

## **MEMORANDUM IN OPPOSITION**

### **S5280 Senator Rivera – Third Reading**

### **A5140 Assemblyman Schimminger - Health Committee**

*AN ACT to amend the public health law and the insurance law, in relation to improper practices relating to staff membership or professional privileges of a physician and board certification*

---

On behalf of the New York State Society of Plastic Surgeons (NYSSPS) and the American Society of Plastic Surgeons (ASPS), we are writing to express our opposition to S5280/A5140. The New York State Society of Plastic Surgeons is the largest association of plastic surgeons in New York, and in conjunction with our national affiliate the American Society of Plastic Surgeons, collectively represent 595 board-certified plastic surgeons in the state. Our mission is to advance quality care for plastic surgery patients and promote public policy that protects patient safety.

NYSSPS and ASPS are committed to ensuring our patients have the best care possible, and we believe that, across the practice of medicine, such a commitment requires physicians to: (1) stay abreast of the latest clinical research and standards of care; (2) demonstrate their mastery of the latest knowledge through objective and reliable assessment methods; and (3) integrate this knowledge into their practice. We believe that American Board of Medical Specialties (ABMS) boards in general, and the American Board of Plastic Surgery (ABPS) specifically, are critical to our members meeting these commitments.

NYSSPS and ASPS believe the commitment to lifelong learning and clinical practice improvement that board certification and maintenance of certification (MOC) represent are appropriate criteria for hospitals and insurers undergoing credentialing. While we do not necessarily think MOC should be a mandated requirement in every state and facility, we do think that S5280/A5140 undercuts the rights of hospitals and insurance carriers to determine what standards are required for participation. The government should not dictate standards to experts on credentialing and privileging committees, as these determinations are made through highly-specialized evaluations. This bill takes decisions that should be in the hands of doctors and places them in the hands of policymakers. Board certification is unquestionably an appropriate criterion to consider in licensure and for credentialing a physician to a hospital staff or an insurance network, and legislative efforts to undermine its relevance are unwise.

The duration, breadth, and scope of training required by ABMS member-boards is the best validation of physician knowledge. We applaud the ABMS, and particularly the ABPS, for maintaining standards that reflect the need for patient safety and the highest level of physician practice. While there has been displeasure in the physician community with the MOC requirements of certain ABMS member boards, this dissatisfaction has been recognized and is being acted upon. The ABMS is committed to ensuring that its member boards are identifying and implementing user-friendly, cost-effective, and educationally-valuable methods of continuing education as the means of maintaining certification. The American Board of Plastic Surgeons has worked with its members to identify member-requested changes, some of which have already taken effect and others that will be implemented in the very near future.

Most importantly, the life-long learning inherent in MOC is based on academic and practical training that will ultimately improve the care received by patients throughout New York. Patients rely on the fact that

their doctor is board certified and has maintained board certification. If you undermine these credentials, patients can no longer rely on a nationally-recognized standard that confirms the highest quality of care and assures that physicians have the current knowledge and skills necessary to perform surgeries successfully.

ABMS-board certification is a valuable tool in the ongoing effort to maximize patient safety, and considering such certification is well within the prerogative of hospitals and health plans. For the reasons listed above, we urge you to not bring S5280/A5140 forward. Thank you for your consideration of ASPSP's comments. Please do not hesitate to contact Patrick Hermes, Director of Advocacy and Government Relations, at [phermes@plasticsurgery.org](mailto:phermes@plasticsurgery.org) or (847) 228-3331 with any questions or concerns.

Sincerely,

Alan Matarasso MD, FACS  
President  
American Society of Plastic Surgeons

David Greenspun, MD, FACS  
President  
New York State Society of Plastic Surgeons