



Senate

General Assembly

File No. 428

February Session, 2014

Substitute Senate Bill No. 418

Senate, April 8, 2014

The Committee on Public Health reported through SEN. GERRATANA of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S
RECOMMENDATIONS CONCERNING MEDICAL SPAS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) For purposes of this
2 section:

3 (1) "Medical spa" means an establishment in which cosmetic medical
4 procedures are performed; and

5 (2) "Cosmetic medical procedure" means any procedure performed
6 on a person that is directed at improving the person's appearance and
7 that does not meaningfully promote the proper function of the body or
8 prevent or treat illness or disease and may include, but is not limited
9 to, cosmetic surgery, hair transplants, cosmetic injections, cosmetic soft
10 tissue fillers, dermaplaning, dermastamping, dermarolling,
11 dermabrasion that removes cells beyond the stratum corneum,
12 chemical peels using modification solutions that exceed thirty per cent
13 concentration with a pH value of lower than 3.0, laser hair removal,

14 laser skin resurfacing, laser treatment of leg veins, sclerotherapy and
15 other laser procedures, intense pulsed light, injection of cosmetic filling
16 agents and neurotoxins and the use of class II medical devices
17 designed to induce deep skin tissue alteration.

18 (b) Each medical spa shall employ or contract for the services of: (1)
19 A physician licensed pursuant to chapter 370 of the general statutes;
20 (2) a physician assistant licensed pursuant to chapter 370 of the general
21 statutes; or (3) an advanced practice registered nurse licensed pursuant
22 to chapter 378 of the general statutes. Each such physician, physician
23 assistant or advanced practice registered nurse shall: (A) Be actively
24 practicing in the state; and (B) have received education or training
25 from an institution of higher education or professional organization to
26 perform cosmetic medical procedures and have experience performing
27 such procedures. Any cosmetic medical procedure performed at a
28 medical spa shall be performed in accordance with the provisions of
29 titles 19a and 20 of the general statutes, and shall only be performed by
30 such physician, physician assistant or advanced practice registered
31 nurse, or a registered nurse licensed pursuant to chapter 378 of the
32 general statutes.

33 (c) A physician, physician assistant or advanced practice registered
34 nurse who is employed by, or under contract with, the medical spa
35 shall perform an initial physical assessment of each person undergoing
36 a cosmetic medical procedure at the medical spa prior to such
37 procedure being performed.

38 (d) Each medical spa shall post information, including the names
39 and any specialty areas of any physician, physician assistant, advanced
40 practice registered nurse or registered nurse performing cosmetic
41 medical procedures, in a conspicuous place that is accessible to
42 customers at the medical spa and on any Internet web site maintained
43 by the medical spa. Such information shall also be: (1) Contained in
44 any advertisement by the medical spa or state that such information
45 may be found on the medical spa's Internet web site and list the
46 address for such Internet web site; and (2) contained in a written notice

47 that is provided to each person before undergoing any cosmetic
48 medical procedure at the medical spa.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	New section

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

There is no fiscal impact to the Department of Public Health (DPH) from the establishment of "medical spa" requirements as such facilities are not licensed or regulated by the agency, nor is DPH tasked with enforcement under the bill.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sSB 418*****AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS CONCERNING MEDICAL SPAS.*****SUMMARY:**

This bill sets certain requirements and limitations for medical spas (i.e., establishments where cosmetic medical procedures are performed). Among other things, it:

1. requires medical spas to employ or contract for the services of a physician, physician assistant (PA), or advanced practice registered nurse (APRN) with specified training and experience;
2. requires such a provider to perform an initial physical assessment of a person before he or she can undergo a cosmetic medical procedure at the medical spa;
3. allows only such providers, or registered nurses (RNs), to perform cosmetic medical procedures at medical spas; and
4. requires medical spas to provide information, in various formats, regarding their providers' names and specialties.

The bill requires cosmetic medical procedures at medical spas to be performed in accordance with the statutes pertaining to public health (Title 19a) and professional and occupational licensing (Title 20). Among other things, these statutes prohibit anyone from performing procedures outside his or her scope of practice.

The bill applies to all facilities where cosmetic medical procedures are performed, including unlicensed facilities and hospitals or other licensed health care facilities.

EFFECTIVE DATE: October 1, 2014

COSMETIC MEDICAL PROCEDURE AT MEDICAL SPAS

Definition

Under the bill, a “cosmetic medical procedure” is a procedure directed at improving the person’s appearance and that does not meaningfully promote proper body function or prevent or treat illness or disease. These procedures may include cosmetic surgery, hair transplants, cosmetic injections or soft tissue fillers, dermaplaning, dermastamping, dermarolling, dermabrasion that removes cells beyond the stratum corneum, chemical peels using modification solutions exceeding 30% concentration with a pH value lower than 3.0, 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 (e.g., Botox), and the use of class II medical devices designed to induce deep skin tissue alteration. (The U.S. Food and Drug Administration classifies medical devices into three classes, with regulatory control increasing from class I to class III.)

Qualifications of Physicians, PAs, or APRNs

Under the bill, a physician, PA, or APRN employed by or under contract with a medical spa must:

1. be licensed in Connecticut,
2. be actively practicing in the state,
3. have education or training from a higher education institution or professional organization in performing cosmetic medical procedures, and
4. have experience performing these procedures.

(The bill does not set specific standards for RNs performing procedures at medical spas.)

Provider Information

The bill requires medical spas to post notice in a conspicuous place accessible to customers of the names and any specialty of the physicians, PAs, APRNs, or RNs performing cosmetic medical procedures at the spa. This same information must be (1) posted on the spa's website and (2) provided in a written notice to people undergoing procedures at the facility, before the procedure. Any spa advertisements must also contain this information or indicate that it is available on the facility's website and list that address.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 25 Nay 1 (03/21/2014)