



Honorable Stephen M. Casey Chairman
Members of House Committee on Health and Human Services
Rhode Island State House 82 Smith Street
Providence, Rhode Island 02903

April 14, 2021

RE: Oppose H5844

Dear Chair Casey, First Vice Chair McLaughlin, Second Vice Chair Donovan and Distinguished Members of the House Committee on Health and Human Services,

On behalf of Licensed Estheticians in Rhode Island, we respectfully urge you to vote against H5844, Chapter 95 Medical Spas, unless amendments are added. Defining "cosmetic medical procedure" in the manner written does not reflect clear national standards. It will directly impact licensed estheticians' ability to make a living and increase costs and access to services for clients without improving safety. Many of the modalities listed are performed safely by licensed estheticians working under medical supervision or independently under their license.

The "cosmetic medical procedure" definition can be improved to protect the public and respect all parties involved in the medical spa industry. It is also important to note that most medical spas do not perform only cosmetic medical procedures. Services such as facials, massage, and makeup are performed in these facilities regulated under cosmetology statute and rules. Requiring these spas to hire MDs, RNs, and Physician Assistants to perform "cosmetic medical procedures" is not realistic and also negatively impacts those currently working under supervision safely.

We respectfully request that this bill be amended with the following;

- (1) "Cosmetic medical procedure" means any procedure performed on a person that is directed at improving the person's appearance and that does not meaningfully promote the proper function of the body or prevent or treat illness or disease and may include, but is not limited to, ~~cosmetic surgery (this is a medical procedure that requires a different level of safety and should not be provided in a medical spa), microneedling, hair transplants (also a surgical procedure),~~ cosmetic injections such as neurotoxins, cosmetic soft tissue fillers, and PDO threads, ~~dermaplaning, dermastamping, dermarolling,~~ dermabrasion that removes cells beyond the epidermis ~~stratum corneum, chemical peels using modification solutions that exceed thirty percent (30%) concentration with a pH value of lower than 3.0,~~ Medium depth chemical peels, laser hair removal, laser skin resurfacing, laser treatment of leg veins, sclerotherapy ~~and other laser procedures,~~ intense pulsed light, ~~injection of cosmetic filling agents and neurotoxins and the use of class II medical devices designed to induce skin tissue ablation or structural alteration beyond the epidermis.~~

Or alternatively; (preferred in order to accommodate new procedures that can be addressed in the rulemaking process)

- (2) "Cosmetic medical procedure" means procedures performed on a person that;

- a. wound, structurally alter, or destroy living tissue beyond the epidermis.
- b. cosmetic injections of neurotoxins, fillers, PDO threads or other substances prescribed by a medical professional.
- c. use of devices such as a laser that induce tissue ablation, wounding, or structural alteration beyond the epidermis.

We ask that this clause be deleted entirely and replaced with terminology that allows the medical professional to supervise modalities listed in chart A. A determination between indirect and direct supervision should be added to further ensure safety as well.

~~c) Any cosmetic medical procedures performed at a medical spa shall be performed by such physician, physician assistant, or a registered nurse licensed pursuant to chapter 34 of title 5~~

Chart A:

Below is an example of modalities and how supervision could be classified;

Under Medical Supervision (Direct or indirect)	Independent Practice w/required training
Non-Ablative Laser use-IPL, Laser Hair Removal	Dermaplaning Superficial/light chemical peels
Medium depth chemical peels	Dermastamping, Dermarolling, (essentially microneedling)
Use of devices classified to ablate or deeply heat the dermis	Use of class II medical devices (i.e., LED, Microcurrent, Microneedling)
Cosmetic Injectables (licensed medical professional only)	

Unfortunately, as this bill is currently written, it gives the impression of medical professionals trying to narrow the scope of a profession that performs similar services that offer an alternative to the consumer. This is a trend the Esthetics Council has been tracking for the last five years and is accelerating as this current pandemic economically impacts everyone. Safety is at the forefront of everything we do. We request that if the medical community or sponsors of this bill are focused on the public's safety, data relating to specific adverse outcomes are produced to further the discussion around safety for both medical professionals and licensed estheticians working in the Medical Spa industry.

Thank you for the privilege of your time, I know that the job you do is hard and the intention is to ensure public safety. My sincerest hope is that those who may be negatively impacted by B5844 be taken into consideration before creating this law.

Sincerely,



Susanne Schmaling LE, LMS, CAE
 President, Esthetics Council PBA
susanne@estheticscouncil.org
www.estheticscouncil.org
 720-780-0195