

2024 -- S 2870

=====
LC005397
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

—————
A N A C T

RELATING TO HEALTH AND SAFETY -- MEDICAL SPAS SAFETY ACT

Introduced By: Senator Alana DiMario

Date Introduced: March 22, 2024

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 100

4 MEDICAL SPAS SAFETY ACT

5 **23-100-1. Definitions.**

6 For purposes of this chapter:

7 (1) "Ablative lasers or ablative energy devices" means lasers intended to excise or vaporize
8 the outer layer of skin.

9 (2) "Advanced practice registered nurse" or "APRN" means a registered nurse who has an
10 active, unrestricted advanced practice registered nurse license granted under the provisions of § 5-
11 34-45.

12 (3) "Cosmetic medical procedure" means a medical procedure or treatment which alters or
13 reshapes normal structures of the body or ablates or removes living tissue to improve physical
14 appearance. Cosmetic medical procedures shall include, but are not limited to, injection of cosmetic
15 filling agents, injection of neuromodulators, use of light or laser devices to affect the skin, hair or
16 underlying soft tissue, chemical peels, injection of fat dissolving agents, sclerotherapy, and the use
17 of any type of energy sources used to change the structure or function of the skin or underlying soft
18 tissue. The performance of cosmetic medical services is the practice of medicine and surgery. A
19 cosmetic medical service shall be performed by a qualified licensed or certified non-physician only

1 if the services have been delegated by a medical director, supervising physician, supervising PA,
2 or supervising APRN who is responsible for on-site supervision of the services performed.

3 (4) "Delegate" means a non-physician tasked with performing a procedure as defined in §
4 23-100-3 by a physician.

5 (5) "Department" means the Rhode Island department of health.

6 (6) "Medical director" means a physician who assumes the role of, or holds oneself out as,
7 medical director at a medical spa. The medical director shall be:

8 (i) Trained in the indications for, and performance of, cosmetic medical procedures,
9 including all medical devices or instruments that can alter or cause biological change or damage
10 the skin and subcutaneous tissue. Training programs provided by a manufacturer or vendor of a
11 medical device or supplies shall not be a medical director's, supervising physician's, PA's or
12 APRN's only education in the cosmetic medical service or the operation of medical devices to be
13 used;

14 (ii) Responsible for implementing policies and procedures to ensure quality patient care;

15 (iii) Responsible for the delegation and supervision of cosmetic procedures;

16 (iv) Responsible for the oversight of all cosmetic medical procedures performed by
17 physicians, PAs, APRNs, and non-physicians;

18 (v) Responsible for ensuring that all supervising physicians, supervising PAs and
19 supervising APRNs, any physicians, PAs and APRNs performing cosmetic medical procedures,
20 and any non-physicians, non-PAs and non-APRNs delegated to perform cosmetic medical
21 procedures, are properly trained in the safe and effective performance of all cosmetic medical
22 procedures that they perform at the medical spa; and

23 (vi) Responsible to maintain the required medical malpractice insurance in accordance with
24 § 42-14.1-2. The certificate of insurance shall be displayed in a conspicuous location in the facility
25 where the cosmetic medical procedure is conducted.

26 (7) "Medical spa" means a licensed establishment in which cosmetic medical procedures
27 are performed.

28 (8) "Physician" means an allopath or osteopath who has an active unrestricted medical
29 license granted under the provisions of chapter 37 of title 5.

30 (9) "Physician assistant" or "PA" means a person who is qualified by academic and
31 practical training to provide medical and surgical services in collaboration with physicians pursuant
32 to chapter 54 of title 5, and is licensed pursuant to § 5-54-11.

33 (10) "Supervision" means an arrangement when a qualified supervising physician,
34 physician assistant or APRN is either:

1 (i) On site and able to directly observe the treatment being performed, though not
2 necessarily in the same room (i.e., direct supervision); or

3 (ii) Is off site, but immediately available if needed, either in person or by
4 telecommunication (i.e., indirect supervision).

