

Malpractice: Laser Surgery Lawsuits Surge

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Lawsuits relating to injury from laser surgery are on the rise, and physicians have been held liable even if they were not personally operating the device, a retrospective study found.

Over a 25-year period, 174 cases of cutaneous injury were reported following procedures such as hair removal and facial rejuvenation, according to H. Ray Jalian, MD, of Harvard Medical School, and colleagues.

And although in only 100 of the cases the physician actually performed the procedure, in 146 the physician was listed as a defendant, the researchers reported in the February JAMA Dermatology.

"These data clearly suggest that the onus of liability is placed squarely on physicians," Jalian and colleagues cautioned.

There are no federal requirements as to who can use lasers for cutaneous purposes or what type of training or supervision is needed. Because regulations on cutaneous laser use are left to the states, and considerable uncertainty exists, the researchers aimed to provide an overview of current trends in malpractice litigation.

"An action for medical malpractice is based on the negligent infliction of personal injury or wrongful death in the course of medical treatment by a provider who professed to have a special knowledge and skill in the practice of medicine," they explained.

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