



121 STATE STREET
ALBANY, NEW YORK 12207-1693
TEL: 518-436-0751
FAX: 518-436-4751

March 2, 2012

RE: AN ACT to amend the education law, in relation to amending the definition of the scope of practice of dentistry to authorize certain dentists who are qualified and certified to perform any procedure in the oral and maxillofacial area; and to amend the public health law and the civil practice law and rules, in relation to the discipline and liability of dentists who are so qualified and certified.

A.2820 (Morelle)
S.3059A (Libous)

MEMORANDUM IN OPPOSITION

Submitted on behalf of the Blue Cross and Blue Shield Plans

The New York State Conference of Blue Cross and Blue Shield Plans strongly opposes the enactment of this legislation, which would permit certain oral and maxillofacial surgeons to perform an expanded scope of surgeries absent the training, experience, accountability, and demonstrated proficiency demanded of medical doctors. Specifically, this Bill would enable oral and maxillofacial surgeons (dental surgeons) to perform surgical procedures well beyond their current scope of practice – a practice rooted in the restoration and maintenance of dental health. This sweeping expansion of the practice of dentistry puts patients at risk of having surgery performed by non-physicians.

The additional surgical procedures that oral and maxillofacial surgeons would be allowed to perform under this proposed legislation include cosmetic procedures of the face, head and neck, such as rhinoplasty (nose jobs), blepharoplasty (eyelid surgery), rhytidectomy (face lift), submental liposuction, otoplasty (ear surgery), dermabrasion, and other similar procedures. These are complex surgeries that are currently performed only by properly trained and licensed physicians. New York already has a sufficient number of plastic surgeons, general surgeons and otolaryngologists to meet the surgical needs of its patients.

There are huge differences between the education and training of oral and maxillofacial surgeons and that required of physicians and these differences must be recognized. While oral surgeons receive advanced training throughout their residency, that training is directed mainly at the restoration of dental health and not at procedures such as ear surgery, face lifts and nose jobs. On the other hand, plastic surgeons, general surgeons, and otolaryngologists receive a great deal more training in these procedures throughout their residency. Dentists have also argued that their doctoral training and their post-doctoral residency are equivalent to that which a physician obtains, including a board certified plastic surgeon, dermatologist, otolaryngologist or orthopedic surgeon. This argument is categorically false. If it were true, the distinction between the post-graduate degrees of DMD/DDS and MD would be superfluous and unnecessary. This Bill's broad provisions would only confuse that distinction and compromise the quality of medical care provided to New York's residents.

Finally, while this Bill requires the State Education Department to determine which dentists may provide these types of surgery, it is unclear that there will be sufficient or even any verification at all that these oral surgeons possess academic and clinical credentials equivalent to those held by other medical doctors.

For these reasons, The New York State Conference of Blue Cross and Blue Shield Plans strongly opposes the enactment of this legislation.

Respectfully submitted,

HINMAN STRAUB ADVISORS, LLC
Legislative Counsel for the Blue Cross and Blue Shield Plans