



January 16, 2018

The Honorable Halsey Beshears  
Chairman, House Careers and Competition Subcommittee  
303 House Office Building  
402 South Monroe Street  
Tallahassee, FL 32399  
Submitted electronically: [halsey.beshears@myfloridahouse.gov](mailto:halsey.beshears@myfloridahouse.gov)

**Re: HB 965 – Laser Hair Removal or Reduction**

Dear Chairman Beshears:

On behalf of the undersigned organizations and our Florida members, we are writing to **oppose the removal of direct supervision in House Bill 965**. We are concerned that weakening supervision and oversight requirements for laser hair removal would jeopardize patient safety and disregard adequate and appropriate medical training.

**The Safety of Florida Patients is at Risk**

While lasers used for hair removal are extremely safe and effective when used by medical professionals with appropriate training and oversight, in the wrong hands they can cause painful burns and permanent scarring. Our organizations believe that removing any language that requires the direct supervision of a licensed physician would jeopardize patient safety and disregard adequate and appropriate medical training.<sup>1, 2</sup>

Quality patient care includes evaluating a patient's needs and current condition, selecting an appropriate course of treatment, and providing adequate information and follow-up care. When non-physician practitioners are given legal approval to do the same procedures dermatologists spend years in medical and surgical training to perform, patient safety is seriously compromised. Short term, basic training is in no way equivalent to a physician's training and understanding of a medical procedure and its implications for each patient. Ultimately, patient safety and quality of care are seriously compromised.

Additionally, laser hair removal causes more complications than any other medical laser treatment. According to a study published in *Skin and Aging*, hair reduction was the most commonly treated condition that resulted in complications (46%), followed by laser/light leg vein treatments (21%) and non-facial photorejuvenation (11%).<sup>3</sup> Lower extremities were the most common location of complications (36%), followed by the face (22%) and neck (12%). Physicians performing these procedures have years of training in residencies to medically recognize and address complications, in addition to evaluating the patient to determine the most appropriate treatment. For example, laser hair removal procedures are less effective on individuals with light-colored hair and those with tanned or dark skin may be more susceptible to burning.

With multiple medical laser devices available on the market, and as more devices become available, it is critical to ensure that patient safety remains the primary objective. We feel strongly that cosmetic medical procedures, such as laser hair removal, are more safely performed in a dermatologist's office by the physician or under direct, on-site supervision by the physician. Non-ablative procedures, defined as a medical procedure using a laser, ultrasound, intense

pulsed light, cryolipolysis, microwave or radio frequency device that is not expected or intended to remove, burn or vaporize the live epidermal surface of the skin, but may damage the live epidermal surface or underlying tissue if used inappropriately, should only be delegated to non-physicians through the use of a written protocol.<sup>4</sup>

According to a study by Mathew M. Avram, MD, JD, the percentage of medical malpractice lawsuits involving the non-physician use of medical lasers has grown steadily over the past four years, from just 38 percent of lawsuits in 2008 to 78 percent of lawsuits in 2011. According to this same data, 89 percent of laser hair removal-related medical malpractice lawsuits in the year 2011 involved non-physicians performing laser hair removal.<sup>5</sup>

### **The Use of Medical Lasers is the Practice of Medicine**

Any procedure, including hair removal, which utilizes energy-based devices capable of damaging living tissue performed on human beings for cutaneous conditions should be considered as the practice of medicine. Consideration of laser and light-based hair removal as the practice of medicine is consistent with the American Medical Association and the American College of Surgeon's definition of surgery.<sup>6</sup>

Moreover, it is important to consider that in addition to the use of medical lasers themselves, laser hair removal also requires the use of a medical-grade topical anesthetic. In at least two cases, the dispensation of this anesthetic without appropriate supervision has resulted in patient deaths. In 2007, and again in 2009, the Food and Drug Administration (FDA) issued public advisories cautioning consumers about this issue. As stated in the advisory:

*FDA is aware of two instances where women, aged 22 and 25 years old, applied topical anesthetics to their legs to lessen the pain of laser hair removal. These women then wrapped their legs in plastic wrap, as they were instructed, to increase the creams' numbing effect. Both women had seizures, fell into comas, and subsequently died from the toxic effects of the anesthetic drugs. The skin numbing creams used in these two cases were made in pharmacies and contained high amounts of the anesthetic drugs lidocaine and tetracaine. The FDA also has received reports of serious and life-threatening side effects such as irregular heartbeat, seizures and coma, and slowed or stopped breathing following the use of these numbing products. These effects happened in both children and adults and when the anesthetic drug was used both for approved and unapproved conditions.<sup>7</sup>*

In order to protect the people of Florida from adverse events and to ensure quality care, **we urge the Committee to retain language which requires the direct supervision of a physician to perform laser hair removal procedures.** Only adequately trained providers, or those working under the direct, on-site supervision of a physician, should be able to perform laser hair removal. Should you have any questions, please contact Emily Ninnemann, ASDSA Manager of Advocacy and Practice Affairs, at [eninnemann@asds.net](mailto:eninnemann@asds.net) or at (847) 956-9121.

Sincerely,

American Academy of Dermatology Association  
American Osteopathic College of Dermatology  
American Society for Dermatologic Surgery Association  
Florida Society of Dermatology and Dermatologic Surgery  
International Society of Hair Restoration Surgery

Attachment

cc: Members of the House Careers and Competition Subcommittee

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<sup>1</sup> ASDSA Position Statement on Delegation. [http://asdsa.asds.net/uploadedFiles/ASDSA/Polycymakers/ASDSA-%20Delegation%20Position%20Statement\(4\).pdf](http://asdsa.asds.net/uploadedFiles/ASDSA/Polycymakers/ASDSA-%20Delegation%20Position%20Statement(4).pdf)

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<sup>2</sup> AAD Position Statement on the Practice of Dermatology – Protecting Patient Safety Quality Care.

<https://www.aad.org/Forms/Policies/Uploads/PS/PS-Practice%20of%20Dermatology-Protecting%20Preserving%20Patient%20Safety%20Quality%20Care.pdf>

<sup>3</sup> Narurkar, V. 2005, September. "Complications from Laser Procedures Performed by Non-Physicians." *Skin & Aging*. Volume 13 - Issue 9: 70 – 71.

<sup>4</sup> *Safe Laser and Energy-Based Device Act*. Retrieved Nov. 1, 2017.

<http://asdsa.asds.net/uploadedFiles/Safe%20Laser%20and%20Energy-Based%20Device%20Act.pdf>

<sup>5</sup> Jalian HR, Jalian, CA, Avram M. Increased risk of litigation associated with laser surgery by nonphysician operators. *JAMA Dermatol* 2014; 150(4):407-11.

<sup>6</sup> Definition of surgery (2007). Retrieved Nov. 1, 2017. [https://policysearch.ama-](https://policysearch.ama-assn.org/policyfinder/detail/surgery?uri=%2FAMADoc%2FHOD.xml-0-4317.xml)

[assn.org/policyfinder/detail/surgery?uri=%2FAMADoc%2FHOD.xml-0-4317.xml](https://policysearch.ama-assn.org/policyfinder/detail/surgery?uri=%2FAMADoc%2FHOD.xml-0-4317.xml)

<sup>7</sup> Food and Drug Administration. 2007, February 6. "Public Health Advisory: Life-Threatening Side Effects with the Use of Skin Products Containing Numbing Ingredients for Cosmetic Procedures." Retrieved from:

<https://www.fda.gov/Drugs/DrugSafety/PostmarketDrugSafetyInformationforPatientsandProviders/ucm054718.htm>