Section 1285.336 Use of Lasers

a) Definitions
For the purposes of this Section, the following definitions apply. "An ablative treatment is expected to excise, burn or vaporize the skin below the dermoepidermal junction. Non-ablative treatments are those that are not expected or intended to excise, burn or vaporize the epidermal surface of the skin." (The Bulletin of the American College of Surgeons, Vol. 92, No. 4, April 2007)

b) Use of Light Emitting Devices
1) The use of a light emitting device, including, but not limited to, Class 3b and Class 4 lasers required to be registered with the Illinois Emergency Management Agency, Division of Nuclear Safety, under 32 Ill. Adm. Code 315, intense pulsed-light, radiofrequency and medical microwave devices used for the treatment of dermatologic conditions or cosmetic procedures that disrupt the epidermal surface of the skin, whether ablative or non-ablative, is considered to be the practice of medicine, which shall only be performed by a physician licensed to practice medicine.
2) An ablative or non-ablative procedure that can potentially disrupt the eye (cornea to retina) may only be performed by a physician licensed to practice medicine in all of its branches and may not be delegated pursuant to this Section.
3) The physician must examine the patient and determine a course of treatment appropriate to the patient prior to any ablative or non-ablative procedure being performed. If the established course of treatment requires multiple procedures, a subsequent examination shall not be required prior to the performance of each individual procedure.

A) A physician licensed to practice medicine in all of its branches may delegate the performance of ablative procedures to a licensed practical nurse, a registered professional nurse or other persons, with on-site supervision by the physician.
B) A physician licensed to practice medicine in all of its branches may delegate the performance of non-ablative procedures to a licensed practical nurse, a registered professional nurse or other persons, with on-site supervision by the physician or the physician must be available by telephone or other electronic means to respond promptly to any question or complication that may occur.
4) A licensed practical nurse, registered professional nurse or other person delegated the authority to perform any ablative or non-ablative procedures must have received appropriate, documented training and education in the safe and effective use of each system utilized.
c) Nothing in this Section shall be deemed or construed to prevent any person licensed in this State under the Illinois Dental Practice Act as a dentist, the Podiatric Medical Practice Act of 1987, the Nurse Practice Act as an advanced practice nurse as specifically authorized by a written collaborative agreement with a physician licensed to practice medicine in all its branches, or the Physician Assistant Practice Act of 1987 as specifically authorized by written guidelines with a physician licensed to practice medicine in all its branches from engaging in the practice for which he or she is licensed. Nothing in this Section shall be deemed or construed to restrict the use of any device used for therapeutic treatment or procedures that cannot cut, excise, burn or vaporize the skin by a physician licensed to treat human ailments without the use of drugs and without operative surgery. Nothing in this Section shall be deemed or construed to restrict any person licensed under the Electrologist Licensing Act from performing electrology, defined as the practice or teaching of services for permanent hair removal utilizing only solid probe electrode type epilation, which may include thermolysis (shortwave, high frequency), electrolysis (galvanic), or a combination of both (superimposed or sequential blend) [225 ILCS 412/10].

(Source: Added at 33 Ill. Reg. 4971, effective March 19, 2009)