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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO HEALTH AND SAFETY

Introduced By: Representatives Baginski, Casimiro, and Bennett

Date Introduced: January 06, 2022

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 97

4 MEDICAL SPAS

5 **23-97-1. 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  
10 an active, unrestricted advanced practice registered nurse license granted under the authority of  
11 chapter 34 of title 5.

12 (3) "Cosmetic medical procedure" means any procedure that does not require sedation that  
13 is performed on a person and is directed at improving the person's appearance and does not  
14 meaningfully promote the proper function of the body or prevent or treat illness or disease.  
15 Cosmetic medical procedures may include, but are not limited to, cosmetic surgery, microneedling,  
16 hair transplants, cosmetic injections, cosmetic soft tissue fillers, dermaplaning, dermastamping,  
17 dermarolling, dermabrasion that removes cells beyond the stratum corneum, chemical peels using  
18 modification solutions that exceed thirty percent (30%) concentration with a pH value of lower  
19 than 3.0, laser hair removal, laser skin resurfacing, laser treatment of leg veins, sclerotherapy and

1 other laser procedures, intense pulsed light, injection of cosmetic filling agents and neurotoxins and  
2 the use of class II medical devices designed to induce deep skin tissue alteration. The performance  
3 of cosmetic medical services is the practice of medicine and surgery. A cosmetic medical service  
4 shall be performed only by a qualified licensed or certified non-physician if the services have been  
5 delegated by a medical director, supervising physician, or APRN who is responsible for on-site  
6 supervision of the services performed.

7 (4) "Delegate" means a non-physician tasked with performing a procedure as defined § 23-  
8 97-1(3) by a physician or APRN.

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

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

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

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

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

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

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

25 (7) "Medical spa" means an establishment in which cosmetic medical procedures are  
26 performed.

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

29 (9) "Supervision" means an arrangement when a qualified supervising physician or APRN  
30 is either:

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

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

1           **23-97-2. Protection of patients in a medical spa.**

2           (a) A physician or APRN who performs cosmetic medical procedures, or supervises such  
3 procedures delegated to and performed by a non-physician or non-APRN, must be trained in the  
4 indications for and performance of the cosmetic medical procedure. An APRN who performs  
5 cosmetic medical procedures, or supervises such procedures delegated to and performed by a non-  
6 physician or non-APRN, must be accredited by the state board of nursing.

7           (b) The supervising physician or APRN shall:

8           (1) Develop and maintain written office protocols for each cosmetic medical procedure.  
9 Such protocols shall be kept on site at the medical spa for review and/or inspection by the  
10 department.

11           (2) Perform an initial assessment of the patient.

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

14           (4) Obtain patient consent, if the cosmetic medical procedure(s) are being performed by a  
15 non-physician or non-APRN and documenting, in the patient's medical record, the credentials and  
16 names of the non-physician or non-APRN who will be performing the cosmetic medical procedure.

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

19           (c) Non-physicians and non-APRNs may only perform cosmetic medical procedures:

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

21           (2) Which have been delegated to them by a supervising physician or APRN.

22           (d) At all times in the performance of their duties relative to cosmetic procedures, all  
23 non-physicians and non-APRNs shall:

24           (1) Wear identification that identifies them as not being physicians or APRNs. As  
25 applicable, such identification must identify the non-physician/non-APRN's job title and  
26 credentials, including professional license;

27           (2) Review and follow written protocols for each delegated cosmetic medical procedure;

28           (3) Verify that the supervising physician or supervising APRN has assessed the patient and  
29 given written treatment instructions for each procedure performed;

30           (4) Review the cosmetic medical procedure with each patient;

31           (5) Notify the medical director, as well as the supervising physician or supervising APRN,  
32 before the patient leaves or as they become aware, of any adverse events or complications, and  
33 follow up with the patient post-procedure, as appropriate;

34           (6) Document all relevant details of the performed cosmetic medical procedure in the

1 [patient's medical record; and](#)

2 [\(7\) As applicable, satisfy any requirements imposed upon them by their licensing boards.](#)

3 [\(e\) Cosmetic medical procedures using ablative lasers or ablative energy devices shall only](#)  
4 [be performed by physicians.](#)

5 **23-97-3. Rules and regulations.**

6 [The department shall, by July 1, 2023, promulgate rules and regulations necessary and not](#)  
7 [inconsistent with law to implement the purpose and intent of this chapter, which rules and](#)  
8 [regulations shall provide for, though not be limited to, the licensing of medical spas as health care](#)  
9 [facilities.](#)

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

12 **23-17-2. Definitions.**

13 As used in this chapter:

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

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

23 (3) "Certified nurse-teacher" means those personnel certified by the department of  
24 elementary and secondary education and employed pursuant to the provisions of §§ 16-21-7 and  
25 16-21-8.

