

2025 -- H 5351

LC001015

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO HEALTH AND SAFETY -- MEDICAL AESTHETIC PRACTICES SAFETY
ACT

Introduced By: Representatives Baginski, Bennett, and Casey

Date Introduced: February 07, 2025

Referred To: House 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 104

4 MEDICAL AESTHETIC PRACTICES SAFETY ACT

5 **23-104-1. Short title.**

6 This chapter shall be known and may be cited as the "Medical Aesthetic Practices Safety
7 Act".

8 **23-104-2. Definitions.**

9 As used in this chapter, the following words and terms shall have the following meanings
10 unless the context clearly indicates another or different meaning or intent:

11 (1) "Advanced practice registered nurse" or "APRN" as defined in § 5-34-3.

12 (2) "Advanced practice registered nursing" as defined in § 5-34-3.

13 (3) "Certified nurse practitioner" or "CNP" as defined in § 5-34-3.

14 (4) "Cosmetic medical procedure" means any medical procedure that does not require
15 sedation that is performed on a person and is directed at improving the person's appearance and
16 does not meaningfully promote the proper function of the body or prevent or treat illness or disease.

17 Cosmetic medical procedures may include, but are not limited to, cosmetic surgery, microneedling,
18 hair transplants, cosmetic injections such as soft tissue fillers and neurotoxins, dermaplaning,

1 dermastamping, dermarolling, dermabrasion that removes cells beyond the stratum corneum,
2 chemical peels using modification solutions that exceed thirty percent (30%) concentration with a
3 pH value of lower than 3.0, laser hair removal, laser skin resurfacing, laser treatment of veins,
4 platelet-rich plasma, platelet-rich fibrin, sclerotherapy, other laser procedures, intense pulsed light,
5 intravenous therapy, radiofrequency, and vitamin infusion.

6 (i) Subject to the provisions in § 23-104-2(e), the performance of cosmetic medical services
7 shall be performed by a qualified licensed physician, PA, or APRN or by a qualified non-physician,
8 non-PA, or non-APRN only if the services have been delegated by a physician, PA, or APRN who
9 is responsible for supervision of the services performed.

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

11 (7) "Medical aesthetics practice" means an establishment in which cosmetic medical
12 procedures are performed. A medical aesthetics practice may operate as a licensed healthcare
13 facility pursuant to the provisions of chapter 17 of title 23, an organized, ambulatory-care facility
14 owned and operated by professional services corporation pursuant to the provisions of chapter 5.1
15 of title 7, a practitioner's office or group of practitioner's offices (whether owned and/or operated
16 by a hospital or an affiliate of a hospital or an individual practitioner, alone or as a member of a
17 partnership, professional service corporation, organization, or association). Nothing in this chapter
18 shall affect or modify the definition of "healthcare facility" in § 23-17-2.

19 (8) "Physician" means a person with a license to practice medicine as defined in § 5-37-1.

20 (9) "Physician assistant" or "PA" means a person who is qualified to provide medical
21 services in collaboration with physicians as defined in § 5-54-2.

22 (11) "Registered nurse" or "RN" means a person licensed to practice nursing in the state
23 as defined in § 5-34-3.

24 (12) "Supervision" means an arrangement when a qualified supervising physician,
25 physician assistant, or APRN is either:

26 (i) On site at the treatment location, though not necessarily in the same room (i.e., direct
27 supervision); or

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

30 **23-104-3. Protection of patients in a medical aesthetics practice.**

31 (a) Each medical aesthetics practice shall be owned by, employ, and/or contract for the
32 services of:

33 (1) A licensed physician;

34 (2) A licensed physician assistant; or

1 (3) A licensed advanced practice registered nurse. Each such physician, physician assistant
2 or advanced practice registered nurse shall be actively practicing in the state; and have received
3 education or training from an institution of higher education or professional organization to perform
4 cosmetic medical procedures and have experience performing such procedures. Any cosmetic
5 medical procedure performed at a medical aesthetics practice shall be performed in accordance
6 with the provisions of this chapter, and, subject to the provisions in subsection (e) of this section,
7 shall only be performed by such physician, physician assistant, advanced practice registered nurse,
8 or delegated to and performed by a qualified non-physician, non-PA or non-APRN under the
9 supervision of a physician, physician assistant, or advanced practice registered nurse.

