

February 2, 2018

The Honorable Robert P. Giacalone, *President*  
State Medical Board of Ohio  
30 E. Broad Street, 3<sup>rd</sup> Floor  
Columbus, OH 43215

**RE: Proposed changes to OAC 4731-18-01 through 4731-18-05**

Dear President Giacalone:

On behalf of the Ohio Valley Society of Plastic Surgeons (OVSPS) and the American Society of Plastic Surgeons (ASPS), we are writing regarding the proposed changes to OAC 4731-18-01 through 4731-18-05. The OVSPS is the largest association of plastic surgeons in Ohio, and in conjunction with our national affiliate ASPS, we collectively represent 248 plastic surgeons in Ohio. Our mission is to advance quality care for plastic surgery patients and promote public policy that protects patient safety.

While laser procedures are extremely safe and effective when used by medical professionals with appropriate training and oversight, they can cause painful burns and permanent scarring in the wrong hands. Even when used at the manufacturer's recommended settings, these devices can cause profound skin injury. For instance, despite only one-third of laser hair removal procedures being performed by non-physicians (including nurses, nurse practitioners, estheticians, or "technicians"), they accounted for 76% of injury lawsuits from 2002-2012. This number jumped to 85.7% of lawsuits filed between 2008-2012, with 64% of treatments performed outside of a traditional medical setting.

For patient safety and quality outcomes, it is critical that all lasers and intense pulse light (IPL) devices are only operated by physicians or other licensed medical professionals under direct physician supervision. These licensed professionals include physician assistants (PAs), nurse practitioners (NPs), licensed practical nurses (LPNs), and registered nurses (RNs) who are acting within the scope of their licensure and are under a physician's supervision. They should not include estheticians, cosmetologists, cosmetic therapists, or other professionals who have no medical training. Additionally, physicians and PAs or RNs (including LPNs and NPs) acting under physician supervision can conduct the initial assessment of the patient, but treatment should not commence until reviewed by the physician.

We therefore appreciate the provisions of the proposed language that only allow PAs, RNs, LPNs, or certified medical assistants to use certain devices under the supervision of a physician. Furthermore, we agree that those medical professionals should have additional training with these devices prior to operation. Finally, as previously stated, we recommend that cosmetic therapists be removed from the proposed list of individuals who may use light-based medical devices for hair removal procedures.

With respect to supervision, we recommend the following supervision standards for PAs, LPNs (including NPs) or RNs utilizing lasers: the physician should be immediately available by electronic communication, be no further than fifty (50) miles away and must be available to physically see the patient within twenty-four (24) hours. These supervision requirements recognize that certain physician specialists, like plastic

surgeons, are going to be in-hospital performing surgeries on some days, but also provide a mechanism to protect the public from medispas with physician supervisors in name only.

We respectfully urge the Board to allow only licensed medical professionals to use lasers and light-based hair removal or reduction devices. Please do not hesitate to contact Patrick Hermes, Director of Advocacy and Government Relations, at [phermes@plasticsurgery.org](mailto:phermes@plasticsurgery.org) or (847) 228-3331 with any questions or concerns.

Sincerely,

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cc: Members, State Medical Board of Ohio