

December 17, 2018

Marcus Friedrich, MD, MBA, FACP
Chief Medical Officer
Office of Quality and Patient Safety
New York State Department of Health
Empire State Plaza, Corning Tower Suite 2001
Albany, NY 12237

RE: Amendment of Title 10 NYCRR 1000

Dear Dr. Friedrich:

As plastic surgeons, we have firsthand experience delivering care in office-based settings. Specialty care provided in this setting has many advantages for both plastic surgeons and our patients, including convenience of scheduling, increased efficiency and consistency in both nursing and support staff, and more privacy for patients.

The proposed changes to 10 NYCRR 1000 would create significant new costs for plastic surgeons in our state that would threaten the viability of OBS as a practice setting. Many of our OBS practices are not readily-equipped to handle reporting requirements through advanced electronic health record (EHR) systems. Many of us run small businesses that would face drastic shortfalls should we have to implement the types of systems that larger institutions currently have in place. This fact was conveniently left out of DOH's regulatory impact statement, which falsely claims that the regulatory impact on small businesses will be "minimal."

As plastic surgeons practicing in New York, we urge the New York State Department of Health (DOH) to work with the recognized accrediting agencies and identify together how you can implement strategies enabling the collection of appropriate data for the interpretation of quality and patient safety efforts. The healthcare industry is seeking to reduce administrative burden to allow for more efficient use of physician and practice staff time. This level of duplicative data collection is not supportive of the trend and does not go far enough to recognize that these entities already require strict standards of care on office-based practices. The accreditation process is rigorous and provides for re-occurring reviews of the physicians practice. This is consistent with our professional standards, as the American Society of Plastic Surgeons (ASPS) requires its members to work only in certified facilities.

We recognize the intent of the proposed regulation is to provide context in how frequent or rare particular adverse events are occurring in office-based settings. We are concerned that the approach as proposed will negatively affect small businesses, the physicians who run them, and the patients who rely on them for high-quality care. We urge you to withdraw it and instead engage the national accrediting agencies and New York OBS practice owners before proposing any future regulatory updates.

Sincerely,

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