

By: Zerwas

H.B. No. 2028

A BILL TO BE ENTITLED

AN ACT

relating to delegation by a physician of certain cosmetic and dermatological medical treatments.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 157, Occupations Code, is amended by adding Section 157.008 to read as follows:

Sec. 157.008. DELEGATION OF COSMETIC AND DERMATOLOGICAL MEDICAL TREATMENTS. (a) In accordance with rules adopted by the board, a physician may delegate to a qualified and properly trained physician assistant:

(1) the administration of botulinum toxin injections;

(2) administration of dermal fillers;

(3) cosmetic or aesthetic medical treatments; or

(4) the use of a laser or intense pulsed light device that is a prescription device under 21 C.F.R. 801.109 used for a medical or dermatological treatment.

(b) The administration of a medical treatment or use of a prescription device described under Subsection (a) is considered the practice of medicine and may be performed only by a physician or by a physician assistant under a physician's order, standing medical order, standing delegation order, or protocol.

(c) The administration of a medical treatment or use of a prescription device described under Subsection (a) must be in compliance with laws relating to the practice of medicine and state

1 and federal laws relating to the administration of a medical
2 treatment or use of a prescription device.

3 SECTION 2. Not later than January 1, 2010, the Texas Medical
4 Board shall adopt rules necessary to implement Section 157.008,
5 Occupations Code, as added by this Act.

6 SECTION 3. This Act takes effect September 1, 2009.