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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - PUBLIC ACCOUNTANCY

Introduced By: Senators Miller, Goldin, Euer, DiPalma, and Archambault

Date Introduced: February 15, 2018

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-3.1-12 of the General Laws in Chapter 5-3.1 entitled "Public
2 Accountancy" is hereby amended to read as follows:

3 **5-3.1-12. Revocation or suspension of certificate, authority or permit.**

4 (a) After notice and a hearing as provided in § 5-3.1-14, the board may:

5 (1) Suspend or revoke any certificate issued under § 5-3.1-5, or any predecessor
6 provision, and any authority as a public accountant issued under the prior laws of this state;

7 (2) Revoke or suspend any permit issued under §§ 5-3.1-7, 5-3.1-8, 5-3.1-9, or their
8 predecessor provisions; and

9 (3) Reprimand or censure in writing; limit the scope of practice; impose an administrative
10 fine upon, not to exceed one thousand dollars (\$1,000); or place on probation, all with or without
11 terms, conditions, or limitations, a licensee, for any of the causes specified in subsection (b).

12 (b) The board may take action specified in subsection (a) for any one or more of the
13 following causes:

14 (1) Fraud or deceit in obtaining a certificate or permit under this chapter;

15 (2) Dishonesty, fraud, or gross negligence in the practice of public accounting or in the
16 filing, or failing to file, the licensee's own income tax returns;

17 (3) Violation of any of the provisions of this chapter;

18 (4) Violation of any rules and regulations, including, but not limited to, any rules of
19 professional conduct promulgated by the board under the authority granted by this chapter;

1 (5) Conviction of, or pleading guilty or nolo contendere to, a crime or an act constituting
2 a crime of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny,
3 extortion, conspiracy to defraud, misappropriation of funds, tax evasion, or any other similar
4 offense ~~or offenses involving moral turpitude~~, in a court of competent jurisdiction of this or any
5 other state or in federal court;

6 (6) Cancellation, revocation, or suspension of, or refusal to renew, the licensee's
7 certificate or permit from another state by the other state for any cause other than failure to pay a
8 fee or to meet the requirements of continuing education in that other state;

9 (7) Suspension or revocation of the right to practice public accounting before any state or
10 federal agency;

11 (8) As to accountants licensed by foreign countries, cancellation, revocation, suspension,
12 or refusal to renew the person's certificate, license, or degree evidencing his or her qualification to
13 practice public accounting by the foreign country issuing the certificate, license, or degree, the
14 certificate, license, or degree having qualified the accountant for issuance of an annual limited
15 permit to practice under § 5-3.1-8;

16 (9) Failure to furnish the board, or any persons acting on behalf of the board, any
17 information that is legally requested by the board;

18 (10) Any conduct reflecting adversely upon the licensee's fitness to engage in the practice
19 of public accountancy; and

20 (11) Any other conduct discreditable to the public accounting profession.

21 SECTION 2. Section 5-5.1-18 of the General Laws in Chapter 5-5.1 entitled "Private
22 Security Guard Businesses" is hereby amended to read as follows:

23 **5-5.1-18. Registration.**

24 (a) Except as provided in this chapter, no person shall perform the functions and duties of
25 an employee of a business required to be licensed under this chapter in this state, without first
26 having been registered or licensed. The attorney general shall keep and make available for public
27 inspection a list of all persons who have been registered or licensed and the name of the company
28 employing the person at the time of registration or licensure.

29 (b) No holder of any unexpired license issued pursuant to this chapter shall knowingly
30 employ any person who has been convicted of a felony in connection with his or her or its
31 business in any capacity. Should the holder of an unexpired license falsely state or represent that
32 a person is or has been in his or her employ, that false statement or misrepresentation is sufficient
33 cause for the revocation of the license.

34 (c) No person shall be employed by any holder of a license until he or she has executed

1 and furnished to the license holder a verified statement, to be known as "employee's registration
2 statement," stating:

3 (1) His or her full name, age, residence address, and place and date of birth;

4 (2) The country of which he or she is a citizen;

5 (3) The business or occupation engaged in for the five (5) years immediately preceding
6 the date of the filing of the statement, stating the place or places where the business or occupation
7 was engaged in, and the name or names of any employers;

8 (4) That he or she has not been convicted of a felony ~~or of any offense involving moral~~
9 ~~turpitude~~; and

10 (5) Any further information that the attorney general may by rule require to show the
11 good character, competency, and integrity of the person executing the statement.

12 (d) All holders of a license shall be allowed to obtain a criminal background check on any
13 employee or prospective employee from the division of criminal identification for a fee
14 determined by the department of the attorney general.

15 (e) If any holder of a license files with the attorney general the "employee's statement" of
16 a person other than the person employed, he or she is guilty of a felony.

17 SECTION 3. Section 5-8-18 of the General Laws in Chapter 5-8 entitled "Engineers" is
18 hereby amended to read as follows:

19 **5-8-18. Suspension and revocation of certificates -- Complaints -- Hearings.**

20 (a) After notice and a hearing as provided in this section, the director may in his or her
21 discretion or upon recommendation of the board: (1) suspend, revoke, or take other permitted
22 action with respect to any certificate of registration; (2) revoke, suspend or take other permitted
23 action with respect to any certificate of authorization; (3) publicly censure, or reprimand or
24 censure in writing; (4) limit the scope of practice of; (5) impose an administrative fine upon, not
25 to exceed one thousand dollars (\$1,000) for each violation; (6) place on probation; and/or (7) for
26 good cause shown order a reimbursement of the department for all fees, expenses, costs, and
27 attorneys fees in connection with the proceedings, which amounts shall be deposited as general
28 revenues; all with or without terms, conditions or limitations, holders of a certificate of
29 registration or a certificate of authorization, referred to as licensee(s), for any one or more of the
30 causes set out in subsection (b) of this section.

31 (b) The director may take actions specified in subsection (a) of this section for any of the
32 following causes:

33 (1) Bribery, fraud, deceit, or misrepresentation in obtaining a certificate of registration or
34 certificate of authorization;

- 1 (2) Practicing engineering in another state or country or jurisdiction in violation of the
2 laws of that state or country or jurisdiction;
- 3 (3) Practicing engineering in this state in violation of the standards of professional
4 conduct established by the board and approved by the director;
- 5 (4) Fraud, deceit, recklessness, gross negligence, misconduct, or incompetence in the
6 practice of engineering;
- 7 (5) Use of an engineer's stamp in violation of § 5-8-14;
- 8 (6) Violation of any of the provisions of this chapter or chapter 5-84;
- 9 (7) Suspension or revocation of the right to practice engineering before any state or
10 before any other country or jurisdiction;
- 11 (8) Conviction of or pleading guilty or nolo contendere to any felony or to any crime of,
12 or an act constituting a crime of, forgery, embezzlement, obtaining money under false pretenses,
13 bribery, larceny, extortion, conspiracy to defraud, or any other similar offense ~~or offenses~~
14 ~~involving moral turpitude~~, in a court of competent jurisdiction of this state or any other state or of
15 the federal government;
- 16 (9) Failure to furnish to the department and/or board or any person acting on behalf of the
17 department and/or board in a reasonable time any information that may be legally requested by
18 the department and/or board;
- 19 (10) In conjunction with any violation of subdivisions (1) -- (9) of this subsection, any
20 conduct reflecting adversely upon the licensee's fitness to engage in the practice of engineering;
21 and
- 22 (11) In conjunction with any violation of subdivisions (1) -- (9) of this subsection, any
23 other conduct discreditable to the engineering profession.
- 24 (c) Any person may file complaints of fraud, deceit, gross negligence, incompetence, or
25 misconduct against any registrant. Those charges shall be in writing, sworn to by the person or
26 persons making them and filed with the board.
- 27 (d) All charges, unless dismissed by the director as unfounded or trivial, shall be heard by
28 the director within six (6) months after the date on which they have been properly filed or within
29 six (6) months following resolution of similar charges that have been brought against a registrant
30 who is before another regulatory body.
- 31 (e) The time and place for the hearing pursuant to subsection (d) of this section shall be
32 fixed by the department, and a copy of charges, together with a notice of the time and place of
33 hearing, shall be personally served on or mailed to the last known address of the registrant, at
34 least thirty (30) days before the date fixed for the hearing. At any hearing, the accused registrant

1 shall have the right to appear personally and/or by counsel, to cross-examine witnesses appearing
2 against him or her, and to produce evidence and witnesses in his or her own defense. The board
3 may participate in formal proceedings through representation by the department's legal staff
4 acting as the prosecuting agent before the director.

5 (f) If, after the hearing pursuant to subsection (d) of this section, the evidence is in favor
6 of sustaining the charges, the director may in his or her discretion suspend, revoke, or take other
7 permitted action with respect to the certificate of registration or certificate of authorization, or
8 publicly censure the licensee, or take any other action and/or order any other penalty permitted by
9 this section. The department, for reasons it deems sufficient, may reissue a certificate of
10 registration or certificate of authorization or renewal to any person or firm whose certificate has
11 been revoked.

12 (g) The board or the department may on its own motion investigate the conduct of an
13 applicant, engineer, sole proprietorship, partnership, limited liability partnership, corporation,
14 limited liability company or individual.

15 (h) Nothing in this chapter shall be construed to prohibit the board from entering into
16 consent agreements or informal resolutions with any party under investigation for violations
17 under this chapter and/or chapter 5-84.

18 SECTION 4. Section 5-8.1-15 of the General Laws in Chapter 5-8.1 entitled "Land
19 Surveyors" is hereby amended to read as follows:

20 **5-8.1-15. Board of registration for professional land surveyors -- Disciplinary**
21 **actions.**

22 (a) Revocation, suspension, and censure. After notice and a hearing as provided in this
23 section, the director may in his or her discretion or upon recommendation of the board: (1)
24 suspend, revoke, or take other permitted action with respect to any certificate of registration; (2)
25 revoke, suspend or take other permitted action with respect to any certificate of authorization; (3)
26 publicly censure, or reprimand or censure in writing; (4) limit the scope of practice of; (5) impose
27 an administrative fine, not to exceed one thousand dollars (\$1,000) for each violation; (6) place
28 on probation; and/or (7) for good cause shown order a reimbursement of the department for all
29 fees, expenses, costs, and attorneys' fees in connection with the proceedings, which amounts shall
30 deposited as general revenues; all with or without terms, conditions or limitations, holders of a
31 certificate of registration or a certificate of authorization, hereafter referred to as registrant(s), for
32 any one or more of the causes set out in subsection (b) of this section.

33 (b) Grounds. The director may take actions specified in subsection (a) of this section for
34 any of the following causes:

- 1 (1) Bribery, fraud, deceit, or misrepresentation in obtaining a certificate of registration or
2 certificate of authorization;
- 3 (2) Practicing land surveying in another state or country or jurisdiction in violation of the
4 laws of that state, country, or jurisdiction;
- 5 (3) Practicing land surveying in this state in violation of the standards of professional
6 conduct established by the board and approved by the director;
- 7 (4) Fraud, deceit, recklessness, gross negligence, misconduct, or incompetence in the
8 practice of land surveying;
- 9 (5) Use of a land surveyor's stamp in violation of § 5-8.1-12;
- 10 (6) Violation of any of the provisions of this chapter or chapter 5-84;
- 11 (7) Suspension or revocation of the right to practice land surveying before any state or
12 before any other country or jurisdiction;
- 13 (8) Conviction of or pleading guilty or nolo contendere to any felony or to any crime of,
14 or an act constituting a crime of, forgery, embezzlement, obtaining money under the false
15 pretenses, bribery, larceny, extortion, conspiracy to defraud, or any other similar offense ~~or~~
16 ~~offenses involving moral turpitude~~, in a court of competent jurisdiction of this state or any other
17 state or of the federal government;
- 18 (9) Failure to furnish to the department and/or board or any person acting on behalf
19 thereof in a reasonable time such information as may be legally requested by the department
20 and/or board;
- 21 (10) In conjunction with any violation of subdivisions (1) -- (9) of this subsection, any
22 conduct reflecting adversely upon the registrant's fitness to engage in the practice of land
23 surveying; and
- 24 (11) In conjunction with any violation of subdivisions (1) -- (9) of this subsection, any
25 other conduct discreditable to the land surveying profession.
- 26 (c) Procedures.
- 27 (1) Any person may prefer charges of fraud, deceit, gross negligence, incompetence, or
28 misconduct against any applicant or registrant. In addition, the department or board may, on its
29 own motion, investigate the conduct of an applicant or registrant of the board, and may in
30 appropriate cases file a written statement of charges with the secretary of the board. The charges
31 shall be in writing and shall be sworn to by the person or persons making them and shall be filed
32 with the board of land surveyors. All charges, unless dismissed by the director as unfounded or
33 trivial, shall be heard by the director within three (3) months after the date on which they were
34 referred.

