Lawsuits Increasing over Skin-Related Laser Surgery

University of California - Los Angeles Health Sciences

Skin-related laser procedures such as hair removal remain one of the most popular elective types of laser surgery performed in the United States today. To meet demand, more non-physicians are performing these procedures than ever before.

A study published online Oct. 16 in JAMA Dermatology found that lawsuits related to procedures when non-physicians are operating the laser are increasing, particularly outside of a traditional medical setting.

"Procedures performed by untrained individuals, particularly in non-medical settings, are more likely to result in litigation," said lead author Dr. H. Ray Jalian, clinical instructor of medicine, division of dermatology, David Geffen School of Medicine at UCLA. "Consumers should be aware that laser treatments are medical procedures and should verify the training, certification, and experience of the person performing the procedure.

Researchers identified the frequency of medical professional liability claims stemming from skin laser surgery performed by non-physicians by using an online national database of public legal documents.

In 175 cases related to injury from skin laser surgery from 1999 to 2012, researchers found 75 (42.9 percent) cases involving a non-physician. The percentage of cases involving non-physicians increased from 36.3 percent in 2008 to 77.8 percent in 2011.

Laser hair removal was the most commonly performed procedure. While one-third of laser hair removal procedures were performed by non-physicians, 75.5 percent of hair removal lawsuits from 2004 to 2012 involved non-physicians, and 85.7 percent involved non-physicians between 2008 and 2012.

Non-physicians performing skin laser surgery in the study included a diversity of operators, including nurse practitioners, registered nurses, medical assistants, electrologists and aestheticians, among others.

To meet the demand for these procedures, physician delegation of laser surgery has grown significantly in the past decade and non-supervised laser surgery is performed legally in many states at nonmedical facilities such as medical spas that offer aesthetic and cosmetic procedures.

According to Jalian, physician and other laser operators should know their state laws regarding physician supervision of non-physicians operating the lasers. He notes that in the correct setting with close on-site supervision and appropriate training,

the use of non-physician operators can prove to be a productive and safe environment for patients.

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