

2013 -- H 5763

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- NURSES

Introduced By: Representatives Bennett, McNamara, Cimini, and Ajello

Date Introduced: February 28, 2013

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 5-34-25 of the General Laws in Chapter 5-34 entitled "Nurses" is  
2 hereby amended to read as follows:

3           **5-34-25. Procedure for discipline of licensees.** -- (a) Upon filing a timely sworn  
4 complaint within a time period the board considers reasonable with the board charging a person  
5 with having been guilty of any of the actions specified in section 5-34-24, two (2) or more  
6 members of the board of nurse registration and nursing education immediately shall investigate  
7 those charges, or the board, after investigation, may institute charges.

8           (b) In the event that investigation, in the opinion of the board, reveals reasonable  
9 grounds for believing the applicant or licensee is guilty of the charges, the board shall notify the  
10 licensee of the charges and the time and place for a hearing at least twenty (20) days prior to the  
11 time fixed for the hearing. A hearing committee shall be designated by the chairperson consisting  
12 of three (3) other members of the board, at least one of whom shall be a professional nurse. The  
13 hearing shall be conducted by a hearing officer appointed by the director of the department of  
14 health. At the hearing, the accused has the right to appear personally, or by counsel, or both, to  
15 produce witnesses and to have subpoenas issued by the ~~board~~ hearing officer. The attendance of  
16 witnesses and the production of books, documents, and papers at the hearing may be compelled  
17 by subpoenas issued by the board, which is served in accordance with the law. At the hearing, the  
18 ~~board~~ hearing officer shall administer oaths that may be necessary for the proper conduct of the  
19 hearing. The ~~board~~ hearing committee shall read the transcript, review the evidence and, after

1 deliberation, is not bound by the strict rules of procedure or by the laws of evidence in the  
2 conduct of its proceedings, but the determination shall be based upon sufficient legal evidence to  
3 sustain it. The hearing officer shall be responsible for conducting the hearing and writing a  
4 proposed findings of fact and conclusions of law along with a recommendation of a sanction, if  
5 warranted. The board shall complete the investigation of each complaint and issue a decision  
6 within six (6) months of the receipt of the complaint. The ~~board~~ hearing committee shall read the  
7 transcript, review the evidence and after deliberation may extend the time for issuing its decision  
8 beyond the initial six (6) month period in documented cases in which delays in the process are the  
9 direct result of requests or actions by the accused and/or his or her representative(s) or other good  
10 cause. The ~~board~~ hearing officer, on a case-by-case basis, for good cause shown in writing, may  
11 extend the time for issuing its decision. If the accused is found guilty of the charges, the ~~board~~  
12 hearing officer may revoke, suspend, or otherwise discipline a licensee.

13 (c) All hearings held under this section shall be conducted in accordance with the  
14 provisions of chapter 35 of title 42, "Administrative Procedures Act."

15 SECTION 2. 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 -- NURSES

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- 1           This act would provide that a hearing committee headed by a hearing officer, conduct
- 2 hearings and report to the nurse's board findings to determine any action or discipline that may be
- 3 imposed. The act would eliminate the need to have the entire board present at all hearings.
- 4           This act would take effect upon passage.

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