1 (2) The time and place for the hearing shall be fixed by the department, and a copy of the
2 charges, together with a notice of the time and place of the hearing, shall be personally served on
3 or mailed to the last known address of the registrant at least thirty (30) days before the date fixed
4 for the hearing. At any hearing, the accused registrant or applicant has the right to appear
5 personally and/or by counsel, to cross examine witnesses appearing against him or her, and to
6 produce evidence and witnesses in his or her defense.

7 (3) If, after the hearing, the charges are sustained, the director, on his or her own motion
8 or upon recommendation of the board of land surveyors, may in his or her discretion suspend,
9 revoke, or take other permitted action with respect to the certificate of registration, or certificate
10 of authorization or publicly censure the registrant, or take any other action and/or order any other
11 penalty permitted by this section.

12 (4) The director may, at his or her discretion, reissue a certificate of registration or
13 certificate of authorization or renewal to any person or firm denied registration under this section
14 or upon presentation of satisfactory evidence of reform and/or redress.

15 (5) The board may participate in hearings before the director through representation by
16 the department's legal staff acting as the prosecuting agent before the director.

17 (d) Legal counsel. The department shall make its legal staff available to act as legal
18 advisor to the board and to render any legal assistance that is necessary in carrying out the
19 provisions of this chapter. The director may employ other counsel and necessary assistance to aid
20 in the enforcement of this chapter, and their compensation and expenses shall be paid from the
21 funds of the department.

22 (e) Nothing in this chapter shall prevent the department and/or board of land surveyors
23 from charging one or both parties a fee for the direct costs associated with hearings and
24 transcripts in accordance with the department's rules of procedure for administrative hearings.

25 (f) Nothing in this chapter shall prevent the board from entering into consent agreements
26 or informal resolutions with any party under investigation for violations under this chapter and/or
27 chapter 5-84.

28 SECTION 5. Section 5-25-14 of the General Laws in Chapter 5-25 entitled "Veterinary
29 Practice" is hereby amended to read as follows:

30 **5-25-14. Grounds for refusal to issue, refusal to renew, revoke, or suspend a license.**

31 The division has the power to deny, revoke or suspend any license issued under this
32 chapter or otherwise discipline a licensee upon proof of the following:

33 (1) Conviction of ~~a crime involving moral turpitude; conviction of~~ a felony; and
34 conviction of a crime arising out of the practice of veterinary medicine;

- 1 (2) Addiction to narcotics, habitual drunkenness, or rendering professional services to a
2 patient while the veterinarian is intoxicated or incapacitated by the use of drugs;
- 3 (3) Knowingly placing the health of a client at serious risk without maintaining proper
4 precautions;
- 5 (4) Fraud or misrepresentation in any phase of procuring or renewing a license;
- 6 (5) Unprofessional conduct, which includes the matters set forth in the section or other
7 matters as further defined in regulations of the division;
- 8 (6) Advertising designed to mislead the public;
- 9 (7) Representing certain procedures are performed with greater authority or expertise;
- 10 (8) Fraud or misrepresentation of treatment procedures or statements regarding the ability
11 to treat;
- 12 (9) Fee splitting or kickbacks of any kind, except where services are provided jointly;
- 13 (10) Failure to maintain acceptable sanitation standards;
- 14 (11) Malpractice, gross negligence, or wanton disregard of accepted professional
15 standards;
- 16 (12) Adjudication of mental incompetence;
- 17 (13) Lack of fitness to practice by reason of mental or physical impairment or otherwise;
- 18 or
- 19 (14) Any other grounds to deny, revoke or suspend a license as provided for in the rules
20 and regulations.

21 SECTION 6. Sections 5-29-12 and 5-29-16 of the General Laws in Chapter 5-29 entitled
22 "Podiatrists" are hereby amended to read as follows:

23 **5-29-12. Refusal of licensure.**

- 24 (a) The director upon recommendation from the board shall, after due notice and a
25 hearing in accordance with procedures set forth in this chapter, refuse to grant the original license
26 provided for in this chapter to any podiatrist and/or applicant who is not of good moral character,
27 who does not meet the requirements for licensure set forth in this chapter and regulations
28 established by the board or director, who has violated any law ~~involving moral turpitude or~~
29 affecting the ability of any podiatrist and/or applicant to practice podiatry or who has been found
30 guilty in another state of conduct which if committed in Rhode Island would constitute
31 unprofessional conduct as defined by the general laws and regulations adopted pursuant to the
32 general laws.
- 33 (b) The director shall serve a copy of the decision or ruling upon any person whose
34 original certificate has been refused.

1 **5-29-16. Unprofessional conduct.**

2 The term "unprofessional conduct" as used in this chapter includes, but is not limited to,
3 the following items or any combination of them and may be further defined by regulations
4 established by the board with the approval of the director:

5 (1) Fraudulent or deceptive procuring or use of a license of limited registration;

6 (2) All advertising of podiatry business, which is intended or has a tendency to deceive
7 the public;

8 (3) Conviction ~~of a crime involving moral turpitude; conviction~~ of a felony; conviction of
9 a crime arising out of the practice of podiatry;

10 (4) Abandonment of patient;

11 (5) Dependence upon a controlled substance, habitual drunkenness or rendering
12 professional services to a patient while the podiatrist or limited registrant is intoxicated or
13 incapacitated by the use of drugs;

14 (6) Promotion by a podiatrist, or limited registrant of the sale of drugs, devices,
15 appliances, or goods or services provided for a patient in a manner that exploits the patient for the
16 financial gain of the podiatrist or limited registrant;

17 (7) Immoral conduct of a podiatrist, or limited registrant in the practice of podiatry;

18 (8) Willfully making and filing false reports or records in the practice of podiatry;

19 (9) Willful omission to file or record, or willfully impeding or obstructing a filing or
20 recording, or inducing another person to omit to file or record podiatry/medical or other reports as
21 required by law;

22 (10) Failure to furnish details of a patient's medical record to a succeeding podiatrist or
23 medical facility upon proper request pursuant to this chapter;

24 (11) Solicitation of professional patronage by agents or persons or profiting from acts of
25 those representing themselves to be agents of the licensed podiatrist or limited registrant;

26 (12) Division of fees or agreeing to split or divide the fees received for professional
27 services for any person for bringing to or referring a patient;

28 (13) Agreeing with clinical or bio-analytical laboratories to accept payments from those
29 laboratories for individual tests or test series for patients, or agreeing with podiatry laboratories to
30 accept payment from those laboratories for work referred;

31 (14) Willful misrepresentation in treatment;

32 (15) Practice podiatry with an unlicensed podiatrist except in accordance with the rules
33 and regulations of the board of aiding or abetting those unlicensed persons in the practice of
34 podiatry;

1 (16) Gross and willful overcharging for professional services; including filing of false
2 statements for collection of fees for which services are not rendered or willfully making or
3 assisting in making a false claim or deceptive claim or misrepresenting a material fact for use in
4 determining rights to podiatric care or other benefits;

5 (17) Offering, undertaking or agreeing to cure or treat disease by a secret method,
6 procedure, treatment, or medicine;

7 (18) Professional or mental incompetence;

8 (19) Incompetent, negligent, or willful misconduct in the practice of podiatry which
9 includes the rendering of unnecessary podiatry services and any departure from or the failure to
10 conform to the minimal standards of acceptable and prevailing podiatry practice in his or her area
11 of expertise as is determined by the board. The board does not need to establish actual injury to
12 the patient in order to adjudge a podiatrist or limited registrant to be guilty of unprofessional
13 conduct;

14 (20) Revocation, suspension, surrender, or limitation of privilege based on quality of care
15 provided or any other disciplinary action against a license to practice podiatry in another state or
16 jurisdiction, or revocation, suspension, surrender or other disciplinary action as to membership on
17 any podiatry staff or in any podiatry or professional association or society for conduct similar to
18 acts or conduct which would constitute grounds for action as set forth in this chapter;

19 (21) Any adverse judgment, settlement or award arising from a medical liability claim
20 related to acts or conduct similar to acts or conduct which would constitute grounds for action as
21 defined in this chapter or regulations adopted pursuant to this chapter;

22 (22) Failure to furnish the board, its director, investigator, or representative, information
23 legally requested by the board;

24 (23) Violation of any provisions of this chapter or the rules and regulations of the board
25 or any rules and regulations promulgated by the director or of an action, stipulation, or agreement
26 of the board;

27 (24) Cheating on or attempting to subvert the licensing examination;

28 (25) Violating any state or federal law or regulation relating to controlled substances;

29 (26) Failure to maintain standards established by peer review boards, including but not
30 limited to standards related to proper utilization of services, and use of non-accepted procedure
31 and/or quality of care; or

32 (27) A podiatrist providing services to a person who is making a claim as a result of a
33 personal injury, who charges or collects from the person any amount in excess of the
34 reimbursement to the podiatrist by the insurer as a condition of providing or continuing to provide

1 services or treatment.

2 SECTION 7. Section 5-30-13 of the General Laws in Chapter 5-30 entitled "Chiropractic
3 Physicians" is hereby amended to read as follows:

4 **5-30-13. Continuing education requirements -- Grounds for refusal, revocation, or**
5 **suspension of certificates.**

6 (a) The division of professional regulation of the department of health may, after notice
7 and a hearing, in its discretion refuse to grant the certificate provided for in this chapter to any
8 chiropractic physician if the applicant has not furnished satisfactory evidence that he or she has
9 completed, in the twelve (12) months preceding each renewal date, at least twelve (12) hours of
10 instruction in chiropractic related subjects as conducted by the Chiropractic Society of Rhode
11 Island or the equivalent as approved by the division. Satisfactory evidence of completion of
12 postgraduate study of a type and character, or at an educational session or institution approved by
13 the division, is considered equivalent. Every chiropractic physician licensed to practice within
14 this state, on or before the thirty-first day of October of every third year after the 1980
15 registration, shall apply to the Rhode Island state board of chiropractic examiners for certification
16 of triennial registration with the board. The division may, after notice and a hearing, in its
17 discretion refuse to grant the certificate provided for in this chapter to any chiropractic physician,
18 if the applicant has not furnished satisfactory evidence to the board of examiners that in the
19 preceding three (3) years the practitioner has completed sixty (60) hours of instruction in
20 chiropractic related subjects prescribed by the rules and regulations by the board of chiropractic
21 examiners as conducted by the Chiropractic Society of Rhode Island or the equivalent as
22 approved by the division. Satisfactory evidence of completion of postgraduate study of a type and
23 character, or at an educational session or institution approved by the division, is considered
24 equivalent. The division may waive the educational requirements if the division is satisfied that
25 an applicant has suffered a hardship or for any other sufficient reason was prevented from
26 meeting the educational requirements.

