

Connecticut Society of Eye Physicians
Connecticut ENT Society
Connecticut Urology Society
The Connecticut Dermatology and Dermatologic Surgery Society

March 20, 2013

SUPPORTING Testimony
before the Public Health Committee

S.B. No. 1038 AN ACT CONCERNING THE DEFINITION OF SURGERY

Good Morning Senator Gerratana, Representative Johnson and other distinguished members of the Public Health Committee. My name is Dr. Steven Thornquist and I am a board certified ophthalmologist practicing in Trumbull. I am a past president of the Connecticut Society of Eye Physicians and one of the current co-chairs of the Legislative Committee. I am an officer in the Connecticut State Medical Society and the American Academy of Ophthalmology. I am here today with my ophthalmology colleague, Stephen Zuckerman to support S.B. No. 1038 AN ACT CONCERNING THE DEFINITION OF SURGERY on behalf of over 1000 physicians in Ophthalmology, Ear Nose and Throat, Dermatology, and Urology and all of our patients.

It may seem unnecessary to define a word as commonplace as surgery. Surgery is a familiar concept to us all, and yet what we take for granted as being the act of surgery might not include all of its forms and manifestations. The image of a surgeon, gloved and masked with scalpel in hand is easily recognized, but surgery can also be the use of laser light to open a hole in the iris to prevent glaucoma, cauterize a bleeding ulcer, or burn away a tumor from the surface of an organ. It can be using ultrasound to fragment a kidney stone into many smaller pieces to allow them to pass, setting a broken bone, threading a catheter through blood vessels to remove a blood clot or place a stent. It can be destroying a brain tumor by freezing. Even the use of X-rays, or the radiation that is transmitted by radioactive material, to treat disease is also surgery.

Though familiar and common, surgery is also very serious and dangerous, and can have very significant effects on those who undergo it. The Connecticut general statutes contain numerous references to surgery, specifically and precisely out of the proper and reasonable concern that this powerful but potentially dangerous method of treatment should be restricted to those healthcare practitioners who have the most advanced skills and training. These are the physicians and surgeons who have earned either an MD or DO degree and then gone on to acquire even more experience and training through internships, residencies and fellowships that typically add five to ten or more years of intense training and hands on experience. Yet nowhere in the Connecticut statutes is there a single place where the full extent and meaning of the word surgery is defined.

The American College of Surgeons and the AMA have worked diligently with all medical

and surgical specialties to derive a definition that is inclusive and useful relative to the historic and present practice of surgery as well as its application in both federal and state law. This definition has the full support of every medical and surgical specialty in Connecticut and it has the support and approval of all of the national medical specialty academies. I have submitted the full text of this definition for your review.

Key to the definition of surgery is its transformative nature. Surgery alters the structure of living tissue by the incision, destruction or relocation of tissue to cause alterations in the shape or function of tissue. This is distinct from the practice of certain other health care professions such as chiropractic where the spine may be manipulated but where the anatomy is neither altered or transformed, acupuncture where needles may be inserted into tissues but do not change the shape appearance or function of the tissue so pierced, or the administration of pharmacological agents that may alter physiologic function, but that do not permanently alter the structure of organs or tissue. The fundamental transformative property of surgery carries risks that exceed all other modalities of treatment, requiring the utmost care and training on the part of its practitioners.

The establishment of a precise definition of surgery in statute will bring about the clarity and transparency that we all agree is indispensable to any activity that impacts the citizens of Connecticut. It will codify the existing practice and intent of current statute by making it clear what the word surgery means in all of its various appearances in Connecticut General Statutes. It is not intended to take away the existing rights of any group, but rather to put in place appropriate and necessary barriers to ensure that procedures that are transformative and either potentially or frankly destructive are performed by providers who have the full extent and depth of training needed to ensure the safety of the citizens of Connecticut. To this end the definition must describe the essential transformative nature of surgery, and incorporate the various modalities that we all agree are examples of transformative and destructive procedures.

Respectfully submitted,

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Stephen Zuckerman, MD