5 **23-100-2. Protection of patients in a medical spa.**

6 (a) Each medical spa shall appoint a medical director who shall be:

7 (1) Trained in the indications for, and performance of, cosmetic medical procedures,
8 including all medical devices or instruments that can alter or cause biological change or damage to
9 the skin or subcutaneous tissue. Training programs provided by a manufacturer or vendor of a
10 medical device or supplies shall not be a medical director's, supervising physician's, supervising
11 PA's or APRN's only education in the cosmetic medical service or the operation of medical devices
12 to be used;

13 (2) Responsible for implementing policies and procedures to ensure quality patient care;

14 (3) Responsible for the delegation and supervision of cosmetic procedures;

15 (4) Responsible for developing and maintaining written office protocols for each cosmetic
16 medical procedure. The protocols shall be kept on site at the medical spa for review and/or
17 inspection by the department;

18 (5) Responsible for the oversight of all cosmetic medical procedures performed by
19 physicians, PAs, APRNs, and non-physicians; and

20 (6) Responsible for ensuring that all supervisory physicians, supervising PAs and
21 supervising APRNs, any physicians, PAs and APRNs performing cosmetic medical procedures,
22 and any non-physicians and non-APRNs delegated to perform cosmetic medical procedures, are
23 properly trained in the safe and effective performance of all cosmetic medical procedures that they
24 perform at the medical spa.

25 (b) A physician, PA or APRN who performs cosmetic medical procedures, or supervises
26 cosmetic medical procedures delegated to and performed by a non-physician, non-PA or non-
27 APRN, shall be trained in the indications for and performance of the cosmetic medical procedure.
28 An APRN who performs cosmetic medical procedures, or supervises cosmetic medical procedures
29 delegated to and performed by a non-physician, non-PA or non-APRN, shall be accredited by the
30 state board of nursing.

31 (c) The supervising physician, PA or APRN shall:

32 (1) Perform an initial assessment of the patient;

33 (2) Prepare a written treatment plan for each patient, which plan shall include, as
34 applicable, diagnoses, course of treatment, and specifications for any device being used;

1 (3) Obtain patient consent, if the cosmetic medical procedure(s) are being performed by a
2 non-physician, non-PA or non-APRN and documenting, in the patient's medical record, the
3 credentials and names of the non-physician, non-PA or non-APRN who will be performing the
4 cosmetic medical procedure; and

5 (4) Create and maintain medical records in a manner consistent with applicable laws and
6 regulations and accepted medical practice.

7 (d) Non-physicians, non-PAs and non-APRNs shall only perform cosmetic medical
8 procedures:

9 (1) For which they have the requisite training; and

10 (2) Which have been delegated to them by a supervising physician, supervising PA or
11 supervising APRN.

12 (e) At all times in the performance of their duties relative to cosmetic medical procedures,
13 all providers shall:

14 (1) Review and follow written protocols for each delegated cosmetic medical procedure;

15 (2) Verify that the supervising physician, supervising PA or supervising APRN has
16 assessed the patient and given written treatment instructions for each procedure performed;

17 (3) Review the cosmetic medical procedure with each patient;

18 (4) Notify the medical director, as well as the supervising physician, supervising PA or
19 supervising APRN, before the patient leaves or as they become aware, of any adverse events or
20 complications, and follow up with the patient post-procedure, as appropriate;

21 (5) Document all relevant details of the performed cosmetic medical procedure in the
22 patient's medical record; and

23 (6) As applicable, satisfy any requirements imposed upon them by their licensing boards.

24 (f) The medical director is responsible for reporting all complications as reported by the
25 supervising physician, supervising PA or supervising APRN to the department.

26 (g) Cosmetic medical procedures using ablative lasers or ablative energy devices, dermal
27 fillers, platelet rich plasma injections, and any other energy source that involves the structure or
28 function beyond the mid-epidermis (such as medium depth chemical peels or radiofrequency micro
29 needling) shall only be performed by physicians, or may be performed by APRNs or PAs under the
30 direction of medical director who is on site at the time of the procedure.

31 (h) All cosmetic medical procedures as defined in this chapter, shall only be performed at
32 a licensed medical spa.

