

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF THE DECLARATORY RULING ISSUED MAY 29, 2007 PERTAINING TO THE ISSUE OF LICENSED NURSES' PRACTICE RELATED TO LASER HAIR REMOVAL TREATMENTS.

The Petition of L. Louise Drake, R.N., M.H.R., requesting a Declaratory Ruling as to the issues related to the scope of practice for licensed nurses involved in laser hair removal treatment, comes on for hearing this 29th day of May, 2007, all members of the Board being present. The Board is represented by Debbie McKinney, Attorney at Law, and Petitioner appears in person. After considering all information relevant to the Petition including testimony of witnesses and argument of counsel, the Board finds:

1. The Petition for a Declaratory Ruling is properly before this Board pursuant to the Rules of this Board, specifically, §485:1-1-5(c) and the Oklahoma Nursing Practice Act, 59 O.S. §§567.1, *et seq.*, specifically, §567.4 F.

2. The use of a Light Amplification by Stimulated Emission of Radiation, (hereinafter "laser"), has been declared within the scope of medicine and surgery; as such it is a medical act and is not within the scope of practice for a qualified advanced practice nurse to order and/or delegate laser hair removal treatment, even if the advanced practice nurse has prescriptive authority.

3. Once an Oklahoma licensed physician has performed a medical evaluation on the patient, a laser hair removal treatment order may be delegated to a licensed nurse. The prescriptive order should include the following: type of laser; the depth of the penetration of the laser beam; the wattage or strength of the laser beam; the circumference of the laser beam (spot size); wave length and pulse beam; description,

location and size of the area to be treated; and utilization of any topical anesthetic agent.
(The order may refer to a written protocol or written practice guidelines).

4. It is within the scope of practice of an advanced practice nurse, registered nurse, and licensed practical nurse (see number 5 below), to perform laser hair removal treatment, if the following criteria are met:

A. General Requirements

- 1) Laser hair removal procedures are performed upon the order of and under the supervision of an Oklahoma licensed physician.
- 2) The Oklahoma licensed physician has determined laser power parameters and areas to be treated.
- 3) Informed written consent has been obtained from the patient.
- 4) A written policy and procedure is maintained by the employer.
- 5) The employer is responsible for adhering to local, state and federal regulations regarding the use of laser technology.
- 6) Documentation of the nurses' satisfactory completion of instruction, supervised clinical practice, and evidence of current competency is on file with the employer. Supervised practice of laser techniques should be first carried out using inanimate objects (such as fruit, vegetables), before initial application of these techniques to humans.

B. Course of Instruction is to include didactic and clinical aspects of the following, but not be limited to:

- 1) Anatomy and physiology of the skin surface areas to be treated.
- 2) Indications and contraindications to the use of pigment and vascular specific lasers for cutaneous procedures.
- 3) Potential adverse reactions and their treatment(s).
- 4) Nursing care responsibilities.
- 5) Specific considerations, including but not limited to:
 - a) Basic laser physics.
 - b) Laser safety protocols.
 - c) Occupational Safety and Health Administration and the American National Standards for Safe Use of Lasers in Health Care Facilities safety standards.
 - d) Laser-tissue interactions.
 - e) Potential hazards and complications.

- f) Topical anesthetic agents.
- g) Documentation of laser settings and patient response.
- h) Post procedure care and home care instructions, including wound care.
- i) Operating and maintenance requirements specific to the equipment in use.

5. A licensed practical nurse may *only* perform laser hair removal if the ordering physician is present in the procedure area and readily available, i.e., response time is less than or equal to five minutes, during the procedure of the laser hair removal treatment.

6. The Oklahoma Board of Nursing therefore concludes and declares: It is not within the scope of practice of the advanced practice nurse to order and/or delegate laser hair removal treatment, even if the advanced practice nurse has prescriptive authority. It is within the current scope of practice of the advanced practice nurse, registered nurse and license practical nurse to provide laser hair removal treatment in accordance with the parameters set forth herein. Furthermore, the licensed practical nurse may *only* perform laser hair removal if the ordering physician is present in the procedure area and readily available, i.e., the physician's response time is less than or equal to five minutes, during the procedure of the laser hair removal treatment.

This Declaratory Ruling issued this 29th day of May, 2007.



OKLAHOMA BOARD OF NURSING

By: 
Jaekye Ward, M.S., R.N., President