

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: January 23, 2012
ATTENTION: Medical Board of California
SUBJECT: Discussion and Consideration of Proposed Chiropractic
Regulations Related to the Use of Lasers and Comments
Thereeto
STAFF CONTACT: Kurt Heppler, Staff Counsel

STAFF RECOMMENDATION:

Staff recommends that the Executive Officer of the Board be authorized to comment on the regulations proposed by the Board of Chiropractors Examiners and offer an amendment that would clarify that chiropractors cannot use lasers for cosmetic procedures.

BACKGROUND:

The Board of Chiropractic Examiners (BCE) has recently proposed regulations that relate to the use of lasers by chiropractors. The proposed regulations are attached to this report.

BCE contacted Medical Board staff and asked for a meeting regarding the Board's position on the proposed regulations. BCE and Board staff met and discussed the regulations, and Board staff recommended that the regulations be revised to clarify that chiropractors could not use lasers to perform cosmetic procedures on patients. The comments were memorialized in the attached letter. After the dispatch of the letter, BCE asked for a definition of cosmetic procedures, and those were provided.

At its January 20, 2012, BCE preliminarily considered the regulation and asked the Board for its input. The Board testified that the revision was necessary to promote consumer protection. The Board's suggested revision was not adopted by BCE.

ANALYSIS:

A laser is a device that emits amplified light and may be used for a variety of tasks from removing hair and tattoos as well as skin rejuvenation. The Board has also adopted a precedential decision which provides that the penetration of skin by a laser necessary involves the practice of medicine.

In recent years, the use of lasers and the persons that can appropriately use them has generated considerable controversy, and generally the issue has been the level of physician supervision. The Board has become aware of advertisements from chiropractors offering laser liposuction, skin rejuvenation, and toenail fungus treatment.

The Board is not persuaded that these types of treatments are properly within the scope of practice for a chiropractor. As a laser may promote pain relief and muscle healing, it would not seem in consistent with public policy to allow for a chiropractor to use lasers for those purposes.

Board of Chiropractic Examiners
Proposed Regulatory Language for the Use of Lasers
California Code of Regulations, Title 16, Division 4, Article 1

§ 302.5. Use of Laser

(a) A duly licensed chiropractor and any person under their direct or indirect supervision, as defined in section 312, shall:

(1) Not use any laser in the practice of chiropractic which has not been properly approved or cleared by the United States Food and Drug Administration (FDA).

(2) Not market or advertise the use of a laser or use a laser for purposes other than treatment consistent with section 302 and the product's FDA approval or clearance.

(3) Follow the manufacturer's specified guidelines for the safe use of laser.

(4) Comply with all state and federal laws governing the use of lasers in clinical settings.

(b) Nothing in this section shall be construed to authorize the use of a laser by a chiropractor outside of the chiropractic scope of practice. This includes, but is not limited to, laser ablation or surgical procedures, and laser treatment of allergies in cases where there is a known risk of anaphylactic reaction to the individual being treated.

(c) Any violation of this section may constitute unprofessional conduct and the licensee shall be subject to discipline by the Board.

NOTE: Authority cited: Sections 1000-4(b), 1000-4(e) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).
Reference: Sections 1000-4(b) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).



MEDICAL BOARD OF CALIFORNIA
Executive Office



January 18, 2012

Robert Puleo
Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833

Re: Proposal to Adopt Section 302.5 of the Chiropractic Regulations

Dear Mr. Puleo:

The Medical Board of California has reviewed the proposed Section 302.5 and recommends that it be modified to clearly prohibit use of lasers to perform cosmetic procedures. Accordingly, we recommend the following modifications to paragraph (b):

“Nothing in this section shall be construed to authorize the use of a laser by a chiropractor outside the chiropractic scope of practice. This includes, but is not limited to, laser ablation, cosmetic procedures, surgical procedures and the laser treatment of allergies in cases where there is a known risk anaphylactic reaction to the individual being treated.”

This would give clearer guidance to chiropractors and the Board staff regarding the appropriate use of lasers.

We trust the foregoing is useful. Please contact me if you have any questions.

Sincerely,

Linda K. Whitney
Executive Director, Medical Board of California

California Medical Association

California Physician's Legal Handbook

CPLH

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or other drug, such that his or her ability to practice medicine compromises the safety of the public and his or her patients. (Business & Professions Code §2280.)

Diversion Program: As noted in Chapter 36, section entitled "Assisting Physicians with Substance Abuse or Mental Health Problems," the Medical Board has decided to shut down its in-house Diversion Program as of June 30, 2008.

