The American Nurses Association *Code of Ethics for Nurses* states that the nurse:

The nurse practice with compassion and respect for the inherent dignity, worth, and unique attributes of every person.

The nurse’s primary commitment is to the patient, whether an individual, family, group, community, or population.

The nurse promotes, advocates for, and protects the rights, health, and safety of the patient.

The nurse has authority, accountability, and responsibility for nursing practice; makes decisions; and takes action consistent with the obligation to promote health and to provide optimal care.

The nurse owes the same duties to self as to others, including the responsibility to promote health and safety, preserve wholeness of character and integrity, maintain competence, and continue personal and professional growth.

The nurse, through individual and collective effort, establishes, maintains, and improves the ethical environment of the work setting and conditions of employment that are conducive to safe, quality health care.

The nurse, in all roles and settings, advances the profession through research and scholarly inquiry, professional standards development, and the generation of both nursing and health policy.

The nurse collaborates with other health professionals and the public to protect human rights, promote health diplomacy, and reduce health disparities.

The profession of nursing, collectively through its professional organizations, must articulate nursing values, maintain the integrity of the profession, and integrate principles of social justice into nursing and health policy.
STATEMENT

In accordance with this Code, the intent of this statement is to provide guidelines related to the registered nurse participating in the provision of light based therapies. The role of the registered nurse changes with advancing technology and newly identified needs. The registered nurse's role must be consistent with the scope of practice defined in the Nurse Practice Act, standards developed by the nursing profession, and limitations to practice as defined by other regulatory boards.

LAW AND RULE

Rules promulgated from the law regulating the practice of medicine.
Rule authorized by Ohio Revised Code (ORC) 4731.05.
Rule promulgated under ORC 119.03.
OAC 4731-18-02 (A-C)

(A) For the purposes of this rule, light based medical device shall mean any device that can be made to produce or amplify electromagnetic radiation at wavelengths equal to or greater than one hundred eighty nm but less than or equal to $1.0 \times 10^6$ nm and that is manufactured, designed, intended or promoted for in vivo irradiation of any part of the human body for the purpose of affecting the structure or function of the body.

(B) The application of light based medical devices to the human body is the practice of medicine and surgery, osteopathic medicine and surgery and podiatric medicine and surgery.

(C) Except as provided in rule 4731-18-03 and rule 4731-18-04 of the Administrative Code, no physician licensed pursuant to Chapter 4731. of the Revised Code shall delegate the application of light based medical devices to the human body to any person not authorized to practice medicine and surgery, osteopathic medicine and surgery or podiatric medicine and surgery pursuant to Chapter 4731. of the Revised Code.

(D) A violation of paragraph (C) of this rule shall constitute "a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established," as that clause is used in division (B)(6) of section 4731.22 of the Revised Code and "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in division (B)(20) of section 4731.22 of the Revised Code, to wit: section 4731.41 of the Revised Code.
OAC 4731-18-03 (A)

(A) A physician licensed pursuant to Chapter 4731. of the Revised Code may delegate the application of light based medical devices only for the purpose of hair removal and only if all the following conditions are met: (emphasis added)

(1) The light based medical device has been specifically approved by the United States Food and Drug Administration for the removal of hair from the human body; and

(2) The use of the light based medical device for the purpose of hair removal is within the physician's normal course of practice and expertise; and

(3) The physician has seen and personally evaluated the patient to determine whether the proposed application of a light based medical device is appropriate; and

(4) The physician has seen and personally evaluated the patient following the initial application of a light based medical device, but prior to any continuation of treatment in order to determine that the patient responded well to that initial application; and

(5) The person to whom the delegation is made is one of the following:

(a) A physician assistant pursuant to Chapter 4730. of the Revised Code and the physician has a board approved supplemental utilization plan allowing such delegation; or

(b) A cosmetic therapist licensed pursuant to Chapter 4731. of the Revised Code; or

(c) A registered nurse or licensed practical nurse pursuant to Chapter 4723. of the Revised Code; and

(6) The person to whom the delegation is made has received adequate education and training to provide the level of skill and care required; and,

(7) The physician provides on-site supervision at all times the person to whom the delegation is made is applying the light based medical device; and,

(8) The physician supervises no more than two persons pursuant to this rule at the same time.

(C) The cosmetic therapist, physician assistant, registered nurse and licensed practical nurse shall immediately report to the supervising physician any clinically significant side effect following the application of the light based medical device or any failure of the treatment to progress as was expected at the time the delegation was made. The physician shall see and
personally evaluate the patient who has experienced clinically significant side effects or whose treatment is not progressing as expected as soon as practicable.

(D) For purposes of this rule, on-site supervision requires the physical presence of the supervising physician in the same location (i.e., the physician's office suite) as the cosmetic therapist, physician assistant, registered nurse or licensed practical nurse, but does not require his or her presence in the same room.

OAC 4731-18-04

(A) A physician authorized pursuant to Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery may delegate to any appropriate person the application of light based medical devices approved by the United States food and drug administration for phototherapy in treatment of hyperbilirubinemia in neonates.

(B) A physician authorized pursuant to Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery may delegate to any appropriate person the application of a light based medical device that is a fluorescent lamp phototherapy device for treatment of psoriasis and similar skin diseases. A fluorescent lamp phototherapy device is a device that emits ultraviolet light through the use of one or more fluorescent bulbs and is approved by the United States food and Drug administration for phototherapy in the treatment of psoriasis or similar skin diseases.

POSITION

The nursing care of patients receiving light based therapies should reflect knowledge of current scientific principles and competent clinical skills. Such actions should be goal directed and incorporate assessment, analysis, planning, implementation, and evaluation.

POLICY DEVELOPMENT

The registered nurse acting as a member of a laser team or providing light based therapy at the direction of the physician should maintain current documentation of personal competency, including the knowledge, skills, and abilities as outlined by nationally recognized professional associations, and practice in accordance with all other applicable law and rules.

The employers of registered nurses who act as laser team members or provide light based therapy as a part of their employment function should develop facility policy and procedure that include the following:

A. Role description, training requirements, education, and competency development as outlined by nationally recognized professional associations, safety requirements, and regulatory boards.
B. The role of the laser team member involves:

(a) monitoring and ensuring laser safety;
(b) assisting with laser system and ancillary preparation (e.g., supplies, laser unit set-up, operate laser control panel under the direction of the physician;
(c) documentation; and
(d) patient preparation and education.