



AMERICAN SOCIETY OF
PLASTIC SURGEONS®

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THE PLASTIC SURGERY
FOUNDATION™



July 9, 2019

The Honorable Gina Raimondo
Governor of Rhode Island
82 Smith Street
Providence, RI 02903

RE: Veto S.292/H.5251

Dear Governor Raimondo:

On behalf of the New England Society of Plastic and Reconstructive Surgeons (NESPRS) and the American Society of Plastic Surgeons (ASPS), we are writing in opposition to Senate Bill 292/House Bill 5251 (S.292/H.5251), which would allow non-medical professionals to administer procedures using lasers and energy-based devices. NESPRS is one of the largest associations of plastic surgeons in the region, and in conjunction with our national affiliate, ASPS, we represent 28 board-certified plastic surgeons in Rhode Island. Our mission is to advance quality care for plastic surgery patients and promote public policy that protects patient safety.

While laser procedures are extremely safe and effective when used by medical professionals with appropriate training and oversight, they can cause painful burns and permanent scarring in the wrong hands. Even when used at the manufacturer's recommended settings, these devices can cause profound skin injury. For instance, despite only one-third of laser hair removal procedures being performed by non-physicians (including nurses, nurse practitioners, estheticians, or "technicians"), they accounted for 76% of injury lawsuits from 2002-2012. This number jumped to 85.7% of lawsuits filed between 2008-2012, with 64% of treatments performed outside of a traditional medical setting.

Therefore – for patient safety and quality outcomes – it is critical that all lasers and intense pulse light (IPL) devices are only operated by physicians or delegated to other licensed medical professionals under direct physician supervision. These licensed professionals include physician assistants (PAs), nurse practitioners (NPs), licensed practical nurses (LPNs), and registered nurses (RNs) who are acting within the scope of their licensure and are under a physician's supervision. They should not include cosmetologists, electrologists, estheticians, or other professionals who have no medical training.

However, S.292/H.5251 would allow electrologists – who are not medical professionals – to perform procedures using lasers and light-based devices. Per § 5-32-4 Rhode Island Statutes, electrologists are only required to have graduated from high school (or hold an equivalent diploma) and have satisfactorily completed either a course of training in electrolysis, as a registered apprentice in electrolysis, or graduated from a school of electrolysis after having satisfactorily completing a program

consisting of at least 650 hours of study and practice in the theory and application of electrolysis.¹ This bill does not specify the additional course of training that electrologists would be required to undergo in order to be qualified to fire lasers and other light-based devices. That is immaterial, though, because no amount of training can provide the medical expertise necessary to perform procedures involving lasers or light-based devices. Weekend courses and a written protocol with a provider can never supplement the medical training obtained by nurses, physician assistants or physicians – training which is necessary to identify complications that may arise while performing the laser procedure. Therefore, it would not be appropriate for an electrologist, or any other nonmedical professional, to perform procedures that could jeopardize patient safety.

Moreover, while Section 23-95-3(a) stipulates that PAs or RNs (including LPNs and NPs) acting under physician supervision can conduct the initial assessment of the patient, treatment should never commence until initial assessments are conducted by a physician. High-quality care is best delivered by a physician-led team of health professionals, in which the physician – with years of advanced medical training – can make a clinical assessment on the best course of treatment for the patient.

We respectfully urge you to veto S.292/H.5251 and allow only licensed medical professionals to use lasers and light-based hair removal or reduction devices. Please do not hesitate to contact Patrick Hermes, Director of Advocacy and Government Relations, at phermes@plasticsurgery.org or (847) 228-3331 with any questions or concerns.

Sincerely,

Alan Matarasso, MD, FACS
President
American Society of Plastic Surgeons

Michael Yaremchuk, MD, FACS
President
New England Society of Plastic and
Reconstructive Surgeons

¹ <http://webserver.rilin.state.ri.us/Statutes/TITLE5/5-32/5-32-4.HTM>