Elective Cosmetic Surgery

A physician may not perform elective cosmetic surgery procedure on a patient unless the patient has received, within 30 days prior to the elective cosmetic surgery procedure, and confirmed as up-to-date on the day of the procedure, an appropriate physical examination by, and written clearance for the procedure from, any of the following:

1. The physician and surgeon who will be performing the surgery.
2. Another licensed physician and surgeon.
3. A certified nurse practitioner, in accordance with a certified nurse practitioner's scope of practice, unless limited by protocols or a delegation agreement.
4. A licensed physician assistant, in accordance with a licensed physician assistant's scope of practice, unless limited by protocols or a delegation agreement.

The physical examination must include the taking of an appropriate medical history. An appropriate medical history and physical examination done on the day of the procedure shall be presumed to be in compliance with the law.

"Elective cosmetic surgery" for the purposes of this law means an elective surgery that is performed to alter or reshape normal structures of the body in order to improve the patient's appearance, including, but not limited to, liposuction and elective facial cosmetic surgery.

(Business & Professions Code §2259.8.) For more information, *see* section entitled "Grounds for Medical Board Discipline," in this chapter, and Chapter 35, section entitled "Surgicenters and Other Outpatient Facilities."

Ethical Guidelines

Physicians should generally also comply with the ethical guidelines of the medical profession. A complete copy of AMA's Code of Medical Ethics, including the interpretations of the Code issued by the AMA's Council on Ethical and Judicial Affairs, may be obtained by ordering the booklet entitled *Code of Medical Ethics Current Opinions and Annotations* from: American Medical Association, P.O. Box 930876, Atlanta, GA, 31193-0876; (800) 262-3211 for members, Fax (312) 464-5600, or visit the website at <https://catalog.ama-assn.org/Catalog/home.jsp#>. Notwithstanding the ethical mandates of the profession, unprofessional conduct that warrants discipline by the Medical Board is defined by the Legislature in statute, not by principles adopted by organized medical associations and societies. *See Thorburn v. California Department of Corrections* (1998) 66 Cal.App.4th 1284, 1290, 78 Cal.Rptr.2d 584 (unprofessional conduct is understood by reference to the qualifications established by the State of California for licensure as a physician, and the types of conduct that Legislature and courts have defined as grounds for discipline or loss of the professional license).

PDR MEDICAL DICTIONARY
SECOND EDITION

PDR[®]
*Medical
Dictionary*

THE INFORMATION STANDARD
FOR MEDICAL TERMINOLOGY

Corticoviridae

Corticoviridae (MSV. 5×10^6), which accounts for about 12% of the DNA (MSV. 5×10^6), which accounts for about 12% of the DNA of the family of Corticoviridae.

Corticovirus (kōr-tē-vī-rus). The fluid in Corti tunnel.

Corticosteroid (kōr-tē-sī-ōid). SYN corticosteroid.

Cortisol (kōr-tē-sōl). SYN hydrocortisone.

Cortisone (kōr-tē-sōn). A glucocorticoid not normally secreted in significant quantities by the human adrenal cortex. Endogenously, it is probably a metabolite of hydrocortisone but exhibits no biological activity until converted to hydrocortisone (cortisol); it is important in carbohydrate metabolism and influences the nutrition and growth of connective (collagenous) tissues. It was the first glucocorticoid available for therapy. SYN Wintersteiner compound.

Cortisol (kōr-tē-sōl). The 5β enantiomer of α-allocortol; a reduction product of cortisone, present in the urine, differing from cortisone in that the three keto groups are reduced to hydroxyls.

Cortol (kōr-tōl). α-Cortol with a 20β-OH group; the 5β enantiomer of allocortol, found in urine.

Cortolone (kōr-tō-lōn). The 5β enantiomer of α-allocortolone; a reduction product of cortisone, present in the urine, differing from cortisone in that two of the keto groups (at positions 3 and 20) are reduced to hydroxyls.

Cortolone (kōr-tō-lōn). α-Cortolone with a 20β-OH group; the 5β enantiomer of allocortolone, found in urine.

Cortin (kōr-tīn). Native crystalline aluminum oxide.

Corvisart des Marets, Baron Jean N., French clinician, 1755-1821. See *Corvisart facies*.

Corymbiform (kō-rīm-bī-fōrm). Denoting the flowerlike clustering configuration of skin lesions in granulomatous diseases (e.g., syphilis, tuberculosis). [L. *corymbus*, cluster, garland].

Corynebacteria (kō-rī-nē-bak-tē-rē-ā). Plural of corynebacterium.

Corynebacteriophage (kō-rī-nē-bak-tē-rē-ō-fāj). Any one of the bacteriophages specific for corynebacteria.

Corynebacteriophage (kō-rī-nē-bak-tē-rē-ō-fāj). A DNA-containing bacteriophage that induces toxigenicity in strains of *Corynebacterium diphtheriae* that are lysogenic for its phage.

