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S.B. 226
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Gavarone

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SUMMARY

- Revises the law governing the application – by specified individuals under physician delegation – of light-based medical devices for the purpose of hair removal, including by labeling certain of these individuals as ***laser hair removal professionals***.
- Limits application of the requirement that a delegating physician evaluate a patient before and after the first use of the light-based medical device to procedures performed by a laser hair professional, rather than procedures performed by *any* physician delegate.
- Expands – in some circumstances – the number of delegates that a delegating physician supervises at the same time, by prohibiting a delegating physician from supervising more than (1) five laser hair removal professionals at the same time or (2) five registered nurses or licensed practical nurses at the same time, instead of more than two.
- Authorizes a delegating physician to provide off-site supervision of a registered nurse or licensed practical nurse applying a light-based medical device for purposes of hair removal if the nurse completes a training and education program that meets certain criteria.
- Extends to certain advanced practice registered nurses and physician assistants the authority to delegate and supervise the application of light-based medical devices by laser hair removal professionals, registered nurses, and licensed practical nurses, in the same manner and under the same conditions and requirements as physician delegation and supervision.
- Reduces the maximum wavelength of electromagnetic radiation produced by a light-based medical device to less than or equal to 1064 nanometers (nm) (from less than or equal to 1.0×10^6 nm).
- Reorganizes several existing statutory provisions to improve readability.

DETAILED ANALYSIS

S.B. 226 revises in several ways the law governing the application – by specified individuals under physician delegation – of light-based medical devices for the purpose of hair removal.¹

Laser hair removal professionals

Under current law, a physician may delegate the application of light-based medical devices for the purpose of hair removal to the following types of individuals – (1) physician assistants (PAs), (2) registered nurses, (3) licensed practical nurses, and (4) individuals either licensed by the State Medical Board as cosmetic therapists as of April 11, 2021, or having completed a cosmetic therapy course of instruction meeting certain conditions and also passed the certified laser hair removal professional examination administered by the Society for Clinical and Medical Hair Removal.² The bill categorizes the last type of individuals as laser hair removal professionals.³

Physician evaluation

The bill limits the requirements for physician evaluation of a patient before and during light-based hair removal treatment. At present, a physician who delegates the application of light-based medical devices for a hair removal purpose must see and evaluate the patient before the proposed application to determine if it is appropriate. The physician also must evaluate the patient after the initial application, but before treatment is continued, to determine if the patient responded well.⁴ The bill maintains these requirements on a delegating physician, but limits their application only to delegates who are laser hair removal professionals, rather than all delegates as under existing law.⁵

Physician supervision

The bill prohibits a delegating physician from supervising more than five laser hair removal professionals at the same time and more than five registered nurses or licensed practical nurses at the same time.⁶ Such requirements broaden existing law, which prohibits a delegating physician from supervising more than two of these delegates at the same time.⁷

¹ R.C. 4731.33.

² R.C. 4731.33(B).

³ R.C. 4731.33(A)(1).

⁴ R.C. 4731.33(B)(3).

⁵ R.C. 4731.33(D)(2) and (3).

⁶ R.C. 4731.33(F)(3) and (G)(3).

⁷ R.C. 4731.33(F).

On-site and off-site supervision

Nurses and laser hair removal professionals

The bill maintains existing law requiring a delegating physician to provide on-site supervision at all times for a nurse or laser hair removal professional (formerly referred to as a cosmetic therapist) applying the light-based medical device.⁸ It further retains delegating physician authority to provide off-site supervision for a laser hair removal professional applying the light-based medical device to an established patient if the professional meets certain conditions.⁹

The bill extends a delegating physician's authority to provide off-site supervision to registered nurses and licensed practical nurses, if the following conditions are met:

- The nurse completes a training and education program addressing the use of light-based medical devices for the purpose of hair removal and approved by the delegating physician.
- The program includes 40 total hours of training, which may be a combination of didactic training, in-person, hands-on training, and the performance of laser hair removal procedures.
- The program is completed internally at the laser hair removal facility or externally through a third-party provider, so long as the third-party is overseen by a physician.
- The nurse maintains documentation of the successful completion of the required training.¹⁰

However, unlike laser hair removal professionals, off-site supervision for nurses is not limited to established patients and appears to be permitted for any patient.

Registered nurse and licensed practical nurse – professional discipline

The bill prohibits a registered nurse or licensed practical nurse from failing to comply with the bill's physician supervision requirements and the continuing law requirement, unchanged by the bill, that a delegate immediately report to a supervising physician (1) any clinically significant side effects following the light-based medical device's application or (2) any failure of the treatment to progress as was expected at the time of delegation. Such a failure to comply constitutes a failure to practice in accordance with acceptable and prevailing standards of nursing care, regardless of whether actual injury to a patient is established, for purposes of the law governing the Ohio Board of Nursing's authority to impose professional discipline.¹¹

⁸ R.C. 4731.33(F)(1) and (G)(1).

⁹ R.C. 4731.33(F)(2).

¹⁰ R.C. 4731.33(G)(2).

¹¹ R.C. 4731.33(L); R.C. 4723.28, not in the bill.

Note that existing law includes a similar provision for PAs (professional discipline for failing to conform to minimal standards of care for PAs under the same or similar circumstances) and a related one for laser hair removal professionals (violation constitutes the unauthorized practice of medicine).¹²

Advanced practice registered nurses and PAs – authority to delegate and supervise laser hair removal

The bill extends to certain advanced practice registered nurses (APRNs) and PAs the authority to delegate and supervise the application of light-based medical devices by registered nurses, licensed practical nurses, and laser hair removal professionals to patients for the purpose of hair removal.¹³ In delegating and supervising such nurses and laser hair removal professionals, an APRN and PA must act in the same manner and be subject to the same conditions and requirements as a delegating and supervising physician.¹⁴ Similarly, the registered nurse, licensed practical nurse, and laser hair removal professional must satisfy the same criteria as when applying the device under a physician's delegation and supervision.¹⁵

To be eligible to delegate and supervise, the APRN's standard care arrangement must not prohibit such actions. In the case of a PA, the PA may delegate and supervise only if the PA has an effective supervision agreement with a physician and satisfies the same education and training requirements as laser hair removal professionals.¹⁶

Electromagnetic radiation

The bill modifies the definition of light-based medical device for purposes of its provisions. Current law defines a light-based medical device to mean any device that can be made to produce or amplify electromagnetic radiation at wavelengths equal to or greater than 180 nanometers (nm) but less than or equal to 1.0×10^6 nm. The bill reduces the maximum wavelength to less than or equal to 1064 nm.¹⁷

HISTORY

Action	Date
Introduced	07-01-25

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¹² R.C. 4731.33(K) and (M).

¹³ R.C. 4731.331(B).

¹⁴ R.C. 4731.331(C).

¹⁵ R.C. 4731.33(D).

¹⁶ R.C. 4731.33(C).

¹⁷ R.C. 4731.33(A)(2).