27 (b) The division of professional regulation of the department of health may, after notice
28 and hearings, in its discretion refuse to grant the certificate provided for in this chapter to any
29 chiropractic physician who is not of good moral character, or who has violated any of the laws of
30 the state ~~involving moral turpitude or~~ affecting the ability of any chiropractic physician to
31 practice chiropractic medicine, or who has been guilty of gross unprofessional conduct or conduct
32 of a character likely to deceive or defraud the public, and may, after notice and hearing, revoke or
33 suspend any certificate issued or granted by it for like cause or for any fraud or deception
34 committed in obtaining the certificate. "Gross unprofessional conduct" is defined as including,

1 but not being limited to:

2 (1) The use of any false or fraudulent statement in any document connected with the
3 practice of chiropractic medicine.

4 (2) The obtaining of any fee by willful fraud or misrepresentation either to a patient or
5 insurance plan.

6 (3) The willful violation of a privileged communication.

7 (4) Knowingly performing any act which in any way aids or assists an unlicensed person
8 to practice chiropractic medicine in violation of this chapter.

9 (5) The practice of chiropractic medicine under a false or assumed name.

10 (6) The advertising for the practice of chiropractic medicine in a deceptive or unethical
11 manner.

12 (7) The obtaining of a fee as personal compensation or gain for an employer or for a
13 person on a fraudulent representation that a manifestly incurable condition can be permanently
14 cured.

15 (8) Habitual intoxication or addiction to the use of drugs.

16 (9) Willful or repeated violations of any of the rules or regulations of the state department
17 of health.

18 (10) Gross incompetence in the practice of his or her profession.

19 (11) Repeated acts of immorality or repeated acts of gross misconduct in the practice of
20 his or her profession.

21 (12) The procuring or aiding or abetting in procuring a criminal abortion.

22 (13) A chiropractic physician providing services to a person who is making a claim as a
23 result of a personal injury who charges or collects from the person any amount in excess of the
24 reimbursement to the chiropractic physician by the insurer as a condition of providing or
25 continuing to provide services or treatment.

26 (c) The division of professional regulation of the department of health shall serve a copy
27 of its decision or ruling upon any person whose certificate has been revoked or refused.

28 SECTION 8. Sections 5-31.1-8 and 5-31.1-10 of the General Laws in Chapter 5-31.1
29 entitled "Dentists and Dental Hygienists" are hereby amended to read as follows:

30 **5-31.1-8. Refusal of licensure.**

31 (a) The director, upon recommendation from the board, after notice and hearing in
32 accordance with the procedures prescribed in this chapter, shall refuse to grant the original license
33 provided for in this chapter to any dentist, dental hygienist, DAANCE-certified maxillofacial
34 surgery assistant, and/or applicant who is not of good moral character; who does not meet the

1 requirements for licensure prescribed in this chapter and regulations established by the board or
2 director; who has violated any law ~~involving moral turpitude or~~ affecting the ability of any
3 dentist, dental hygienist, DAANCE-certified maxillofacial surgery assistant, and/or applicant to
4 practice dentistry, dental hygiene or DAANCE-certified maxillofacial surgery assisting; or who
5 has been found guilty in another state of conduct that if committed in Rhode Island, would
6 constitute unprofessional conduct as defined in § 5-31.1-10 and regulations adopted under these
7 chapters.

8 (b) The director shall serve a copy of his or her decision or ruling upon any person whose
9 original certificate has been refused.

10 **5-31.1-10. Unprofessional conduct.**

11 The term "unprofessional conduct" as used in this chapter includes, but is not limited to,
12 the following items or any combination of them and may be defined by regulations established by
13 the board with the approval of the director:

14 (1) Fraudulent or deceptive procuring or use of a license or limited registration;

15 (2) All advertising of dental, dental hygiene, or DAANCE-certified maxillofacial surgery
16 assisting business which is intended, or has a tendency, to deceive the public or a dentist
17 advertising as a specialty in an area of dentistry unless the dentist:

18 (i) Is a diplomat of or a fellow in a specialty board accredited or recognized by the
19 American Dental Association; or

20 (ii) Has completed a post-graduate program approved by the Commission on Dental
21 Accreditation of the American Dental Association;

22 (3) Conviction ~~of a crime involving moral turpitude; conviction~~ of a felony; conviction of
23 a crime arising out of the practice of dentistry, dental hygiene or DAANCE-certified
24 maxillofacial surgery assisting;

25 (4) Abandonment of patient;

26 (5) Dependence upon controlled substances, habitual drunkenness or rendering
27 professional services to a patient while the dentist, dental hygienist, DAANCE-certified
28 maxillofacial surgery assisting, or limited registrant is intoxicated or incapacitated by the use of
29 drugs;

30 (6) Promotion by a dentist, dental hygienist, DAANCE-certified maxillofacial surgery
31 assistant, or limited registrant of the sale of drugs, devices, appliances, or goods or services
32 provided for a patient in a manner as to exploit the patient for the financial gain of the dentist,
33 dental hygienist, or DAANCE-certified maxillofacial surgery assistant limited registrant;

34 (7) Immoral conduct of a dentist, dental hygienist, DAANCE-certified maxillofacial

- 1 surgery assistant, or limited registrant in the practice of dentistry, dental hygiene, or DAANCE-
- 2 certified maxillofacial surgery assisting;
- 3 (8) Willfully making and filing false reports or records in the practice of dentistry or
- 4 dental hygiene;
- 5 (9) Willful omission to file or record, or willfully impeding or obstructing a filing or
- 6 recording, or inducing another person to omit to file or record dental or other reports as required
- 7 by law;
- 8 (10) Failure to furnish details of a patient's dental record to succeeding dentists or dental
- 9 care facility upon proper request pursuant to this chapter;
- 10 (11) Solicitation of professional patronage by agents or persons or profiting from acts of
- 11 those representing themselves to be agents of the licensed dentist, dental hygienist, or limited
- 12 registrant;
- 13 (12) Division of fees, or agreeing to split or divide the fees, received for professional
- 14 services for any person for bringing to or referring a patient;
- 15 (13) Agreeing with clinical or bio-analytical laboratories to accept payments from those
- 16 laboratories for individual tests or test series for patients, or agreeing with dental laboratories to
- 17 accept payment from those laboratories for work referred;
- 18 (14) Willful misrepresentation in treatments;
- 19 (15) Practicing dentistry with an unlicensed dentist or practicing dental hygiene with an
- 20 unlicensed dental hygienist or practicing DAANCE-certified maxillofacial surgery assisting with
- 21 an unlicensed DAANCE-certified maxillofacial surgery assistant, except in an accredited training
- 22 program, or with a dental assistant in accordance with the rules and regulations of the board or
- 23 aiding or abetting those unlicensed persons in the practice of dentistry or dental hygiene;
- 24 (16) Gross and willful overcharging for professional services, including filing of false
- 25 statements for collection of fees for which services are not rendered, or willfully making or
- 26 assisting in making a false claim or deceptive claim or misrepresenting a material fact for use in
- 27 determining rights to dental care or other benefits;
- 28 (17) Offering, undertaking, or agreeing to cure or treat disease by a secret method,
- 29 procedure, treatment, or medicine;
- 30 (18) Professional or mental incompetence;
- 31 (19) Incompetent, negligent, or willful misconduct in the practice of dentistry, dental
- 32 hygiene, or DAANCE-certified maxillofacial surgery assisting, including the rendering of
- 33 unnecessary dental services and any departure from, or the failure to conform to, the minimal
- 34 standards of acceptable and prevailing dental, dental hygiene or DAANCE-certified maxillofacial

1 surgery assisting practice in his or her area of expertise as is determined by the board. The board
2 does not need to establish actual injury to the patient in order to adjudge a dentist, dental
3 hygienist, DAANCE-certified maxillofacial surgery assistant or limited registrant guilty of the
4 previously named misconduct;

5 (20) Failure to comply with the provisions of chapter 4.7 of title 23;

6 (21) Revocation, suspension, surrender, or limitation of privilege based on quality of care
7 provided or any other disciplinary action against a license to practice dentistry, dental hygiene, or
8 DAANCE-certified maxillofacial surgery assisting in another state or jurisdiction, or revocation,
9 suspension, surrender, or other disciplinary action as to membership on any dental staff or in any
10 dental or professional association or society for conduct similar to acts or conduct that would
11 constitute grounds for action as prescribed in this chapter;

12 (22) Any adverse judgment, settlement, or award arising from a dental-liability claim
13 related to acts or conduct similar to acts or conduct that would constitute grounds for action as
14 defined in this chapter or regulations adopted under this chapter;

15 (23) Failure to furnish the board, its dental administrator, investigator, or representatives,
16 information legally requested by the board;

17 (24) Violation of any provision or provisions of this chapter or the rules and regulations
18 of the board or any rules and regulations promulgated by the director or of an action, stipulation,
19 or agreement of the board;

20 (25) Cheating on or attempting to subvert the licensing examination;

21 (26) Violating any state or federal law or regulation relating to controlled substances;

22 (27) Failure to maintain standards established by peer-review boards, including, but not
23 limited to, standards related to proper utilization of services, and use of non-accepted procedure
24 and/or quality of care;

25 (28) Malpractice as defined in § 5-37-1(8).

26 (29) No person licensed to practice dentistry in the state of Rhode Island may permit a
27 non-dentist who operates a dental facility in the form of a licensed out patient health care center
28 or management service organization to interfere with the professional judgment of the dentist in
29 the practice.

30 SECTION 9. Sections 5-37-4 and 5-37-5.1 of the General Laws in Chapter 5-37 entitled
31 "Board of Medical Licensure and Discipline" are hereby amended to read as follows:

32 **5-37-4. Refusal of licensure.**

33 (a) The director at the direction of the board shall, after notice and hearing, in accordance
34 with the procedures established in §§ 5-37-5.2 -- 5-37-6.2, refuse to grant the original license

1 provided for in this chapter to any physician and/or applicant:

2 (1) Who is not of good moral character;

3 (2) Who does not meet the requirements for licensure prescribed in this chapter,
4 regulations established by the board, and/or regulations promulgated by the director;

5 (3) Who has violated any laws ~~involving moral turpitude or~~ affecting the ability of any
6 physician and/or applicant to practice medicine; or

7 (4) Who has been found guilty in another state of conduct which, if committed in Rhode
8 Island, would constitute unprofessional conduct as defined in § 5-37-5.1 and regulations adopted
9 under that section.

10 (b) The director shall serve a copy of his or her decision or ruling upon any person whose
11 original certificate has been refused.

