

# THE EXCELSIOR

The News Magazine of The New York Regional Society of Plastic Surgeons

www.plasticsurgeryny.org  
 SPRING 2006



**EXECUTIVE COMMITTEE**

Alan Matarasso, M.D.  
*President*

John Vaccaro, M.D.  
*President-Elect*

Steven Wallach, M.D.  
*Vice President*

Tracy M. Pfeifer, M.D.  
*Treasurer*

Peter Hetzler, M.D.  
*Secretary*

Alan Matarasso, MD  
*Scientific Program Chairman*

Tracy Pfeifer, MD  
*Editor in Chief, Excelsior*

John Vaccaro, MD  
*Membership Chairman*

Arthur Ship, MD  
*Masters Series Chairman*

William Rosenblatt, MD  
*Ethics Committee Chairman*

John Hunter, MD  
*Marketing/Website Chairman*

Jane Haher, MD  
*Chair, Plastic Surgery Section  
 NY Academy of Medicine*

Paula Moynahan, MD  
*Public Relations Chairman*

David Abramson, MD  
*Parliamentarian*

Robert Briggs, MD  
*Historian*

David Lester, Esq.  
*Ad Hoc Member - Legal Council*

Sylvain Siboni, CPA  
*Ad Hoc Member Financial  
 Advisor*

Ms. Victoria Morales  
*Administrator*

**MEMBERS AT LARGE**

- David Bass, MD
- Barry DiBernardo, MD
- Ali Hassan, MD
- Ronald Linder, MD
- Ferdinand Ofodile, MD
- James Romanelli, MD

**PAST PRESIDENTS**

- Jane N. Haher, M.D.
- Gregory E. Rauscher, M.D.
- Paula Moynahan, M.D.
- John Hunter, M.D.
- William Rosenblatt, M.D.
- Norman Schulman, M.D.

## President's Message

We welcome everyone and wish you a happy, healthy, and prosperous New Year.

With the New Year, the New York Regional Society of Plastic Surgeons welcomes the advancing and new board members. These include:

<b>President:</b>	Alan Matarasso, M.D.
<b>President Elect:</b>	John Vaccaro, M.D.
<b>Vice President:</b>	Steven Wallach, M.D.
<b>Treasurer:</b>	Tracy Pfeifer, M.D.
<b>Secretary:</b>	Peter Hetzler, M.D.



Alan Matarasso, MD

These hard working individuals have shown dedication and commitment to the goals of the society and we all look forward to working together for the benefit of the group. The primary goal of the New York Regional Society continues to be plastic surgery education.

On April 8, we will sponsor our Spring 2006 meeting, "Bariatric Plastic Surgery". Drs. Peter Rubin from Pittsburgh and Dr. Joseph P. Hunstad from Charlotte will be speaking. Dr. Susan Downey will also be speaking and represents this year's Nojarova lecturer.

The Nojarova lecture may represent the first lectureship devoted to recognizing the contributions of female plastic surgeons. It is held on a biennial basis and is funded by her husband, Dr. Haskell Elis. Paula Nojarova was born in 1914 in Bulgaria and was fluent in French, German, Croatian, Bulgarian, Czech, Russian and English, and conversational in Spanish and Italian. In 1940 she went to Prague and became a member of Dr. Franstisek Burian's group which was the largest plastic surgery clinic in Eastern Europe at the time. Though unhappy with the Communist philosophy, she was ordered to return back to Bulgaria but surreptitiously was able to get off

at the wrong railroad station in Zagreb, Yugoslavia and from there obtained safe passage to Venezuela. Paula came to the United States and worked with Dr. John M. Converse and Dr. Blair Rogers at the Institute of Reconstructive Plastic Surgery at NYU, where she had a special interest in facial disfigurement. She published numerous articles in cleft lip and cleft palate and facial reconstruction. Paula passed away in May, 1986 at the age of 72.

The New York Regional Society of Plastic Surgeons with deep regret announces the passing of Dr. Blair O. Rogers, an integral part of the New York Regional Society of Plastic Surgeons activities.

