

By: Orr

H.B. No. 3749

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of medicine, including the performance of cosmetic medical procedures and the provision of elective intravenous therapy.

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

SECTION 1. Subtitle B, Title 3, Occupations Code, is amended by adding Chapters 172 and 173 to read as follows:

CHAPTER 172. MEDICAL SPAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 172.001. DEFINITIONS. In this chapter:

(1) "Cosmetic medical procedure" means a medical procedure or medical treatment that is performed to alter or reshape normal structures of the human body or to ablate or remove living tissue solely to improve physical appearance. The term includes the administration of a neuromodulator or dermal filler, an ablative or non-ablative laser procedure, and a procedure using an energy-emitting device.

(2) "Medical spa" means a facility outside a physician's primary office location where cosmetic medical procedures are performed.

(3) "Medical spa director" means a physician who assumes the role of or represents that the person is the medical director of a medical spa.

Sec. 172.002. STATUS OF MEDICAL SPA. A medical spa is a

medical practice setting.

Sec. 172.003. NOTICE REQUIRED IF PHYSICIAN NOT PRESENT. A medical spa must post a notice stating that a physician is not present at the location at any time when a physician is not present at the medical spa.

SUBCHAPTER B. MEDICAL SPA DIRECTOR

Sec. 171.051. MEDICAL SPA DIRECTOR REQUIRED. A cosmetic medical procedure may not be performed at a medical spa unless the medical spa has a medical director.

Sec. 172.052. MEDICAL SPA DIRECTOR ELIGIBILITY. A person may not act as a medical spa director unless the person is a physician trained in:

(1) the indications for and performance of cosmetic medical procedures; and

(2) the use of medical devices or instruments capable of altering, causing biologic change to, or penetrating skin and subcutaneous tissue.

Sec. 172.053. MEDICAL SPA DIRECTOR DUTIES. A medical spa director shall:

(1) implement policies and procedures to:

(A) promote quality patient care; and

(B) provide for physician delegation and supervision of the performance of cosmetic medical procedures;

(2) provide overall supervision for cosmetic medical procedures performed at the medical spa, whether by a physician or a non-physician provider; and

(3) oversee the training of physician and

non-physician providers to safely and effectively perform each cosmetic medical procedure performed at the medical spa.

SUBCHAPTER C. PHYSICIAN PERFORMANCE, DELEGATION, OR SUPERVISION OF COSMETIC MEDICAL PROCEDURE

Sec. 172.101. PHYSICIAN TRAINING REQUIREMENTS REGARDING COSMETIC MEDICAL PROCEDURE. (a) A physician may not perform a cosmetic medical procedure or supervise the performance of a cosmetic medical procedure by a non-physician provider unless the physician has completed training in the indications for and performance of the cosmetic medical procedure and is able to perform the procedure according to the standard of care.

(b) For purposes of Subsection (a), training provided by the vendor or manufacturer of an injectable or medical device used to perform a cosmetic medical procedure does not satisfy the training requirements of that subsection.

Sec. 172.102. PHYSICIAN DELEGATION OR SUPERVISION OF COSMETIC MEDICAL PROCEDURES. (a) A physician's authority to delegate the prescribing or ordering of a drug or device relating to cosmetic medical procedures is subject to Subchapter [B](#), Chapter [157](#).

(b) A prescriptive authority agreement relating to cosmetic medical procedures is included in the number of prescriptive authority agreements authorized under Section [157.0512\(c\)](#). The exception provided in Section [157.0512\(d\)](#) does not apply to a prescriptive authority agreement relating to cosmetic medical procedures.

(c) A physician who delegates or supervises the performance

of a cosmetic medical procedure shall:

(1) for each cosmetic medical procedure performed under the physician's delegation and supervision:

(A) develop and maintain a written protocol; or

(B) review and approve in writing a written protocol developed and maintained by another physician at the medical spa;

(2) perform an initial assessment of the patient on whom a cosmetic medical procedure will be performed;

(3) prepare a written treatment plan for each patient on whom a cosmetic medical procedure will be performed, including diagnosis, course of treatment, and specifications for any device being used;

(4) if a cosmetic medical procedure is being performed by a non-physician provider:

(A) obtain the patient's consent to the procedure to be performed by the non-physician provider; and

(B) identify the name and credentials of the non-physician provider who will perform the procedure; and

(5) create and maintain medical records in a manner consistent with accepted medical practice and in compliance with board rules.