12 **5-37-5.1. Unprofessional conduct.**

13 The term "unprofessional conduct" as used in this chapter includes, but is not limited to,
14 the following items or any combination of these items and may be further defined by regulations
15 established by the board with the prior approval of the director:

16 (1) Fraudulent or deceptive procuring or use of a license or limited registration;

17 (2) All advertising of medical business, which is intended or has a tendency to deceive
18 the public;

19 (3) Conviction ~~of a crime involving moral turpitude; conviction~~ of a felony; conviction of
20 a crime arising out of the practice of medicine;

21 (4) Abandoning a patient;

22 (5) Dependence upon controlled substances, habitual drunkenness, or rendering
23 professional services to a patient while the physician or limited registrant is intoxicated or
24 incapacitated by the use of drugs;

25 (6) Promotion by a physician or limited registrant of the sale of drugs, devices,
26 appliances, or goods or services provided for a patient in a manner as to exploit the patient for the
27 financial gain of the physician or limited registrant;

28 (7) Immoral conduct of a physician or limited registrant in the practice of medicine;

29 (8) Willfully making and filing false reports or records in the practice of medicine;

30 (9) Willfully omitting to file or record, or willfully impeding or obstructing a filing or
31 recording, or inducing another person to omit to file or record, medical or other reports as
32 required by law;

33 (10) Failing to furnish details of a patient's medical record to succeeding physicians,
34 health care facility, or other health care providers upon proper request pursuant to § 5-37.3-4;

- 1 (11) Soliciting professional patronage by agents or persons or profiting from acts of those
2 representing themselves to be agents of the licensed physician or limited registrants;
- 3 (12) Dividing fees or agreeing to split or divide the fees received for professional services
4 for any person for bringing to or referring a patient;
- 5 (13) Agreeing with clinical or bioanalytical laboratories to accept payments from these
6 laboratories for individual tests or test series for patients;
- 7 (14) Making willful misrepresentations in treatments;
- 8 (15) Practicing medicine with an unlicensed physician except in an accredited
9 preceptorship or residency training program, or aiding or abetting unlicensed persons in the
10 practice of medicine;
- 11 (16) Gross and willful overcharging for professional services; including filing of false
12 statements for collection of fees for which services are not rendered, or willfully making or
13 assisting in making a false claim or deceptive claim or misrepresenting a material fact for use in
14 determining rights to health care or other benefits;
- 15 (17) Offering, undertaking, or agreeing to cure or treat disease by a secret method,
16 procedure, treatment or medicine;
- 17 (18) Professional or mental incompetency;
- 18 (19) Incompetent, negligent, or willful misconduct in the practice of medicine which
19 includes the rendering of medically unnecessary services, and any departure from, or the failure
20 to conform to, the minimal standards of acceptable and prevailing medical practice in his or her
21 area of expertise as is determined by the board. The board does not need to establish actual injury
22 to the patient in order to adjudge a physician or limited registrant guilty of the unacceptable
23 medical practice in this subdivision;
- 24 (20) Failing to comply with the provisions of chapter 4.7 of title 23;
- 25 (21) Surrender, revocation, suspension, limitation of privilege based on quality of care
26 provided, or any other disciplinary action against a license or authorization to practice medicine
27 in another state or jurisdiction; or surrender, revocation, suspension, or any other disciplinary
28 action relating to a membership on any medical staff or in any medical or professional association
29 or society while under disciplinary investigation by any of those authorities or bodies for acts or
30 conduct similar to acts or conduct which would constitute grounds for action as described in this
31 chapter;
- 32 (22) Multiple adverse judgments, settlements or awards arising from medical liability
33 claims related to acts or conduct which would constitute grounds for action as described in this
34 chapter;

1 (23) Failing to furnish the board, its chief administrative officer, investigator or
2 representatives, information legally requested by the board;

3 (24) Violating any provision or provisions of this chapter or the rules and regulations of
4 the board or any rules or regulations promulgated by the director or of an action, stipulation, or
5 agreement of the board;

6 (25) Cheating on or attempting to subvert the licensing examination;

7 (26) Violating any state or federal law or regulation relating to controlled substances;

8 (27) Failing to maintain standards established by peer review boards, including, but not
9 limited to, standards related to proper utilization of services, use of nonaccepted procedure,
10 and/or quality of care;

11 (28) A pattern of medical malpractice, or willful or gross malpractice on a particular
12 occasion;

13 (29) Agreeing to treat a beneficiary of health insurance under title XVIII of the Social
14 Security Act, 42 U.S.C. § 1395 et seq., "Medicare Act", and then charging or collecting from this
15 beneficiary any amount in excess of the amount or amounts permitted pursuant to the Medicare
16 Act; or

17 (30) Sexual contact between a physician and patient during the existence of the
18 physician/patient relationship.

19 SECTION 10. Section 5-37.2-15 of the General Laws in Chapter 5-37.2 entitled "The
20 Healing Art of Acupuncture and Oriental Medicine" is hereby amended to read as follows:

21 **5-37.2-15. Suspension, revocation, or refusal of license -- Grounds.**

22 The department may either refuse to issue or may suspend or revoke any license for any
23 one or any combination of the following causes:

24 (1) Conviction of a felony, ~~conviction of any offense involving moral turpitude,~~ or
25 conviction of a violation of any state or federal law regulating the possession, distribution or use
26 of any controlled substance as defined in § 21-28-1.02, as shown by a certified copy of record of
27 the court;

28 (2) The obtaining of, or any attempt to obtain, a license, or to practice in the profession
29 for money or any other thing of value, by fraudulent misrepresentations;

30 (3) Gross malpractice;

31 (4) Advertising by means of knowingly false or deceptive statement;

32 (5) Advertising, practicing, or attempting to practice under a name other than one's own;

33 (6) Habitual drunkenness or habitual addiction to the use of a controlled substance as
34 defined in § 21-28-1.02;

1 (7) Using any false, fraudulent, or forged statement or document, or engaging in any
2 fraudulent, deceitful, dishonest, immoral practice in connection with the licensing requirement of
3 this chapter;

4 (8) Sustaining a physical or mental disability that renders further practice dangerous;

5 (9) Engaging in any dishonorable, unethical, or unprofessional conduct that may deceive,
6 defraud, or harm the public, or that is unbecoming a person licensed to practice under this
7 chapter;

8 (10) Using any false or fraudulent statement in connection with the practice of
9 acupuncture or any branch of acupuncture;

10 (11) Violating, or attempting to violate, or assisting or abetting the violation of, or
11 conspiring to violate, any provision of this chapter;

12 (12) Being adjudicated incompetent or insane;

13 (13) Advertising in an unethical or unprofessional manner;

14 (14) Obtaining a fee or financial benefit for any person by the use of fraudulent diagnosis,
15 therapy, or treatment;

16 (15) Willfully disclosing a privileged communication;

17 (16) Failure of a licensee to designate his or her school of practice in the professional use
18 of his or her name by the term "doctor of acupuncture and Oriental medicine";

19 (17) Willful violation of the law relating to the health, safety, or welfare of the public, or
20 of the rules and regulations promulgated by the state board of health;

21 (18) Administering, dispensing, or prescribing any controlled substance as defined in §
22 21-28-1.02, except for the prevention, alleviation, or cure of disease or for relief from suffering;
23 and

24 (19) Performing, assisting, or advising in the injection of any liquid silicone substance
25 into the human body.

26 SECTION 11. Section 5-40.1-14 of the General Laws in Chapter 5-40.1 entitled
27 "Occupational Therapy" is hereby amended to read as follows:

28 **5-40.1-14. Grounds for refusal to renew, suspension, or revocation of license.**

29 (a) The board may deny a license or refuse to renew a license or may suspend or revoke a
30 license or may impose probationary conditions if the licensee has been found guilty of
31 unprofessional conduct which has endangered or is likely to endanger the health, welfare, or
32 safety of the public. Unprofessional conduct includes:

33 (1) Obtaining a license by means of fraud, misrepresentation, or concealment of material
34 facts;

1 (2) Being found guilty of fraud or deceit in connection with his or her services rendered
2 as an occupational therapist or occupational therapy assistant;

3 (3) Committing a felony, ~~whether or not involving moral turpitude, or a misdemeanor~~
4 ~~involving moral turpitude. In either case, conviction by a court of competent jurisdiction or a plea~~
5 ~~of "no contest" shall be conclusive evidence that a felony or misdemeanor was committed.~~

6 (4) Violating any lawful order, rule or regulation rendered or adopted by the board;

7 (5) Failing to report, in writing, to the board any disciplinary decision issued against the
8 licensee or the applicant in another jurisdiction within thirty (30) days of the disciplinary
9 decisions;

10 (6) Violating any provision of this chapter; and

11 (7) Providing services to a person who is making a claim as a result of a personal injury,
12 who charges or collects from the person any amount in excess of the reimbursement to the
13 occupational therapist by the insurer as a condition of providing or continuing to provide services
14 or treatment.

15 (b) A denial, refusal to renew, suspension, revocation, or imposition of probationary
16 conditions upon the license may be ordered by the board or the director of the department of
17 health after a hearing in the manner provided by the Administrative Procedures Act, chapter 35 of
18 title 42.

19 (c) The American Occupational Therapy Association's "Occupational Therapy Code of
20 Ethics" is adopted as a public statement of the values and principles used in promoting and
21 maintaining high standards of behavior in occupational therapy. These state:

22 (1) Occupational therapy personnel shall demonstrate a concern for the well-being of the
23 recipients of their services;

24 (2) Occupational therapy personnel shall respect the rights of the recipients of their
25 services;

26 (3) Occupational therapy personnel shall achieve and continually maintain high standards
27 of competence;

28 (4) Occupational therapy personnel shall comply with laws and association policies
29 guiding the profession of occupational therapy;

30 (5) Occupational therapy personnel shall provide accurate information about occupational
31 therapy services; and

32 (6) Occupational therapy personnel shall treat colleagues and other professionals with
33 fairness, discretion, and integrity.

34 SECTION 12. Section 5-48-11 of the General Laws in Chapter 5-48 entitled "Speech

1 Pathology and Audiology" is hereby amended to read as follows:

2 **5-48-11. Grounds for suspension or revocation of licenses.**

3 The license of any speech language pathologist and/or audiologist may be suspended or
4 revoked by the board upon proof that he or she:

5 (1) Fraudulently or deceptively obtained or attempted to obtain a license for the applicant,
6 licensee, holder, or for another;

7 (2) Fraudulently or deceptively used a license;

8 (3) Altered a license;

9 (4) Aided or abetted unlicensed practice;

10 (5) Committed fraud and deceit in the practice of speech language pathology or of
11 audiology, including, but not limited to:

12 (i) Using or promoting, or causing the use of, any misleading, deceiving, or untruthful
13 advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia,
14 or any other representation;

15 (ii) Falsely representing the use or availability of services or advice of a physician;

16 (iii) Misrepresenting the applicant, licensee, or holder by using the word "doctor" or any
17 similar word, abbreviation, or symbol, if the use is not accurate or if the degree was not obtained
18 from an accredited institution;

19 (iv) Making or filing a false report or record in the practice of speech language pathology
20 or audiology;

21 (v) Submitting a false statement to collect a fee; and

22 (vi) Obtaining a fee through fraud or misrepresentation;

23 (6) Providing services while mentally incompetent;

24 (7) Engaging in illegal, incompetent, or habitually negligent practice;

25 (8) Providing professional services while:

26 (i) Under the influence of alcohol; or

27 (ii) Using any narcotic or controlled dangerous substance or other drug that is in excess
28 of therapeutic amounts or without valid medical indication;

29 (9) Promoting the sale of devices, appliances, or products to a patient who cannot benefit
30 from these devices, appliances or products; or

31 (10) Violating any provision of this chapter, any lawful order given, or rule or regulation
32 adopted by the board or departure from or failure to conform to the current standards of
33 acceptable prevailing practice and code of ethics of speech language pathology or audiology;

34 (11) Being convicted of, or pleading guilty or nolo contendere to, a felony ~~or to a crime~~

1 ~~involving moral turpitude~~, whether or not any appeal or another proceeding is pending to have the
2 conviction or plea set aside;

3 (12) Incompetent or negligent misconduct in the practice of speech language pathology or
4 audiology;

5 (13) Is habitually intemperate or is addicted to the use of habit forming drugs;

6 (14) Being disciplined by a licensing or disciplinary authority of any other state or
7 country, or convicted or disciplined by a court of any state or country, for an act that would be
8 grounds for disciplinary action under this section; or

9 (15) Failing to maintain continuing education requirements.

