

February 25, 2025

TO: [HouseHealthandHumanServices@rilegislature.gov](mailto:HouseHealthandHumanServices@rilegislature.gov)  
RE: **OPPOSE H5351**  
From: Angelo R. Simone, Esq.

I write in my individual capacity to voice opposition to bill # H5351. I am a private attorney practicing in Rhode Island. Less than a month ago, I tried a 9-day jury trial in Providence Superior Court where I represented a patient who was seriously injured during a laser hair removal procedure at a Rhode Island Medical Spa in 2019. The owner/medical director of the spa was not a physician (she was a chiropractor/CNP Family) and did not perform the procedure herself. The procedure was delegated to and performed by an esthetician who had been hired just a month earlier, and with zero prior experience with laser hair removal.

Notably the esthetician did undergo a 2-day course/training offered by the manufacturer of the laser device at issue, and allegedly had shadowed/trained with another co-worker in the month or so prior to being allowed to treat my client unsupervised. The results were rather gruesome, and my client suffered very painful 2nd degree burns to her left arm, which eventually resulted in hypopigmentation and hyperpigmentation, and took quite a while to resolve. The owner/director of the RI Medical Spa in question, who was not present on site, testified that she and the technician at issue were the best laser hair removal providers working at the facility at the time of my client's treatment, and the defense was that the injuries were due to the occurrence of known risks of the procedure. After deliberating less than 2 hours, a Providence County jury unanimously found not only that the technician at issue was negligent in the performance of the procedure, but also found that the facility in question and its owner were negligent in their hiring, training, and supervision of the technician in. The jury awarded monetary damages to my client, the plaintiff.

Significantly, the injury in question occurred prior to the passage of the current concerning medispas and the scope of practice/delegation issues that it addresses. For that reason, the jury was not allowed to hear any evidence about the current state of legislation/regulation, but rather, heard that there were no laws saying an esthetician could not legally perform this procedure (even completely unsupervised). Nevertheless, I am convinced that the jury's verdict in part reflects a belief by members of this community that non-physicians should not be performing these procedures without, at minimum, direct supervision by physicians qualified and experienced with performing the procedure.

My understanding of the proposed 2025 H5351 is it would have allowed the defendants in my recent case to argue, under the imprimatur of "state law" no less, that the esthetician in question satisfied all of the "state training" requirements (i.e. 20 hours) required to perform the procedure in question. This bill would do considerable damage to critical patient safety measures that the RIDS has fought so hard and long to establish, and

which would have protected my client had they been in place earlier. Based on my experience handling this long and protracted case, I am convinced that doing anything to lessen these safeguards rather than reinforcing them, will needlessly endanger the public and, inevitably, result in further preventable harm. Thank you for your consideration.

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