

Excerpt January 2018 minutes

7.1-1 Medi Spa/RN and Aesthetic Agents

Discussion: At their November 2017 meeting, the Board discussed the issue of RNs in Medi Spas and injection of aesthetic agents and directed staff to:

- Discuss at ND Tri-Regulator Collaborative (TRC) meeting with Board of Medicine and Board of Pharmacy
- Further review the current NDBON practice statement “*Aesthetic Cosmetic & Dermatological Procedures by Licensed Nurses*”
- Provide update at January 2018 Board meeting

An overview of the national evidence and research was provided to the Board, with feedback from the Tri-Regulator Collaborative as follows:

ND TRC discussed the ND rules and laws which require the practitioner/prescriber be involved in dispensing legend medications and medical diagnosis/medical treatment. The RN cannot medically diagnose or prescribe. Recommended referring to BOP dispensing statement.”

Information from 16 states and Nation Council of State Boards of Nursing related to this topic were reviewed and discussed. The board discussed that it is within the scope of practice of an RN to inject prescribed, FDA approved aesthetic agents, such as Botox, but it is not within the scope of practice for an RN to medically diagnose, determine medical treatment, or prescribe legend medication. A client must have an initial assessment/evaluation by the prescriber who then determines the medical treatment plan. The Board discussed FDA approved dermal fillers and noted that the FDA considers dermal fillers to be medical device implants. Board discussed RN scope of practice and medical implants. There are several states that prohibit RNs from injecting medical implants, including dermal fillers, and some states allow this under direct onsite prescriber supervision. A draft interpretive statement was reviewed and discussed by the Board. The current practice statement related to the topic would be retired. Audience members were given an opportunity to share any additional information. After discussion, it was recommended that directors develop guidelines for further clarification of the interpretive statement.

Motion: M. Hammer, seconded by Johnston to:

ACCEPT THE FOLLOWING INTERPRETATIVE STATEMENT TITLED REGISTERED NURSE AND PRESCRIBED AESTHETIC AGENTS: A REGISTERED NURSE, WITH EVIDENCE OF COMPREHENSIVE, SPECIALIZED, AND ACCREDITED TRAINING; CERTIFICATION; AND COMPETENCIES, MAY INJECT FDA APPROVED MEDICAL AESTHETIC/COSMETIC AGENTS, AS PART OF A MEDICALLY PRESCRIBED TREATMENT PLAN, WHICH INCLUDES A DOCUMENTED INITIAL ASSESSMENT/EVALUATION FOR EACH INDIVIDUAL CLIENT BY THE PRESCRIBER. (NDAC 54-05-02-04; NDAC 54-05-02-05).

A REGISTERED NURSE CANNOT MEDICALLY DIAGNOSE; DETERMINE MEDICAL TREATMENT; OR PRESCRIBE OR DISPENSE LEGEND PHARMACEUTICALS (NDCC 43-12.1-02 (5); NDAC 61-04-02-01; BOARD

OF PHARMACY ADMINISTRATIVE GUIDELINES FOR PRACTITIONER DISPENSING IN ND).

Roll call vote: Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.

Motion: Christianson, seconded by M. Hammer to:
RETIRE THE PRACTICE STATEMENT TITLED, "AESTHETIC COSMETIC & DERMATOLOGICAL PROCEDURES BY LICENSED NURSES" AND DELEGATE TO DIRECTORS THE DEVELOPMENT OF PRACTICE STATEMENT TO ADDRESS AESTHETIC AND COSMETIC AGENTS AND SCOPE OF PRACTICE PER POLICY AND PROCEDURE FOR NURSING PRACTICE INQUIRY AND INTERPRETIVE AND PRACTICE STATEMENTS.

Roll call vote: Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.