We are currently in discussion with the Florida Society of Plastic Surgeons about a joint academic program for 2007. The Florida Society hosts a wonderful, active academic program and a potential joint meeting would highlight the best aspects of both societies.

Advocacy in plastic surgery is an important aspect of our daily lives as plastic surgeons. Dr. Scot Glasberg is planning an advocacy training

*continue page 2*

Presidential Message . . . . .	1	Residents' Night Presenters . . . . .	5
Editor Letter . . . . .	2	Legislative Update . . . . .	6
Scientific Program . . . . .	3	ASPS Update . . . . .	7
Residents' Night Competition . . . . .	4	Highlights . . . . .	8



Tracy M. Pfeifer, MD  
Editor

## Letter from the Editor

Tracy M. Pfeifer, M.D.

With spring approaching we all start to feel a sense of reinvigoration. The New York Regional Society of Plastic Surgeons is no exception. This issue of the newsletter is printed in four color, thus giving us full color for the first time. Next issue we will unveil the updated "look" of the newsletter, which needs a little "refreshing" itself.

Residents' Night will also undergo a transformation in 2007. We received a record number of abstract submissions this year, thanks to the efforts of Dr. Mia Talmor. All communications and submissions are received by e-mail and this greatly facilitated a much more streamlined process. At the same time, attendance was not what it should be by the attendings. We recognize everyone's time constraints and in an effort to streamline Residents' Night itself, we are moving to a new format. The resident presentations will be given during a sit-down dinner, beginning around 6:15pm. The evening should end around 8:30. Your feedback is encouraged as we continue to try to best meet the needs of our membership.

I am pleased to welcome Dr. Scot Glasberg to the Excelsior Magazine. Dr. Glasberg will contribute a column updating us on activities within ASPS, particularly related to advocacy. Although we are an educational organization, awareness of some of these crucial issues is paramount to the health of our specialty.

Finally, Dr. Rosenblatt mentions in his column an effort in California which was defeated. It bears further discussion as this issue is of the utmost importance to us. The American Board of Cosmetic Surgery brought a suit to be recognized as a board that is equivalent to an American Board of Medical Specialties (ABMS) board. As you know, the ABMS is the umbrella organization for the recognized boards, currently 24 in number. The board was officially established in 1917 to "insure the public that the physician claiming to be a specialist was indeed qualified". It has since become the premier body overseeing medical boards. Further information can be found at [www.abms.org](http://www.abms.org). In California, in order to advertise as a board certified physician, the physician must be board certified by an ABMS certified board. Thus, the American Board of Cosmetic Surgery brought a suit claiming that their board was equivalent to an ABMS board. Fortunately, the efforts of many people resulted in the defeat of this lawsuit. This type of encroachment upon our credentials simply cannot be tolerated. I hope each of you will continue to be involved in your professional organizations. We may need your help one day to defeat a similar initiative.

### *continued from page 1*

session to be sponsored in conjunction with the American Society of Plastic Surgeons as part of the winter meeting. There will be discussion of current hot issues as well as an interactive session. These programs have been extremely well accepted and received by many other regional and state societies.

The Society exists for its members. We depend on your active participation and input. Indeed we welcome those surgeons those wishing to join and play an active role in the future of the society. Ms. Victoria Morales (212-620-5653, [NYRSPLAST@aol.com](mailto:NYRSPLAST@aol.com)) has been our Executive Administrator for 12 years and is an invaluable resource to our membership. She can assist you in navigating issues related to the society. Mr. Rudy Svezia of Verex Marking, handles our web site which was initiated under Dr. John Hunter's term as president.

I want to thank our immediate past president, Dr. Jane Hafer, for her wonderful, spirited leadership. Jane was a pleasure to work with and I hope she will continue her involvement with the New York Regional Society.

Finally, I encourage all tri-state area plastic surgeons to get involved. It is through your voice that we are able to make the society germane to your everyday needs. We are an appropriately sized organization that is member driven so that we can respond to your needs. I look forward to the honor and privilege of serving as President and fulfilling the needs of the New York Regional Society.

