# 2018 -- S 2408 SUBSTITUTE A

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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 -- BOARD OF MEDICAL LICENSURE AND DISCIPLINE

It is enacted by the General Assembly as follows:

1      SECTION 1. Chapter 5-37 of the General Laws entitled "Board of Medical Licensure and

2      Discipline" is hereby amended by adding thereto the following section:

3      **5-37-2.2. Election as to participation in maintenance of effort programs.**

4      (a) Definitions. As used in this section:

5      (1) "Hospital" has the same meaning as defined in § 23-17-2.

6      (2) "Maintenance of certification" means a continuous professional development program

7      through which physicians are certified by one or more of the nationally recognized medical

8      specialty boards. Maintenance of certification is separate from and in addition to any

9      recertification and continuing medical education requirements required pursuant to § 5-37-2.1.

10      (3) "Physician" has the same meaning as defined in § 23-17-2.

11      (b) Maintenance of certification by hospital physicians.

12      (1) The medical staff (the staff) at any hospital shall decide by majority vote whether to

13      require the staff to participate in a maintenance of certification program or programs. A hospital

14      shall not impose a requirement that the staff participate in a maintenance of certification program

15      without an affirmative vote by the staff to do so as provided by this section. No maintenance of

16      certification program requirements shall be enforced at any hospital unless the staff affirmatively

17      votes to impose such requirements.

18      (2) In the event the staff elects to participate in a maintenance of certification program,

1    the staff shall also decide by majority vote, which medical specialty board the staff shall utilize to

2    implement the maintenance of certification program.

3    (3) A vote whereby the staff affirmatively agrees to participate in a maintenance of

4    certification program shall remain in effect for a period of time as determined by a majority vote

5    of the staff, and shall be binding upon any physician who is or who seeks to become a staff

6    member or have admitting privileges at the hospital at any time while the certification program is

7    in effect.

8    SECTION 2. Chapter 27-20.6 of the General Laws entitled "Health Care Insurers -

9    Coordination of Benefits" is hereby amended by adding thereto the following section:

10    **27-20.6-3.1. Maintenance of certification not to be considered in coordination of**

11    **benefits.**

12    A health care insurer shall not deny reimbursement or discriminate in reimbursement

13    rates to a physician or hospital, nor prevent a physician or hospital from participating in any of

14    the insurer's provider networks, based solely on a physician's decision not to participate in any

15    form of maintenance of certification, or a decision made by a hospital's medical staff as to

16    whether or not to participate in a maintenance certification program or, if there is an election to

17    participate, then upon the particular medical specialty board that is chosen, pursuant to § 5-37-

18    2.2.

19    SECTION 3. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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RELATING TO BUSINESSES AND PROFESSIONS -- BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

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1        This act would authorize hospital medical staff to elect whether or not to participate in a

2   maintenance of certification program. If the staff elects to participate in such a program, the staff

3   would also elect the medical specialty board the staff would utilize to implement the maintenance

4   of certification program. This act would also prohibit health care insurers from denying

5   reimbursement to a physician or hospital based solely upon this election.

6        This act would take effect upon passage.

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