



**MICHAEL FAGANS / THE CALIFORNIAN**  
Dr. Jason Helliwell shines a laser on the palm of his surgical glove at the Advanced Women's Health Center in Bakersfield.

# Medical spa rules to get a makeover

Bill would toughen penalties against absentee oversight

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**S**herry Deppermann spent two months reading up on a new, state-of-the-art form of liposuction. And after identifying a local medical spa that offered it, she checked with the state medical board to see whether the doctors in charge had ever been disciplined.

"I'm a nurse, so I probably did more research than most people," she said. "I think there are a lot of people out there who shouldn't be doing these procedures, and most clients don't know who's going to be working on them and what their training is."

Deppermann's diligence is unusual, but officials say it's a good idea since a loophole in state law has led to alleged abuses at some medical spas.

# SPAS: Doctors don't have to be present during some procedures

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## A question of oversight

In California, as in many states, a licensed physician or surgeon must be the majority owner of a medical spa. The law even requires minority stake holders to work in a health-related field.

But under current rules, the doctor in charge need not be present when a medical spa is performing certain services. They merely must be "reachable" during the procedure, said Candis Cohen, a spokeswoman for the Medical Board of California.

As a result, some medical spas have physician oversight on paper, but the doctors in charge spend little or no time in the offices.

Lawmakers in several states are addressing this safety concern.

A bill pending in the California legislature would strengthen penalties against such absentee oversight. Introduced by Alan Nakanishi, R-Lodi, Assembly Bill 2398 would expand penalties — which are now usually fines — to include license revocation.

The bill also would give an attorney general the option of filing criminal charges. Currently, any discipline is the sole jurisdiction of the state medical board.

But attorney David Shane says failing to require the supervising doctor's presence at the medical spa means the bill doesn't go far enough.

The physician's name "lends an aura of respectability, but in reality, it's misleading" if the doctor isn't there, he said.

"What does 'reachable' mean, exactly?" he said. "In this day and age, everyone's reachable if they have e-mail or a cell phone."

"That's such a big loophole that



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Dr. Jason Helliwell prepares a patient's abdomen for a laser procedure at the Advanced Women's Health Center. The Bakersfield OB/GYN moved his cosmetic and clinical services into the same building in April.

it doesn't really provide the care that consumers expect."

Shane represents a 57-year-old Mill Valley man who is suing The Laser Center of Marin. His client alleges his skin became so hypersensitive to light after a botched laser hair removal treatment that he now suffers severe pain in the sun. There was no doctor at the facility to handle the complications of the treatment, Shane said, and the injury seems to be permanent.

The patient, Dom Martin, declined to comment and The Laser Center of Marin could not be reached late Friday.

## Medical spas coming around

The bill's proposed changes to the Business and Professions Code regulating the state's medical facil-

ities has yet to win broad support from the medical spa industry.

"A lot of this is dermatologists and plastic surgeons trying to corner the market on medical spas because they don't like the competition," said Hannelore Leavy, executive director of International Medical Spa Association. "Some states are trying to restrict ownership to certain kinds of doctors, but if the person is properly licensed and trained, there's no reason why they can't perform these services."

The association hopes to reduce the need for new laws by developing a national accreditation for medical spas, Leavy said. They hope the new system will be implemented in the next year or two, she said.

But Dr. M. Christine Lee, who is

lobbying for the bill's passage through a trade organization, says a lot of "misinformation" about the bill has "scared medical spa owners."

"What opponents don't realize is this doesn't create a new law, it just increases the ability to enforce existing law," said Lee, who runs a medical spa in Walnut Creek and teaches dermatologic surgery at the University of California, San Francisco.

That was enough to sway Jina Pappas, a nurse practitioner who runs Aescala Skin Care, a cosmetic division that High Grove Medical Center opened more than three years ago in its downtown building.

"I do agree that doctors should be accessible and aware of what's happening at medical spas," she said. "Some of these treatments are serious medical procedures. I do a lot of laser tattoo removals, and they work by burning off the skin, so it heals like a burn."

Bakersfield's Dr. Jason Helliwell has already seen the benefits of close oversight.

"We used to offer our cosmetic and clinical services in two different locations, but we consolidated them at a new building in April," he said. "It was for both safety and convenience."

Helliwell co-owns Advanced Women's Health Center on Brimhall Road with his wife, fellow OB/GYN Dr. Siniva Kaneen. About 20 percent of their clinic's work is now cosmetic services such as the Smart Lipo he performed Friday on Deppermann, he said.

"My wife and I do all the Smart Lipo ourselves, and we use an R.N. (registered nurse) and physician assistant who are specially trained for the Botox injections and laser

## SAFETY TIPS

Candis Cohen, spokeswoman for the Medical Board of California, says prospective patients should:

**Find out the name of the medical spa's director** and check to see if the Medical Board of California has disciplined that person before undergoing treatment.

**Find out who will be actually performing the treatment**, and check that person for any disciplinary actions on their record. Also investigate their background and training, including how many times they have performed the procedure.

**The medical board can also tell you** which types of aestheticians, therapists and health care practitioners are licensed to administer a given treatment.

**Visit before the procedure**, if possible, and look around. Is it clean? Does it look sterile?

**Trust your gut.** If you're not totally and completely satisfied with the answers to your questions, go somewhere else.

## To check discipline records

Call (800) 633-2322 or see records online at [www.medbd.ca.gov/lookup.html](http://www.medbd.ca.gov/lookup.html). Note that the Web site doesn't list pending complaints.

treatments and things like that that aren't surgical," he said. "But if anything goes wrong, we're right down the hall, which makes me a lot more comfortable."