33 **23-100-3. Rules and regulations.**

34 The department shall, by July 1, 2024, promulgate rules and regulations necessary and not

1 [inconsistent with law to implement the purpose and intent of this chapter, which rules and](#)
2 [regulations shall provide for, though not be limited to, the licensing of medical spas as health care](#)
3 [facilities.](#)

4 SECTION 2. Section 23-17-2 of the General Laws in Chapter 23-17 entitled "Licensing of
5 Healthcare Facilities" is hereby amended to read as follows:

6 **23-17-2. Definitions.**

7 As used in this chapter:

8 (1) "Affiliate" means a legal entity that is in control of, is controlled by, or is in common
9 control with another legal entity.

10 (2) "Alzheimer's dementia special-care unit or program" means a distinct living
11 environment within a nursing facility that has been physically adapted to accommodate the
12 particular needs and behaviors of those with dementia. The unit provides increased staffing;
13 therapeutic activities designed specifically for those with dementia; and trains its staff on an
14 ongoing basis on the effective management of the physical and behavioral problems of those with
15 dementia. The residents of the unit/program have had a standard, medical-diagnostic evaluation
16 and have been determined to have a diagnosis of Alzheimer's dementia or another dementia.

17 (3) "Certified nurse-teacher" means those personnel certified by the department of
18 elementary and secondary education and employed pursuant to the provisions of §§ 16-21-7 and
19 16-21-8.

20 (4)(i) "Change in operator" means a transfer by the governing body or operator of a
21 healthcare facility to any other person (excluding delegations of authority to the medical or
22 administrative staff of the facility) of the governing body's authority to:

23 (A) Hire or fire the chief executive officer of the healthcare facility;

24 (B) Maintain and control the books and records of the healthcare facility;

25 (C) Dispose of assets and incur liabilities on behalf of the healthcare facility; or

26 (D) Adopt and enforce policies regarding operation of the healthcare facility.

27 (ii) This definition is not applicable to circumstances wherein the governing body of a
28 healthcare facility retains the immediate authority and jurisdiction over the activities enumerated
29 in subsections (4)(i)(A) — (4)(i)(D).

30 (5) "Change in owner" means:

31 (i) In the case of a healthcare facility that is a partnership, the removal, addition, or
32 substitution of a partner that results in a new partner acquiring a controlling interest in the
33 partnership;

34 (ii) In the case of a healthcare facility that is an unincorporated, solo proprietorship, the

1 transfer of the title and property to another person;

2 (iii) In the case of a healthcare facility that is a corporation:

3 (A) A sale, lease exchange, or other disposition of all, or substantially all, of the property
4 and assets of the corporation; or

5 (B) A merger of the corporation into another corporation; or

6 (C) The consolidation of two (2) or more corporations, resulting in the creation of a new
7 corporation; or

8 (D) In the case of a healthcare facility that is a business corporation, any transfer of
9 corporate stock that results in a new person acquiring a controlling interest in the corporation; or

10 (E) In the case of a healthcare facility that is a nonbusiness corporation, any change in
11 membership that results in a new person acquiring a controlling vote in the corporation.

12 (6) “Clinician” means a physician licensed under chapter 37 of title 5; a nurse licensed
13 under chapter 34 of title 5; a psychologist licensed under chapter 44 of title 5; a social worker
14 licensed under chapter 39.1 of title 5; a physical therapist licensed under chapter 40 of title 5; and
15 a speech language pathologist or audiologist licensed under chapter 48 of title 5 [or physician
16 assistant licensed under the provisions of § 5-54-11.](#)

17 (7) “Director” means the director of the Rhode Island state department of health.

18 (8) “Freestanding emergency-care facility” means an establishment, place, or facility that
19 may be a public or private organization, structurally distinct and separate from a hospital; staffed,
20 equipped, and operated to provide prompt, emergency medical care. For the purposes of this
21 chapter, “emergency medical care” means services provided for a medical condition or behavioral-
22 health condition that is manifested by symptoms of sufficient severity that, in the absence of
23 immediate medical attention, could result in harm to the person or others; serious impairment to
24 bodily functions; serious dysfunction of any bodily organ or part; or development or continuance
25 of severe pain.