Yours truly,

**Alan Matarasso, M.D.**

*NYRSPS President*

**Scot Glasberg, M.D.**

Title

The American Society of Plastic Surgeons (ASPS) is actively advocating plastic surgery's interests on the state and federal levels. Composed of four staffers (two state and two federal), the Government Affairs Department supports the work of the Society's Government Affairs Council.

**STATE ADVOCACY****Office-based surgery**

As the trend toward outpatient surgery continues to grow, states have become increasingly interested in regulating office-based surgical facilities. Since many plastic surgeons perform surgical procedures in the office setting, the scope and depth of regulations that states adopt could have significant impact on the specialty and the way plastic surgeons practice.

ASPS works to positively shape state regulations and laws by developing ongoing relationships and providing resources to state medical boards considering the OBS issue. ASPS has developed position papers and patient care parameters to support the specialty's perspective concerning a myriad of OBS issues, including the importance of facility accreditation, the need for appropriate surgeon credentials to perform plastic surgery procedures, and the importance of continuing patient safety medical education.

**Scope of Practice**

Following a 1997 change to the American Dental Association's (ADA) definition of the practice of dentistry, a number of state legislatures have considered proposals to amend state definitions to mirror the association's language. Consequently, the adoption of this broad and ambiguous language has led many in the dental profession to argue that the legal scope of their profession should include the ability to perform cosmetic surgical procedures.

While 15 states currently recognize the ADA definition of dentistry, ASPS has worked with state societies to defeat all attempts to expand the scope of practice of dentistry since 2003, including in the state of New York in 2005. ASPS has developed several tools to communicate plastic surgery's opposition to state dental scope expansion proposals, and will continue to partner with state and regional societies to combat these proposals in state legislatures. Additional information can be found at [www.safeplasticsurgery.org](http://www.safeplasticsurgery.org).

**Cosmetic Tax**

In June 2004 the New Jersey Legislature took the unprecedented step of assessing taxes on cosmetic surgery to balance the state's budget. Physician taxes are not novel concepts and in fact the state of Minnesota implemented a provider tax in 1992 for purposes of funding the "MinnesotaCare" program for the uninsured. However, states have generally refrained from passing specialty specific measures until now.

*Scot Glasberg, M.D.*

The approval of the New Jersey measure has resulted in a number of similar proposals in several states. As such, ASPS has spearheaded a national coalition of 14 national medical societies and industry stakeholders to defend against these unfair taxes. As a result of these combined efforts, cosmetic tax bills have been defeated in six states. Additionally, Assemblyman Joe Cryan, the original sponsor of the 2004 New Jersey law, introduced legislation to repeal the tax on cosmetic medical procedures this past January. ASPS is working with the national coalition to support the New Jersey Society of Plastic Surgeons and the Coalition of New Jersey Medical Professionals in a proactive campaign to advocate for the passage of this repeal.

As members of this coalition, we are fervently working to educate legislators in states where similar proposals may be considered that can potentially lead to the taxation of cosmetic surgery procedures or products. Visit [www.stopmedicaltaxes.com](http://www.stopmedicaltaxes.com) for additional information.

ASPS continues to monitor and track legislation concerning these issues and others. From self referral, to adverse incident reporting and liability reform, ASPS supports grassroots participation by employing the latest technology, conducting state and regional society advocacy training sessions, and developing and maintaining key relationships with plastic surgery societies, state medical societies, and industry stakeholders. As the Society continues to work to protect and advance the specialty's interests, we hope to continue to partner with state societies to effectively advocate on behalf of our respective members.

Yours truly,

**Scot B. Glasberg, M.D.**

Title



William Rosenblatt, MD

### ***Tort Reform Campaign Update:***

Good News from New Jersey and California

For this newsletter, I had hoped to bring you exceptional news regarding tort reform. However, that has not occurred yet. In January, the New York Medical Society was asked to help with a tort reform proposal that Governor Pataki's office was working on with the Greater New York Hospital Association. The proposal would be part of the budget bill that was to be introduced in February. This would have been quite a coup. With the court's narrowing of the ability of the legislature to amend the governor's budget, we would have had a leg up on the democratic Assembly, which has beaten back tort reform frequently.