Corynebacterium (kō-rī-nē-bak-tē-rē-ūm). A genus of non-filamentous (except for some plant pathogens), aerobic to anaerobic bacteria (family Corynebacteriaceae) containing irregularly staining, Gram-positive, straight to slightly curved, often club-shaped rods which, as a result of snapping division, may show a picket fence arrangement. These organisms are widely distributed in nature. The best-known species are parasites and pathogens of humans and domestic animals. The type species is *C. diphtheriae*. [G. *coryne*, a club, + *bacterium*, a small rod]

Corynebacterium, former name for *Propionibacterium acnes*.

Corynebacterium, a species found as normal skin flora, it causes septicemia; frequently associated with venous access devices, and has also been recovered from urinary tract infections and mixed flora abscesses.

Corynebacterium diphtheriae, a bacterial species that causes diphtheria and produces a powerful exotoxin causing degeneration of various tissues, notably, myocardium, in humans and experimental animals and catalyzes the ADP-ribosylation of elongation factor II; virulent strains of this organism are lysogenic; it is commonly found in membranes in the pharynx, larynx, trachea, and nose in cases of diphtheria; it is also found in apparently healthy pharynx and nose in carriers, and is occasionally found in the conjunctiva and in superficial wounds; it occasionally infects the nasal passages and wounds of horses; it is the type species of the genus *C.* SYN Klebs-Loeffler bacillus, Loeffler bacillus.

Corynebacterium equi, SYN *Rhodococcus equi*.

Corynebacterium glucuronolyticum, a species isolated from patients with urinary tract infections.

Corynebacterium haemolyticum, former name for *Arcanobacterium haemolyticum*.

Corynebacterium pseudodiphtheriticum, former name for *C. pseudodiphtheriticum*.

C. jeikeium, species associated with septicemia and skin lesions in immunocompromised patients, especially associated with venous access devices.

C. matruchotii, a species recovered in mixed infections from human eye specimens.

C. minutissimum, a bacterial species that is a component of normal skin flora, causes erythrasma in humans.

C. parvum, former name for *Propionibacterium acnes*.

C. pseudodiphtheriticum, a rarely pathogenic species found in normal throats. SYN Hofmann bacillus.

C. striatum, a bacterial species found in nasal mucus and in the throat; also found in udders of cows with mastitis; pathogenic to laboratory animals; a rare cause of infection to immunocompromised patients.

C. xerosis, a bacterial species found in normal and diseased conjunctiva; there is no evidence that this organism is pathogenic.

cor-y-ne-bac-te-ri-um, pl. **cor-y-ne-bac-te-ria** (kō-rī-nē-bak-tē-rē-ūm, -ā). A vernacular term used to refer to any member of the genus *Corynebacterium*.

co-ry-za (kō-rī-zā). SYN acute rhinitis. [G.]

allergic c., SYN hay fever.

Co-ry-za-vi-rus (kō-rī-zā-vī-rūs). Obsolete name for Rhinovirus.

cos-me-sis (koz-mē-sis). A concern in therapeutics for the appearance of the patient; i.e., an operation that improves appearance. [G. *kosmēsis*, an adorning, fr. *kosmēō*, to order, arrange, adorn, fr. *kosmos*, order]

cos-met-ic (koz-met'ik). 1. Relating to cosmesis. 2. Relating to the use of cosmetics.

cos-met-ics (koz-met'iks). Composite term for a variety of camouflage applied to the skin, lips, hair, and nails for purposes of beautifying in accordance with cultural dictates.

cos-mid (koz'mid). A recombinantly engineered plasmid, a circular DNA containing, in order: a plasmid origin of replication and a drug-resistance marker, the *cos* (cohesive end) site from bacteriophage λ, and a fragment of eukaryotic DNA to be cloned; c.'s are constructed to permit cloning of fragments of up to about 40,000 base pairs in length, with one or more unique restriction sites being necessary to facilitate cloning.

cos-mo-pol-i-tan (koz-mō-pol'i-tan). In the biologic sciences, a term denoting worldwide distribution. [G. *kosmos*, universe, + *polis*, city-state]

cos-ta, gen. and pl. **cos-tae** (kos'tā, -tē). 1 [TA]. [I-XII]. SYN rib [I-XII]. 2. A rodlike internal supporting organelle that runs along the base of the undulating membrane of certain flagellate parasites such as *Trichomonas*. SYN basal rod. [L.]

c. cervicalis [TA], SYN cervical rib.

cos'tae fluctuan'tes [XI-XII], SYN floating ribs [XI-XII], under rib [I-XII].

cos'tae fluitan'tes, SYN floating ribs [XI-XII], under rib [I-XII].