10 SECTION 13. Section 5-49-12 of the General Laws in Chapter 5-49 entitled "Hearing
11 Aid Dealers and Fitters" is hereby amended to read as follows:

12 **5-49-12. Complaints -- Grounds and proceedings for revocation or suspension of**
13 **licenses.**

14 (a) (1) Any person wishing to make a complaint against a licensee under this chapter
15 shall file this complaint, in writing, with the department, within one year from the date of the
16 action upon which the complaint is based.

17 (2) If the department determines the charges made in the complaint are sufficient to
18 warrant a hearing to determine whether the license issued under this chapter should be suspended
19 or revoked, it shall make an order fixing a time and place for a hearing and shall require the
20 licensee complained against to appear and defend against the complaint. The order shall have
21 annexed to it a copy of the complaint.

22 (3) The order and copy of the complaint shall be served upon the licensee, either
23 personally or by registered mail sent to the licensee's last known address, at least twenty (20) days
24 before the date set for the hearing.

25 (4) Continuances or an adjournment of the hearing shall be made if for good cause.

26 (5) At the hearing, the licensee complained against may be represented by counsel.

27 (6) The licensee complained against and the department shall have the right to take
28 depositions in advance of the hearing and after service of the complaint, and either may compel
29 the attendance of witness by subpoenas issued by the department under its seal.

30 (7) Either party taking depositions shall give at least five (5) days' written notice to the
31 other party of the time and place of those depositions, and the other party has the right to attend
32 (with counsel if desired) and cross-examine.

33 (8) Appeals from suspension or revocation may be made through the appropriate
34 administrative procedures act.

1 (b) Any person registered under this chapter may have his or her license revoked or
2 suspended for a fixed period by the department for any of the following causes:

3 (1) The conviction of a felony, ~~or a misdemeanor involving moral turpitude~~. The record
4 of conviction, or a certified copy, certified by the clerk of the court or by the judge in whose court
5 the conviction was had, shall be conclusive evidence of this conviction.

6 (2) Procuring a license by fraud or deceit practiced upon the department.

7 (3) Unethical conduct, including:

8 (i) Obtaining any fee or making any sale by fraud or misrepresentation.

9 (ii) Knowingly employing, directly or indirectly, any suspended or unregistered person to
10 perform any work covered by this chapter.

11 (iii) Using, or causing, or promoting the use of, any advertising matter, promotional
12 literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation,
13 however disseminated or published, which is misleading, deceptive, or untruthful.

14 (iv) Advertising a particular model or type of hearing aid for sale when purchasers or
15 prospective purchasers responding to the advertisement cannot purchase the advertised model or
16 type, where it is established that the purpose of the advertisement is to obtain prospects for the
17 sale of a different model or type than that advertised.

18 (v) Representing that the service or advice of a person licensed to practice medicine will
19 be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing
20 aids when that is not true.

21 (vi) Habitual intemperance.

22 (vii) Gross immorality.

23 (viii) Permitting another's use of a license.

24 (ix) Advertising a manufacturer's product or using a manufacturer's name or trademark
25 which implies a relationship with the manufacturer that does not exist.

26 (x) Directly or indirectly giving or offering to give, or permitting or causing to be given,
27 money or anything of value to any person who advises another in a professional capacity, as an
28 inducement to influence him or her, or have him or her influence others, to purchase or contract
29 to purchase products sold or offered for sale by a hearing aid dealer or fitter, or influencing
30 persons to refrain from dealing in the products of competitors.

31 (xi) Representing, when this is not the case, that the hearing aid is or will be "custom-
32 made", "made to order", or "prescription-made", or in any other sense specially fabricated for an
33 individual person.

34 (4) Knowingly placing the health of a client at serious risk without maintaining proper

1 precautions;

2 (5) Engaging in the fitting and sale of hearing aids under a false name or alias with
3 fraudulent intent.

4 (6) Selling a hearing aid to a person who has not been given tests utilizing appropriate
5 established procedures and instrumentation in fitting of hearing aids, except in cases of selling
6 replacement hearing aids. Selling a hearing aid to a person who has discharge from the ear, loss
7 of balance and dizzy spells, or a loss of hearing for less than ninety (90) days, unless that person
8 has received a prescription from a physician.

9 (7) Gross incompetence or negligence in fitting and selling hearing aids.

10 (8) Violating any provisions of this chapter.

11 SECTION 14. Section 5-51-17 of the General Laws in Chapter 5-51 entitled "Rhode
12 Island State Board of Examiners of Landscape Architects" is hereby amended to read as follows:

13 **5-51-17. Revocation or suspension of licenses or certificates of authorization.**

14 After notice and a hearing as provided in § 5-51-17.1, the director may in his or her
15 discretion or upon recommendation of the board: suspend, revoke, or take other permitted action
16 with respect to any license; and/or revoke, suspend or take other permitted action with respect to
17 any certificate of authorization; and/or publicly censure, or reprimand or censure in writing;
18 and/or limit the scope of practice of; and/or impose an administrative fine upon (not to exceed
19 one thousand dollars (\$1,000) for each violation); and/or place on probation; and/or for good
20 cause shown, order a reimbursement of the department for all fees, expenses, costs, and attorneys
21 fees in connection with the proceedings (which amounts shall be deposited as general revenues),
22 all with or without terms, conditions or limitations, holders of a license or certificate of
23 authorization, (hereafter referred to as licensee(s)), for any one or more of the following causes:

24 (1) Bribery, fraud, deceit, or misrepresentation in obtaining a license or certificate of
25 authorization;

26 (2) Practicing landscape architecture in another state or country or jurisdiction in
27 violation of the laws of that state or country or jurisdiction;

28 (3) Practicing landscape architecture in this state in violation of the standards of
29 professional conduct established by the board and approved by the director;

30 (4) Fraud, deceit, recklessness, gross negligence, misconduct, or incompetence in the
31 practice of landscape architecture;

32 (5) Use of a landscape architect's stamp in violation of § 5-51-11;

33 (6) Violation of any of the provisions of this chapter or chapter 5-84;

34 (7) Suspension or revocation of the right to practice landscape architecture before any

1 state or before any other country or jurisdiction;

2 (8) Conviction of or pleading guilty or nolo contendere to any felony or to any crime of,
3 or an act constituting a crime of, forgery, embezzlement, obtaining money under false pretenses,
4 bribery, larceny, extortion, conspiracy to defraud, or any other similar offense ~~or offenses~~
5 ~~involving moral turpitude~~, in a court of competent jurisdiction of this state or any other state or of
6 the federal government;

7 (9) Failure to furnish to the department and/or board or any person acting on behalf of the
8 board in a reasonable time the information that may be legally requested by the department and/or
9 board;

10 (10) In conjunction with any violation of subdivisions (1) through (9) of this section, any
11 conduct reflecting adversely upon the licensee's fitness to engage in the practice of landscape
12 architecture; and

13 (11) In conjunction with any violation of subdivisions (1) through (9) of this section, any
14 other conduct discreditable to the landscape architectural profession.

15 SECTION 15. Section 5-54-2 of the General Laws in Chapter 5-54 entitled "Physician
16 Assistants" is hereby amended to read as follows:

17 **5-54-2. Definitions.**

18 As used in this chapter, the following words have the following meanings:

19 (1) "Administrator" means the administrator, division of professional regulation.

20 (2) "Approved program" means a program for the education and training of physician
21 assistants formally approved by the American Medical Association's (A.M.A.'s) Committee on
22 Allied Health, Education and Accreditation, its successor, the Commission on Accreditation of
23 Allied Health Education Programs (CAAHEP) or its successor.

24 (3) "Approved program for continuing medical education" means a program for
25 continuing education approved by the American Academy of Physician Assistants (AAPA) or the
26 Accreditation Council for Continuing Medical Education of the American Medical Association
27 (AMA), or the American Academy of Family Physicians (AAPFP) or the American Osteopathic
28 Association Committee on Continuing Medical Education (AOACCME) or any other board
29 approved program.

30 (4) "Board" means the board of licensure of physician assistants.

31 (5) "Director" means the director of the department of health.

32 (6) "Division" means the division of professional regulation, department of health.

33 (7) [Deleted by P.L. 2013, ch. 320, § 1 and P.L. 2013, ch. 420, § 1].

34 (8) "Physician" means a person licensed under the provisions of chapter 29 or 37 of this

1 title.

2 (9) "Physician assistant" means a person who is qualified by academic and practical
3 training to provide those certain patient services under the supervision, control, responsibility and
4 direction of a licensed physician.

5 (10) "Supervision" means overseeing the activities of, and accepting the responsibility for
6 the medical services rendered by the physician assistants. Supervision is continuous, and under
7 the direct control of a licensed physician expert in the field of medicine in which the physician
8 assistants practice. The constant physical presence of the supervising physician or physician
9 designee is not required. It is the responsibility of the supervising physician and physician
10 assistant to assure an appropriate level of supervision depending on the services being rendered.
11 Each physician or group of physicians, or other health care delivery organization excluding
12 licensed hospital or licensed health care facilities controlled or operated by a licensed hospital
13 employing physician assistants must have on file at the primary practice site a copy of a policy in
14 the form of an agreement between the supervising physicians and physician assistants delineating:

15 (i) The level of supervision provided by the supervising physician or designee with
16 particular reference to differing levels of supervision depending on the type of patient services
17 provided and requirements for communication between the supervising physician or designee and
18 the physician assistant.

19 (ii) A job description for the physician assistant listing patient care responsibilities and
20 procedures to be performed by the physician assistant.

21 (iii) A program for quality assurance for physician assistant services including
22 requirements for periodic review of the physician assistant services.

23 (iv) Requirements for supervision of physician assistants employed or extended medical
24 staff privileges by licensed hospitals or other licensed health care facilities or employed by other
25 health care delivery agencies shall be delineated by the medical staff by laws and/or applicable
26 governing authority of the facility.

27 (v) The supervising physician or physician designee must be available for easy
28 communication and referral at all times.

29 (11) "Unprofessional conduct" includes, but is not limited to, the following items or any
30 combination and may be defined by regulations established by the board with prior approval of
31 the director:

32 (i) Fraudulent or deceptive procuring or use of a license;

33 (ii) Representation of himself or herself as a physician;

34 (iii) Conviction ~~of a crime involving moral turpitude; conviction~~ of a felony; conviction

- 1 of a crime arising out of the practice of medicine. All advertising of medical business, which is
2 intended or has a tendency to deceive the public;
- 3 (iv) Abandonment of a patient;
- 4 (v) Dependence upon a controlled substance, habitual drunkenness, or rendering
5 professional services to a patient while intoxicated or incapacitated by the use of drugs;
- 6 (vi) Promotion of the sale of drugs, devices appliances, or goods or services provided for
7 a patient in a manner that exploits the patient for the financial gain of the physician assistant;
- 8 (vii) Immoral conduct of a physician assistant in the practice of medicine;
- 9 (viii) Willfully making and filing false reports or records;
- 10 (ix) Willful omission to file or record or willfully impeding or obstructing a filing or
11 recording, or inducing another person to omit to file or record medical or other reports as required
12 by law;
- 13 (x) Agreeing with clinical or bioanalytical laboratories to accept payments from these
14 laboratories for individual tests or test series for patients;
- 15 (xi) Practicing with an unlicensed physician or physician assistant or aiding or abetting
16 these unlicensed persons in the practice of medicine;
- 17 (xii) Offering, undertaking or agreeing to cure or treat a disease by a secret method,
18 procedure, treatment or medicine;
- 19 (xiii) Professional or mental incompetence;
- 20 (xiv) Surrender, revocation, suspension, limitation of privilege based on quality of care
21 provided, or any other disciplinary action against a license or authorization to practice in another
22 state or jurisdiction; or surrender, revocation, suspension, or any other disciplinary action relating
23 to membership on any medical staff or in any medical professional association, or society while
24 under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to
25 acts or conduct which would constitute grounds for action as stated in this chapter;
- 26 (xv) Any adverse judgment, settlement, or award arising from a medical liability claim
27 related to acts or conduct, which would constitute grounds for action as stated in this chapter;
- 28 (xvi) Failure to furnish the board, the administrator, investigator or representatives,
29 information legally requested by the board;
- 30 (xvii) Violation of any provisions of this chapter or the rules and regulations promulgated
31 by the director or an action, stipulation, or agreement of the board;
- 32 (xviii) Cheating or attempting to subvert the certifying examination;
- 33 (xix) Violating any state or federal law or regulation relating to controlled substances;
- 34 (xx) Medical malpractice;

1 (xxi) Sexual contact between a physician assistant and patient during the existence of the
2 physician assistant/patient relationship;

3 (xxii) Providing services to a person who is making a claim as a result of a personal
4 injury, who charges or collects from the person any amount in excess of the reimbursement to the
5 physician assistant by the insurer as a condition of providing or continuing to provide services or
6 treatment.

