



AMERICAN SOCIETY OF  
PLASTIC SURGEONS®

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THE PLASTIC SURGERY  
FOUNDATION™



April 30, 2021

The Honorable Deb Patterson, *Chair*  
The Honorable Tim Knopp, *Vice-Chair*  
Senate, Committee on Health Care  
900 Court Street NE  
Salem, OR 97301

**Re: Oppose H.B. 2970**

Dear Chair Patterson and Vice-Chair Knopp:

On behalf of the Northwest Society of Plastic Surgeons (NWSPS) and the American Society of Plastic Surgeons (ASPS), we are writing **in opposition to** H.B. 2970. ASPS is the largest association of plastic surgeons in the world, and in conjunction with NWSPS, represents more than 7,000 members and 94 percent of all board-certified plastic surgeons in the United States – including 116 board-certified plastic surgeons in Oregon. Our mission is to advance quality care for plastic surgery patients and promote public policy that protects patient safety.

H.B. 2970 would allow non-physician estheticians to use lasers, intense pulsed light (IPL), and other devices to perform complex medical procedures that fall squarely within the practice of medicine. 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 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), advance practice registered nurses (APRNs), 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 APRNs (including NPs) acting under physician supervision can conduct the initial assessment of the patient, but treatment should not commence until reviewed by the physician.

No amount of training can provide the medical expertise necessary to perform procedures involving lasers or light-based devices. Weekend courses and a written protocol with a provider can never supplement the medical training obtained by nurses, physician assistants or physicians – training which is necessary to identify complications that may arise while performing the laser procedure. Therefore, it would not be appropriate for estheticians, or any other nonmedical professional, to perform procedures that could jeopardize patient safety.

With respect to supervision, ASPS recommends the following supervision standards for PAs, APRNs (including NPs) or RNs utilizing lasers: the supervising physician should be properly trained and qualified to perform the procedures being delegated, 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 medical spas with physician supervisors in name only.

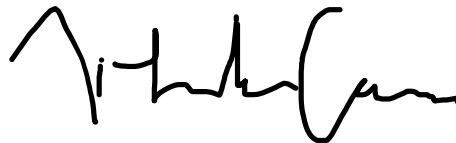
Of additional concern is H.B. 2970's strengthening of the power of the Board of Certified Advanced Estheticians. Oregon's independent esthetician board is already problematic as it solely determines, without input or oversight from the state's Medical Board or any licensed physician, the scope of practice for estheticians. However, this bill takes its authority to an even more reckless level by allowing the Board such broad rulemaking authority.

Due to patient safety issues and the possibility of complications arising from surgery, it is critical that medical procedures using medical devices are performed only by providers who have the requisite training to handle complications when they do occur. We urge you to oppose H.B. 2970 in order to protect the high standard of patient safety in Oregon. Please do not hesitate to contact Patrick Hermes, Director of Advocacy and Government Relations, at [pghermes@plasticsurgery.org](mailto:pghermes@plasticsurgery.org) or (847) 228-3331 with any questions or concerns.

Sincerely,



Joseph Losee, MD, FACS, FAAP  
President, American Society of Plastic Surgeons



Nicholas Carr, MD  
President, Northwest Society of Plastic Surgeons

cc: Members, Senate Committee on Health Care