

2021 -- S 0256 SUBSTITUTE A AS AMENDED

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LC001405/SUB A
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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 -- BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

Introduced By: Senators Miller, Valverde, Lawson, Goldin, Kallman, and DiMario

Date Introduced: February 10, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-37-6.3 of the General Laws in Chapter 5-37 entitled "Board of
2 Medical Licensure and Discipline" is hereby amended to read as follows:

3 **5-37-6.3. Sanctions.**

4 If the accused is found guilty of unprofessional conduct as described in § 5-37-6.2, the
5 director, at the direction of the board, shall impose one or more of the following conditions:

6 (1) Administer a reprimand;

7 (2) Suspend or limit or restrict his or her license or limited registration to practice medicine;

8 (3) Require him or her to serve a period of probation subject to certain conditions and
9 requirements including, where appropriate, sanctions or restitution;

10 (4) Revoke indefinitely his or her license or limited registration to practice medicine;

11 (5) Require him or her to submit to the care, counseling, or treatment of a physician or
12 program acceptable to the board;

13 (6) Require him or her to participate in a program of continuing medical education in the
14 area or areas in which he or she has been judged deficient;

15 (7) Require him or her to practice under the direction of a physician in a public institution,
16 public or private healthcare program, or private practice for a period of time specified by the board;

17 (8) Assess against the physician the administrative costs of the proceedings instituted
18 against the physician under this chapter; provided, that this assessment does not exceed ~~ten~~

1 ~~thousand dollars (\$10,000)~~ thirty thousand dollars (\$30,000);

2 (9) Any other conditions or restrictions deemed appropriate under the circumstances.

3 SECTION 2. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"
4 is hereby amended by adding thereto the following chapter:

5 CHAPTER 90

6 AUTHORITY TO FINE HEALTH CARE PROFESSIONALS

7 **5-90-1. Authority to fine health care professionals and assess administrative costs.**

8 (a) Any licensing board responsible for governing the professional conduct of individuals
9 with the authority to prescribe controlled substances shall have the authority to assess a fine against
10 a licensee who has been found guilty of unprofessional conduct and/or violating any provision of
11 the general laws, any rule, any regulation, any order, any license, or any approval issued by the
12 director.

13 (1) No such fine shall be assessed for the first charge or count against a licensee.

14 (2) Any fine assessed against a licensee for the second charge or count, regardless if such
15 charge or count appears on the first complaint or a subsequent complaint, shall not exceed one
16 thousand dollars (\$1,000).

17 (3) Any fine assessed against a licensee for each charge or count subsequent to the second
18 charge or count, regardless if such charge or count appears on the first complaint or a subsequent
19 complaint, shall not exceed five thousand dollars (\$5,000).

20 (b) Any licensee who fails to pay an assessed fine within the time period prescribed by the
21 relevant licensing board shall be subject to disciplinary action, up to and including revocation.

22 (c) When an individual licensed by a board described in subsection (a) of this section
23 concurrently:

24 (1) Holds at least one other license issued by a regulatory entity subject to the jurisdiction
25 of the department; and

26 (2) Fails to comply with any provision of the general laws, any rule, any regulation, any
27 order, any license, or any approval issued by the director, only one board may issue a fine for the
28 licensed individual's unprofessional conduct in connection therewith.

29 (d) Prior to the assessment of a fine under this section, the department of health shall adopt
30 rules and regulations providing guidance on the appropriate range of sanctions and the criteria to
31 be considered when recommending specific sanctions or administrative monetary penalties to the
32 director.

33 (e) Any licensing board responsible for governing the professional conduct of individuals
34 with the authority to prescribe controlled substances shall have the authority to assess against the

1 individual the administrative costs of the proceedings instituted against the licensee under this
2 chapter; provided that, this assessment shall not exceed five thousand dollars (\$5,000), except for
3 those individuals licensed under chapter 37 of title 5.

1 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
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1 This act would increase the maximum fine amount for those found guilty of unprofessional
2 conduct by the board of medical licensure and discipline from ten thousand dollars (\$10,000) to
3 thirty thousand dollars (\$30,000), and would establish a new chapter of the general laws which
4 gives the board of medical licensure and discipline the authority to levy fines.

5 This act would take effect upon passage.

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