

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas P. Kennedy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the definition of surgery.

PETITION OF:

NAME:

Thomas P. Kennedy

DISTRICT/ADDRESS:

Second Plymouth and Bristol

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE DEFINITION OF SURGERY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1

2 Chapter 112 of the General Laws, as appearing in the 2006 Official Edition, is hereby
3 amended by inserting the following new section :-

4 Section 6A: The Board shall have the authority to define the practice of surgery; provided
5 further, that surgery is limited to physicians licensed by the Board of Registration in
6 medicine.

7 For the purposes of this chapter "surgery" shall be defined as structurally altering the
8 human body by the incision or destruction of tissues and is part of the practice of medicine.
9 Surgery also is the diagnostic or therapeutic treatment of conditions or disease processes by
10 any instruments causing localized alteration or transposition of live human tissue which
11 include lasers, ultrasound, ionizing radiation, scalpels, probes, and needles. The tissue can
12 be cut, burned, vaporized, frozen, sutured, probed, or manipulated by closed reductions for
13 major dislocations or fractures, or otherwise altered by mechanical, thermal, light-based,
14 electromagnetic, or chemical means. Injection of diagnostic or therapeutic substances into

15 body cavities, internal organs, joints, sensory organs, and the central nervous system also is
16 considered to be surgery (this does not include the administration by nursing personnel of
17 some injections, subcutaneous, intramuscular, and intravenous, when ordered by a
18 physician). All of these surgical procedures are invasive, including those that are performed
19 with lasers, and the risks of any surgical procedure are not eliminated by using a light knife
20 or laser in place of a metal knife, or scalpel.