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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- PHYSICIAN ASSISTANTS

Introduced By: Representative David A. Bennett

Date Introduced: January 25, 2021

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-54-2 and 5-54-28 of the General Laws in Chapter 5-54 entitled
2 "Physician Assistants" are hereby amended to read as follows:

3 **5-54-2. Definitions.**

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

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

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

10 (3) "Approved program for continuing medical education" means a program for continuing
11 education approved by the American Academy of Physician Assistants (AAPA) or the
12 Accreditation Council for Continuing Medical Education of the American Medical Association
13 (AMA), or the American Academy of Family Physicians (AAPFP) or the American Osteopathic
14 Association Committee on Continuing Medical Education (AOACCME) or any other board-
15 approved program.

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

17 (5) "Collaboration" means the physician assistant shall, as indicated by the patient's
18 condition, the education, competencies, and experience of the physician assistant, and the standards
19 of care, consult with or refer to an appropriate physician or other healthcare professional. The

1 degree of collaboration shall be determined by ~~the practice and includes decisions made by~~ a
2 physician in solo practice or employer, physician group practice as defined in § 5-37-1, and the
3 credentialing and privileging systems of a ~~licensed hospital, health center, or ambulatory care center~~
4 health care facility licensed pursuant to the provisions of chapter 17 of title 23, or health-
5 maintenance organization licensed pursuant to the provisions of chapter 17 of title 23 or chapter 41
6 of title 27. A physician must be accessible at all times for consultation by the physician assistant.

7 (6) "Director" means the director of the department of health.

8 (7) "Division" means the division of professional regulation, department of health.

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

10 (9) "Physician" means a person licensed under the provisions of chapter 29 or 37 of this
11 title.

12 (10) "Physician assistant" or "PA" means a person who is qualified by academic and
13 practical training to provide medical and surgical services in collaboration with physicians.

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

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

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

19 (iii) Conviction of a crime involving moral turpitude; conviction of a felony; conviction of
20 a crime arising out of the practice of medicine. All advertising of medical business that is intended
21 or has a tendency to deceive the public;

22 (iv) Abandonment of a patient;

23 (v) Dependence upon a controlled substance, habitual drunkenness, or rendering
24 professional services to a patient while intoxicated or incapacitated by the use of drugs;

25 (vi) Promotion of the sale of drugs, devices, appliances, or goods or services provided for
26 a patient in a manner that exploits the patient for the financial gain of the physician assistant;

27 (vii) Immoral conduct of a physician assistant in the practice of medicine;

28 (viii) Willfully making and filing false reports or records;

29 (ix) Willful omission to file or record or willfully impeding or obstructing a filing or
30 recording, or inducing another person to omit to file or record medical or other reports as required
31 by law;

32 (x) Agreeing with clinical or bioanalytical laboratories to accept payments from these
33 laboratories for individual tests or test series for patients;

34 (xi) Practicing with an unlicensed physician or physician assistant or aiding or abetting

- 1 these unlicensed persons in the practice of medicine;
- 2 (xii) Offering, undertaking, or agreeing to cure or treat a disease by a secret method,
3 procedure, treatment, or medicine;
- 4 (xiii) Professional or mental incompetence;
- 5 (xiv) Surrender, revocation, suspension, limitation of privilege based on quality of care
6 provided, or any other disciplinary action against a license or authorization to practice in another
7 state or jurisdiction; or surrender, revocation, suspension, or any other disciplinary action relating
8 to membership on any medical staff or in any medical professional association, or society while
9 under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to
10 acts or conduct that would constitute grounds for action as stated in this chapter;
- 11 (xv) Any adverse judgment, settlement, or award arising from a medical liability claim
12 related to acts or conduct that would constitute grounds for action as stated in this chapter;
- 13 (xvi) Failure to furnish the board, the administrator, investigator, or representatives,
14 information legally requested by the board;
- 15 (xvii) Violation of any provisions of this chapter or the rules and regulations promulgated
16 by the director or an action, stipulation, or agreement of the board;
- 17 (xviii) Cheating or attempting to subvert the certifying examination;
- 18 (xix) Violating any state or federal law or regulation relating to controlled substances;
- 19 (xx) Medical malpractice;
- 20 (xxi) Sexual contact between a physician assistant and patient during the existence of the
21 physician assistant/patient relationship;
- 22 (xxii) Providing services to a person who is making a claim as a result of a personal injury,
23 who charges or collects from the person any amount in excess of the reimbursement to the physician
24 assistant by the insurer as a condition of providing or continuing to provide services or treatment.