The bill was a tri-partate one that included (1) patient safety provisions, (2) true tort reform provisions, and (3) financial relief for physicians. This was extensively researched and well written by GNYHA with MSSNY's help from the Governmental Affairs division, with consultation with MSSNY leadership.

Unfortunately, it was not included with the Governor's budget proposal. Nonetheless, we are hoping that the Governor will submit it as a program bill. If this does not occur, MSSNY and GNYHA are considering getting a senator and assemblyman to submit this as a regular bill.

The Tort Reform Campaign I started as President of MSSNY has contracted with Rubenstein and Association to prepare TV ads for cable television and print campaign materials targeted to specific legislators' districts. Thanks to all of you who contributed to this Campaign, we have raised over \$850,000 so far for this effort. However, we need to grow our funds so when we a bill is finally presented to the legislature, we can start the campaign. You can still contribute to the fund. There is a link at [www.MSSNY.org](http://www.MSSNY.org), which enables you to do this easily. Stay tuned – there is more to come.

The other recent political news in New York State was that cosmetic taxes were not included in this year's budget bill. Also noteworthy is that the assemblyman who submitted New Jersey's newly instituted cosmetic tax bill, has submitted another bill calling for its repeal.

Also, two pieces of good news come from California. In that state you cannot advertise that you are a "Board Certified" physician unless the certifying board is an American Board of Medical Specialties (ABMS) board or has been determined to be equivalent according to the Division of Licensing of the Medical Board of California. The American Board of Cosmetic Surgery applied for equivalency to the American Board of Plastic Surgery and was turned down this past November. Testimony was heard on both sides and the board ruled unanimously that they were not equivalent.

The other good new from California was a major victory for emergency room (ER) physicians. The California Second Appellate District Court of Appeals issued an opinion on February 17, 2006 in Prospect Medical Group v. Northridge Medical Group holding that physicians providing emergency services are not prohibited from "balance billing" patients for fees not paid for by a health plan or its contracting independent practice association (IPA). The California Medical Association (CMA) submitted an amicus brief, and the court's opinion was in complete agreement on the points raised by CMA.

**The court's decision addressed the following three issues and found as follows:**

- 1) *Whether California law prohibits non-contracted emergency room physicians from balance billing individual patients for the balance of the physician's fee not paid by a patient's health plan or delegate?* The court found that the California law does not prohibit balance billing by non-contracted ER physicians because the law assumes the existence of a voluntarily negotiated contract.
- 2) *Whether ER physicians must accept the Medicare rate as full reimbursement from a health plan?* The IPA asked for a judicial declaration imposing the Medicare rate as the "reasonable rate" for out-of-network ER physicians. The court denied the request, noting that the IPA provided no legal authority for this position. It also noted that California regulations include a six-part test to determine reimbursement for out-of-network physicians, which makes it clear that adopting Medicare as an across-the-board rate is inappropriate.
- 3) *Whether health plans may litigate the reasonableness of the amount charged by emergency room physicians?* The court held that the IPA may litigate whether the rates charged by the physicians are reasonable. The court held that payers and physicians both have a right to contest whether an ER physician's out-of-network charge or a health plan's out-of-network payment for those services is reasonable.

CMA is expecting the IPA to appeal. This is a major victory for CMA with national repercussions. Congratulations to CMA!

That's all for this issue. Hopefully I will have more to report on the Tort Reform issue soon.

Yours truly,

**William Rosenblatt, M.D.**

*Past-President, Medical Society State of New York  
Vice Chairman, MSSNYPAC*

***Alan Matarasso, M.D.***

Scientific Program Chairman



*Alan Matarasso, M.D.*

The November 2005 scientific meeting was entitled “Hot Topics in Plastic Surgery”. It comprised many exciting topics and a very special lecture by our Masters Series speaker Dr. Peter McKinney.