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

- 29 (A) Hire or fire the chief executive officer of the healthcare facility;
- 30 (B) Maintain and control the books and records of the healthcare facility;
- 31 (C) Dispose of assets and incur liabilities on behalf of the healthcare facility; or
- 32 (D) Adopt and enforce policies regarding operation of the healthcare facility.

33 (ii) This definition is not applicable to circumstances wherein the governing body of a  
34 healthcare facility retains the immediate authority and jurisdiction over the activities enumerated

1 in subsections (4)(i)(A) -- (4)(i)(D).

2 (5) "Change in owner" means:

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

6 (ii) In the case of a healthcare facility that is an unincorporated, solo proprietorship, the  
7 transfer of the title and property to another person;

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

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

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

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

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

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

18 (6) "Clinician" means a physician licensed under chapter 37 of title 5; a nurse licensed  
19 under chapter 34 of title 5; a psychologist licensed under chapter 44 of title 5; a social worker  
20 licensed under chapter 39.1 of title 5; a physical therapist licensed under chapter 40 of title 5; and  
21 a speech language pathologist or audiologist licensed under chapter 48 of title 5.

22 (7) "Director" means the director of the Rhode Island state department of health.

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

31 (9) "Healthcare facility" means any institutional health-service provider, facility, or  
32 institution, place, building, agency, or portion thereof, whether a partnership or corporation,  
33 whether public or private, whether organized for profit or not, used, operated, or engaged in  
34 providing healthcare services, including, but not limited to: hospitals; nursing facilities; home

1 nursing-care provider (which shall include skilled nursing services and may also include activities  
2 allowed as a home-care provider or as a nursing service agency); home-care provider (which may  
3 include services such as personal care or homemaker services); rehabilitation centers; kidney  
4 disease treatment centers; health maintenance organizations; freestanding emergency-care facilities  
5 as defined in this section, and facilities providing surgical treatment to patients not requiring  
6 hospitalization (surgi-centers); hospice care, and physician ambulatory-surgery centers and  
7 podiatry ambulatory-surgery centers providing surgical treatment. The term "healthcare facility"  
8 also includes organized ambulatory-care facilities that are not part of a hospital but that are  
9 organized and operated to provide healthcare services to outpatients, such as: central-services  
10 facilities serving more than one healthcare facility or healthcare provider; treatment centers;  
11 diagnostic centers; outpatient clinics; [medical spas as defined in chapter 97 of title 23](#); infirmaries  
12 and health centers; school-based health centers, and neighborhood health centers. The term  
13 "healthcare facility" also includes a mobile health-screening vehicle as defined in this section. The  
14 term "healthcare facility" shall not apply to organized, ambulatory-care facilities owned and  
15 operated by professional service corporations as defined in chapter 5.1 of title 7, as amended (the  
16 "professional service corporation law"), or to a practitioner's (physician, dentist, or other healthcare  
17 provider) office or group of practitioners' offices (whether owned and/or operated by a hospital or  
18 an affiliate of a hospital or an individual practitioner, alone or as a member of a partnership,  
19 professional service corporation, organization, or association); provided, however, notwithstanding  
20 any other provision herein or in the general laws, any hospital or any affiliate of a hospital that  
21 owns and/or operates a practitioner's office shall ensure that such practitioner's office complies with  
22 licensing or accreditation requirements that may be applicable to the practitioner's office. Individual  
23 categories of healthcare facilities shall be defined in rules and regulations promulgated by the  
24 licensing agency with the advice of the health services council. Rules and regulations concerning  
25 hospice care shall be promulgated with regard to the "Standards of a Hospice Program of Care,"  
26 promulgated by the National Hospice Organization. Any provider of hospice care who provides  
27 hospice care without charge shall be exempt from the licensing provisions of this chapter but shall  
28 meet the "Standards of a Hospice Program of Care." Facilities licensed by the department of  
29 behavioral healthcare, developmental disabilities and hospitals and the department of human  
30 services, and clinical laboratories licensed in accordance with chapter 16.2 of this title, as well as  
31 Christian Science institutions (also known as Christian Science Nursing Facilities) listed and  
32 certified by the Commission for Accreditation of Christian Science Nursing  
33 Organizations/Facilities, Inc. shall not be considered healthcare facilities for purposes of this  
34 chapter.

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

4 (11) "Hospital" means a person or governmental entity licensed in accordance with this  
5 chapter to establish, maintain, and operate a hospital.

6 (12) "Licensing agency" means the Rhode Island state department of health.

7 (13) "Medical services" means any professional services and supplies rendered by, or under  
8 the direction of, persons duly licensed under the laws of this state to practice medicine, surgery, or  
9 podiatry that may be specified by any medical service plan. Medical service shall not be construed  
10 to include hospital services.