7 SECTION 16. Section 5-56.1-8 of the General Laws in Chapter 5-56.1 entitled
8 "Designers of Individual Sewage Disposal Systems" is hereby amended to read as follows:

9 **5-56.1-8. Denial, suspension and revocation of licenses -- Censure.**

10 (a) The licensing authority may deny, suspend or revoke a designer's license if the person
11 or licensed designer fails to comply with the requirements prescribed in this chapter or any
12 regulation promulgated under this chapter or where the person or licensed designer:

13 (1) Provided incorrect, incomplete or misleading information in obtaining a designer's
14 license; or

15 (2) Demonstrated gross or repeated negligence, incompetence or misconduct in the
16 representation of site conditions in an application to the department of environmental
17 management, design of an ISDS, or inspection or certification of an installation of an ISDS; or

18 (3) ~~Committed a felony involving moral turpitude~~ Been convicted of a felony; or

19 (4) Failed or neglected to comply with continuing education requirements established by
20 the licensing authority.

21 (b) An action to suspend or revoke a designer's license pursuant to subsection (a) of this
22 section may not be taken until after the licensed designer has an opportunity to have a hearing
23 before the licensing authority. This hearing shall be held within thirty (30) days of written notice
24 of intent to suspend or revoke the license.

25 (c) The licensing authority shall appoint a review panel consisting of five (5) members at
26 least three (3) of whom shall be licensed designers not employed by the licensing authority, for
27 the purpose of reviewing and hearing disciplinary actions contemplated under subsection (b) of
28 this section. The review board shall make recommendations to the licensing authority to suspend
29 or revoke licenses. All final decisions shall be made by the licensing authority.

30 (d) Any person aggrieved by the denial of an application for a license pursuant to § 5-
31 56.1-4 or a denial, suspension or revocation of a license pursuant to this section may request a
32 formal hearing pursuant to § 42-17.1-2(21) which shall be granted, if requested, in writing by the
33 aggrieved applicant or licensee within ten (10) days of the denial, suspension or revocation.

34 (e) The licensing authority may publicly censure any licensed designer whose license was

1 suspended or revoked.

2 SECTION 17. Section 5-60-14 of the General Laws in Chapter 5-60 entitled "Athletic
3 Trainers" is hereby amended to read as follows:

4 **5-60-14. Grounds for refusal or revocation of licenses.**

5 The board may refuse to issue a license to an applicant or may suspend, revoke, or refuse
6 to renew the license of any licensee if he or she has:

- 7 (1) Been convicted of a felony ~~or misdemeanor involving moral turpitude~~, the record of
8 conviction being conclusive evidence of conviction if the department determines after
9 investigation that the person has not been sufficiently rehabilitated to warrant the public trust;
- 10 (2) Secured a license under this chapter by fraud or deceit; or
- 11 (3) Violated or conspired to violate this chapter or rules or regulations issued pursuant to
12 this chapter.

13 SECTION 18. Section 5-61-3.2 of the General Laws in Chapter 5-61 entitled "Telephone
14 Sales Solicitation Act" is hereby amended to read as follows:

15 **5-61-3.2. Other grounds for denial of registration.**

16 The department may delay, reject or revoke a registration if the department finds that a
17 telephonic seller or any person applying for registration as a telephonic seller, including, but not
18 limited to, owners, operators, officers, directors, partners, or other individuals engaged in the
19 management activities of a business entity:

- 20 (1) Has been convicted or found guilty of, or has entered a plea of guilty or a plea of nolo
21 contendere to, racketeering or any offense involving fraud, theft, embezzlement, fraudulent
22 conversion, or misappropriation of property, ~~or any other crime involving moral turpitude~~;
- 23 (2) For purposes of this section, a plea of nolo contendere is a conviction;
- 24 (3) Has had entered against him or her or an affiliated business, an injunction, a
25 temporary restraining order, or a final judgment or order, including a stipulated judgment or
26 order, an assurance of voluntary compliance, or any similar document, in any civil or
27 administrative action involving racketeering, a fraud, theft, embezzlement, fraudulent conversion,
28 or misappropriation of property or the use of any untrue or misleading representations in an
29 attempt to sell or dispose of real or personal property or the use of any unfair, unlawful, or
30 deceptive trade practice;
- 31 (4) Is subject to or has been affiliated with any company which is, or ever has been,
32 subject to any injunction, temporary restraining order, or final judgment or order, including a
33 stipulated judgment or order, an assurance of voluntary compliance, or any similar document, or
34 any restrictive court order relating to a business activity as the result of any action brought by a

1 governmental agency, including any action affecting any license to do business or practice an
2 occupation or trade;

3 (5) Has at any time during the previous seven (7) years filed for bankruptcy, been
4 adjudged bankrupt, or been reorganized because of insolvency;

5 (6) Has been a principal, director, officer, or trustee of, or a general or limited partner in,
6 or had responsibilities as a manager in, any corporation, partnership, joint venture, or other entity
7 that filed the bankruptcy, was adjudged bankrupt, or was reorganized because of insolvency
8 within one year after the person held that position;

9 (7) Has been previously convicted of or found to have been acting as a salesperson or
10 telephonic seller without a registration or whose registration has previously been refused,
11 revoked, or suspended in any jurisdiction;

12 (8) Falsifies or willfully omits any material information asked for in any application,
13 document, or record required to be submitted or retained under this chapter;

14 (9) Makes a material false statement in response to any request or investigation by the
15 department.

16 (10) Refuses or fails, after notice, to produce any document or record or disclose any
17 information required to be produced or disclosed under this chapter or the rules of the
18 department; or

19 (11) Otherwise violates or is operating in violation of any of the provisions of this chapter
20 or of the rules adopted or court orders issued pursuant to the provisions of this chapter.

21 SECTION 19. Section 5-65.1-11 of the General Laws in Chapter 5-65.1 entitled "Home
22 Inspectors" is hereby amended to read as follows:

23 **5-65.1-11. Grounds for discipline -- Injunctions.**

24 (a) After a hearing in accordance with the administrative regulations promulgated by the
25 board, the board may revoke, suspend, or refuse to issue, reinstate, or reissue a license if the
26 board determines that a licensee or applicant has:

27 (1) Disclosed any information concerning the results of the home inspection without the
28 approval of a client or the client's representatives;

29 (2) Accepted compensation from more than one interested party for the same service
30 without the consent of all interested parties;

31 (3) Accepted commissions or allowances, directly or indirectly, from other parties
32 dealing with their client in connection with the inspection for which the licensee is responsible;

33 (4) Failed to promptly disclose to a client information about any business interest of the
34 licensee which may affect the client in connection with the home inspection;

- 1 (5) Obtained a license or authorization to sit for an examination, as the case may be,
2 through fraud, deception, or misrepresentation;
- 3 (6) Engaged in the use or employment of dishonesty, fraud, deception, misrepresentation,
4 false promise, or false pretense;
- 5 (7) Engaged in gross negligence, gross malpractice, or gross incompetence;
- 6 (8) Engaged in repeated acts of negligence, malpractice, or incompetence;
- 7 (9) Engaged in professional or occupational misconduct as may be determined by the
8 board;
- 9 (10) Been convicted of ~~any crime involving moral turpitude or~~ any crime relating
10 adversely to the activity regulated by the board. For the purpose of this subsection a plea of
11 guilty, or nolo contendere shall be deemed a conviction;
- 12 (11) Had his or her authority to engage in the activity regulated by the board revoked or
13 suspended by any other state, agency or authority for reasons consistent with this section;
- 14 (12) Attempted to limit liability for negligent or wrongful errors or omissions by use of a
15 clause within a performance contract that limits the damages for negligent or wrongful errors or
16 omissions;
- 17 (13) Failed to provide a written report of the completed home inspection;
- 18 (14) Violated or failed to comply with any order of the board or provisions of this chapter
19 or any rule or regulation promulgated and administered by the board pursuant to this chapter;
- 20 (15) Become incapable, for medical or any other material reason, of discharging the
21 functions of a licensee in a manner consistent with the public's health, safety, and welfare;
- 22 (16) Failed to obtain or maintain the insurance required by § 5-65.1-10;
- 23 (17) Knowingly assisted an unlicensed person to act in violation of this chapter; or
- 24 (18) Failed to comply with the provisions of § 5-20.8-8.
- 25 (b) In addition to all other remedies, when it appears to the board that a person has
26 engaged in, or is engaging in, any act, practice or transaction which violates the provisions of this
27 chapter, the board may direct the attorney general to apply to the court for an injunction
28 restraining the person from violating the provisions of this chapter.
- 29 (c) (1) The board may, after a hearing, impose a fine in an amount not to exceed five
30 thousand dollars (\$5,000) for the first violation of this chapter, or any rules or regulations
31 promulgated by the board.
- 32 (2) For each second violation of a particular subsection of this chapter or of a rule or
33 regulation promulgated by the board, a fine not to exceed ten thousand dollars (\$10,000) may be
34 imposed after a hearing by the board.

1 (d) The board, may, in lieu of a fine or other sanction, order a licensee to attend
2 continuing education courses as appropriate. Failure to adhere to the requirement could result in
3 immediate revocation of a license.

4 SECTION 20. Section 5-69-6 of the General Laws in Chapter 5-69 entitled "License
5 Procedure for Chemical Dependency Professionals" is hereby amended to read as follows:

6 **5-69-6. Licensing board.**

7 (a) Within the department there shall be established a board of licensing for chemical
8 dependency professionals. The governor shall appoint a licensing board consisting of seven (7)
9 members.

10 (b) Of the seven (7) licensing board members, three (3) shall be licensed under this
11 chapter;

12 (2) Licensing board members shall be:

13 (i) Two (2) members appointed by the governor shall be representatives of groups that
14 reflect demographics of person(s) served;

15 (ii) Three (3) members shall represent the licensed professionals appointed by the director
16 of health;

17 (iii) One member shall be an active member or administrator of the Rhode Island board
18 for certification of chemical dependency professionals appointed by the director of health;

19 (iv) One member shall be a consumer advocate from an established substance abuse
20 recovery consumer advocacy group appointed by the director of health.

21 (3) Licensing board members shall serve without compensation.

22 (4) Each licensing board member shall take and subscribe to the oath of affirmation
23 prescribed by law and shall file this oath in the office of the secretary of state.

