

May 29, 2024

Honorable Susan Donovan, Chairperson

House Committee on Health and Safety, Room 101

Rhode Island House of Representatives

82 Smith Street

Providence, RI 02903

Re: Opposition to H8296

Dear Chairperson Donovan,

My name is Pamela L. Lutes. I am an Advanced Practice Registered Nurse (APRN) and for the past 10 years have been the owner of Inspire Medical Spa and Wellness Center located at 14 Woodruff Avenue, Suite 10, Narragansett, RI 02882. I am writing to you to express my extreme opposition to H8296 as currently written.

First and foremost, is the requirement that a “medical director” is restricted to a physician. As currently written, there is no provision for a medical director to be an APRN. This is a glaring omission and a change to current law. Under current RI law, an APRN may be a medical director. This unreasonable restriction upon the autonomy of an APRN is without any basis in fact or reason. Since 2008 APRN’s have been fully autonomous, in recognition of their extensive training, expertise and dedication to patient care. To suddenly change the law to make APRN’s subservient to physicians sets a dangerous precedent for erosion of hard-earned autonomy for APRN’s and is antithetical to the RI Nurse Practice Act.

While couched in terms of “patient safety”, this bill is nothing more than an attempt by some dermatologists and physicians to limit the field of aesthetics to themselves, prevent competition, and limit access to care. Historically, nurse practitioners in Rhode Island have demonstrated exceptional competence in delivering aesthetic services. To date, there has not been a single complaint or malpractice suit related to the care provided by APRN’s in this field according to the Rhode Island Department of Health’s public disciplinary records. (RI Dept. of Health (2024) Disciplinary Actions. Retrieved from <https://health.ri.gov>)

If passed, this bill would require me to hire a medical director who can set unlimited fees as medical director or else risk closure of my business that I’ve owned for over a decade that currently employs 10 people. Even if I were able to pay the exorbitant fees a medical director would charge,

this expense would only be passed on to the consumer yet put me at an economic disadvantage to dermatologists who would not have to bear this extra expense thereby limiting the availability of care to the consumer.

Secondly, as written, H8296 lumps all cosmetic procedures together and defines them as “*the practice of medicine and surgery*”, thereby making all cosmetic procedures the exclusive province of physicians. RIGL 5-37-12 makes it a **crime** for “any person not lawfully authorized to practice medicine within this state” to practice medicine, or surgery. This means that for purposes of this bill, operation of intense pulsed light, laser hair removal, radio frequency micro needling, and medium depth chemical peels are equated with ablative laser, toxin and dermal filler injections. This responsibility cannot be delegated to a non-physician. Virtually no physician performs laser hair removal procedures themselves. This task is delegated to an R.N., or more commonly, a laser tech in the office. If 8296 becomes law this would be illegal and result in the loss of many jobs. I’m sure most physicians whose offices perform cosmetic procedures would be appalled to discover that they could no longer delegate these responsibilities to nurses or laser techs and had to perform these mundane procedures themselves. Again, this has the unintended consequence of reducing the availability of services, adding extra expense to the consumer, and stifling economic growth and innovation in the health care sector without any rational safety basis.

Third, H8296 seeks to amend RI law to define medical spas as “health care facilities” thereby making them subject to licensure fees, additional insurance, inspections, and a litany of other regulatory requirements comparable to nursing homes and specialized Alzheimer care facilities. This requirement adds layers of expense and complexity with no rational correlation to patient safety yet stifles competition and entrepreneurial spirit of APRN’s.

Fourth, as currently written, this bill would require the *on-site presence* of a medical director whenever a physician, APRN or Physician’s Assistant (PA) performed intense pulsed light, laser hair removal, radio frequency micro needling and medium depth chemical peels.

In conclusion, I urge you to consider the overwhelming evidence of the high-quality care provided by nurse practitioners, their unblemished record in aesthetic services, and the broader implications of restricting their practice. Maintaining NP’s autonomy and allowing them to serve as medical directors in aesthetic centers aligns with Rhode Island’s commitment to accessible, high quality health care and entrepreneurial opportunity. I strongly urge you to vote against H8296 as currently written.

Sincerely,

Pamela L. Lutes, RN, BSN, FNP, APRN

pamela@spabyinspire.com