



May 6, 2021

The Honorable Deb Patterson
Chair, Senate Committee on Health Care
Oregon State Senate
900 Court Street NE
Salem, OR 97301
Delivered electronically: Sen.DebPatterson@oregonlegislature.gov

RE: Oppose OR HB 2970A: Relating to health care; declaring an emergency.

Dear Chair Patterson:

On behalf of the Patients/Physicians United for Laser Safety and Efficacy (PULSE) Coalition, representing a wide range of health care organizations and affected patients, we are writing to express our opposition of House Bill 2970A. PULSE believes that this legislation would severely jeopardize patient safety in Oregon. Estheticians should only be authorized to use intense pulsed light (IPL) devices when a physician is on-site, directly supervising the procedure in case of any adverse events.

As currently written, HB 2970A does not address supervision or collaboration between an esthetician who would want to use IPL and a physician. When used inappropriately or without direct on-site supervision, lasers and energy-based devices can cause painful burns and permanent scarring. A study done by Vic A. Narurkar, MD, which reviewed 123 complications resulting from laser treatments received by non-physicians, concluded that 82% of these complications occurred in facilities that had no on-site physician supervision.ⁱ By ensuring that delegated laser procedures are only performed by properly trained providers under the on-site supervision of a physicianⁱⁱ, patients will be able to receive safe and effective care from laser and energy-based devices.

With multiple medical laser devices available on the market, and as more devices become available, it is critical to ensure that patient safety remains the primary objective. Quality patient care includes evaluating a patient's needs and current condition, selecting an appropriate course of treatment, and providing adequate information and follow-up care. Any procedure which utilizes energy-based devices capable of damaging living tissue performed on human beings for cutaneous conditions should be considered the practice of medicine. Procedures performed with lasers are consistent with the American Medical Association and the American College of Surgeon's definition of surgery.ⁱⁱⁱ

Quality patient care includes evaluating a patient's needs and current condition, selecting an appropriate course of treatment and providing adequate information and follow-up care. Any physician performing a cosmetic medical procedure should be qualified by residency training and a fellowship or other post-graduate training that includes an extensive understanding of cutaneous medicine and surgery, the indications for each procedure, and the pre- and post-operative care involved in treatment. When non-physician practitioners are given legal authority to perform the same

procedures physicians spend years in medical and surgical training to perform, patient safety is seriously compromised. ***Short term, basic training is in no way equivalent to a physician's training and understanding of a medical procedure and its implications for each patient.***

We appreciate the opportunity to provide written comments on this important public health issue. In order to protect the citizens of Oregon from adverse events and to ensure quality care, the PULSE Coalition urges you to oppose HB 2970A. For further information or if you have any questions, please feel free to contact Emily Besser, staff representative to the coalition at ebesser@asds.net or (847) 956-9121.

Sincerely,

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

ⁱ Narurkar, V.A. M.D. (2005). Complications from Laser Procedures Performed by Non-Physicians. *Skin & Aging*, 13(9), 70-71.

ⁱⁱ ASDSA Position Statement on Delegation. [http://asdsa.asds.net/uploadedFiles/ASDSA/Polymakers/ASDSA-%20Delegation%20Position%20Statement\(4\).pdf](http://asdsa.asds.net/uploadedFiles/ASDSA/Polymakers/ASDSA-%20Delegation%20Position%20Statement(4).pdf)

ⁱⁱⁱ Definition of surgery (2007). Retrieved Nov. 1, 2017. <https://policysearch.ama-assn.org/policyfinder/detail/surgery?uri=%2FAMADoc%2FHOD.xml-0-4317.xml>