



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](http://www.plasticsurgery.org)

February 2, 2018

The Honorable Todd Clodfelter  
Arizona State Representative  
Capitol Complex, House Room 121  
1700 West Washington Street  
Phoenix, AZ 85007

**RE: H.B. 2378**

Dear Representative Clodfelter:

On behalf of the Arizona Society of Plastic Surgeons (AZSPS) and the American Society of Plastic Surgeons (ASPS), we are writing regarding House Bill 2378. The AZSPS is the largest association of plastic surgeons in Arizona, and in conjunction with our national affiliate ASPS, we collectively represent 142 plastic surgeons in Arizona. 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 estheticians, cosmetologists, or other professionals who have no medical training. Additionally, physicians and PAs or RNs (including LPNs and NPs) acting under physician supervision can conduct the initial assessment of the patient, but treatment should not commence until reviewed by the physician.

With respect to supervision, ASPS recommends the following supervision standards for PAs, LPNs (including NPs) or RNs utilizing lasers: the physician should be immediately available by electronic communication, be no further than fifty (50) miles away and must be available to physically see the patient within twenty-four (24) hours. These supervision requirements recognize that certain physician specialists, like plastic surgeons, are going to be in-hospital performing surgeries on some days, but also provide a mechanism to protect the public from medispas with physician supervisors in name only.

Therefore, we respectfully urge you to allow only licensed physicians to supervise the use of lasers and light-based hair removal or reduction devices – and ask that you do not bring this measure forward. Please do not hesitate to contact Patrick Hermes, Director of Advocacy and Government Relations, at [phermes@plasticsurgery.org](mailto:phermes@plasticsurgery.org) or (847) 228-3331 with any questions or concerns.

Sincerely,

Handwritten signature of Jeffrey E. Janis in black ink.

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

Handwritten signature of Raman C. Mahabir in black ink.

Raman C. Mahabir, MD, MSc, FRCSC, FACS  
President, Arizona Society of Plastic Surgeons