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HEADLINE: New Jersey Plastic Surgery Tax Sets Bad Precedent;
Bills Pushed Through at the 11th Hour With No Public Debate

DATELINE: ARLINGTON HEIGHTS, Ill., June 30

BODY:

New Jersey consumers seeking cosmetic plastic surgery received some bad news from Gov. James E. McGreevey yesterday -- they will be paying more for their cosmetic procedures due to the 6 percent tax on cosmetic plastic surgery procedures -- a measure he signed into law last night. The Governor also signed legislation that will apply a 3.5 percent tax on gross receipts of physician-owned surgical centers.

By signing these bills (A-3125 and A-3127), New Jersey became the first state to explicitly tax surgical procedures in the country.

"The people of New Jersey should be very concerned about what these new laws may mean to their health in the future," said Rod Rohrich, MD, American Society of Plastic Surgeons president. "While we understand many states are grappling with the need to resolve huge budget deficits, this law sets a dangerous precedent for lawmakers to consider taxing patients who need elective bariatric, **lasik**, orthopaedic or other medical procedures based on the state's, rather than a physician's, interpretation of 'medical necessity.'"

Concern by New Jersey ASPS members is multi-faceted. "This is clearly a selective and discriminatory tax on working, middle- class women who represent almost 90 percent of all plastic surgery procedures," says ASPS Secretary Richard D'Amico, MD, New Jersey.

These bills were introduced, passed through committees, and approved by the legislature and Governor in a matter of days. "The public should be troubled by the 'back door politics' undertaken to get these bills passed," said Dr. D'Amico. "They were pushed through at the eleventh hour. There was no chance to interface or interact with the system. There was no public debate. The patients of New Jersey have been shortchanged."

The 6 percent gross receipts tax on elective surgery procedures includes cosmetic surgery, hair transplants, cosmetic injections, cosmetic soft tissue fillers, dermabrasion and chemical peel, laser hair removal and cosmetic dentistry. The flat 3.5 percent tax on surgical centers essentially subjects plastic surgeons who use surgery centers to double taxation.

ASPS is the largest organization of board-certified plastic surgeons in the world and the foremost authority on cosmetic and reconstructive plastic surgery. With nearly 5,000 members, more than any other plastic surgery organization, ASPS is the definitive voice of the plastic surgery specialty. Viewed throughout the world as the pinnacle of information for new techniques, advances and plastic surgery trends, the society represents 94 percent of all the board-certified plastic surgeons in the U.S. Ninety-four percent of all ASPS members

perform cosmetic plastic surgery and 89 percent of all ASPS members perform reconstructive plastic surgery. ASPS, founded in 1931, represents physicians certified by The American Board of Plastic Surgery or The Royal College of Physicians and Surgeons of Canada.

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CONTACT: LaSandra Cooper or Brian Hugins, 847-228-9900 or media@plasticsurgery.org, both of American Society of Plastic Surgeons

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