26 (9) “Healthcare facility” means any institutional health-service provider, facility, or
27 institution, place, building, agency, or portion thereof, whether a partnership or corporation,
28 whether public or private, whether organized for profit or not, used, operated, or engaged in
29 providing healthcare services, including, but not limited to: hospitals; nursing facilities; home
30 nursing-care provider (which shall include skilled nursing services and may also include activities
31 allowed as a home-care provider or as a nursing service agency); home-care provider (which may
32 include services such as personal care or homemaker services); rehabilitation centers; kidney
33 disease treatment centers; health maintenance organizations; freestanding emergency-care facilities
34 as defined in this section, and facilities providing surgical treatment to patients not requiring

1 hospitalization (surgi-centers); hospice care, and physician ambulatory-surgery centers and
2 podiatry ambulatory-surgery centers providing surgical treatment. The term “healthcare facility”
3 also includes organized ambulatory-care facilities that are not part of a hospital but that are
4 organized and operated to provide healthcare services to outpatients, such as: central-services
5 facilities serving more than one healthcare facility or healthcare provider; treatment centers;
6 diagnostic centers; outpatient clinics; [medical spas as defined in § 23-100-1](#); infirmaries and health
7 centers; school-based health centers, and neighborhood health centers. The term “healthcare
8 facility” also includes a mobile health-screening vehicle as defined in this section. The term
9 “healthcare facility” shall not apply to organized, ambulatory-care facilities owned and operated
10 by professional service corporations as defined in chapter 5.1 of title 7, as amended (the
11 “professional service corporation law”), or to a practitioner’s (physician, dentist, or other healthcare
12 provider) office or group of practitioners’ offices (whether owned and/or operated by a hospital or
13 an affiliate of a hospital or an individual practitioner, alone or as a member of a partnership,
14 professional service corporation, organization, or association); provided, however, notwithstanding
15 any other provision herein or in the general laws, any hospital or any affiliate of a hospital that
16 owns and/or operates a practitioner’s office shall ensure that such practitioner’s office complies
17 with licensing or accreditation requirements that may be applicable to the practitioner’s office.
18 Individual categories of healthcare facilities shall be defined in rules and regulations promulgated
19 by the licensing agency with the advice of the health services council. Rules and regulations
20 concerning hospice care shall be promulgated with regard to the “Standards of a Hospice Program
21 of Care,” promulgated by the National Hospice Organization. Any provider of hospice care who
22 provides hospice care without charge shall be exempt from the licensing provisions of this chapter
23 but shall meet the “Standards of a Hospice Program of Care.” Facilities licensed by the department
24 of behavioral healthcare, developmental disabilities and hospitals and the department of human
25 services, and clinical laboratories licensed in accordance with chapter 16.2 of this title, as well as
26 Christian Science institutions (also known as Christian Science Nursing Facilities) listed and
27 certified by the Commission for Accreditation of Christian Science Nursing
28 Organizations/Facilities, Inc. shall not be considered healthcare facilities for purposes of this
29 chapter.

30 (10) “Homemaker,” or however else called, means a trained, nonprofessional worker who
31 performs related housekeeping services in the home for the sick, disabled, dependent, or infirm,
32 and as further defined by regulation; the director shall establish criteria for training.

33 (11) “Hospital” means a person or governmental entity licensed in accordance with this
34 chapter to establish, maintain, and operate a hospital.

1 (12) “Licensing agency” means the Rhode Island state department of health.

2 (13) “Medical services” means any professional services and supplies rendered by, or under
3 the direction of, persons duly licensed under the laws of this state to practice medicine, surgery, or
4 podiatry that may be specified by any medical service plan. Medical service shall not be construed
5 to include hospital services.

6 (14) “Mobile health-screening vehicle” means a mobile vehicle, van, or trailer that delivers
7 primary and preventive healthcare screening services, and:

8 (i) Does not maintain active contracts or arrangements with any health insurer subject to
9 regulation under chapter 20 or 42 of title 27;

10 (ii) Does not maintain active contracts or arrangements with another licensed healthcare
11 facility as that term is defined within this section; and

12 (iii) Does not provide medical services free of charge.

13 (15) “Non-English speaker” means a person who cannot speak or understand, or has
14 difficulty in speaking or understanding, the English language, because he/she uses only, or
15 primarily, a spoken language other than English, and/or a person who uses a sign language and
16 requires the use of a sign-language interpreter to facilitate communication.

