

I greatly appreciate the invitation to speak in front of you today. I co-own National Laser Institute (NLI), the largest medical aesthetic laser training school in the country. We launched NLI more than 5 years ago based on the incredible growth of the industry and total lack of safety and operational training. We have now trained thousands of professionals including doctors, nurses, nurse practitioners, aestheticians and lay persons; this I believe qualifies me to provide you with a unique perspective and to comment upon the issues a hand here today.

I am certain that we all agree that the safety and health of the consumer must be the paramount concern. In any discussion such as this, there are issues of economics and jurisdiction over regulations that coincide and these issues are not without relevance; however the only issue that should drive the ultimate conclusion is safety of the consumer!

Proper training and education is the only solution to protecting consumers. In my view whether laser and Intense Pulse Light (IPL) treatments are considered the practice of medicine is really irrelevant. At the end of the day, whether it is or is not the practice of medicine is merely a label and labels will not protect the consumer as will implementing standards for training. This applies to persons whether they have a medical background or not.

I have here a letter from a Professional Program Insurance Brokerage, which provides medical aesthetic laser insurance and works exclusively with Lloyds of London on laser cases. The letter states:

"our suggestion for education is a minimum of 30 hours of training for all backgrounds. We find it really does not matter if the person operating a laser is a nurse, a doctor, a PA or an esthetician. With proper education our insurance experience shows that anyone can operate a laser. Additionally since modern lasers are so well set to work on various procedures and skin types there is just not any need for a physician to be on sight" there is almost nothing that a laser or light source can do to skin that requires the immediate services of a physician at the time of the service. "

I have included the letter in its entirety in the materials i handed out moments ago.

Without a doubt there are several key things that one must be very well trained on prior to treating consumers; Proper eyewear and protective equipment (cooling systems etc) along with nominal hazard zones (LSO training), wavelength settings based on Fitzpatrick Skin Type to minimize risk of burns and maximize desired result or tissue interaction, skin types and conditions that can and can not be treated by laser (dos and don'ts).

EXHIBIT N - LASERS
Document consists of 4 pages.
Entire exhibit provided.
Meeting Date: 06-03-08

As you most likely know, most states do not have regulations for laser treatments; in many states just about anyone can use a laser without any training or education. In 2000 Arizona conducted a series of hearings which culminated in the promulgation of extensive and comprehensive regulations that were implemented in 2005.

- 40 hours classroom education
- 24 hours clinical on hair removal
- 24 additional hours on any other type of procedure

When we train our students we train them extensively on laser safety both pre and post care and train them to be a laser safety officer, which includes the care of rare, but possible side effects such as slight blisters and burns. National Laser also requires a mandatory CPR class as part of our curriculum.

In one of the letters in the handout the author who happens to be a nurse states:

"In any profession there can be complications, regardless of the level of education or even expertise. Unexpected things can happen in any job and proper training is the differentiator. As long as people are appropriately training with regards to laser safety, pre and post treatment care and have supervised hands on training there is nothing that would indicate the need for a medical degree," says Melissa Alhezayen, RN BS

We have been training a wide variety of laser practitioners from physicians to estheticians for more than 5 years and have been approved as the first post secondary licensed provider of laser education in the state of Nevada. The Nevada Post secondary education board was insistent that National Laser providing hours equal to what Arizona regulators had implemented. Many consider Arizona's model to be the ideal business model to protect consumer health and safety.

The State of Massachusetts created a Task Force which was established by former Governor Mitt Romney and which brought together a group of key people from boards such as the medical, nursing, cosmetology, electrology and aesthetic boards. This group will issue final recommendations next month which will permit these various practitioners to use lasers and IPL equipment consistent with their respective scopes of practice. They all will be able to perform hair removal independently provided they have certain minimum required training. The Task Force has agreed that laser/IPL hair removal is not the practice of medicine. Interestingly, with Arizona and Massachusetts, two very politically diverse states have ultimately reached the same conclusion on this topic.

So the pertinent questions are who is qualified to safely treat the consumer. As noted the only pertinent answer, the only answer that ensures the safety of the consumer is that it is a person who is properly trained on the use of the equipment and related issues like skin type and skin reactions.

With that said, there are also, as noted earlier certain economic impacts to whatever course of action Nevada may choose to take. Dr Betty Davis, a highly respected Arizona dermatologist and owner/medical director of an Arizona dermatological practice which recently merged with Banner Health, states the following in her enclosed letter:

"Utilizing nurses and physicians assistants to perform laser treatments is a misallocation of resources. It will cause additional strain on an already challenged health care system. While their services are invaluable, they do not necessarily make better laser technicians. A trained technician using a laser on a daily basis will be more proficient and safer to the patient than a physician, PA or nurse doing an occasional treatment."

Also you will see in your packet of information a letter from the Association of Manufacturers of Equipment for Light Based Aesthetics (MELA). With respect to the issue of economic impact, they note as follows:

"Any requirements that would increase physician involvement in the provision of light based cosmetic procedures will increase the cost and limit access of consumers to these safe procedures, damaging valuable state business, driving up costs for consumers, and changing the currently regulatory regime are unwarranted when there is no demonstrative public health basis for such action."

The bottom line is that if laws in Nevada are changed to only permit medical professionals to perform laser treatments it will put countless individuals out of jobs. The medical aesthetics marketplace is an \$8 billion industry and growing at warp speed. Instead of displacing well-trained individuals, states like Nevada should be creating employment opportunities in these difficult economic times.

We have trained thousands of individuals ranging from physicians to nurses, aestheticians and even the lay person and we have found none of these individuals is better suited to be an effective laser providers based on their educational background and prior experience. In fact there are a limited number of specialized physicians with laser education or experience. After speaking to countless nurses and medical professionals it has become clear that no laser training is provided through medical education.

To conclude, the best way to protect the consumer is by having well trained technicians. The best way to ensure Nevada has well trained technicians is to impose a mandatory minimum number of training hours for laser education for those either in or entering the field. By mandating training Nevada will ensure the safety of the consumer, again the paramount concern, while at the same time having the least negative impact on the job market.