25 **5-54-28. Participation in charitable and voluntary care.**

26 A physician assistant licensed in this state, or licensed or authorized to practice in any other
27 U.S. jurisdiction, or who is credentialed by a federal employer or meets the licensure requirements
28 of his or her requisite federal agency as a physician assistant may volunteer to render such care that
29 he or she is able to provide at a children's summer camp or for a public or community event or in a
30 licensed ambulatory health center providing free care [without a collaborating physician as it is](#)
31 [defined in this section of law or with such collaborating physicians as may be available](#). Such care
32 must be rendered without compensation or remuneration. It is the obligation of the physician
33 assistant to assure adequate and appropriate professional liability coverage.

34 SECTION 2. Chapter 5-54 of the General Laws entitled "Physician Assistants" is hereby

1 amended by adding thereto the following section:

2 **5-54-29. Restrictive covenants.**

3 (a) Any contract or agreement that creates or establishes the terms of a partnership,
4 employment, or any other form of professional relationship with a physician assistant licensed to
5 practice pursuant to this section that includes any restriction of the right of such physician assistant
6 to practice shall be void and unenforceable with respect to said restriction; provided, however, that
7 nothing herein shall render void or unenforceable the remaining provisions of any such contract or
8 agreement.

9 (b) Restrictions rendered void under subsection (a) of this section shall include, but shall
10 not be limited to the following:

11 (1) The right to practice in any geographic area for any period of time after the termination
12 of such partnership, employment, or professional relationship; and

13 (2) The right of such physician assistant to provide treatment, advise, consult with or
14 establish a professional relationship with any current patient of the employer; and

15 (3) The right of such physician assistant to solicit or seek to establish a professional
16 relationship with any current patient of the employer.

17 (c) Notwithstanding the foregoing, the prohibition on physician assistant covenants shall
18 not apply in connection with the purchase and sale of a practice, provided the restrictive covenant
19 and non-compete covenant is for a period of a time of not more than five (5) years.

20 SECTION 3. Section 16-91-3 of the General Laws in Chapter 16-91 entitled "School and
21 Youth Programs Concussion Act" is hereby amended to read as follows:

22 **16-91-3. School district's guidelines to be developed and implemented.**

23 (a) The department of education and the department of health shall work in concert with
24 the Rhode Island Interscholastic League to develop and promulgate guidelines to inform and
25 educate coaches, teachers, school nurses, youth athletes, and their parents and/or guardians of the
26 nature and risk of concussion and head injury, including continuing to play after concussion or head
27 injury. A concussion and head injury information sheet shall be signed and returned by the youth
28 athlete and the athlete's parent and/or guardian prior to the youth athlete's return to practice or
29 competition.

30 (b) School districts are required to use training materials made available by the United
31 States Center for Disease Control and Prevention entitled "Heads Up: Concussion in the High
32 School Sports/Concussion in Youth Sports" and any updates or amendments thereto, or training
33 materials substantively and substantially similar thereto. The department of education shall post
34 training materials made available by the Center for Disease Control and Prevention and the Rhode

1 Island Interscholastic League on its website. All coaches and volunteers involved in a youth sport
2 or activity covered by this chapter must complete a training course and a refresher course annually
3 thereafter in concussions and traumatic brain injuries. All school nurses must complete a training
4 course and an annual refresher course in concussions and traumatic brain injuries. Teachers and
5 teachers' aides are strongly encouraged to complete the training course in concussions and traumatic
6 brain injuries. Training may consist of videos, classes, and any other generally accepted mode and
7 medium of providing information.

8 (c) School districts are encouraged to have all student athletes perform baseline
9 neuropsychological testing, computerized or otherwise. Parents and/or guardians shall be provided
10 with information as to the risk of concussion and/or traumatic brain injuries prior to the start of
11 every sport season and they shall sign an acknowledgement as to their receipt of such information.

12 (d) A youth athlete, who is suspected of sustaining a concussion or head injury in a practice
13 or game, shall be removed from competition at that time.

14 (e) A youth athlete, who has been removed from play, may not return to play until the
15 athlete is evaluated by a licensed physician, [physician assistant or certified nurse practitioner](#) who
16 may consult with an athletic trainer, all of whom shall be trained in the evaluation and management
17 of concussions. The athlete must receive written clearance to return to play from that licensed
18 physician, [physician assistant or certified nurse practitioner](#).

