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February 25, 2025

The Honorable Susan R. Donovan, Chair
House Committee on Health and Human Services
State House
82 Smith St.
Providence, RI 02903

H 5351 – An Act Relating to Health and Safety – Medical Aesthetic Practices Safety Act

Dear Chair Donovan:

Please accept this letter regarding H 5351, legislation that would provide the standards for the operation of medical aesthetic practices; expand the scope of practice of physician assistants (PAs), certified nurse practitioners (CNPAs), registered nurses (RNs), and certified registered nurse anesthetists (CRNAs), including permitting non-physicians to engage in the practice of medicine; permit unlicensed individuals to perform cosmetic procedures, including cosmetic surgery; and require the Rhode Island Department of Health (RIDOH) to promulgate regulations no later than January 1, 2026. RIDOH has significant concerns with the bill as currently drafted.

As the Medical Spa industry continues to evolve, RIDOH was asked by various professional organizations to review current law and regulations governing procedures practiced in these settings to determine if any additional regulatory authority was necessary to ensure patient safety. After comprehensive review of current Rhode Island law and regulations, RIDOH has concluded that no additional laws or regulations are needed to protect the safety and well-being of Rhode Islander patients. In July 2024, RIDOH, in collaboration with applicable licensing boards, published comprehensive guidance about the operation of medical spas based on current laws and regulations. This guidance, for both providers and the general public, is posted on RIDOH's website at <https://health.ri.gov/about-us/health-facilities-regulation-center>. (*Under Resources, Guidance, Recommendations.*)

H 5351 targets providers and practices who perform cosmetic medical procedures, which the bill defines as, "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 procedures are still medical procedures, and the standard of care for cosmetic procedures should **not** be less stringent or handled differently than a non-cosmetic procedure.

The "cosmetic medical procedures" listed in the bill include "cosmetic surgery" which, per existing regulations, can only be performed by physicians/surgeons. Cosmetic injections of soft tissue fillers and neurotoxins (e.g., Botox) are listed are included in this bill. These products are injected in the face, where blood vessels and nerves are much more superficial than in the deltoid and gluteal regions where nurses and other healthcare professionals are trained to inject vaccines and medications intramuscularly, and there is a risk of significant adverse effects. Numerous studies in the medical literature demonstrate that complication rates for filler and Botox injections are higher when performed by non-physicians versus physicians. Those complications can include skin necrosis, scarring, disfigurement, nerve damage, muscle paralysis, blindness, and even stroke. The use of lasers for cosmetic purposes can result in

burns. Allowing unlicensed people with only 20 hours of training (versus three to six years of training for dermatologists and plastic surgeons) to perform these procedures is unsafe.

RIDOH thanks the committee and sponsor of this legislation for their attention to the Department's concerns and welcomes any opportunity to further discuss the regulation of medical spas in Rhode Island.

Sincerely,



Jerome M. Larkin, MD
Director

CC: The Honorable Jacquelyn Baginski
The Honorable Members of the House Committee on Health and Human Services
Nicole McCarty, Esquire, Chief Legal Counsel
Lynne Urbani, Director of House Policy