

# Oklahoma State Board of Medical Licensure and Supervision

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## Policy and Guidelines for Medical Spas & Aesthetic Procedures

### **Definitions (Oklahoma Law & Rules)**

#### **Practice of Medicine**

Every person shall be regarded as practicing allopathic medicine within the meaning and provisions of this act, who shall append to his or her name the letters "M.D.", "Physician" or any other title, letters or designation which represent that such person is a physician, or who shall for a fee or any form of compensation diagnose and/or treat disease, injury or deformity of persons in this state by any allopathic legend drugs, surgery, manual, or mechanical treatment unless otherwise authorized by law.

#### **Doctor/Patient Relationship**

Means a person has a medical complaint/issue, which has been addressed by the doctor and there is a correlation between the complaint/issue and the treatment/procedure performed or drug given/prescribed/dispensed.

#### **Surgery**

The ablation or alteration of any human tissue by any means including but not limited to the use of sharp surgery, heat, cold, abrasion, laser, chemicals, injection/placement of substances subcutaneous, or the use of FDA approved devices *that can only be initially purchased by physicians* is the practice of medicine as defined in Title 59 O.S. Section 492. Lasers are instruments of surgery. No matter what type of laser is being utilized, a physician involved in the process should following these guidelines.

### **GUIDELINES**

The practice of medicine and surgery as defined above is grounded upon the **doctor/patient relationship** which at a minimum requires a face-to-face evaluation of the patient by the physician or a physician assistant under a physician's supervision, prior to the determined treatment or procedure, development of a patient chart, providing patient informed consent and the process for the patient's follow up care.

There are several important guidelines to follow when supervising other practitioners.

- If the physician is utilizing unlicensed, trained assistants under their control and supervision, the physician must be on-site (premise) before, during and after the medical treatment or procedure.
- If the physician is utilizing an Oklahoma licensed physician assistant (PA), the physician can delegate any of the defined medical services to that licensed PA under general supervision, which does not require the physician to necessarily be on-site.

- If the physician is utilizing an Oklahoma licensed nurse, [RN, LPN, APN (advance practice nurse) or APN with prescriptive authority] and **IF** they are functioning within the scope of their practice act, then the physician may delegate any of the defined medical services to that licensed nurse under general supervision, which may not require the physician to be on-site. It is imperative that the physician contact the Oklahoma Board of Nursing (405-962-1800) to find out the nurse's scope of practice and level of physician supervision required.
- If the physician is utilizing any other Oklahoma recognized practitioner such as a certified micropigmentologist or licensed aesthetist, the physician must contact the Oklahoma Department of Health (405-271-6576) or the Board of Cosmetology (405-521-2441) respectively and find out the scope of their practice act and level of medical supervision required.
- In no instance may a physician allow one of the aforementioned practitioners to further delegate the medical service to another practitioner.
- Physicians who are medical directors for one or multiple medical spa and aesthetic facilities are subject to these guidelines.

When in doubt of a specific medical procedure/treatment and the corresponding level of supervision, the physician should contact the Oklahoma Board of Medical Licensure and Supervision or appropriate regulatory agency before potentially placing their medical license in jeopardy.

**Oklahoma Board of Medical Licensure and Supervision**  
5104 North Francis Avenue  
Oklahoma City, Oklahoma 73118  
405-848-6841  
[www.okmedicalboard.org](http://www.okmedicalboard.org)

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