



AMERICAN SOCIETY OF  
PLASTIC SURGEONS®

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THE PLASTIC SURGERY  
FOUNDATION™



January 13, 2022

The Honorable Jeanette K. White, *Chair*  
The Honorable Anthony Pollina, *Vice Chair*  
Senate Committee on Government Operations  
Vermont State House  
115 State St.  
Montpelier, VT 05633

**RE: Opposition to S. 158**

Dear Chair White and Vice Chair Pollina:

On behalf of the Northeastern Society of Plastic Surgeons (NESPS) and American Society of Plastic Surgeons (ASPS), we are writing asking you **to oppose S. 158**. ASPS is the largest association of plastic surgeons in the world, representing more than 8,000 members and 94 percent of all board-certified plastic surgeons in the United States – including 11 board-certified plastic surgeons in Vermont. Our mission is to advance quality care for plastic surgery patients and promote public policy that protects patient safety.

As surgeons, we encourage you to maintain the high level of patient care that has been established and preserve current standards that permit surgery in the ocular region only by licensed medical doctors (MDs) or doctors of osteopathic medicine (DOs) who meet appropriate education, training, and professional standards. If passed, S. 158 would allow non-physician optometrists to perform surgical procedures that fall squarely within the practice of medicine.

Surgical procedures should only be performed by surgeons, a descriptor only granted following a core medical and surgical education that includes seven-to-ten years of training, increased responsibility and decision-making authority in the hospital setting, and at least three years of specialized surgical experience. It is through the depth and duration of residency training that physicians learn how to perform surgical procedures. Moreover, data shows that patients do not want optometrists doing these procedures. A recent survey shows that 79 percent of U.S. voters oppose allowing optometrists without medical degrees to perform eye surgery. <sup>1</sup>

Optometrists – who are not medical doctors – complete four years of optometry school education, with significantly less clinical exposure and responsibility and no medical school. It also includes no surgical training, which clearly makes optometrists unqualified to perform any ophthalmic surgical procedures, including those by injection. Due to this, optometrists are not equipped to diagnose or manage surgical complications, posing a direct threat to patient safety. Sadly, this threat was realized in the case of the many veterans at the Stanford/Palo Alto VA who lost vision due to inadequate recognition and care of glaucoma by optometrists. <sup>2</sup>

<sup>1</sup> <https://www.ama-assn.org/system/files/patient-sentiment-scope-practice-survey.pdf>

<sup>2</sup> <https://www.mercurynews.com/2009/07/21/va-says-glaucoma-patients-at-palo-alto-facility-suffered-severe-vision-loss-due-to-mistreatment/>

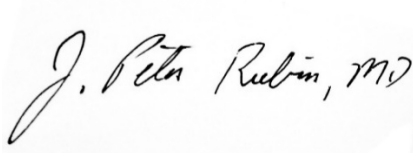
While the bill explicitly prohibits optometrists from administering certain types of injections, it opens the door for optometrists to administer all other injections by virtue of omission. Allowing optometrists to inject potent pharmaceutical agents into the eyelid and surrounding tissues puts patients at risk. While some injections are intended for cosmetic use, all injections are surgical, and the associated risk of surgical error still exists. ASPS's policy statement on the administration of botulinum toxin neuromodulators (enclosed) outlines potential complications for injected pharmaceuticals, such as Botox. The statement also advises patients to have treatments with a qualified physician who understands neuromuscular and facial anatomy, facial aging and aesthetics, as well as potential neurotoxicity of the product. Even the FDA identifies physicians as the only appropriately trained and licensed healthcare professionals who should administer botulinum toxin for cosmetic purposes.<sup>3</sup> Furthermore, the FDA advises patients to see a licensed dermatologist or plastic surgery for dermal filler treatments,<sup>4</sup> which are also administered via injection.

Unfortunately, our members are all too familiar with the nightmarish stories of patients who fall victim to undertrained individuals who perform procedures that fall squarely outside of their scope of practice. These patients are forced to deal with life-altering consequences, such as disfigurement and loss of vision, following botched surgical procedures, even when the procedures are only administered by injection. We encourage you to find and look at these stories<sup>5</sup> yourself before proceeding with S. 158.

Finally, the proposal would direct the Board of Optometry to adopt rules regarding ophthalmic surgery within the practice of optometry. We believe it would be ill-advised to allow the board to promulgate rules regarding ophthalmic surgery, as it clearly falls within the scope of medicine. Moreover, allowing a nonmedical board to oversee procedures that fall firmly within the practice of medicine is a dangerous, and unprecedented proposal, that the legislature must reject. Rather, surgery should be regulated by medical experts who have the background and training to adopt appropriate rules to keep patients in Vermont safe.

Allowing optometrists to practice medicine and perform surgical procedures, including those by injection, would jeopardize patient safety and lower the standard of care in Vermont. It is critical that ophthalmic surgical procedures are only performed by physician surgeons who have the comprehensive training and board certification to safely treat patients and triage complications. Therefore, we urge you to oppose S. 158. Please do not hesitate to contact Patrick Hermes, ASPS Director of Advocacy and Government Relations, at [phermes@plasticsurgery.org](mailto:phermes@plasticsurgery.org) or (847) 228-3331 with any questions or concerns.

Sincerely,



J. Peter Rubin, MD, MBA, FACS  
President, American Society of Plastic Surgeons



John D. Potochny, MD  
President, Northeastern Society of Plastic Surgeons

cc: Members, Senate Committee on Government Operations

<sup>3</sup> [https://www.accessdata.fda.gov/drugsatfda\\_docs/label/2009/103000s5109s5210lbl.pdf](https://www.accessdata.fda.gov/drugsatfda_docs/label/2009/103000s5109s5210lbl.pdf)

<sup>4</sup> <http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm049349.htm>

<sup>5</sup> <https://www.plasticsurgery.org/video-gallery/carols-story-who-to-trust-with-your-plastic-surgery-journey>