17 (16) “Person” means any individual, trust or estate, partnership, corporation (including
18 associations, joint stock companies, and insurance companies), state, or political subdivision or
19 instrumentality of a state.

20 (17) “Physician ambulatory-surgery center” means an office, or portion of an office, that
21 is utilized for the purpose of furnishing surgical services to the owner and/or operator’s own
22 patients on an ambulatory basis, and shall include both single-practice, physician ambulatory-
23 surgery centers and multi-practice, physician ambulatory-surgery centers. A “single-practice,
24 physician ambulatory-surgery center” is a physician ambulatory center owned and/or operated by
25 a physician-controlled professional service corporation as defined in chapter 5.1 of title 7 (the
26 “professional service corporation law”), or a physician-controlled limited-liability company (as
27 defined in chapter 16 of title 7 (the “limited liability company act”)) in which no physician is an
28 officer, shareholder, director, or employee of any other corporation engaged in the practice of the
29 same profession, or a private physician’s office (whether owned and/or operated by an individual
30 practitioner, alone or as a member of a partnership, professional service corporation, limited-
31 liability company, organization, or association). A “multi-practice, physician ambulatory-surgery
32 center” is a physician ambulatory-surgery center owned and/or operated by a physician-controlled
33 professional service corporation (as defined in the professional service corporation law) or a
34 physician-controlled limited-liability company (as defined in the limited liability company act) in

1 which a physician is also an officer, shareholder, director, or employee of another corporation
2 engaged in the practice of the same profession, or a group of physicians' offices (whether owned
3 and/or operated by an individual practitioner, alone or as a member of a partnership, professional
4 service corporation, limited-liability company, organization, or association).

5 (18) "Podiatry ambulatory-surgery center" means an office or portion of an office that is
6 utilized for the purpose of furnishing surgical services to the owner and/or operator's own patients
7 on an ambulatory basis, and shall include both single-practice, podiatry ambulatory-surgery centers
8 and multi-practice podiatry ambulatory-surgery centers. A "single-practice podiatry ambulatory-
9 surgery center" is a podiatry ambulatory center owned and/or operated by a podiatrist-controlled
10 professional service corporation (as defined in chapter 5.1 of title 7 (the "professional service
11 corporation law")), or a podiatrist-controlled limited-liability company (as defined in chapter 16 of
12 title 7 (the "limited liability company act")) in which no podiatrist is an officer, shareholder,
13 director, or employee of any other corporation engaged in the practice of the same profession, or a
14 private podiatrist's office (whether owned and/or operated by an individual practitioner, alone or
15 as a member of a partnership, professional service corporation, limited-liability company,
16 organization, or association). A "multi-practice, podiatry ambulatory-surgery center" is a podiatry
17 ambulatory-surgery center owned and/or operated by a podiatrist-controlled professional service
18 corporation (as defined in the professional service corporation law) or a podiatrist-controlled,
19 limited-liability company (as defined in the limited liability company act) in which a podiatrist is
20 also an officer, shareholder, director, or employee of another corporation engaged in the practice
21 of the same profession, or a group of podiatrists' offices (whether owned and/or operated by an
22 individual practitioner, alone or as a member of a partnership, professional service corporation,
23 limited-liability company, organization, or association).

24 (19) "Qualified interpreter" means a person who, through experience and/or training, is
25 able to translate a particular foreign language into English, with the exception of sign-language
26 interpreters who must be licensed in accordance with chapter 71 of title 5.

27 (20) "Qualified sign-language interpreter" means one who has been licensed in accordance
28 with the provisions of chapter 71 of title 5.

29 (21) "School-based health center" means a facility located in an elementary or secondary
30 school licensed as a school-based health center that delivers primary and/or preventive healthcare
31 services to individuals to include, but not be limited to, students on site.

