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ARTICLE 19

RELATING TO CONSOLIDATION OF DEPARTMENT OF HEALTH BOARDS

SECTION 1. Chapter 5-26 of the General Laws entitled “Division of Professional Regulation” is hereby repealed in its entirety.

~~CHAPTER 5-26~~

~~DIVISION OF PROFESSIONAL REGULATION~~

~~**5-26-1. Establishment of division—Administrator.** Within the department of health there shall be a division of professional regulation, and the director of health shall appoint an administrator of that division, in accordance with the provisions of chapter 4 of title 36. The administrator of the division professional regulation shall act as the administrative agent for the boards established.~~

~~**5-26-2. Boards of examiners appointed by director of health.** The director of health, with the approval of the governor, shall also appoint to the division of professional regulation a board of nursing registration and education as provided by chapter 34 of this title, and a board of examiners of each of the following arts, practices, sciences, or callings: barbering, podiatry, chiropractic, (except as provided in § 5-30-1.1) psychology, optometry, electrolysis, and physical therapy; and a board of five (5) examiners in speech pathology, audiology, and embalming. Those boards shall perform the duties prescribed by chapters 10, 29, 30, (except as provided in § 5-30-1.1), 32, 33, 34, 35, 40, 44, and 48 of this title.~~

~~**5-26-3. Qualifications of examiners.** The examiners appointed for each specific art, practice, science, or calling referred to in § 5-26-2 shall be persons competent to give those examinations and shall be appointed from persons licensed to practice such an art, practice, science, or calling in this state, except that one member of each of the chiropractic, and electrolysis boards shall be a physician licensed to practice medicine in the state.~~

~~**5-26-4. Terms of examiners—Vacancies.** The membership of the boards of examiners mentioned in § 5-26-2 shall be for terms of three (3) years. On the expiration of the term of any member, the director of health, by and with the advice and consent of the governor, shall fill the vacancy by appointment for a term of three (3) years. On the death, resignation, or removal for cause of any member, the director of health, by and with the consent and advice of the governor, shall fill the vacancy by appointment for the unexpired portion of the term. Every~~

1 ~~member shall serve until his or her successor has been appointed and qualified.~~

2 ~~**5-26-5. Holding of examinations — Compensation of examiners.** — The director of~~
3 ~~health shall cause examinations to be held as required by law for the various arts and practices~~
4 ~~enumerated in § 5-26-2. Members of each board of examiners as enumerated in § 5-26-2 shall not~~
5 ~~be compensated for their service on the board of examiners.~~

6 ~~**5-26-6. Non-discrimination in licensing or certification.** — The division of professional~~
7 ~~regulation and the licensing and examining boards established in this title shall administer their~~
8 ~~licensing or certification programs in a manner which does not violate the requirements of 29~~
9 ~~U.S.C. § 794, 42 U.S.C. § 12101 et seq., and chapter 87 of title 42.~~

10 SECTION 2. TITLE 5 of the General Laws entitled “BUSINESSES AND
11 PROFESSIONS” is hereby amended by adding thereto the following chapter:

12 CHAPTER 5-26.1

13 THE DIVISION OF PROFESSIONAL REGULATION AND LICENSING

14 **5-26.1-1. Establishment of the division of professional regulation and licensing –**
15 **Administrator -- Staff.** – (a) Within the department of health there shall be a division of
16 professional regulation and licensing. The director of health shall appoint an administrator of this
17 division, in accordance with the provisions of chapter 4 of title 36.

18 (b) Subject to appropriation, the director of health may appoint appropriate staff to the
19 division of professional regulation and licensing for the proper administration of this chapter,
20 including a chief field inspector, approved by the governor, to assist the division in the proper
21 administration of this chapter.

22 **5-26.1-2. Division of professional regulation and licensing powers and duties.** – (a)
23 The division of professional regulation and licensing shall be the licensing and regulatory
24 authority for the following arts, practices, sciences or callings:

- 25 (1) Barbers, hairdressers, cosmeticians, manicurists, and estheticians in chapter 10 of title
26 5;
27 (2) Chiropractic physicians in chapter 30 of title 5;
28 (3) Electrolysis in chapter 32 of title 5;
29 (4) Funeral director/embalmer in chapter 33.2 of title 5;
30 (5) Opticians in chapter 35.2 in title 5;
31 (6) Social workers in chapter 39.1 of title 5;
32 (7) Physical therapists in chapter 40 in title 5;
33 (8) Occupational therapy in chapter 40.1 in title 5;
34 (9) Psychologists in chapter 44 of title 5;