11 (14) "Mobile health-screening vehicle" means a mobile vehicle, van, or trailer that delivers  
12 primary and preventive healthcare screening services, and:

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

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

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

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

22 (16) "Person" means any individual, trust or estate, partnership, corporation (including  
23 associations, joint stock companies, and insurance companies), state, or political subdivision or  
24 instrumentality of a state.

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

1 as a member of a partnership, professional service corporation, limited-liability company,  
2 organization, or association). A "multi-practice, physician ambulatory-surgery center" is a  
3 physician ambulatory-surgery center owned and/or operated by a physician-controlled professional  
4 service corporation (as defined in the professional service corporation law) or a physician-  
5 controlled limited-liability company (as defined in the limited liability company act) in which a  
6 physician is also an officer, shareholder, director, or employee of another corporation engaged in  
7 the practice of the same profession, or a group of physicians' offices (whether owned and/or  
8 operated by an individual practitioner, alone or as a member of a partnership, professional service  
9 corporation, limited-liability company, organization, or association).

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

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

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

34 (21) "School-based health center" means a facility located in an elementary or secondary



1 school licensed as a school-based health center that delivers primary and/or preventive healthcare  
2 services to individuals to include, but not be limited to, students on site.

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

6 **23-15-2. Definitions.**

7 As used in this chapter:

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

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

20 (3) "Director" means the director of the Rhode Island state department of health.

21 (4)(i) "Healthcare facility" means any institutional health-service provider, facility or  
22 institution, place, building, agency, or portion of them, whether a partnership or corporation,  
23 whether public or private, whether organized for profit or not, used, operated, or engaged in  
24 providing healthcare services that are limited to hospitals, nursing facilities, home nursing-care  
25 provider, home-care provider, hospice provider, inpatient rehabilitation centers (including drug  
26 and/or alcohol abuse treatment centers), freestanding emergency-care facilities as defined in § 23-  
27 17-2, certain facilities providing surgical treatment to patients not requiring hospitalization (surgi-  
28 centers, multi-practice, physician ambulatory-surgery centers and multi-practice, podiatry  
29 ambulatory-surgery centers) and facilities providing inpatient hospice care. Single-practice  
30 physician or podiatry ambulatory-surgery centers (as defined in § 23-17-2(17), (18), respectively)  
31 are exempt from the requirements of chapter 15 of this title; provided, however, that such  
32 exemption shall not apply if a single-practice physician or podiatry ambulatory-surgery center is  
33 established by a medical practice group (as defined in § 5-37-1) within two (2) years following the  
34 formation of such medical practice group, when such medical practice group is formed by the

1 merger or consolidation of two (2) or more medical practice groups or the acquisition of one  
2 medical practice group by another medical practice group. [Medical spas as defined in chapter 97](#)  
3 [of title 23 are exempt from the requirements of chapter 15 of this title.](#) The term "healthcare facility"  
4 does not include Christian Science institutions (also known as Christian Science nursing facilities)  
5 listed and certified by the Commission for Accreditation of Christian Science Nursing  
6 Organizations/Facilities, Inc.

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

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

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

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

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

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

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

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

31 (ii) Any expenditure, except acquisitions of an existing healthcare facility, that will not  
32 result in a change in the services or bed capacity of the healthcare facility by, or on behalf of, an  
33 existing healthcare facility in excess of five million two hundred fifty thousand dollars (\$5,250,000)  
34 which is a capital expenditure including expenditures for predevelopment activities; provided

1 further, beginning July 1, 2012, and each July thereafter, the amount shall be adjusted by the  
2 percentage of increase in the consumer price index for all urban consumers (CPI-U) as published  
3 by the United States Department of Labor Statistics as of September 30 of the prior calendar year.

4 (iii) Where a person makes an acquisition by, or on behalf of, a healthcare facility or health  
5 maintenance organization under lease or comparable arrangement or through donation, which  
6 would have required review if the acquisition had been by purchase, the acquisition shall be deemed  
7 a capital expenditure subject to review.

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

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

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

33 (11) "Person" means any individual, trust or estate, partnership, corporation (including  
34 associations, joint stock companies, and insurance companies), state or political subdivision, or

1 instrumentality of a state.

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

6 (13) "State agency" means the Rhode Island state department of health.

7 (14) "To develop" means to undertake those activities that, on their completion, will result  
8 in the offering of a new, institutional health service or new healthcare equipment or the incurring  
9 of a financial obligation, in relation to the offering of that service.

10 (15) "To offer" means to hold oneself out as capable of providing, or as having the means  
11 for the provision of, specified health services or healthcare equipment.

12 SECTION 4. 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

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1           This act would require medical spas to employ or contract for the services of a licensed  
2 physician, physician assistant, or registered nurse. Additionally, each spa would be required to post  
3 information about personnel performing cosmetic medical procedures, and provide a written notice  
4 to a person before said procedure is performed.

5           This act would take effect upon passage.

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