The Oklahoma State Board of Osteopathic Examiners
Guidelines for Medical Spas and Aesthetic Procedures

Definitions

Medical Spas:

The use of prescriptive medical drugs, devices and injections is the practice of medicine, and the same federal and state laws, rules, and regulations apply to these types of treatments as to those driven by medical necessity. Thus, within a "medical spa" practice, the laws and medical standards governing the establishment of a physician/patient relationship, medical records, informed consent, delegation to allied health practitioners and supervision, clinical safety and backup apply to physicians, even those denominated as "medical director".

Practice of Osteopathic Medicine:

Osteopathic medicine utilizes generally accepted physical, pharmacological and surgical methods of diagnosis and therapy while placing emphasis on the importance of body mechanics and manipulative methods to detect and correct faulty structure and function. It shall be unlawful for any person to practice as an osteopathic physician and surgeon in their state without a license to do so as issued by the State Board of Osteopathic Examiners. (O.S. Title 59, Sections 620-645) Every osteopathic physician shall be regarded as practicing osteopathic medicine within the meaning of this policy who shall append to his or her name the letters “D.O.”, “Physician”, or any other title, letters or designation which represent that such person is an osteopathic physician.

Physician/Patient Relationship:

This means a person has a medical complaint/issue, which has been addressed by the physician and there is a correlation between the complaint/issue, diagnosis and the
treatment plan and procedure performed and medication drug prescribed, administered or 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 O.S. Title 59, Section 492. Lasers are instruments of surgery. No matter what type of laser is being utilized, an osteopathic physician should adhere to the following policy and guidelines.

**Policy and Guidelines**

A. The practice of osteopathic medicine and surgery as defined above is grounded upon the establishment of a physician/patient relationship which requires a face-to-face evaluation of the patient by the physician, or appropriate delegation as allowed by law, and creation of a patient chart with a documented patient history and physical exam, and informed consent by the physician prior to a determined treatment plan and procedure along with the patient's follow up care.

B. Physicians shall only delegate to those whom they know to be qualified by training and experience. Physicians shall only delegate to appropriately licensed or certified medical staff. The operation of lasers and other prescriptive devices shall only be delegated to a physician assistant (PA), advanced practice nurse (APN) or registered nurse (RN). No unlicensed staff may use these devices regardless of training or supervision. The level of physician supervision is dependent on the type of licensed professional being delegated to. If they are to supervise the procedure, the physician must be able to show competency in the procedure that he or she is supervision.
C. If the physician is utilizing an Oklahoma licensed physician assistant or advance practice nurse, the physician can delegate any of the defined medical services to the PA or APN under general supervision, which does not require the physician to necessarily be on-site.

D. If the physician is utilizing any other Oklahoma recognized practitioner, such as a licensed practical nurse (LPN), nurse anesthetist (NA), certified micropigmentologist or cosmetologist, the physician should contact the Board of Nursing, Oklahoma Department of Health or State Board of Cosmetology respectively to learn the scope of their practice act and level of physician supervision required.

E. In no instance shall a physician allow one of the aforementioned practitioners to further delegate the medical service to another practitioner.

F. Medical treatments should be performed by medical professionals only. Patients must know who will perform the procedure and their licensing and certification title.

G. Physicians who perform or delegate treatment procedures are responsible for their patient’s safety. As supervisors, physicians are responsible for the installation and maintenance of backup systems and emergency plans and procedures, to include “crash cart” with emergency devices and resuscitation drugs.

H. Physicians who are medical directors for one or more medical spas and aesthetic facilities are subject to these policies and guidelines.

Cosmetic procedures are the practice of medicine, regardless of who performs the procedure. Physicians cannot “sell” or “lend” their license, name and doctor title to an
entity in order to practice medicine. “Clients” of a medical spa, under whatever name or description, are patients – the physician’s patients. Thus, the physician is ultimately responsible.

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

Approved by the Oklahoma Osteopathic Board 03/12/2020, to go into effect beginning 05/12/20.