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Board of Registration in Nursing
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June 15, 2017

To: Massachusetts Nursing and Professional Healthcare Organizations
From: Laurie Talarico, MS, RN, CNP Nursing Practice Coordinator
Re: Revised Advisory Ruling 1301: *Cosmetic and Dermatologic Procedures*

At the June 14, 2017 Board of Registration in Nursing (Board) meeting, the Board revised Advisory Ruling (AR) 1301: *Cosmetic and Dermatologic Procedures* to ensure compliance with current statutes, regulations and scope of practice standards.

AR 1301 guides the practice of the Registered Nurse and Licensed Practical Nurse (nurse) who may perform cutaneous procedures that utilize non-ablative laser and non-laser light sources and/or who may perform aesthetic procedures that utilize chemical solutions, micro-particles, soft tissue augmentation, or injections of solutions/medications or soft tissue fillers as part of their nursing practice.

Based on its review of relevant statutes and regulations, position statements published by professional nursing and health care organizations, and scientific, peer-reviewed literature, the Board found:

1. "Dry-needling", "micro-needling", and "PDO (polydioxanone) thread embedding" are procedures involving acupuncture and not within the scope of nursing practice;
2. As verified with the MA Department of Public Health Drug Control Program, controlled substance¹ procurement requires a MA Controlled Substance Registration (MCSR). A LPN and a RN are not authorized by M.G.L. c 94C §§ 7 and 9 to obtain a MCSR, therefore, a LPN or a RN cannot purchase or possess controlled substances on behalf of a prescriber;
3. The "application of eye lash extensions" and "cryolipolysis" procedures require competency acquisition and orders from a duly authorized prescriber that include the patient's name, valid order date, anatomical site for administration, specific device setting and administration directions; and

¹ As defined at [M.G.L. c. 94C § 1](#) "Controlled substance", a drug, substance, controlled substance analogue or immediate precursor in any schedule or class referred to in this chapter. Accessed 9/27/16

4. Advisory Ruling 1301: *Cosmetic and Dermatologic Procedures* does not specifically address that:
 - a. A LPN or RN without APRN authorization, will not unlawfully procure or possess controlled substances (ref:) pursuant to 244 CMR 9.03(37): Unlawful Acquisition and Possession of Controlled Substances;
 - b. All nurses (LPN, RN, APRN) licensed by the Board are responsible and accountable for his or her nursing judgments, actions, and competency pursuant to 244 CMR 9.03(9): Responsibility and Accountability; and
 - c. A nurse licensed by the Board will only perform acts with the scope of nursing practice as defined at M.G.L c 112 § 80B and 244 CMR 3.00 and 9.00. It is not within the scope of practice of a LPN or RN who is not authorized to practice as an advanced practice registered nurse (APRN) to;
 - i. medically diagnose, or to prescribe medications or treatments
 - ii. select the medication/solution, dosage, device or device setting to be used in the performance of a cosmetic or dermatological procedure; or to
 - iii. illegally purchase or obtain a drug, substance, controlled substance analogue or immediate precursor in any schedule or class referred to in MGL c. 94C to be used in the performance of a cosmetic or dermatological procedure.
 - d. To perform cosmetic and dermatologic procedures that involve acupuncture requires a current MA acupuncture license.

The Board voted unanimously to revise AR 1301 to include statements that a nurse licensed by the Board:

1. Is responsible and accountable for his or her nursing judgments, actions, and competency;
2. Will only perform acts within the licensee's scope of nursing practice. Therefore, a LPN or RN who is not authorized to practice as an APRN may not medically diagnose, independently prescribe or select medications or treatments;
3. Will not purchase or obtain controlled substances. Therefore, for the purpose of this advisory, a LPN or RN without APRN authorization from the Board and prescriptive authority cannot purchase or obtain prescription medication or solutions independently or as an agent of the prescriber;
4. Must have a current MA acupuncture license to perform cosmetic and dermatologic procedures that involve the practice of acupuncture.

Please take a moment to review the [AR 1301: Cosmetic and Dermatologic Procedures](#).