The morning began with a great lecture by A. Jay Burns, M.D. from Texas on the current trends in laser skin care. He spoke on “Ablative and Fractional Laser Resurfacing: The Complete Package”, reviewing many different kinds of lasers and how to maximize the potential of each. He discussed his extensive experience with ablative lasers such as the Erbium laser, and compared this with newer technology applying Fractional laser resurfacing. Our second speaker, Joseph Gryskiewicz, M.D. from Minnesota, gave a fascinating presentation on “Hot Topics Overview in Plastic Surgery.” His lecture addressed the latest trends, techniques and technologies being presented at “Hot Topic” conferences at national meetings. He discussed many different technologies of current interest including resurfacing using Thermage and Fraxel, fillers such as Sculptra, and new devices, such as Dysport and various Thread Lift techniques, to name a few.

William Rosenblatt, M.D. a past President of both NYRSPS and the Medical Society of the State of New York, then briefly spoke about “A New Approach to the Medical Liability Problem”, which updated us on some of the latest issues facing plastic surgeons and other physicians in New York State.

Last but not least was a wonderful lecture by our Master Speaker for 2005, Peter McKinney, M.D. from Chicago. In his talk entitled “Reflections/Opinions”, he began with a recapitulation of his early training in New York, subsequent experience in Chicago, and concluded with his reflections on the future direction of plastic surgery. This encompassed many personal anecdotes and historical elements which made it unique and special.

We look forward to seeing everyone there in April.



*Olivia Hutchinson, M.D. & Steven Wallach, M.D.*

Yours truly,

***Olivia Hutchinson, M.D. and Steven Wallach, M.D.***

Scientific Program Co-Chairpersons

**SPRING MEETING - Saturday April 8, 2006**

**“Current Advances in Bariatric Surgery, New Procedures and Patient Benefits.”**

THE PROGRAM FEATURES:

**J. Peter Rubin, M.D.;** “Treatment of the Breasts after Massive Weight Loss.”

**Joseph P. Hunstad, M.D.;** “Post-Bariatric Plastic Surgery Options.”

NOJAROVA LECTURER

**Susan E. Downey, M.D.;** Management of the Post-Bariatric Patient: Reconstructive Options & Optimizing Outcomes.

**8:00 am to 1:00 pm**

New York Academy of Medicine

1216 Fifth Avenue (at 103rd Street), New York, New York

This program is certified for three CME credits.

There is no registration fee for members of the NYRSPS and residents. Non-member registration fee is \$200.

## *Residents' Night Competition*

### *Residents' Night Competition*

The educational objective of our Society continues to be emphasized by our annual Resident's Night. This year the Plastic Surgery Resident's Night was held on March 6, 2006 and 7 of the area's 10 resident training programs were represented. Dr. Talmor coordinated the program and conducted the question and answer sessions after each group of presentations. The residents gave presentations that were edifying, interesting and professional. The competition's first, second and third place winners were awarded a monetary prize in addition to an engraved plaque.

The Society would like to express a special thanks to our three judges: Joseph Serletti, M.D., Gregory Borah, M.D., & Alvin Harris, M.D. Our judges volunteered their time and expertise and this was appreciated by all who attended.

The guest lecturers, Martha S. Bashford and Melissa Mourges, both Assistant District Attorneys in the New York County District Attorney's Office gave a fascinating presentation entitled "Inside the Real Cold Case Unit". The district attorneys described their work on the DNA Cold Case Unit. They have been working in the unit since its inception. They described the first case of a 'John Doe' indictment where a particular DNA profile from the perpetrator of a rape was indicted.



*Residents' Night Judges (left to right); Joseph Serletti, M.D., Gregory Borah, M.D. and Alvin Harris, M.D.*

This was necessary because after 5 years an indictment could not be sought and the crime would forever go unpunished. With the DNA indicted, the individual could then be prosecuted when the perpetrator's DNA was identified for another reason, and crossed with the DNA databank. Thanks to both of these ladies for all their hard work on behalf of rape victims and for a wonderful lecture.

We look forward to a spirited competition next year and hope all Resident Program Directors will support and encourage their residents' participation.



