

## **AmSpa Alert: "Patient Injuries & Lawsuits Involving Medical Lasers are Increasing, are You Compliant with Safety Regulations?" By Hall Render, AmSpa's Midwest Partner**

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Chicago, Illinois ([PRWEB](#)) August 08, 2013 -- In 2007, the majority of physicians responding to an American Society for Dermatologic Surgery ("ASDS") survey reported that the number of patients they were treating for complications caused by non-physicians was increasing. These complications frequently involved burns caused by the improper use of lasers, scarring caused by chemical peels, hyperpigmentation caused by laser hair removal and many instances of skin cancer being overlooked due to the removal of malignant tissue that could have otherwise served as a warning sign.

An article published in the February issue of JAMA Dermatology looked specifically at malpractice litigation from 1985 to 2012 involving dermatologic laser procedures and concluded that litigation has been increasing and is resulting in indemnity payments that exceed the previously reported average across all medical specialties. Like the ASDS survey, the article found laser hair removal, burns, scars and pigmentary alterations to be highly associated with litigation. The article also found that non-physicians were frequently named in the litigation as operators of the laser equipment.

But patient injury is not the only growing concern for physicians who utilize medical lasers in their practices. Employees working near medical lasers can also be injured when exposed to lasers and related radiation. According to a joint report from the American Association of Physicists in Medicine and the American College of Medical Physics, about 500,000 to 700,000 health care workers in the United States are involved in the use of medical lasers. Some of the major accidents involving employees identified in the report are:

- Available eye protection not used;
- Intentional exposure of unprotected personnel;
- Operators unfamiliar with laser equipment;
- Lack of protection for ancillary hazards;
- Failure to follow standard operating procedures; and
- Accidental eye/skin exposure during use.

### Regulation of Medical Lasers

Historically, few states have regulated the use of lasers for medical purposes. However, with the increased use of medical lasers in medical spas, combined with the increase in reported patient and employee injuries, many states have reevaluated or are currently reevaluating their laser safety regulatory controls. Some states, including Arizona and Florida, have adopted model regulations developed by the Conference of Radiation Control Program Directors. Other states that have enacted some form of regulation include Alaska, Arkansas, Georgia, Illinois, Massachusetts, Montana, New York, Pennsylvania, Texas and Washington. Other states, such as Indiana, point to the U.S. Occupational Safety and Health Administration's ("OSHA") regulations and Technical Manuals as the basis for their own oversight.

To read the remainder of the article, click here: <http://www.americanmedspa.org/patient-injuries-and-lawsuits-involving-medical-lasers-are-increasing-is-your-practice-compliant-with-safety-regulations/>

This article was written by Mark R. Dahlby, Attorney at Hall, Render, Killian, Heath & Lyman, P.C. for Health Law News [www.hallrender.com](http://www.hallrender.com) If you have any questions about the regulation and standards affecting the use or manufacture of medical lasers, please contact Mark Dahlby at 414-721-0902 or email him at: [mdahlby@hallrender.com](mailto:mdahlby@hallrender.com).

Hall Render has partnered with the American Med Spa Association (AmSpa) as local healthcare attorneys for Indiana, Kentucky, Michigan and Wisconsin. Hall, Render, Killian, Heath & Lyman, P.C. focuses its practice on health law and is recognized as one of the nation's preeminent health law firms. With over 40 years of experience in the health law business and more than 160 attorneys serving health care clients, Hall Render is the largest health care focused law firm in the country.

AmSpa was created for the express purpose of providing answers to the many questions arising from the vague and complex regulations governing medical spas. We have partnered with qualified law firms across the country to summarize the rules and regulations in each state in an easy to understand format. If an industry professional or consumer has a question about med spa laws in their particular state, we'll have the answer. In addition, AmSpa provides comprehensive, relevant, timely resources and education such as webinars, seminars and workshops. Some additional benefits of AmSpa include an industry specific job board, advertising discounts, training courses, insurance, banking, credit card acceptance, consulting services and products. For additional information, go to: [www.americanmedspa.org](http://www.americanmedspa.org) or call (312) 981-0993.



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