



AMERICAN SOCIETY OF
PLASTIC SURGEONS®



THE PLASTIC SURGERY
FOUNDATION®

Executive Office

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November 6, 2017

The Honorable Jason M. Lewis, *Co-Chair*
The Honorable Kate Hogan, *Co-Chair*
The Honorable Paul R. Feeney, *Co-Vice Chair*
The Honorable Evandro C. Carvalho, *Co-Vice Chair*
Joint Committee on Public Health
Massachusetts General Court
State House, Room 511B
Boston, MA 02133

RE: House Bills 1169, 2463, and 2470

Dear Members of the Joint Committee on Public Health:

I am writing on behalf of the American Society of Plastic Surgeons (ASPS) regarding House Bills 1169, 2463, and 2470. ASPS is the largest association of plastic surgeons in the world, representing more than 7,000 members and 94 percent of all board-certified plastic surgeons in the United States – including nearly 200 physicians in Massachusetts. Our mission is to advance quality care for plastic surgery patients and promote public policy that protects patient safety.

H.B. 1169 and H.B. 2463 prohibit a registered optometrist from using or prescribing invasive surgical procedures. While these may sound like proposals that would increase patient safety, they will actually allow optometrists to conduct procedures that are in fact surgical, but not necessarily strictly considered “invasive” as defined in Massachusetts. As surgeons, we encourage you to uphold the high level of patient care that has been established and maintain current standards that permit only licensed physicians who meet appropriate education, training, and professional standards to perform surgery in the ocular region. The bills allow optometrists – who are not physicians – to perform procedures that fall squarely within the practice of medicine. Alarming, the bills also do not include any specific educational requirements for optometrists to perform surgery.

For example, while optometrists and ophthalmologists are both healthcare professionals who specialize in eye care, there are stark differences between the prerequisites to licensure and practice for each profession. Optometrists complete four to five years of post-graduate education, while ophthalmologists are required to complete seven to ten years of post-graduate education and training. In summation, allowing optometrists to practice medicine without the requisite medical school and residency training would jeopardize patient safety and lower the standard of surgical care in the state.

While we oppose the aforementioned bills, we are fully in support of H.B. 2470. This measure will define surgery in a manner consistent with the definition drafted by the American College of Surgeons and the American Medical Association (AMA). ASPS strongly believes that the scope and definition of surgery should be evaluated and codified in a manner that ensures the practice of surgery is limited to trained surgeons.

Passage of H.B. 2470 will accomplish this important goal. A statutory definition of surgery will ensure that all providers are held to the same, high standards and that patients are served by trained professionals who do not practice outside of a scope of practice appropriate for their training. This is a necessary and intelligent patient safety measure. Consequently, ASPS fully supports and encourages the Joint Committee on Public Health to advance the bill as written.

As stated by the AMA, "patient safety and quality of care are paramount and, therefore, patients should be assured that individuals who perform these types of surgeries are licensed physicians (defined as doctors of medicine or osteopathy) who meet appropriate professional standards." (AMA, Res. 212; A-07; Reaffirmed: BOT Rep. 16, A-13.)

We appreciate the legislature's ongoing efforts to protect the citizens of Massachusetts by appropriately defining and restricting surgery to trained surgeons. Therefore, we urge you to report H.B. 2470 out of committee – and to not report H.B. 1169 or H.B. 2463 out of committee. Thank you for your consideration of our positions on these important issues. 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,

A handwritten signature in black ink, appearing to read "Jeffrey E. Janis". The signature is fluid and cursive, with a large initial "J" and "E".

Jeffrey E. Janis, MD, FACS
President, American Society of Plastic Surgeons