c. lumbalis [TA],

c. prima [I] [TA], SYN first rib [I].

cos'tae spu'riae [VII-XII] [TA], SYN false ribs, under rib [I-XII].

cos'tae ve'rae [I-VII] [TA], SYN true ribs [I-VII], under rib [I-XII].

cos-tal (kos'täl). Relating to a rib.

cos-tal-gia (kos-tal'jē-ā). SYN pleurodynia. [L. *costa*, rib, + G. *algos*, pain]

cos-tec-to-my (kos-tek'tō-mē). Excision of a rib. [L. *costa*, rib, + G. *ektomē*, excision]

Costen, James B., U.S. otolaryngologist, 1895-1962. SEE *C. syndrome*.

cos-ti-car-ti-lage (kos-ti-kar'ti-lij). SYN costal cartilage.

cos-ti-form (kos'ti-fōrm). Rib-shaped. [L. *costa*, rib, + *forma*, form]

cos-tive (kos'tiv). Pertaining to or causing constipation. [contraction from L. *constipō*, to press together]

cos-tive-ness (kos'tiv-ness). SYN constipation.

△**costo-**. The ribs. [L. *costa*, rib]

cos-to-cen-tral (kos-tō-sen'träl). SYN costovertebral.

Attorneys' Dictionary
of Medicine

ILLUSTRATED

SCHMIDT

costal arch.

pressure when standing, cold hands and feet, itching, rash.

Corzide 40/5 (nadolol + bendroflumethiazide), medical conditions or status of patient precluding the use of. Atrioventricular block (which see); heart failure; cardiogenic shock (which see); allergy for sulfonamides; failure of the kidneys to excrete urine; sinus bradycardia (which see); bronchial asthma.

Cosmegen (kos'me-jen). The trademark name of an injectable form of dactinomycin, an antibiotic with cytotoxic effects that is used in the treatment of certain forms of cancer.

Cosmegen, generic name of. Dactinomycin.

cosmesis (koz-mē'sis). In surgery, a consideration or regard for the appearance of the patient as it may be affected by a surgical procedure or by the failure to perform a particular operation; the art of surgery which aims to preserve, increase, or restore physical beauty.

cosmetic dentistry. The branch of dentistry which is concerned mainly with improving the original appearance of teeth, as by covering them with porcelain jackets, etc.

cosmetic dermatitis. A skin irritation caused by the application of a cosmetic.

cosmetic operation. A surgical operation the aim of which is to improve the appearance of a part, as of the nose.

cosmetic plastic surgery. Same as *aesthetic plastic surgery*.

cosmetic surgery. Surgery which aims to improve the appearance rather than the function or usefulness of a structure of the body, as of the nose.

cosmetology (koz'me-tahl'o-jē). The branch of knowledge dealing with the care of the body in regard to beauty and cleanliness.

cosmic rays (koz'mik). Streams of particles coming at high speed from outer space and bombarding the earth's atmosphere. These particles, known as primary cosmic rays, consist mainly of protons (units of positive electricity each forming a part of the nucleus of an atom around which electrons

revolve) and other nuclei of atoms. These primary rays are absorbed in the upper atmosphere but not before they produce other particles, such as neutrons, mesons, and electrons, from the atoms of the atmosphere. These particles are known as secondary cosmic rays. The energy possessed by the secondary rays is of a much lower magnitude than the energy of the primary rays.

CosmoDerm. The trademark name of a bioengineered preparation of human collagen that is administered by injection as a dermal filler to improve the appearance of facial scars and wrinkles.

CosmoPlast. The trademark name of a bioengineered preparation of human collagen that is administered by injection as a dermal filler to improve the appearance of facial scars and wrinkles.

cosmotron (koz'm ō-tron). Same as *proton-synchrotron*, which see.

cost. A word-making combining form denoting a rib. Example: *costectomy*, the operation of excising or removing a rib.

costa (kos'tah), *pl.* *costae* (kos'tē). A rib.

costae (kos'tē). The plural form of *costa*, which see.

costal (kos'tal). Pertaining to a rib or ribs; as, *costal cartilage*.

costal angle. 1. The angle formed between the cartilage which connects the floating ribs on the right side of the chest with the breastbone, and the cartilage which connects the floating ribs on the left side of the chest with the breastbone. The cartilages can be felt at the lower border of the rib cage as they ascend and meet at the lower end of the breastbone. Also called *angulus infrasternalis*. 2. The place in the back part of a rib where the curvature changes abruptly, forming somewhat of an angle.

costal arch. The arch or vault formed by the lower ribs as they converge and meet at the lower end of the sternum or breastbone. Also called *arcus costalis*. See *costal angle*, definition 1.