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LC002644/SUB A

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IN GENERAL ASSEMBLY

RELATING TO HEALTH AND SAFETY -- MEDICAL SPAS SAFETY ACT

Referred To: Senate Health & Human Services

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

MEDICAL SPAS SAFETY ACT

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

3. (3) "Certified nurse practitioner" means a certified nurse practitioner as defined in § 5-34-

(4) "Cosmetic medical procedure" means any procedure that does not require sedation that is performed on a person and is directed at improving the person's appearance and does not meaningfully promote the proper function of the body or prevent or treat illness or disease. Cosmetic medical procedures may include, but are not limited to, microneedling, hair transplants, cosmetic injections, cosmetic soft tissue fillers, dermaplaning, dermastamping, dermarolling, microdermabrasion, chemical peels, laser resurfacing, laser treatment of veins, sclerotherapy, other

1 laser procedures, intense pulsed light, ablative laser, permanent fat removal, radio frequency
2 microneedling, platelet-rich plasma, platelet-rich fibrin and the use of class II medical devices
3 designed to induce deep skin tissue alteration. A cosmetic medical service shall be performed by a
4 delegate only if the services are within the scope of the provider and have been delegated by a
5 medical director, supervising physician, supervising PA, or supervising CNP who is responsible
6 for supervision of the services performed.

7 (5) "Delegate" means a licensed non-physician tasked with performing a cosmetic medical
8 procedure as defined in this section by a physician, PA or CNP.

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

10 (7) "Medical director" means a physician or certified nurse practitioner who assumes the
11 role of, or holds oneself out as, medical director. 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 shall not be a medical director's, supervising physician's, PA's or CNP's
16 only 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, PAs, CNPs, and non-physicians; and

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

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

28 (9) "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 (10) "Physician assistant" or "PA" means a person who is licensed and qualified by
31 academic and practical training to provide medical and surgical services in collaboration with
32 physicians.

33 (11) "Supervision" means an arrangement when a qualified supervising physician, a
34 physician assistant in collaboration with a physician, or a CNP 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 is in the state and immediately available if needed, either in person or by
4 telecommunication (i.e., indirect supervision).

5 **23-104-2. 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 in collaboration with a physician, or CNP's only education in the cosmetic medical service or
12 the operation of medical devices 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. Such 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 RNs;

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

25 (7) On site or off site and able to directly observe the treatment being performed, though
26 not necessarily in the same room (i.e., direct supervision).

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

32 (c) The supervising physician, supervising APRN or supervising PA in collaboration with
33 a physician shall:

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

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

3 (3) Obtain patient consent and document the patient's consent, in the patient's medical
4 record.

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 may 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 in
11 collaboration with a physician or supervising APRN.

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

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

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

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

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

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

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

26 (f) Medical procedures using ablative lasers or ablative energy devices shall only be
27 performed by physicians, physician assistants and certified nurse practitioners.

28 **23-104-3. Rules and regulations.**

29 The department shall, by July 1, 2026, promulgate rules and regulations necessary and not
30 inconsistent with law to implement the purpose and intent of this chapter, which rules and
31 regulations shall provide for, though not be limited to, the licensing of medical spas as health care
32 facilities.

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

1 **23-17-2. Definitions.**

2 As used in this chapter:

3 (1) “Affiliate” means a legal entity that is in control of, is controlled by, or is in common
4 control with another legal entity.

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

12 (3) “Certified nurse-teacher” means those personnel certified by the department of
13 elementary and secondary education and employed pursuant to the provisions of §§ 16-21-7 and
14 16-21-8.

15 (4)(i) “Change in operator” means a transfer by the governing body or operator of a
16 healthcare facility to any other person (excluding delegations of authority to the medical or
17 administrative staff of the facility) of the governing body’s authority to:

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

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

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

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

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

25 (5) “Change in owner” means:

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

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

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

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

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

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

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

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

7 (6) “Clinician” means a physician licensed under chapter 37 of title 5; a nurse licensed
8 under chapter 34 of title 5; a psychologist licensed under chapter 44 of title 5; a social worker
9 licensed under chapter 39.1 of title 5; a physical therapist licensed under chapter 40 of title 5; and
10 a speech language pathologist or audiologist licensed under chapter 48 of title 5 [or physician
11 assistant licensed under the provisions of chapter 54 of title 5.](#)

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

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

21 (9) “Healthcare facility” means any institutional health-service provider, facility, or
22 institution, place, building, agency, or portion thereof, 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, including, but not limited to: hospitals; nursing facilities; home
25 nursing-care provider (which shall include skilled nursing services and may also include activities
26 allowed as a home-care provider or as a nursing service agency); home-care provider (which may
27 include services such as personal care or homemaker services); rehabilitation centers; kidney
28 disease treatment centers; health maintenance organizations; freestanding emergency-care facilities
29 as defined in this section, and facilities providing surgical treatment to patients not requiring
30 hospitalization (surgi-centers); hospice care, and physician ambulatory-surgery centers and
31 podiatry ambulatory-surgery centers providing surgical treatment. The term “healthcare facility”
32 also includes organized ambulatory-care facilities that are not part of a hospital but that are
33 organized and operated to provide healthcare services to outpatients, such as: central-services
34 facilities serving more than one healthcare facility or healthcare provider; treatment centers;

