



STATE OF TENNESSEE
DEPARTMENT OF HEALTH
OFFICE OF GENERAL COUNSEL
Plaza I, Suite 210
220 Athens Way
Nashville, Tennessee 37243
(615) 741-1611 / Facsimile: (615) 532-7749

PHIL BREDESEN
GOVERNOR

SUSAN R. COOPER, MSN, RN
COMMISSIONER

Tennessee Board of Medical Examiners
Private Advisory Opinion

November 6, 2007

Helen G. Morrow, M.D., M.P.A., F.A.A.P., Acting Health Officer
Memphis & Shelby County Health Department
814 Jefferson Ave.
Memphis, TN 38105

RE: Private Advisory Ruling regarding the performance of body scarification as a medical procedure requiring a physician.

Issue: Is the use of a scalpel or any ablative device to remove the top layer of skin in strips to create a design on the body the practice of medicine or surgery?

The Board of Medical Examiners received your letter regarding the use of scarification in a Memphis tattoo parlor and believes that the practice you described constitutes the practice of medicine.

The practice of medicine is defined in Tenn. Code Ann. § 63-6-204(a)(1) as any person "who treats, or professes to diagnose, treat, operates on, or proscribes for any physical ailment or any physical injury to or deformity of another." The Rules of the Board of Medical Examiners further explain the scope of medical practice in Tennessee by defining surgery as: "The excision or resection, partial or complete, destruction, incision or other structural alteration of human tissue by any means (including through the use of lasers) performed upon the body of a living human for purposes of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defects, prolonging life, relieving suffering, or for aesthetic, reconstructive or cosmetic purposes, to include, but not limited to: incision or curettage of tissue or an organ; suture or other repair of tissue or organ, including a closed or an open reduction of a

*Tennessee Department of Health Mission:
To promote, protect and improve the health of persons living in, working in, or visiting the State of Tennessee.*

fracture; extraction of tissue, including premature extraction of products of conception from the uterus; and insertion of natural or artificial implants." Tenn. Comp. R. & Regs. 0880-2-.21(3)(q) (2007).

The Board of Medical Examiners believes that the practice of Scarification, or incisions into human tissue for the purpose of creating designs constitutes the practice of medicine and also the practice of surgery.

Yours truly,

A handwritten signature in black ink, appearing to read "Mitchell L. Mutter". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mitchell L. Mutter, M.D., President
Tennessee Board of Medical Examiners