

MEDICAL SOCIETY of the STATE OF NEW YORK

Morris Auster, Esq.

Senior Vice President /
Chief Legislative Counsel

Division of Governmental Affairs
MEMORANDUM IN OPPOSITION

ON SENATE FLOOR CALENDAR

S.2834 (SAVINO)

**IN ASSEMBLY ECONOMIC
DEVELOPMENT COMMITTEE**

A.821 (PAULIN)

**AN ACT to amend the amend the general business law, in
relation to licensing of laser hair removal technicians**

This bill would amend the General Business law to permit estheticians and others to perform laser hair removal with only minimal physician oversight. While we appreciate the efforts of the sponsors to provide greater regulation of a currently unregulated practice, because this legislation does not go far enough in setting forth what should be the necessary oversight of this practice, **the Medical Society of the State of New York opposes this legislation.**

MSSNY has adopted policy that laser hair removal should only be performed by an appropriately trained and educated individual under physician supervision. That is because lasers have the potential to cause painful burns and permanent scarring if not used properly. Even when used at the manufacturer's recommended settings, these devices can cause profound skin injury. When comparing the extreme differences of training and education of a physician and an esthetician, it is clear that 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. However, the only physician oversight this legislation would require is a once per year audit of policies and procedures.

Without suitable physician oversight, the safety of the patient is at risk. For example, a 2013 article in the *Journal of the American Medical Association* reported on a study that showed that, despite the fact that approximately only 1/3 of laser hair removal procedures are performed by non-physicians, 75.5% of hair removal lawsuits from 2004 to 2012 were performed by non-physicians, and that from 2008 to 2012, this percentage increased to 85.7%. Moreover, the American Medical Association has adopted several policy positions regarding use of lasers, including policy H-475.983 which notes "that revision, destruction, incision or other structural alteration of human tissue using laser is surgery", as well as policy D-35.983 calling for the AMA to, among other policies "advocate that cosmetic medical procedures, such as botulinum toxin injections, dermal filler injections, and laser and intense pulsed light procedures, be considered the practice of medicine". Indeed, many states have defined laser hair removal as the practice of medicine.

This legislation would legitimize the use of laser for hair removal by non-physicians without adequate physician oversight, and does not adequately address the risk to consumers seeking these services. Therefore, **the Medical Society opposes this legislation and urges that it be defeated.**

Respectfully submitted,

MSSNY DIVISION OF GOVERNMENTAL AFFAIRS

5/21/19
MMA – oppose