

Talking Shape

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Doc Talk: ^{Cosmetic} Surgery Tax

by Bahram Ghaderi, MD, FACS

If you don't know already, there is a proposal in the Senate's health care bill that includes a 5% national tax on cosmetic procedures to start being collected January 1, 2010. It is being portrayed as a luxury tax on the rich and famous. Well, here is a realistic snap shot of who actually has plastic surgery.

Contrary to popular belief, cosmetic surgery is no longer an exclusive luxury afforded by the very wealthy. 86 percent of cosmetic surgery patients are working women. The American Society of Plastic Surgeons (ASPS) found that 71% of plastic surgeries were for individuals making less than \$60,000 a year. In the first research of its kind, conducted with people planning to have cosmetic surgery within the next two years, 60% of respondents reported a household income of \$30,000-\$90,000 a year. Most importantly, 40% of the 60% reported income of \$30,000-\$60,000. Only 10% of respondents reported household income over \$90,000. This data clearly refutes the suggestion that elective surgery taxes are "luxury" taxes affecting a privileged few. This would in effect be a tax on the middle class, people making less than \$250,000 annually.

It also discriminates against women who often find cosmetic procedures effective in dealing with difficult side effects of pregnancy on the body, especially following multiple pregnancies.

To enforce this tax the IRS would have to be given access to patient charts to determine whether procedures were elective. This would clearly violate patient privacy and in effect invite the IRS into the exam room. Presumably patient medical records including

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Contour Comments



Staff Picks

Favorite Holiday Movie

Dr. Ghaderi: *A Christmas Story*

Dale: *It's A Wonderful Life*

Monica: *National Lampoon's Christmas Vacation*

Catie: *Elf*

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Cosmetic Surgery Tax, Continued...

photographs would be involved in proving whether a procedure met the definition of “elective” or not.

This has already been tried and failed. New Jersey is the only state to adopt a tax on elective medical procedures. In 2004, New Jersey passed a 6% tax on elective medical procedures and since then the NJ Department of Taxation has experienced a 59% shortfall based on projected revenue estimates. In fact, according to independent studies, for every \$1 NJ collects on the tax, the state loses \$3.39 in total revenue. As a result, NJ Assemblyman Joseph Cryan, the sponsor of the 2004 bill, is leading efforts to repeal the tax and has communicated this experience to U.S. Senators.

As evidenced with the recent experience in New Jersey, the line between “cosmetic” and “reconstructive” surgery is not always clear and leaves the decision of medical necessity up to tax auditors—a completely inappropriate proposition. Examples of procedures which may be taxed due to the Senate provision include:

1. Breast Reduction (cited in medical literature for improving self esteem and quality of life)
2. Keloid Scar Removal (abnormal scar growth that especially impacts African Americans and Hispanics)
3. Port Wine Stain Removal (pink or purple birthmark that may appear on the face)
4. Body Reconstruction following gastric bypass surgery or massive weight loss
5. Later stages of cleft palate/lip/nasal repair (cleft palate requires numerous surgeries)
6. Penile implants (following prostate cancer or other conditions)
7. Blepharoplasty (eyelid surgery)
8. Removal of benign lesions of the skin
9. Bariatric surgery for morbid obesity/lap band
10. Treatment of gynecomastia in men (abnormally large mammary glands in males)
11. Poland's Syndrome (congenital absence of the breast, pectoralis muscles and hand deformities)
12. Reconstructive ear surgery (child born without ear or with deformed ear)

Medical care should not be used as a tool to fix broken finances. Your senators need to hear from you – the real plastic surgery patients. Please make sure your voices are heard. You can use the above information to educate your Senators on this very important topic. *There is a toll-free hotline at 1-877-221-8207 for use in urging your Senators to block this tax.* Once you call in, you will be prompted to enter your home zip code. You will then be connected to your Senators office. Thank you for your efforts!

Have a great holiday season and see you next year. All the best wishes to you and your family for 2010.

Office Obsessions

Catie Wallace, Patient Coordinator

At the new age of twenty five you wouldn't believe what my new found obsession is. While most of my friends would say they are obsessed with shoes or working out, I would have to say no thanks to a new pair of shoes (boots ok!) and working out doesn't thrill me. I mean who really enjoys doing anything with the word “work” in it. I've found my obsession in books, all different kinds of books. I enjoy author Jane Austin, who will take you into the old world in *Sense and Sensibility*. I use my imagination to picture how the characters and places are in the story. I love that feeling of a book pulling you in, where you have to keep reading to find out what happens next. It is so exciting. One of my favorite books is by Cecile Ahrens, author of *P.S. I Love You*. I had never read a book where you are both laughing and crying. When Hollywood wanted to make the book into a movie, I feared the movie wouldn't come out the same as the book. In the end, the movie was a huge success on the big screen and with me. Reading is not just my obsession. I've grown up watching my mother read and I remember thinking how boring it must be to sit there for hours on end reading until she finished the book in her hands. I can proudly say I am my mother's daughter and completely understand why she would sit there for hours; it's hard to pull yourself away from the exciting adventures found in books.





Dr. Ghaderi
& the Staff of
St. Charles Plastic
Surgery would like to
wish you & yours a
very
Happy Holiday
Season!
Best Wishes for 2010.

Plastic Surgery Myths: Part 2

Myth #4: “Extreme Makeovers” are routine in plastic surgery practices.

Contrary to what reality shows portray, extreme makeovers are far from routine or common in plastic surgery. Most patients inquire about one particular area of the body that they would like to improve. During your consultation, your surgeon will ask you a series of questions to gain an understanding of your goals for plastic surgery and discuss them with you on a realistic basis.

Myth #5: It is inappropriate to ask surgeons to speak with their previous patients.

Reputable surgeons will have no problem supplying you with contact information for some of their recent patients. Speaking with patients about their experience and results is an excellent way to learn more about your surgeon.

Myth #6: All plastic surgeries are performed in accredited facilities.

Some practitioners perform plastic surgery procedures in nonaccredited facilities. Making sure that your procedure can be performed in an accredited facility will significantly reduce safety risks and increase your comfort level. ASPS Member Surgeons perform surgeries only in accredited facilities.

Source: American Society of Plastic Surgeons, www.plasticsurgery.org

