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**PROPOSED AMENDED REGULATION NO. 22
LASER SURGERY GUIDELINES**

Pursuant to Ark. Code Ann. 17-95-202, the practice of medicine involves the use of surgery for the diagnosing and treatment of human disease, ailment, injury, deformity, or other physical conditions. Surgery is further defined by this Board as any procedure in which human tissue is cut, altered, or otherwise infiltrated by mechanical means, to include the use of lasers. The Board further finds that the use of medical lasers on human beings, for therapeutic or cosmetic ~~lasers~~ purposes, constitutes the practice of medicine.

Under appropriate circumstances, that being the performing of minor procedures to include hair removal, a physician may delegate certain procedures and services to appropriately train non-physician office personnel. The physician, when delegating these minor procedures, must comply with the following protocol:

1. *The physician must personally diagnose the condition of the patient and prescribe the treatment and procedure to be performed.*
2. *The physician may delegate the performance of certain tasks in the treatment only to trained non-physician personnel skilled in that procedure.*
3. *The physician must make himself immediately available to respond to the patient should there be any complications from the minor procedure.*
4. *The physician should ensure and document patient records that adequately describe the condition of the patient and the procedure performed, and who performed said procedure.*

A physician who does not comply with the above-stated protocol when performing minor procedures will be considered as exhibiting gross negligence, subjecting the physician to a disciplinary hearing before the Board, pursuant to the Medical Practices Act and the Rules and Regulations of the Board.

Ark. Code Ann. 17-95-409(a)(2)(g) states that the Board may revoke an existing license, or suspend the same, if a physician has committed unprofessional conduct, further defined as committing gross negligence or ignorant malpractice. The Board finds that a physician has, in fact, committed gross negligence if he performs laser surgery on patients without benefit of: a) clinical experience in the use of lasers; b) training of clinical management of patients; c) continuing medical education courses in the use of lasers; d) providing appropriate preoperative, operative, and post operative management.

FILED

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CHARLIE DANIELS
SECRETARY OF STATE

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