24 (5) The term of office shall be three (3) years, except that of the members of the first
25 licensing board. Three (3) shall be appointed for a term of one year, three (3) for a term of two (2)
26 years, three (3) for a term of three (3) years. At least one member representing the general public,
27 and one member representing a minority group, as defined by the federal Department of Health,
28 Education, and Welfare, shall be appointed for the initial term of three (3) full years. Successors
29 to these licensing board positions shall be appointed for a term of three (3) years each, except that
30 any person appointed to fill a vacancy shall be for the unexpired term of office. Upon expiration
31 of the term of office, a member shall continue to serve until a successor is appointed and qualified.
32 No person shall be appointed for more than two (2) consecutive three (3) year terms.

33 (6) The governor may remove any member of the licensing board for neglect of duty,
34 malfeasance, conviction of a felony ~~or a crime of moral turpitude~~ while in office or for lack of

1 attendance/participation in board meetings. No licensing board member shall participate in any
2 matter before the licensing board in which pecuniary interest, personal bias, or other similar
3 conflicts of interests is established.

4 SECTION 21. Sections 5-74.1-5 and 5-74.1-6 of the General Laws in Chapter 5-74.1
5 entitled "Uniform Athlete Agents Act" are hereby amended to read as follows:

6 **5-74.1-5. Registration as athlete agent -- Form -- Requirements.**

7 (a) An applicant for registration shall submit an application for registration to the
8 secretary of state in a form prescribed by the secretary of state. An application filed under this
9 section is a public record. The application must be in the name of an individual and, except as
10 otherwise provided in subsection (b) herein, signed or otherwise authenticated by the applicant
11 under penalty of perjury and state or contain:

12 (1) The name of the applicant and the address of the applicant's principal place of
13 business;

14 (2) The name of the applicant's business or employer, if applicable;

15 (3) Any business or occupation engaged in by the applicant for the five (5) years next
16 preceding the date of submission of the application;

17 (4) A description of the applicant's:

18 (i) Formal training as an athlete agent;

19 (ii) Practical experience as an athlete agent; and

20 (iii) Educational background relating to the applicant's activities as an athlete agent;

21 (5) The names and address of three (3) individuals not related to the applicant who are
22 willing to serve as references;

23 (6) The name, sport, and last known team for each individual for whom the applicant
24 acted as an athlete agent during the five (5) years next preceding the date of submission of the
25 application;

26 (7) The names and addresses of all persons who are:

27 (i) With respect to the athlete agent's business if it is not a corporation, the partners,
28 members, officers, managers, associates, or profit shares of the business; and

29 (ii) With respect to a corporation employing the athlete agent, the officers, directors, and
30 any shareholder of the corporation having an interest of five percent (5%) or greater;

31 (8) Whether the applicant or any person named pursuant to subdivision 5-74.1-5(a)(7) has
32 been convicted of a crime that, if committed in this state, would be ~~a crime involving moral~~
33 ~~turpitude or~~ a felony, and identify the crime;

34 (9) Whether there has been any administrative or judicial determination that the applicant

1 or any person named pursuant to subdivision 5-74.1-5(a)(7) has made a false, misleading,
2 deceptive, or fraudulent representation;

3 (10) Any instance in which the conduct of the applicant or any person named pursuant to
4 subdivision 5-74.1-5(a)(7) resulted in the imposition of a sanction, suspension, or declaration of
5 ineligibility to participate in an interscholastic or intercollegiate athletic event on a student athlete
6 or educational institution;

7 (11) Any sanction, suspension, or disciplinary action taken against the applicant or any
8 person named pursuant to subdivision 5-74.1-5(a)(7) arising out of occupational or professional
9 conduct; and

10 (12) Whether there has been any denial of an application for, suspension or revocation of,
11 or refusal to renew, the registration or licensure of the applicant or any person named pursuant to
12 subdivision 5-74-4(a)(7) as an athlete agent in any state.

13 (b) An individual who has submitted an application for, and holds a certificate of
14 registration or licensure as an athlete agent in another state, may submit a copy of the application
15 and certificate in lieu of submitting an application in the form prescribed pursuant to subsection
16 5-74.1-5(a). The secretary of state shall accept the application and the certificate from the other
17 state as an application for registration in this state if the application to the other state:

18 (1) Was submitted in the other state within six (6) months next preceding the submission
19 of the application in this state and the applicant certifies that the information contained in the
20 application is current;

21 (2) Contains information substantially similar to or more comprehensive than that
22 required in an application submitted in this state; and

23 (3) Was signed by the applicant under penalty of perjury.

24 **5-74.1-6. Certificate of registration; issuance or denial; renewal.**

25 (a) Except as otherwise provided in subsection (b) herein the secretary of state shall issue
26 a certificate of registration to an individual who complies with subsection 5-74.1-5(a) or whose
27 application has been accepted under subsection 5-74.1-5(b).

28 (b) The secretary of state may refuse to issue a certificate of registration if the secretary
29 of state determines that the applicant has engaged in conduct that has a significant adverse effect
30 on the applicant's fitness to act as an athlete agent. In making the determination, the secretary of
31 state may consider whether the applicant has:

32 (1) Been convicted of a crime that, if committed in this state, would be a ~~crime involving~~
33 ~~moral turpitude or~~ a felony;

34 (2) Made a materially false, misleading, deceptive, or fraudulent representation in the

1 application or as an athlete agent;

2 (3) Engaged in conduct that would disqualify the applicant from serving in a fiduciary
3 capacity;

4 (4) Engaged in conduct prohibited by § 5-74.1-14;

5 (5) Had a registration or licensure as an athlete agent suspended, revoked, or denied or
6 been refused renewal of registration or licensure as an athlete agent in any state;

7 (6) Engaged in conduct the consequence of which was that a sanction, suspension, or
8 declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event was
9 imposed on a student-athlete or educational institution; or

10 (7) Engaged in conduct that significantly adversely reflects on the applicant's credibility,
11 honesty, or integrity.

12 (c) In making a determination under subsection (b) herein, the secretary of state shall
13 consider:

14 (1) How recently the conduct occurred;

15 (2) The nature of the conduct and the context in which it occurred; and

16 (3) Any other relevant conduct of the applicant.

17 (d) An athlete agent may apply to renew a registration by submitting an application for
18 renewal in a form prescribed by the secretary of state. An application filed under this section is a
19 public record. The application for renewal must be signed by the applicant under penalty of
20 perjury and must contain current information on all matters required in an original registration.

21 (e) An individual who has submitted an application for renewal of registration or
22 licensure in another state, in lieu of submitting an application for renewal in the form prescribed
23 pursuant to subsection (d) herein, may file a copy of the application for renewal and a valid
24 certificate of registration or licensure from the other state. The secretary of state shall accept the
25 application for renewal from the other state as an application for renewal in this state if the
26 application to the other state:

27 (1) Was submitted in the other state within six (6) months next preceding the filing in this
28 state and the applicant certifies the information contained in the application for renewal is current;

29 (2) Contains information substantially similar to or more comprehensive than that
30 required in an application for renewal submitted in this state; and

31 (3) Was signed by the applicant under penalty of perjury.

32 (f) A certificate of registration or a renewal of a registration is valid for two (2) years.

33 (g) Upon the secretary of state's approval of any registration for an athlete agent, the
34 secretary of state's office will notify the athletic director of any institution of higher education

1 within the state of Rhode Island that participates in intercollegiate athletics at the Division I, II, or
2 III level by providing that office with a copy of the agent's registration and disclosure statements.

3 SECTION 22. Section 23-19.12-13 of the General Laws in Chapter 23-19.12 entitled
4 "Generation - Transportation - Storage - Treatment - Management and Disposal of Regulated
5 Medical Waste" is hereby amended to read as follows:

6 **23-19.12-13. Denial or revoking of licenses.**

7 The director of the department of environmental management may deny an application
8 for a license, or suspend or revoke a license after it has been granted, or refuse to renew a license
9 for any of the following reasons:

- 10 (1) Proof of unfitness of the applicant or licensee to engage in the business;
- 11 (2) A material misstatement by the applicant or licensee in his or her application for a
12 license or renewal;
- 13 (3) Failure of the applicant or licensee to comply with the provisions of this chapter or
14 with any rule or regulation promulgated pursuant to this chapter;
- 15 (4) A history of noncompliance with environmental regulations or standards, or
16 conviction of any environmental crime ~~or other crimes involving moral turpitude~~. This
17 subdivision applies to: the applicant, and officers, major stock holders, or principals of the
18 business for which the application is submitted or to which an existing license has been issued.

19 SECTION 23. Sections 23-28.28-3, 23-28.28-4 and 23-28.28-5 of the General Laws in
20 Chapter 23-28.28 entitled "Explosives" are hereby amended to read as follows:

21 **23-28.28-3. Manufacturing permit.**

22 (a) Application for a permit to manufacture explosives shall be made to the state fire
23 marshal in such form as the state fire marshal shall prescribe; and shall state, among other things:

- 24 (1) The name and address of the applicant;
- 25 (2) The reason for desiring to manufacture explosives;
- 26 (3) The applicant's citizenship, if the applicant is an individual;
- 27 (4) If the applicant is a partnership, the names and addresses of the partners and their
28 citizenship; and
- 29 (5) If the applicant is an association or corporation, the names and addresses of the
30 officers and directors thereof and their citizenship.

31 (b) The state fire marshal shall issue the permit applied for unless he or she finds that
32 either the applicant or the officers, agents, or employees of the applicant has been convicted of ~~a~~
33 ~~crime involving moral turpitude, or~~ a felony, or is disloyal to the United States, or otherwise does
34 not qualify under rules and regulations as promulgated by the state fire marshal.

1 **23-28.28-4. Dealers' permits.**

2 (a) Application for permits to engage in the business of dealing in explosives other than
3 empty cartridge shells (primed), percussion caps, small arms ammunition, small arms primers,
4 smokeless powder, and black powder for small arms shall be made to the state fire marshal in
5 such form as the state fire marshal shall prescribe and shall state among other things:

6 (1) The name and address of the applicant;

7 (2) The reason for desiring to engage in the business of dealing in explosives;

8 (3) Citizenship, if an individual application;

9 (4) If a partnership, the names and addresses of the partners and their citizenship; and

10 (5) If an association or corporation, the names and addresses of the officers and directors
11 thereof, and their citizenship.

12 (b) The state fire marshal shall issue the permit applied for only to businesses for use at
13 their place of business unless he or she finds that either the applicant or the officer, agents, or
14 employees of the applicant have been convicted of a felony ~~or crime involving moral turpitude~~, or
15 are disloyal to the United States, or otherwise do not qualify under rules and regulations as
16 promulgated by the state fire marshal.

17 **23-28.28-5. Permit to possess explosives.**

18 (a) Application for a permit to possess explosives, other than empty cartridge shells
19 (primed), percussion caps, small arms ammunition, small arms primers and smokeless powder for
20 small arms, or black powder in excess of five (5) pounds shall be made in writing to the state fire
21 marshal in such form as the state fire marshal shall prescribe and shall state among other things:

22 (1) The name and address of the applicant;

23 (2) The reason for desiring the permit to possess explosives;

24 (3) The applicant's citizenship, if the applicant is an individual;

25 (4) If the applicant is a partnership, the names and addresses of the partners and their
26 citizenship; and

27 (5) If the applicant is a corporation or other business entity, the names and addresses of
28 the officers thereof and their citizenship.

29 (b) The state fire marshal shall issue the permit applied for unless he or she finds that
30 either the applicant or the officers, agents, or employees of the applicant have been convicted of a
31 felony ~~or a crime involving moral turpitude~~, or is disloyal to the United States, and, provided,
32 further, that no permit shall be issued to any person under the age of twenty-one (21) years of age.

33 (c) Provided, however, that if the applicant holds a valid permit from the bureau of
34 alcohol, tobacco, and firearms of the department of treasury, then the state fire marshal may issue

1 a permit to possess explosives.