*Residents' Night Presenters (left to right); Kirit Bhatt, M.D., Simon Chin, M.D., Sameer A. Patel, M.D., Elie Levine, M.D., Julie Vasile, M.D., Joseph Michaels, M.D., Jeffrey Hoefflin, M.D., Jim Koumanis, M.D. and Amy Sprole, M.D.*

The Winning Papers for 2005



**1<sup>st</sup> Kirit Bhatt, M.D.**

IRPS-NYU Medical Center

*"A new in vitro model for investigating the biomolecular mechanisms of distraction osteogenesis."*



**2<sup>nd</sup> Jim Koumanis, M.D.**

Nassau University Medical Center

*"Controlled study of fibrin sealants in abdominoplasty."*



**3<sup>rd</sup> Joseph Michaels, M.D.**

IRPS-NYU Medical Center

*"Microvascular free flaps transduced ex vivo with murine interleukin-12 suppress primary tumor growth."*



**Sameer A. Patel, M.D.**

Albert Einstein College of Medicine, Montefiore Medical Center

*"Breast contouring in patients after bariatric surgery."*



**Amy Sprole, M.D.**

New York Presbyterian Hospital

*"Horizontal or vertical? An evaluation of patient preferences for reduction mammoplasty scars."*



**Elie Levine, M.D.**

Mount Sinai School of Medicine

*"National survey of perioperative management protocols in lower extremity free tissue transfer: Anticoagulation."*



**Lisa Macedo, M.D.**

University of Medicine and Dentistry of New Jersey

*"Interaction between toll-like receptor and adenosine receptor signaling in macrophages plays a significant role in wound healing."*



**Simon Chin, M.D.**

Yale University School of Medicine

*"Genetic alterations in dupuytren's disease."*



**Jeffrey Hoefflin, M.D.**

New York Presbyterian Hospital

*"The terminal anatomy and intramuscular innervation of the upper branches of the facial nerve."*



**Julie Vasile, M.D.**

Nassau University Medical Center

*"The lower lip in facial paralysis: An algorithm for treatment."*



**Roberto Flores, M.D.**

IRPS-NYU Medical Center

*"Vertical scar skin-sparing mastectomy: An assessment of aesthetic and reconstructive surgery."*

## Highlights



(left to right) William Rosenblatt, M.D., Peter McKinney, M.D., Joseph Gryskiewicz, M.D., Jane Haher, M.D., Olivia Hutchinson, M.D. & Steven Wallach, M.D. at the Winter 2005 meeting.



(left to right) John Vacarro, M.D., Alan Matarasso, M.D., Joseph Serletti, M.D., Mia Talmor, M.D., Gregory Borah, M.D., Alvin Harris, M.D., & Jane Haher, M.D. at Residents' Night Competition.



Melissa Mourges & Martha S. Bashford; NY Assistant District Attorneys with the DNA Cold Case Unit.



Jane Haher, M.D., & Gregory Rauscher, M.D. at the Winter 2005 meeting.



Sharon Giese, M.D., Donald Wood-Smith, M.D. & Theodore Dictaban, M.D. at the Winter 2005 meeting.

### Membership Update

The New York Regional Society of Plastic Surgeons wishes to extend a warm welcome to the following new members:

Amie Malihan, M.D.

David Evdokimon, M.D.

Alesia Saboeiro, M.D.

Mahira Tanovic, M.D.

The New York Regional Society of Plastic Surgeons is open to all plastic surgeons who are members of ASPS. An application for membership is available on our website or can be mailed to you. Resident plastic surgeons may join as candidate members and are strongly encouraged to do so.

### Update Our Email Database

The Society currently has over 400 members. However, our e-mail database has only about 240 addresses. We are asking all members and candidates for membership to email your current email address to [NYRSPS@aol.com](mailto:NYRSPS@aol.com). This allows us to contact you both speedily and efficiently. Meeting registration is also e-mailed to our members and facilitates registration both for you and for us.

**Thank you for your participation.**

#### How to contact the NYRSPS:

**Mail:** NYRSPS  
P.O. Box 3191  
Grand Central Station  
New York, NY 10163

**Phone:** 212-620-5653

**Email:** [NYRSPS@aol.com](mailto:NYRSPS@aol.com)

### Hold This Date

**WINTER MEETING**  
**December 16, 2006**

*Check the website for  
program details:*

**[www.plasticsurgeryny.org](http://www.plasticsurgeryny.org)**