitted in writing and postmarked within a specified  
23          number of days after the occurrence of the adverse  
24          incident; providing a definition of the term "adverse  
25          incident"; requiring the department to review each  
26          adverse incident and determine whether it potentially  
27          involved conduct by a health care practitioner who is  
28          subject to disciplinary action; requiring that  
29          disciplinary action be taken by the appropriate board;

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30 requiring the Board of Medicine to adopt rules;  
31 providing effective dates.

32  
33 Be It Enacted by the Legislature of the State of Florida:

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35 Section 1. Subsection (3) of section 458.348, Florida  
36 Statutes, is amended to read:

37 458.348 Formal supervisory relationships, standing orders,  
38 and established protocols; notice; standards.—

39 (3) PROTOCOLS REQUIRING INDIRECT ~~DIRECT~~ SUPERVISION.—All  
40 protocols relating to electrolysis or electrology using laser or  
41 light-based hair removal or reduction by persons other than  
42 physicians licensed under this chapter or chapter 459 shall:

43 (a) Require the person performing such service to be  
44 appropriately trained and work ~~only~~ under the indirect ~~direct~~  
45 supervision ~~and responsibility~~ of a physician licensed under  
46 this chapter or chapter 459; and

47 (b) Not require the presence of such physician onsite when  
48 this service is performed.

49 Section 2. Subsection (2) of section 459.025, Florida  
50 Statutes, is amended to read:

51 459.025 Formal supervisory relationships, standing orders,  
52 and established protocols; notice; standards.—

53 (2) PROTOCOLS REQUIRING INDIRECT ~~DIRECT~~ SUPERVISION.—All  
54 protocols relating to electrolysis or electrology using laser or  
55 light-based hair removal or reduction by persons other than  
56 osteopathic physicians licensed under this chapter or chapter  
57 458 shall:

58 (a) Require the person performing such service to be

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59 appropriately trained and to work ~~only~~ under the indirect ~~direct~~  
60 supervision ~~and responsibility~~ of an osteopathic physician  
61 licensed under this chapter or chapter 458; and

62 (b) Not require the presence of such physician onsite when  
63 this service is performed.

64 Section 3. Subsection (6) is added to section 478.42,  
65 Florida Statutes, to read:

66 478.42 Definitions.—As used in this chapter, the term:

67 (6) "Indirect supervision" means that the supervising  
68 physician practices at a location that is in close physical  
69 proximity to the location where the supervised electrologist  
70 practices and that the supervising physician is readily  
71 available for consultation as needed. As used in this  
72 subsection, the term "close physical proximity" means within 20  
73 miles or within a 30-minute driving distance.

74 Section 4. Section 478.451, Florida Statutes, is created to  
75 read:

76 478.451 Formal supervisory relationships.—

77 (1) A person licensed as an electrologist under this  
78 chapter who performs hair removal or reduction using laser or  
79 light-based technology must practice under a protocol with a  
80 supervising physician licensed under chapter 458 or chapter 459.

81 (2) A protocol relating to electrolysis or electrology  
82 using laser or light-based hair removal or reduction must  
83 require the licensed electrologist to be appropriately trained  
84 and work under the indirect supervision of the supervising  
85 physician licensed under chapter 458 or chapter 459.

86 Section 5. Effective May 1, 2012, section 478.56, Florida  
87 Statutes, is created to read:

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88       478.56 Reports of adverse incidents in the practice of  
89 electrology.-

90       (1) Any adverse incident occurring in an office that is  
91 maintained by an electrologist for the practice of electrology  
92 must be reported to the department in accordance with this  
93 section.

94       (2) Any electrologist practicing in this state must notify  
95 the department if the electrologist is involved in an adverse  
96 incident occurring in an office that is maintained by an  
97 electrologist for the practice of electrology.

98       (3) The required notification to the department must be  
99 submitted in writing by certified mail and postmarked within 15  
100 days after the occurrence of the adverse incident.

101       (4) For purposes of notification to the department, the  
102 term "adverse incident" means an event over which the  
103 electrologist could exercise control, which is associated in  
104 whole or in part with the use of a laser device for the  
105 permanent removal of hair, and which results in any of the  
106 following patient injuries:

107       (a) Permanent discoloration of the skin.

108       (b) Burned skin.

109       (c) Permanent disfigurement.

110       (d) The surgical repair of damage to a patient resulting  
111 from an electrological procedure where the damage is not a  
112 recognized specific risk as disclosed to the patient and  
113 documented through the informed-consent process.

114       (e) Any condition that required the transfer of a patient  
115 to a hospital licensed under chapter 395 from any office  
116 maintained by an electrologist for the practice of electrology

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117 which is not licensed under chapter 395.

118 (f) Any condition that required the patient to obtain care  
119 from a physician licensed under chapter 458 or chapter 459.

120 (g) Death.

121 (5) The department shall review each adverse incident and  
122 determine whether it potentially involved conduct by a health  
123 care professional who is subject to disciplinary action, in  
124 which case, s. 456.073 applies. Disciplinary action, if any,  
125 shall be taken by the board under which the health care  
126 practitioner is licensed.

127 (6) The board may adopt rules to administer this section.

128 Section 6. Except as otherwise expressly provided in this  
129 act, this act shall take effect upon becoming a law.