Sec. 172.103. AVAILABILITY OF MEDICAL SPA SUPERVISING PHYSICIAN. A physician supervising the performance of a cosmetic medical procedure at a medical spa must be immediately able to be present on site and respond in person, if needed.

1 SUBCHAPTER D. NON-PHYSICIAN PROVIDER PERFORMANCE OF COSMETIC

2 MEDICAL PROCEDURES

3 Sec. 172.151. NON-PHYSICIAN PROVIDER REQUIREMENTS FOR
4 COSMETIC MEDICAL PROCEDURES. (a) A non-physician provider may
5 perform cosmetic medical procedures only if the provider has been
6 properly trained, the procedure has been delegated to the provider
7 by a supervising physician, and the provider is acting under
8 physician supervision.

9 (b) Training provided by a vendor or manufacturer of an
10 injectable or medical device used to perform a cosmetic medical
11 procedure does not qualify the individual to perform a cosmetic
12 medical procedure.

13 (c) A non-physician provider shall:

14 (1) wear identification that clearly indicates any
15 license the person holds and states that the person is not a
16 physician;

17 (2) review and follow written protocols for each
18 delegated cosmetic medical procedure;

19 (3) verify that the supervising physician has assessed
20 the patient and given written treatment instructions for each
21 procedure to be performed;

22 (4) review with each patient the cosmetic medical
23 procedure to be performed;

24 (5) notify the medical spa director and supervising
25 physician of any adverse events or complications before the patient
26 leaves the medical spa or, if the patient has already left the
27 medical spa, immediately on becoming aware of the adverse event or

1 complication;

2 (6) communicate post-procedure instructions to each
3 patient;

4 (7) document all relevant details of the cosmetic
5 medical procedure in the patient's medical record; and

6 (8) satisfy any requirement of the non-physician
7 provider's licensing board.

8 (d) A cosmetic medical procedure may not be performed at a
9 medical spa unless:

10 (1) a physician is physically present at the medical
11 spa; or

12 (2) at least one non-physician provider trained in
13 basic life support is physically present at the medical spa.

14 CHAPTER 173. PROVISION OF ELECTIVE INTRAVENOUS THERAPY

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Sec. 173.001. DEFINITIONS. In this chapter:

17 (1) "Elective intravenous therapy" means a procedure:
18 (A) to administer fluids, nutrients,
19 medications, or blood directly into a patient's bloodstream through
20 a vein;

21 (B) that is sought by the patient to alleviate
22 symptoms of temporary discomfort or improve temporary wellness; and

23 (C) that is not administered in:

24 (i) a physician's office;

25 (ii) a health facility licensed under
26 Subtitle B, Title 4, Health and Safety Code;

27 (iii) a mental hospital licensed under

Chapter 577, Health and Safety Code; or

(iv) a hospital maintained or operated by this state.

(2) "Registered nurse" means a person licensed by the Texas Board of Nursing to practice professional nursing.

SUBCHAPTER B. ELECTIVE INTRAVENOUS THERAPY

Sec. 173.051. DELEGATION OF PRESCRIBING OR ORDERING ELECTIVE INTRAVENOUS THERAPY. (a) A physician may delegate the act of prescribing or ordering elective intravenous therapy to:

(1) a physician assistant acting under adequate physician supervision; or

(2) a registered nurse acting under adequate physician supervision.

(b) A physician's authority to delegate the act of prescribing or ordering elective intravenous therapy is subject to Subchapter B, Chapter 157.

(c) A prescriptive authority agreement relating to elective intravenous therapy is included in the maximum number of prescriptive authority agreements authorized under Section 157.0512(c). The exception provided in Section 157.0512(d) does not apply to a prescriptive authority agreement relating to elective intravenous therapy.

SECTION 2. The changes in law made by this Act apply to the performance of a medical act on or after the effective date of this Act under a physician's delegation, including the act of prescribing, ordering, or administering a controlled substance, dangerous drug, or device, regardless of:

1 (1) the manner in which the delegation is made; and
2 (2) whether the delegation is made before, on, or
3 after the effective date of this Act.
4 SECTION 3. This Act takes effect September 1, 2025.