January 26, 2016

The Honorable Warren H. Peterson  
Chair, Commerce Committee  
1700 W. Washington, Room 312  
Phoenix, AZ 85007  
Submitted electronically to: wpeterson@azleg.gov

Re: OPPOSE HB 2035

Dear Chairman Petersen:

On behalf of the undersigned organizations, we are writing to express our opposition to House Bill 2035, which would allow cosmetologists and aestheticians to perform laser procedures with inadequate training and without the necessary oversight of a physician. Together, as medical organizations, our utmost concerns are patient care and patient safety. Quality patient care is rooted in evaluating a patient’s needs and current condition(s), selecting an appropriate course of treatment, and providing adequate information and follow-up care.

The Safety of Arizona Patients is at Risk

As written, our organizations believe that HB 2035 puts patients at risk by allowing aestheticians and cosmetologists to perform laser procedures without sufficient training and supervision. While laser procedures are extremely safe and effective when used by medical professionals with appropriate training and oversight, in the wrong hands they can cause painful burns and permanent scarring. Even when used at the manufacturer’s recommended settings, these devices can cause profound skin injury.

We believe that procedures using lasers and pulsed-light devices are more safely performed by a physician or under the direct, on-site supervision of the physician. Physicians complete a rigorous undergraduate academic curriculum, four years of medical school, 3-7 years of residency, and 12,000-16,000 hours of patient care training. In comparison, under current Arizona law, aestheticians and cosmetologists who wish to perform procedures using laser or pulsed-light devices must complete either an aesthetician or cosmetology course, only 40 hours of didactic training, and only 24 hours of hands-on use of lasers or pulsed-light devices.

In light of this extreme difference in training and education, only physicians have the appropriate medical qualifications to immediately recognize an adverse response to laser treatments, such as subtle tissue whitening or graying. Such responses may indicate thermal injury, which would require immediate discontinuation of treatment and appropriate medical management. Without a physician on-site to manage any possible complications, the safety of the patient is at risk.

Evidence of Increased Injury by Non-Physicians

A 2013 study demonstrates that there has been a recent rapid increase in malpractice claims filed against non-physician operators, particularly for botched cosmetic procedures.¹ This study, which looked at malpractice claims from 1999-2012 related to cutaneous laser surgery, found that 42% of the cases involved a non-physician operator. From 2004-2012, a trend was observed toward an increased

proportion of lawsuits stemming from cutaneous laser surgery performed by non-physicians. This trend is most notable from 2008 to 2011, during which time the percentage of cases involving a non-physician increased from 36% to 77%.

Additionally, a study done by Vic A. Narurkar, MD\(^2\), which reviewed 123 complications that resulted from laser treatment received from non-physicians, concluded that the greatest risk factors for complications are the inappropriate use of or overutilization of devices, inadequate cooling with devices, and the lack of direct physician supervision. In fact, the study showed that 82% of all complications occurred in facilities that had no direct physician supervision.

We appreciate the opportunity to provide written comments on this important public health issue. In order to protect the citizens of Arizona from adverse events and to ensure quality care, the undersigned urge members of the Commerce Committee to oppose HB 2035. For further information, please contact Jake Johnson, Manager of Advocacy and Practice Affairs for the American Society for Dermatologic Surgery Association, at $\text{jjohnson@asds.net}$ or 847-956-9145, as staff representative to this coalition effort.

Sincerely,

American Academy of Dermatology Association
American Academy of Facial Plastic and Reconstructive Surgery
American Society for Aesthetic Plastic Surgery
American Society for Dermatologic Surgery Association
American Society for Laser Medicine and Surgery
American Society of Ophthalmic Plastic and Reconstructive Surgery
American Society of Plastic Surgeons

Cc: Members of the House Commerce Committee
Honorable Speaker David Gowan