32 SECTION 3. Section 23-15-2 of the General Laws in Chapter 23-15 entitled
33 "Determination of Need for New Healthcare Equipment and New Institutional Health Services" is
34 hereby amended to read as follows:

1 **23-15-2. Definitions.**

2 As used in this chapter:

3 (1) “Affected person” means and includes the person whose proposal is being reviewed, or
4 the applicant, healthcare facilities located within the state that provide institutional health services,
5 the state medical society, the state osteopathic society, those voluntary nonprofit area-wide
6 planning agencies that may be established in the state, the state budget office, the office of health
7 insurance commissioner, any hospital or medical-service corporation organized under the laws of
8 the state, the statewide health coordinating council, contiguous health-systems agencies, and those
9 members of the public who are to be served by the proposed, new institutional health services or
10 new healthcare equipment.

11 (2) “Cost-impact analysis” means a written analysis of the effect that a proposal to offer or
12 develop new institutional health services or new healthcare equipment, if approved, will have on
13 healthcare costs and shall include any detail that may be prescribed by the state agency in rules and
14 regulations.

15 (3) “Director” means the director of the Rhode Island state department of health.

16 (4)(i) “Healthcare facility” means any institutional health-service provider, facility or
17 institution, place, building, agency, or portion of them, whether a partnership or corporation,
18 whether public or private, whether organized for profit or not, used, operated, or engaged in
19 providing healthcare services that are limited to hospitals, nursing facilities, home nursing-care
20 provider, home-care provider, hospice provider, inpatient rehabilitation centers (including drug
21 and/or alcohol abuse treatment centers), freestanding emergency-care facilities as defined in § 23-
22 17-2, certain facilities providing surgical treatment to patients not requiring hospitalization (surgi-
23 centers, multi-practice, physician ambulatory-surgery centers and multi-practice, podiatry
24 ambulatory-surgery centers) and facilities providing inpatient hospice care. Single-practice
25 physician or podiatry ambulatory-surgery centers (as defined in § 23-17-2(17), (18), respectively)
26 are exempt from the requirements of chapter 15 of this title; provided, however, that such
27 exemption shall not apply if a single-practice physician or podiatry ambulatory-surgery center is
28 established by a medical practice group (as defined in § 5-37-1) within two (2) years following the
29 formation of such medical practice group, when such medical practice group is formed by the
30 merger or consolidation of two (2) or more medical practice groups or the acquisition of one
31 medical practice group by another medical practice group. [Medical spas as defined in § 23-100-1](#)
32 [are exempt from the requirements of chapter 15 of this title.](#) The term “healthcare facility” does not
33 include Christian Science institutions (also known as Christian Science nursing facilities) listed and
34 certified by the Commission for Accreditation of Christian Science Nursing

1 Organizations/Facilities, Inc.

2 (ii) Any provider of hospice care who provides hospice care without charge shall be exempt
3 from the provisions of this chapter.

4 (5) "Healthcare provider" means a person who is a direct provider of healthcare services
5 (including but not limited to physicians, dentists, nurses, podiatrists, physician assistants, or nurse
6 practitioners) in that the person's primary current activity is the provision of healthcare services for
7 persons.

8 (6) "Health services" means organized program components for preventive, assessment,
9 maintenance, diagnostic, treatment, and rehabilitative services provided in a healthcare facility.

10 (7) "Health services council" means the advisory body to the Rhode Island state department
11 of health established in accordance with chapter 17 of this title, appointed and empowered as
12 provided to serve as the advisory body to the state agency in its review functions under this chapter.

13 (8) "Institutional health services" means health services provided in or through healthcare
14 facilities and includes the entities in or through that the services are provided.

15 (9) "New healthcare equipment" means any single piece of medical equipment (and any
16 components that constitute operational components of the piece of medical equipment) proposed
17 to be utilized in conjunction with the provision of services to patients or the public, the capital costs
18 of which would exceed two million two hundred fifty thousand dollars (\$2,250,000); provided,
19 however, that the state agency shall exempt from review any application that proposes one-for-one
20 equipment replacement as defined in regulation. Further, beginning July 1, 2012, and each July
21 thereafter, the amount shall be adjusted by the percentage of increase in the consumer price index
22 for all urban consumers (CPI-U) as published by the United States Department of Labor Statistics
23 as of September 30 of the prior calendar year.

24 (10) "New institutional health services" means and includes:

25 (i) Construction, development, or other establishment of a new healthcare facility.

