

February 12, 2018

The Honorable Dana Young, *Chair*
Committee on Health Policy
Florida State Senate
404 S. Monroe Street
Tallahassee, FL 32399

RE: S.B. 744

Dear Chair Young:

On behalf of the Florida Society of Plastic Surgeons (FSPS) and the American Society of Plastic Surgeons (ASPS), we are writing in opposition to S.B. 744. The Florida Society of Plastic Surgeons is the largest association of plastic surgeons in Florida, and in conjunction with our national affiliate the American Society of Plastic Surgeons, we collectively represent 549 board-certified plastic surgeons in the state. 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.


For patient safety and quality outcomes, it is critical that all lasers and intense pulse light (IPL) devices are only operated by physicians or 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, we recommend 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 believe it is ill-advised to transfer the regulatory oversight of these medical devices from the Board of Medicine to the Department of Business and Professional Regulation. The operation of lasers and IPL devices clearly falls within the scope of medicine, and should be regulated by medical experts who have the background and training to promulgate appropriate rules to keep Floridians safe. We respectfully urge you to allow only licensed medical professionals to use lasers and light-based hair removal or reduction devices.

However, as it seems the State of Florida seems intent on allowing non-medical professionals to operate lasers and IPL devices, we urge you to protect provisions that require direct supervision by a physician in order to perform procedures with those devices and to not make a bad situation worse by transferring regulatory oversight of these procedures to the Department of Business and Professional Regulation. 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,



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



Mauricio J. Castellon, MD, FACS
President, Florida Society of Plastic Surgeons

cc: Members, Senate Committee on Health Policy