10 (b) A physician, PA or APRN who performs cosmetic medical procedures or supervises
11 such procedures delegated to and performed by a non-physician, non-PA or non-APRN shall be
12 trained in the indications for and performance of the cosmetic medical procedure.

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

14 (1) Perform an initial assessment of the patient.

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

17 (3) Obtain patient consent and, if the cosmetic medical procedure(s) are being performed
18 by a non-physician, non-PA or non-APRN and document, in the patient's medical record, the
19 credentials and names of the non-physician, non-PA or non-APRN who will be performing the
20 cosmetic medical procedure.

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

23 (d) Subject to the provisions of subsection (e) of this section, qualified non-physicians,
24 non-PAs and non-APRNs shall only perform cosmetic medical procedures:

25 (1) For which they have the requisite experience, certificates as applicable, and a minimum
26 of twenty (20) hours of training; and

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

29 (e) Nothing in this chapter shall be construed to prohibit:

30 (1) A registered nurse from engaging in the practice of professional nursing as set forth in
31 chapter 34 of title 5 including, but not limited to, providing cosmetic injections such as soft tissue
32 fillers and neurotoxins, intravenous fluids, vitamin injections, laser hair removal, intense pulsed
33 light, laser skin resurfacing, microneedling, laser vein removal, sclerotherapy, and radiofrequency
34 when such services are delegated by a physician, PA, or APRN and supervised by a physician, PA

1 or APRN pursuant to this chapter:

2 (2) A licensed esthetician from engaging in the practice of esthetics as set forth in chapter
3 10 of title 5 including, but not limited to, chemical peels using modification solutions that do not
4 exceed thirty percent (30%) concentration with a pH value of lower than 3.0, radio frequency,
5 intense pulsed light, and microneedling. Supervision and delegation as defined in this section are
6 not required for a licensed esthetician to practice esthetics;

7 (3) A licensed dentist from engaging in the practice of dentistry as set forth in chapter 31.1
8 of title 5 including, but not limited to, cosmetic injections such as soft tissue fillers and neurotoxins.
9 Supervision and delegation defined in this section are not required for a licensed dentist to practice
10 dentistry;

11 (4) A licensed electrologist from engaging in the practice of electrology as set forth in
12 chapter 32 of title 5 including, but not limited to, laser hair removal. Supervision and delegation
13 defined in this section are not required for a licensed electrologist to practice electrology in
14 accordance with the requirements of § 5-32-21; or

15 (5) A licensed tattoo artist from engaging in the practice of tattoo artistry as set forth in
16 chapter 1 of this title including, but not limited to, inkless stretch mark revision, permanent makeup
17 artistry, microblading, and saline tattoo removal. Supervision and delegation as defined in this
18 section are not required for a licensed tattoo artist to practice tattoo artistry.

19 (f) Subject to subsection (e) of this section, at all times in the performance of their duties
20 relative to cosmetic procedures, all providers shall:

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

22 (2) Verify that the supervising physician, supervising PA or supervising APRN, as
23 applicable, has assessed the patient and given written treatment instructions for each procedure
24 performed;

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

26 (4) Notify the supervising physician, supervising PA or supervising APRN, as applicable,
27 before the patient leaves or as they become aware, of any adverse events or complications, and
28 follow up with the patient post-procedure, as appropriate;

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

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

32 **23-104-4. Rules and regulations.**

33 The department shall, by January 1, 2026, promulgate rules and regulations necessary and
34 not inconsistent with law to implement the purpose and intent of this chapter.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- MEDICAL AESTHETIC PRACTICES SAFETY
ACT

1 This act would mandate that all cosmetic medical procedures be performed by a physician,
2 physician assistant, advanced practice registered nurse, or delegated to a qualified non-physician,
3 non-PA or non-APRN under the supervision of a physician, physician assistant, or advanced
4 practice registered nurse trained in the performance of the cosmetic medical procedure.
5 Specifically, the act would require the supervising physician, PA or APRN to perform an initial
6 patient assessment, prepare a detailed written treatment plan, and obtain patient consent. The act
7 would not apply to a registered nurse engaging in the practice of professional nursing, a licensed
8 esthetician engaging in the practice of esthetics, a licensed dentist engaging in the practice of
9 dentistry, a licensed electrologist engaging in the practice of electrology, or a licensed tattoo artist
10 engaging in the practice of tattoo artistry.

11 This act would take effect upon passage.

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