



ARKANSAS STATE MEDICAL BOARD

1401 West Capitol, Suite 340, Little Rock, Arkansas 72201 • (501) 296-1802 • FAX (501) 603-3555
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Kevin O'Dwyer
211 Spring Street
Little Rock, AR 72201
(501) 372-4144

April 21, 2020

APR 24 2020

David Wroten
Executive Vice President
Arkansas Medical Society
P. O. Box 55088
Little Rock, AR 72215

Dear Mr. Wroten:

The Arkansas State Medical Board will conduct a public hearing regarding the Proposed Rule 46 regarding Minor Aesthetic/Cosmetic Procedure.

The public hearings will be held Thursday, June 4, 2020 at 8:50 a.m. in the Boardroom of the Medical Board office.

Comments or feedback should be submitted to our office prior to the public hearing.

Sincerely,

Amy E. Embry
Executive Director

AEE/jeb

PROPOSED

APR 24 2020

RULE 46 - MINOR AESTHETIC/COSMETIC SURGICAL PROCEDURES GUIDELINE

Pursuant to Ark. Code Ann. §17-95-202 the practice of medicine involves the use of surgery for the diagnosing and treatment of human disease, ailment, injury, deformity, or other physical conditions. Surgery is further defined by this board as any procedure in which human tissue is cut, altered, or otherwise infiltrated by mechanical means.

Minor aesthetic/cosmetic surgical procedures are defined by this board as those surgical procedures, which cut, alter or infiltrate into and or below the dermis to include soft tissue fillers, which are permanent or temporary in nature, chemical peels, as well as the infiltration of deeper subcutaneous tissues with neuromodulators for aesthetic or cosmetic purposes. The use of Lasers, light based systems, and devices which affect the deep subcutaneous tissues and subcutaneous fat layers are addressed in Rule number 22.

The delegation of minor aesthetic/cosmetic surgical procedures must comply with the following protocol:

1. The physician must show sufficient training and experience in the procedures being delegated. This may include but is not limited to Board certification in core specialties of Cosmetic, Plastic, Facial Plastic, Dermatology and Oculoplastics. Further, documentation of training and experience shall include but is not limited to:
 - a. Anatomy, physiology, and pathophysiology regarding the integumentary system as well as systems specific to the procedures being performed.
 - b. Proper technique for each procedure delegated.
 - c. Proper knowledge of client selection, history taking, physical assessment, indications and contraindications for treatment.
 - d. Pharmacology including drug actions and interactions, side effects, contraindications, and untoward effects.
 - e. Proper selection, maintenance and utilization of equipment.
 - f. Realistic and expected outcomes of the procedure(s).
 - g. Potential complications and side effects of the procedure(s).
 - h. Management of complications or adverse reactions.
 - i. Infection control and safety precautions.
 - J. Documentation of supervised clinical experience
 - k. Validation of competency
2. The physician must personally diagnose and document the condition of the patient, prescribe the treatment and procedure to be performed and is responsible for the acts of the employee performing the delegated minor aesthetic/cosmetic surgical procedure.
3. The physician may delegate the minor aesthetic/cosmetic surgical procedures to properly trained non-physician personnel who hold an

Arkansas State license or privilege to practice as a Registered Nurse (RN), Advanced Practice Nurse (APRN) Physician Assistant (PA) and/or other personnel whose practice act allows the performance of these procedures and can document experience and training in aesthetic/cosmetic surgery practice. Physicians may delegate to unlicensed personnel only those procedures that comply with the provisions of rule 31 act 472 of 2009. Delegation of these procedures to a Licensed practical nurse (LPN) or licensed aesthetician is prohibited.

4. The physician must be available at the time the minor surgical procedure is performed and must be available to respond to the patient should there be any complications from the minor aesthetic/cosmetic surgical procedure.
5. All non-Physician personnel to whom minor aesthetic/cosmetic surgical procedures are delegated must have a legal written agreement or be contracted with a physician; or be an employee of the physician and /or a physician owned business as described in regulation 4-29-301 "Medical Corporation Act."
6. Collaboration with Advanced Practice Registered Nurse (APRN)
 - a. All Physicians collaborating with an (APRN) to provide minor aesthetic/cosmetic procedures must be board certified in one of the core specialties to include Cosmetic, Plastic, Facial Plastics, Dermatology and Oculoplastics or must show sufficient training and clinical experience in performing the procedures to be performed by the APRN.
 - b. Physicians may only collaborate to provide minor aesthetic/cosmetic surgical procedures with an (APRN) who has Completed Board Certification by the International Society of Aesthetic Nurses or meets the equivalent requirements for board certification or has completed core specialty training in aesthetic medicine as defined by the Arkansas State Board of Nursing, unless specifically authorized by their respective practice acts or rules.

The physician who does not comply with the above-stated protocol when performing minor surgical procedures will be considered as exhibiting gross negligence, subjecting the physician to a disciplinary hearing before the Board pursuant to the Medical Practices act and the Rules of the Board.

Ark. Code. Ann. §17-95-409(a)(2)(G) states that the Board may revoke an existing license, or suspend the same, if a physician has committed unprofessional conduct, further defined as committing gross negligence or ignorant malpractice. The board finds that a physician has; in fact, committed gross negligence if the physician or physicians delegated personnel performs minor surgical procedures on patients without the benefit of appropriate clinical training and experience.