



AMERICAN SOCIETY OF
PLASTIC SURGEONS®



THE PLASTIC SURGERY
FOUNDATION®

Executive Office

444 East Algonquin Road • Arlington Heights, IL 60005-4664

847-228-9900 • Fax: 847-228-9131 • www.plasticsurgery.org

October 3, 2017

The Honorable Julio Gonzalez, MD, JD
Florida State Representative
417 House Office Building
402 South Monroe Street
Tallahassee, FL 32399

RE: In opposition to HB 81 and HB 6007

Dear Representative Gonzalez:

The American Society of Plastic Surgeons (ASPS) strongly opposes HB 81 and HB 6007 regarding maintenance of certification (MOC) and truth in advertising (TIA). ASPS is the largest association of plastic surgeons in the world, representing more than 8,000 members and 94% of all board-certified plastic surgeons in the United States. Our mission is to advance quality care for plastic surgery patients by encouraging high standards of training and physician practice. Board certification by an ABMS or AOA member board is a key validator of those standards.

HB 81 prohibits licensing boards, the Florida Department of Health, health care facilities, and insurers from requiring MOC or recertification as a condition of licensure, reimbursement, or admitting privileges for any physician who has at one time been board certified. This bill usurps the right of the government, health care facilities, and insurers to determine the standards required for participation in their systems. The maintenance of board certification status is an important measure of a physician's commitment to life-long learning and remaining up-to-date in his or her field.

Board certification is unquestionably an appropriate measure of a physician's credentials. The duration, breadth, and scope of training required by ABMS and AOA member-boards are a proven validation of physician knowledge. While there has been controversy regarding the cost and value of MOC requirements within certain ABMS boards, this has been recognized and is being acted upon. The ABMS is committed to ensuring that member boards identify and implement user-friendly, cost-effective, and educationally-valuable methods of continuing education as the means of maintaining board certification.

Physicians hold lives in their hands. Just like airline pilots, physicians must maintain their skills and continually add to their fund of knowledge as their career evolves. The public demands it. One-

and-done board certification does not guarantee that a practicing physician is “keeping up” with the latest advances in his or her specialty. Maintenance of certification is the only vehicle that demonstrates a physician is participating in the life-long learning necessary for patient safety and the best outcomes. Removing this life-long learning requirement as HB 81 suggests is bad medicine. We seriously ask you to consider the consequences.

HB 6007 would enable a doctor who is not formally recognized as a specialist by the ABMS or another recognizing agency that has been approved by the Florida Board of Medicine to advertise himself or herself as a board-certified specialist. It also repeals the disciplinary action or denial of license when a physician (or non-physician) advertises as a board-certified specialist when they are not qualified as such. Finally, the measure allows *any* physician to supervise advanced registered nurse practitioners (ARNPs) or physician assistants (PAs) at an office that primarily provides dermatologic or skin care services (a med spa).

Many Florida doctors advertise themselves as “plastic” or “cosmetic” surgeons. Because *patients were being harmed* by doctors practicing outside the scope of their training, Florida enacted truth-in-advertising regulations so that patients could more easily evaluate the credentials of providers. Patients can still choose whomever they please to provide a service, but TIA at least informs the patient of the provider’s valid board-certification and training.

Removing TIA once again allows health care providers to make deceptive or misleading statements regarding their qualifications. They can claim “board certification” by bogus boards whose only requirement for membership is payment of a fee. Doctors working far outside the scope of their training would be free to claim unwarranted expertise. Podiatrists could mislead patients into thinking they are orthopedists. As a physician, you should understand our concern that deregulating these clear patient protections is profoundly troubling.

In the past, Florida patients were being harmed by “medical spas” where nurses were practicing independently under the “supervision” of physicians who were either never on site and/or had no training to supervise the treatments being provided. *Patients were injured*. As a result, Florida enacted laws that require appropriate supervision of medical spas by physicians working within the scope of their training, such as plastic surgeons, dermatologists, and ENT-facial plastic surgeons. This is an important patient protection. HB 6007 seeks to undermine this protection by allowing advanced practice nurses and physician’s assistants to provide medical spa services without the supervision of an appropriate MD. This is a step back to the “bad old days” and again puts patients at risk.

These bills threaten patient safety and transparency. Health plans, hospitals, and particularly patients deserve to know the accurate credentials of physicians. They deserve to know that “board certification” is a true indicator of a physician’s training and skill. Being board certified “at one point in time” is not equivalent to a physician who practices life-long learning through maintenance of certification. Being “board certified” by a bogus board is not the equivalent of certification by an ABMS/AOA board. We beg you to ensure that patients do not once again become victims. We respectfully urge you to pull these bills.

Thank you for your consideration of ASPS's comments. Please do not hesitate to contact Patrick Hermes, Senior Manager of Advocacy and Government Affairs, with any questions at phermes@plasticsurgery.org or (847) 228-3331.

Regards,

A handwritten signature in black ink that reads "Debra Johnson MD". The signature is written in a cursive style with a large, looped initial "D".

Debra Johnson, MD
President, American Society of Plastic Surgeons