2 SECTION 24. Section 27-72-4 of the General Laws in Chapter 27-72 entitled "Life
3 Settlements Act" is hereby amended to read as follows:

4 **27-72-4. License suspension, revocation or refusal to renew.**

5 (a) The commissioner may suspend, revoke or refuse to renew the license of any licensee
6 if the commissioner finds that:

7 (1) There was any material misrepresentation in the application for the license;

8 (2) The licensee or any officer, partner, member or director has been guilty of fraudulent
9 or dishonest practices, is subject to a final administrative action or is otherwise shown to be
10 untrustworthy or incompetent to act as a licensee;

11 (3) The provider demonstrates a pattern of unreasonably withholding payments to policy
12 owners;

13 (4) The licensee no longer meets the requirements for initial licensure;

14 (5) The licensee or any officer, partner, member or director has been convicted of a
15 felony, or of any misdemeanor of which criminal fraud is an element; or the licensee has pleaded
16 guilty or nolocontendere with respect to any felony or any misdemeanor of which criminal fraud
17 ~~or moral turpitude~~ is an element, regardless whether a judgment of conviction has been entered by
18 the court;

19 (6) The provider has entered into any life settlement contract using a form that has been
20 approved pursuant to this chapter;

21 (7) The provider has failed to honor contractual obligations set out in a life settlement
22 contract;

23 (8) The provider has assigned, transferred or pledged a settled policy to a person other
24 than a provider licensed in this state, a purchaser, an accredited investor or qualified institutional
25 buyer as defined respectively in Regulation D, Rule 501 or Rule 144A of the Federal Securities
26 Act of 1933, as amended, financing entity, special purpose entity, or related provider trust; or

27 (9) The licensee or any officer, partner, member or key management personnel has
28 violated any of the provisions of this chapter.

29 (b) Before the commissioner denies a license application or suspends, revokes or refuses
30 to renew the license of any licensee under this chapter, the commissioner shall conduct a hearing
31 in accordance with this state's laws governing administrative hearings.

32 SECTION 25. Section 41-10-5 of the General Laws in Chapter 41-10 entitled "Off Track
33 Betting" is hereby amended to read as follows:

34 **41-10-5. Licensing restrictions.**

1 (a) The division shall refuse to grant a license, or shall suspend a license, if the applicant
2 or licensee:

- 3 (1) Has been convicted of a felony, ~~or any crime involving moral turpitude;~~
4 (2) Has engaged in illegal gambling as a significant source of income;
5 (3) Has been convicted of violating any gambling statutes;
6 (4) Has been convicted of fraud or misrepresentation in any connection; or
7 (5) Has been found to have violated any rule, regulation, or order of the division.

8 (b) The license heretofore issued shall be suspended by the division for any charge which
9 may result in a conviction or conduct prescribed in subdivisions (a)(1) through (a)(5); which
10 suspension shall be effective until a final judicial determination.

11 (c) The division shall refuse to grant, or the division shall suspend, pending a hearing
12 before the division, a license if the applicant or licensee is an association or corporation:

13 (1) Any of whose directors, officers, partners, or shareholders holding a five percent (5%)
14 or greater interest have been found guilty of any of the activities specified in subsection (a); or

15 (2) In which it appears to the division that due to the experience, character, or general
16 fitness of any director, officer, or controlling partner, or shareholder, the granting of a license
17 would be inconsistent with the public interest, convenience, or trust.

18 (d) Whenever requested by the division, the division of criminal identification of the
19 department of the attorney general, the superintendent of state police, and the superintendent or
20 chief of police or town sergeant of any city or town, shall furnish all information on convictions,
21 arrests, and present investigations concerning any person who is an applicant for a license or who
22 is a licensee under this chapter.

23 SECTION 26. Section 42-61-5 of the General Laws in Chapter 42-61 entitled "State
24 Lottery" is hereby amended to read as follows:

25 **42-61-5. Sales agents.**

26 (a) For the purpose of this chapter, the term "person" shall be construed to mean and
27 include an individual, association, partnership, corporation, trust, estate, company, receiver,
28 trustee, referee, or other person acting in a fiduciary or representative capacity, whether appointed
29 by a court or otherwise, and any combination of individuals. "Person" shall be construed to mean
30 all departments, committees, commissions, agencies, and instrumentalities of the state, including
31 counties and municipalities and agencies and instrumentalities of the state.

32 (b) (1) The director of lotteries may license any person as a lottery sales agent as
33 provided in this chapter. No license shall be issued to any person to engage in the sale of lottery
34 tickets as his or her sole occupation or business.

1 (2) As part of its investigation as to whether to issue a lottery sales agent license, the
2 Rhode Island lottery shall require criminal background checks of the applicant for a retail sales
3 agent license as it deems appropriate and said individuals shall apply to the bureau of criminal
4 investigation of the Rhode Island state police or the Rhode Island department of the attorney
5 general for a national criminal records check with fingerprinting. The applicant whose criminal
6 records check is being conducted shall be responsible for the payment of the costs of said
7 criminal records check. The Rhode Island state police or the Rhode Island department of attorney
8 general, as applicable, shall send the results of such criminal records check to the Rhode Island
9 lottery. Once said results are sent to and received by the Rhode Island lottery, the Rhode Island
10 state police and the Rhode Island department of attorney general shall promptly destroy said
11 fingerprint record(s). On or before February 1, 2011, the agency shall adopt rules and regulations
12 establishing criteria to be used in determining whether based upon a criminal records check an
13 application will be approved.

14 (c) Before issuing any license to a lottery sales agent the director shall consider:

15 (1) The financial responsibility and security of the person and his or her business or
16 activity;

17 (2) The accessibility of his or her place of business or activity to the public;

18 (3) The sufficiency of existing licensed agents to serve the public interest;

19 (4) The volume of expected sales by the applicant;

20 (5) Any other factors pertaining to the public interest, convenience or trust.

21 (d) The director shall refuse to grant or shall suspend, pending a hearing before the
22 division, or recommend a revocation of a license if the applicant or licensee:

23 (1) Has been convicted of a felony, ~~or any crime involving moral turpitude;~~

24 (2) Has been engaging in gambling as a significant source of income;

25 (3) Has been convicted of violating any gambling statutes;

26 (4) Has been convicted of fraud or misrepresentation in any connection;

27 (5) Has been found to have violated any rule, regulation, or order of the state lottery
28 division.

29 The license of an agent shall be suspended by the director for any charge which may
30 result in a conviction for conduct prescribed in subdivisions (d)(1) -- (d)(5); which suspension
31 shall be effective until a final judicial determination.

32 (e) The director shall refuse to grant, or shall suspend, pending a hearing before the
33 division, or recommend revocation of a license if the applicant or licensee is a corporation:

34 (1) Any of whose directors, officers, or controlling shareholders have been found guilty

1 of any of the activities specified in subsection (d);

2 (2) In which it appears to the director of lotteries that due to the experience, character, or
3 general fitness of any director, officer, or controlling shareholder, the granting of a license as a
4 lottery sales agent would be inconsistent with the public interest, convenience, or trust;

5 (3) Not the owner or lessee of the business at which it will conduct a lottery sales agency
6 pursuant to the license applied for, or that any person, firm, association, or corporation other than
7 the applicant shares or will share in the profits of the applicant, other than receiving dividends as
8 a shareholder, or will participate in the management of the affairs of the applicant.

9 (f) Every holder of a license as a lottery sales agent shall renew the license annually
10 pursuant to the rules and regulations of the division. Licensees shall pay to the division a fee to be
11 determined by the director upon receipt or renewal of a license.

12 (g) Whenever requested by the director, the division of criminal identification of the
13 department of the attorney general, the superintendent of state police, any superintendent or chief
14 of police or sergeant of any city or town, shall furnish all information on convictions, arrests and
15 present investigations concerning any person who is an applicant for a license or who is a licensee
16 of the state lottery.

17 (h) Notwithstanding any other provision of law, any person licensed as provided in this
18 chapter is authorized and empowered to act as a lottery sales agent.

19 (i) Every licensed sales agent authorized pursuant to this section and every licensed,
20 video-lottery retailer authorized by chapter 61.2 of this title shall keep conspicuously posted on
21 his or her premises the name and telephone number of a council on problem gambling recognized
22 by an appropriate authority within state government or within the professional field of addiction
23 disorders and a statement of its availability to offer assistance. The lottery division shall supply
24 each licensee with the required notice.

25 SECTION 27. Sections 45-20-1 and 45-20-1.1 of the General Laws in Chapter 45-20
26 entitled "Appeals from Police and Fire Departments" are hereby amended to read as follows:

27 **45-20-1. Petition for judicial review of removal of fire fighter.**

28 (a) Any fire fighter or fire fighters, jointly or severally aggrieved by any decision of the
29 bureau of police and fire or any similar department, board or bureau of a city or town having
30 control of the fire department of the city or town, which decision orders the removal of the person
31 from membership in the fire department based on criminal charges ~~of moral turpitude~~, may
32 present, to the superior court of the state of Rhode Island for the county in which the city or town
33 is located, a verified petition stating that the decision is illegal in whole or in part and specifying
34 the grounds of the illegality. The petition shall be presented to the court within thirty (30) days

1 after the decision of the department, board, or bureau.

2 (b) Upon the presentation of the petition, the court may allow a writ of certiorari directed
3 to the department, board, or bureau to review its decision, and shall prescribe in the unit the time
4 authorized which a return to the unit must be made, which shall be not less than twenty (20) days
5 and may be extended by the court.

6 (c) The allowance of the writ does not stay the effect of the decision.

7 **45-20-1.1. Petition for judicial review of disciplinary action against police officers.**

8 (a) Any police officer or police officers, jointly or severally, aggrieved by any decision of
9 the bureau of police and fire, or any similar department, board, or bureau of a city or town having
10 control of the police department, or any other duly constituted authority within the police
11 department of the city or town, which decision orders the dismissal, reduction in rank,
12 suspension, fine, performance of extra hours of duty, loss of seniority rights, transfer with or
13 without a reduction in pay, or reprimand, and the decision is based on charges involving ~~moral~~
14 ~~turpitude or~~ violation of departmental regulations, may appeal the decision to the superior court
15 of the state of Rhode Island for the county in which the city or town is located; provided, that no
16 appeal is allowed unless all administrative remedies available under the municipal charter have
17 been exhausted; and, provided, further, that an appeal does not stay the operation of the decision.
18 Upon appeal, the police officer or police officers are entitled to a trial de novo before a justice of
19 the superior court without a jury.

20 (b) The superior court may uphold the decision, reverse the decision, restore the police
21 officer to the officer's former rank, revoke the suspension, reduce the penalty, negate the transfer,
22 or allow a transfer without loss of pay. If the decision is reversed or modified by the superior
23 court, the police officer or police officers shall, to the extent that the decision is reversed or
24 modified, be reimbursed monetarily or by compensatory time off for all loss of pay and/or extra
25 duty hours performed.

26 SECTION 28. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO BUSINESSES AND PROFESSIONS - PUBLIC ACCOUNTANCY

1 This act would delete as a cause for refusal to issue a license to accountants, private
2 security guards, engineers, land surveyors, veterinarians, podiatrists, chiropractors, dentists and
3 dental hygienists, medical personnel, acupuncturists and those practicing oriental medicine,
4 occupational therapists, speech pathologists and audiologists, hearing aid dealers and fitters,
5 landscape architects, physicians assistants, cesspool designers, athletic trainers, telephone sales
6 solicitors, home inspectors, chemical dependency professionals, uniform athlete agents, medical
7 waste generators, transporters, explosive technicians and dealers, off track betting employees,
8 state lottery sales agents, and police and fire personnel, the words crime of moral turpitude.

9 This act would take effect upon passage.

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