
OLR Bill Analysis

sSB 1067 (File 521, as amended by Senate "A")*

AN ACT CONCERNING THE PROVISION OF CERTAIN SERVICES AT MEDICAL SPAS.

SUMMARY:

This bill sets various requirements for medical spa facilities (i.e., facilities where cosmetic medical procedures are performed). The bill requires such facilities to employ or contract with a physician meeting certain criteria as the establishment's medical director. It requires the medical director, or another physician meeting the same criteria and employed by the facility, to perform an initial physical assessment of a person before he or she can undergo a cosmetic medical procedure at the facility.

The bill requires any such cosmetic procedures at a medical spa facility to be performed by a state-licensed physician, physician assistant (PA), advanced practice registered nurse (APRN), or registered nurse (RN), in accordance with applicable statutory authority. The bill provides that if a PA, APRN, or RN is performing such a procedure, he or she must be acting under a physician's supervision and control.

Finally, the bill requires such facilities to post notice of the name and any specialty of the facility's medical director in a conspicuous place that is accessible to customers at the facility. This same information must be included in any facility advertisements.

The bill does not specify a penalty for facilities that fail to meet these requirements.

It appears that the bill's requirements apply to all facilities where cosmetic medical procedures are performed, including those where other types of procedures are performed (e.g., hospitals).

The bill uses the state sales tax law's definition of "cosmetic medical procedures" (see BACKGROUND). It also specifies that such procedures include liposuction, laser procedures, intense pulsed light, and injecting cosmetic filling agents and neurotoxins.

*Senate Amendment "A" replaces the underlying bill, which, among other things, (1) prohibited anyone from advertising services for a medical spa or similar facility unless the person employs or contracts for a state-licensed physician to act as the medical director, (2) required a medical spa's owner or operator to ensure that the spa's services are provided under the medical director's supervision, (3) required the public health commissioner to enforce its provisions, and (4) subjected violators to a \$500 per day fine.

EFFECTIVE DATE: October 1, 2013

MEDICAL DIRECTOR QUALIFICATIONS

Under the bill, a medical spa facility's medical director must:

1. be a Connecticut-licensed physician actively practicing in the state and
2. maintain staff privileges with a hospital or have education or training from a higher education institution or professional organization to perform cosmetic medical procedures and have experience performing such procedures.

Any other physician employed by the facility and who performs initial physical assessments of facility patients must also have these qualifications.

BACKGROUND

Cosmetic Medical Procedure

Under the sales tax law, "cosmetic medical procedures" are medical procedures aimed at improving appearance that do not meaningfully promote proper body functions or prevent or treat illness or disease. The statute specifically includes cosmetic surgery, hair transplants, cosmetic injections, cosmetic soft tissue fillers, dermabrasion and

chemical peel, laser hair removal, laser skin resurfacing, laser treatment of leg veins, and sclerotherapy.

Reconstructive surgery is exempt from this definition. Reconstructive surgery includes surgery performed on abnormal structures caused by or related to congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including procedures to improve function or give a more normal appearance (CGS § 12-407).

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 27 Nay 0 (04/02/2013)

Judiciary Committee

Joint Favorable

Yea 39 Nay 3 (05/01/2013)

General Law Committee

Joint Favorable

Yea 15 Nay 1 (05/15/2013)