26 (ii) Any expenditure, except acquisitions of an existing healthcare facility, that will not
27 result in a change in the services or bed capacity of the healthcare facility by, or on behalf of, an
28 existing healthcare facility in excess of five million two hundred fifty thousand dollars (\$5,250,000)
29 which is a capital expenditure including expenditures for predevelopment activities; provided
30 further, beginning July 1, 2012, and each July thereafter, the amount shall be adjusted by the
31 percentage of increase in the consumer price index for all urban consumers (CPI-U) as published
32 by the United States Department of Labor Statistics as of September 30 of the prior calendar year.

33 (iii) Where a person makes an acquisition by, or on behalf of, a healthcare facility or health
34 maintenance organization under lease or comparable arrangement or through donation, which

1 would have required review if the acquisition had been by purchase, the acquisition shall be deemed
2 a capital expenditure subject to review.

3 (iv) Any capital expenditure that results in the addition of a health service or that changes
4 the bed capacity of a healthcare facility with respect to which the expenditure is made, except that
5 the state agency may exempt from review, by rules and regulations promulgated for this chapter,
6 any bed reclassifications made to licensed nursing facilities and annual increases in licensed bed
7 capacities of nursing facilities that do not exceed the greater of ten (10) beds or ten percent (10%)
8 of facility licensed bed capacity and for which the related capital expenditure does not exceed two
9 million dollars (\$2,000,000).

10 (v) Any health service proposed to be offered to patients or the public by a healthcare
11 facility that was not offered on a regular basis in or through the facility within the twelve-month
12 (12) period prior to the time the service would be offered, and that increases operating expenses by
13 more than one million five hundred thousand dollars (\$1,500,000), except that the state agency may
14 exempt from review, by rules and regulations promulgated for this chapter, any health service
15 involving reclassification of bed capacity made to licensed nursing facilities. Further, beginning
16 July 1, 2012, and each July thereafter, the amount shall be adjusted by the percentage of increase
17 in the consumer price index for all urban consumers (CPI-U) as published by the United States
18 Department of Labor Statistics as of September 30 of the prior calendar year.

19 (vi) Any new or expanded tertiary or specialty-care service, regardless of capital expense
20 or operating expense, as defined by and listed in regulation, the list not to exceed a total of twelve
21 (12) categories of services at any one time and shall include full-body magnetic resonance imaging
22 and computerized axial tomography; provided, however, that the state agency shall exempt from
23 review any application that proposes one-for-one equipment replacement as defined by and listed
24 in regulation. Acquisition of full body magnetic resonance imaging and computerized axial
25 tomography shall not require a certificate-of-need review and approval by the state agency if
26 satisfactory evidence is provided to the state agency that it was acquired for under one million
27 dollars (\$1,000,000) on or before January 1, 2010, and was in operation on or before July 1, 2010.

28 (11) "Person" means any individual, trust or estate, partnership, corporation (including
29 associations, joint stock companies, and insurance companies), state or political subdivision, or
30 instrumentality of a state.

31 (12) "Predevelopment activities" means expenditures for architectural designs, plans,
32 working drawings, and specifications, site acquisition, professional consultations, preliminary
33 plans, studies, and surveys made in preparation for the offering of a new, institutional health
34 service.

1 (13) “State agency” means the Rhode Island state department of health.

2 (14) “To develop” means to undertake those activities that, on their completion, will result
3 in the offering of a new, institutional health service or new healthcare equipment or the incurring
4 of a financial obligation, in relation to the offering of that service.

5 (15) “To offer” means to hold oneself out as capable of providing, or as having the means
6 for the provision of, specified health services or healthcare equipment.

7 SECTION 4. This act shall take effect upon passage.

=====
LC005397
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- MEDICAL SPAS SAFETY ACT

1 This act would provide that the performance of cosmetic medical services is the practice
2 of medicine and surgery. This act would also provide that a cosmetic medical service would be
3 performed by a qualified licensed or certified non-physician only if the services have been
4 delegated by a medical director, supervising physician, supervising physician assistant, or
5 supervising APRN who is responsible for on-site supervision of the services performed.

6 This act would take effect upon passage.

=====
LC005397
=====