1 diagnostic centers; outpatient clinics; [medical spas as defined in chapter 104 of title 23](#); infirmaries
2 and health centers; school-based health centers, and neighborhood health centers. The term
3 “healthcare facility” also includes a mobile health-screening vehicle as defined in this section. The
4 term “healthcare facility” shall not apply to organized, ambulatory-care facilities owned and
5 operated by professional service corporations as defined in chapter 5.1 of title 7, as amended (the
6 “professional service corporation law”), or to a practitioner’s (physician, dentist, or other healthcare
7 provider) office or group of practitioners’ offices (whether owned and/or operated by a hospital or
8 an affiliate of a hospital or an individual practitioner, alone or as a member of a partnership,
9 professional service corporation, organization, or association); provided, however, notwithstanding
10 any other provision herein or in the general laws, any hospital or any affiliate of a hospital that
11 owns and/or operates a practitioner’s office shall ensure that such practitioner’s office complies
12 with licensing or accreditation requirements that may be applicable to the practitioner’s office.
13 Individual categories of healthcare facilities shall be defined in rules and regulations promulgated
14 by the licensing agency with the advice of the health services council. Rules and regulations
15 concerning hospice care shall be promulgated with regard to the “Standards of a Hospice Program
16 of Care,” promulgated by the National Hospice Organization. Any provider of hospice care who
17 provides hospice care without charge shall be exempt from the licensing provisions of this chapter
18 but shall meet the “Standards of a Hospice Program of Care.” Facilities licensed by the department
19 of behavioral healthcare, developmental disabilities and hospitals and the department of human
20 services, and clinical laboratories licensed in accordance with chapter 16.2 of this title, as well as
21 Christian Science institutions (also known as Christian Science Nursing Facilities) listed and
22 certified by the Commission for Accreditation of Christian Science Nursing
23 Organizations/Facilities, Inc. shall not be considered healthcare facilities for purposes of this
24 chapter.

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

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

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

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

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

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

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

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

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

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

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

34 (18) “Podiatry ambulatory-surgery center” means an office or portion of an office that is

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

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

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

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

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

30 **23-15-2. Definitions.**

31 As used in this chapter:

32 (1) "Affected person" means and includes the person whose proposal is being reviewed, or
33 the applicant, healthcare facilities located within the state that provide institutional health services,
34 the state medical society, the state osteopathic society, those voluntary nonprofit area-wide

1 planning agencies that may be established in the state, the state budget office, the office of health
2 insurance commissioner, any hospital or medical-service corporation organized under the laws of
3 the state, the statewide health coordinating council, contiguous health-systems agencies, and those
4 members of the public who are to be served by the proposed, new institutional health services or
5 new healthcare equipment.

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

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

11 (4)(i) “Healthcare facility” means any institutional health-service provider, facility or
12 institution, place, building, agency, or portion of them, whether a partnership or corporation,
13 whether public or private, whether organized for profit or not, used, operated, or engaged in
14 providing healthcare services that are limited to hospitals, nursing facilities, home nursing-care
15 provider, home-care provider, hospice provider, inpatient rehabilitation centers (including drug
16 and/or alcohol abuse treatment centers), freestanding emergency-care facilities as defined in § 23-
17 17-2, certain facilities providing surgical treatment to patients not requiring hospitalization (surgi-
18 centers, multi-practice, physician ambulatory-surgery centers and multi-practice, podiatry
19 ambulatory-surgery centers) and facilities providing inpatient hospice care. Single-practice
20 physician or podiatry ambulatory-surgery centers (as defined in § 23-17-2(17), (18), respectively)
21 are exempt from the requirements of chapter 15 of this title; provided, however, that such
22 exemption shall not apply if a single-practice physician or podiatry ambulatory-surgery center is
23 established by a medical practice group (as defined in § 5-37-1) within two (2) years following the
24 formation of such medical practice group, when such medical practice group is formed by the
25 merger or consolidation of two (2) or more medical practice groups or the acquisition of one
26 medical practice group by another medical practice group. [Medical spas as defined in chapter 104](#)
27 [of title 23 are exempt from the requirements of chapter 15 of this title.](#) The term “healthcare facility”
28 does not include Christian Science institutions (also known as Christian Science nursing facilities)
29 listed and certified by the Commission for Accreditation of Christian Science Nursing
30 Organizations/Facilities, Inc.

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

33 (5) “Healthcare provider” means a person who is a direct provider of healthcare services
34 (including but not limited to physicians, dentists, nurses, podiatrists, physician assistants, or nurse

1 practitioners) in that the person's primary current activity is the provision of healthcare services for
2 persons.

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

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

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

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

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

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

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

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

32 (iv) Any capital expenditure that results in the addition of a health service or that changes
33 the bed capacity of a healthcare facility with respect to which the expenditure is made, except that
34 the state agency may exempt from review, by rules and regulations promulgated for this chapter,

1 any bed reclassifications made to licensed nursing facilities and annual increases in licensed bed
2 capacities of nursing facilities that do not exceed the greater of ten (10) beds or ten percent (10%)
3 of facility licensed bed capacity and for which the related capital expenditure does not exceed two
4 million dollars (\$2,000,000).

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

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

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

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

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

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

34 (15) "To offer" means to hold oneself out as capable of providing, or as having the means

1 for the provision of, specified health services or healthcare equipment.

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

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LC002644/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- MEDICAL SPAS SAFETY ACT

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

6 This act would take effect upon passage.

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