19 (f) All school districts are encouraged to have an athletic trainer, or similarly trained
20 person, at all recreational and athletic events addressed by this statute.

21 SECTION 4. Section 16-91.1-3 of the General Laws in Chapter 16-91.1 entitled "The
22 Sudden Cardiac Arrest Prevention Act" is hereby amended to read as follows:

23 **16-91.1-3. School districts' guidelines to be developed and implemented.**

24 (a) The department of education and the department of health shall promulgate guidelines
25 to inform and educate coaches, teachers, school nurses, youth athletes, and their parents and/or
26 guardians about the nature and warning signs of sudden cardiac arrest, including the risks associated
27 with continuing to play or practice after experiencing the following symptoms: fainting or seizures
28 during exercise, unexplained shortness of breath, chest pains, dizziness, racing heart rate and
29 extreme fatigue.

30 (b) School districts may use training materials made available at no cost to the school
31 district by organizations such as Simon's Fund, Parent Heart Watch, Sudden Arrhythmia Death
32 Syndromes Foundation, or training materials substantively and substantially similar thereto. The
33 department of education shall post links to training materials on its website. All coaches and
34 volunteers involved in a youth sport program or activity covered by this chapter must complete a

1 training course that may be completed online about the nature and warning signs of sudden cardiac
2 arrest, including the risks associated with continuing to play or practice after experiencing
3 symptoms including: fainting or seizures during exercise, unexplained shortness of breath, chest
4 pains, dizziness, racing heart rate and extreme fatigue. Training may consist of videos, classes, and
5 any other generally accepted mode and medium of providing information.

6 (c) Parents and/or guardians shall be provided with information as to the nature and
7 warning signs of sudden cardiac arrest prior to the start of every sport season.

8 (d)(1) A student who, as determined by a game official, coach from the student's team,
9 certified athletic trainer, licensed physician, or other official designated by the student's school
10 entity, exhibits signs or symptoms of sudden cardiac arrest while participating in an athletic activity
11 shall be removed by the coach from participation at that time, subject to subsection (d)(3) of this
12 section.

13 (2) If a student is known to have exhibited signs or symptoms of sudden cardiac arrest at
14 any time prior to or following an athletic activity, the student shall be prevented from participating
15 in an athletic activity, subject to subsection (d)(3) of this section.

16 (3) A student removed or prevented from participating in an athletic activity under
17 subsections (d)(1) or (d)(2) of this section shall not return to participation until the student is
18 evaluated and cleared for return to participation in writing by a licensed physician, [physician](#)
19 [assistant](#), certified registered nurse practitioner, or cardiologist.

20 (e) All school districts are encouraged to have an athletic trainer, or similarly trained
21 person, at all recreational and athletic events addressed by this statute.

22 SECTION 5. Section 23-1.7-5 of the General Laws in Chapter 23-1.7 entitled "Rhode
23 Island Program to Address Alzheimer's Disease" is hereby amended to read as follows:

24 **23-1.7-5. Medical professional training.**

25 (a) All physicians licensed pursuant to chapter 37 of title 5, [physician assistants licensed](#)
26 [pursuant to chapter 54 of title 5](#), and nurses licensed pursuant to chapter 34 of title 5, shall, no later
27 than October 1, 2021, complete a one-time course of training consisting of a minimum of one hour
28 of instruction on the diagnosis, treatment, and care of patients with cognitive impairments
29 including, but not limited to, Alzheimer's disease and dementia.

30 (b) The department of health shall promulgate rules to implement the training requirement
31 of subsection (a).

32 SECTION 6. 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 -- PHYSICIAN ASSISTANTS

1 This act would expand participation in charitable and voluntary care to allow a physician
2 assistant licensed in this state to provide free care without a collaborating physician; prohibit any
3 agreement whereby a physician assistant is restricted in his or her right to practice in a certain
4 geographic area, assist or provide treatment or establish a professional relationship with any other
5 employer; and establish the right of the physician assistant to solicit or seek to establish a
6 professional relationship with any current patient of the employer. This restriction would not apply
7 with the purchase and sale of a practice which includes a restriction or non-compete clause within
8 five (5) years, and would allow physician assistants to clear students to participate in athletic
9 activities at school and evaluate and clear a young student athlete who has been removed from play
10 due to injury.

11 This act would take effect upon passage.

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