- 1 [\(10\) Nursing home administrators 45 of title 5;](#)
- 2 [\(11\) Speech pathology and audiology in chapter 48 of title 5;](#)
- 3 [\(12\) Hearing aid dealers and fitters in chapter 49 of title 5;](#)
- 4 [\(13\) Prosthetist in chapter 59 of title 5;](#)
- 5 [\(14\) Athletic trainers in chapter 60 in title 5;](#)
- 6 [\(15\) Mental health counselors and marriage and family therapists in chapter 63 of title 5;](#)
- 7 [\(16\) Licensed dietician in chapter 64 of title 5;](#)
- 8 [\(17\) Dietary manager in chapter 64.1 of title 5;](#)
- 9 [\(18\) Radiologic technologists in chapter 68 of title 5;](#)
- 10 [\(19\) Licensed chemical dependency professionals in chapter 69 of title 5;](#)
- 11 [\(20\) Interpreters for the deaf in chapter 71 of title 5;](#)
- 12 [\(21\) Applied behavior analysts in chapter 86 of title 5;](#)
- 13 [\(22\) Clinical laboratory science practice in chapter 16.3 in title 23;](#)
- 14 [\(23\) Assisted living residence administrators in chapter 17.4 of title 23;](#)
- 15 [\(24\) Massage therapists in chapter 20.8 in title 23; and](#)
- 16 [\(25\) Respiratory care in chapter 39 of title 23;](#)
- 17 [\(b\) Over all professions stated in \(a\), the division of professional regulation and licensing](#)
- 18 [shall:](#)
- 19 [\(1\) Approve all written and practical examinations in accordance with \(c\) below;](#)
- 20 [\(2\) Issue all licenses and permits subsequently provided for in this chapter;](#)
- 21 [\(3\) Serve as the inspector of sanitation of all individuals and establishments licensed](#)
- 22 [under this chapter;](#)
- 23 [\(4\) Make any rules and regulations that the division deems necessary or expedient, in](#)
- 24 [conformity with the provisions of this chapter and not contrary to law, relating to the practice of](#)
- 25 [any of the professions provided in subsection \(a\), including, but not limited to, the licensing,](#)
- 26 [examination, examination fees, conduct of the business, the establishment, the sanitary](#)
- 27 [requirements in all establishments and of all persons licensed or unlicensed under the provisions](#)
- 28 [of this chapter;](#)
- 29 [\(5\) Keep a register of all persons and places of business licensed under this chapter;](#)
- 30 [\(6\) Keep complete records of all persons and establishments licensed under this chapter;](#)
- 31 [\(7\) Summon witnesses; and](#)
- 32 [\(8\) Perform all acts necessary to enforce the provisions of this chapter.](#)
- 33 [\(9\) Act as the administrative agent and keep a record of all proceedings of the health](#)
- 34 [professions board of review, issue all notices, attest all records, and perform any other](#)

1 administrative duties that are required by the health professionals board of review, established in
2 accordance with § 5-26.1-3.

3 (c)(1) If an examination is deemed necessary as a condition of licensing by the director
4 of health, the examination for licensure may be conducted by the division as scheduled by the
5 division as appropriate and according to methods and in any subject fields that is deemed most
6 practical and expeditious to test the applicant's qualifications. Further:

7 (i) The division may require examinations to be written or oral, or both.

8 (ii) In any written examination, the division may require that the identity of the applicant
9 shall not be disclosed until after the examination papers have been graded.

10 (iii) Written examination papers shall be preserved and available for at least two (2)
11 years.

12 (iv) A candidate shall pass the examination upon receiving the threshold score
13 determined in advance by the division.

14 (v) Any appeal regarding the examination or score of an individual shall be submitted to
15 the health professions board of review.

16 (2) A license may be issued by the division without examination in Rhode Island if:

17 (i) An applicant who has been licensed or certified under the laws of another state, United
18 States territory, or foreign country where the division determines that the requirements are
19 substantially equivalent or stricter to those of this state; or

20 (ii) An applicant has been licensed or certified after examination by an association
21 deemed suitable by the division and the division determines that the examination is substantially
22 equivalent to, or exceeds, the requirements or examination in the State of Rhode Island.

23 (d) The division may issue temporary permit or provisional license to practice to a
24 candidate for licensure who has paid the required fees as set forth in § 23-1-54 and has satisfied
25 the following requirements:

26 (1) Filed an application for licensure with all required supporting materials;

27 (2) Has met all of the requirements determined necessary by the division as specified in
28 rules and regulations;

29 (3) Shall only practice under the appropriate supervision of a licensed practitioner as
30 delineated in the rules and regulations promulgated hereunder;

31 (4) Shall refrain from using the professional title or representing himself or herself as a
32 licensed professional, other than by using the title "student", "trainee" or "intern", or "resident";
33 and

34 (5) The temporary permit or provisional license shall expire, but may be extended, in

1 accordance with a time period to be determined by the division under regulation.

2 (e) Establish standards for continuing education.

3 (f) (1) Be responsible for investigation and enforcement of all disciplinary actions under
4 this chapter.

5 (2) If the division has reason to believe that any person, firm, corporation or association
6 is conducting any activities requiring licensure without obtaining a license, or who after the
7 denial, suspension or revocation of a license conducts any activities requiring licensure, or who
8 conducting activities in an improper manner, in the interest of public health and safety, the
9 department may issue a cease and desist order to that person, firm, corporation or association
10 commanding them to halt unlawful activities and to appear within thirty (30) days for a hearing
11 before the health professions board of review established in accordance with § 5-26.1-
12 3. Additionally, the division may impose any appropriate sanctions or take further action
13 consistent with law or regulation.

14 (3) The order to show cause may be served on any person, firm, corporation or
15 association named in the order in the same manner that summons in a civil action may be served,
16 or by mailing a copy of the order, certified mail, return receipt requested, to that person at any
17 address at which he or she has done business or at which he or she lives. If, upon that hearing, the
18 board is satisfied that the person is in fact violating any provision of title 5, then the department
19 may order that person, in writing, to cease and desist from that violation and the department may
20 impose sanctions or take further action consistent with law or regulations. If that person, firm,
21 corporation or association fails to comply with an order of the division, the superior court in
22 Providence county has jurisdiction upon complaint of the department to restrain and enjoin that
23 person from further violation.

24 (g) Effective July 1, 2015, all functions and authority vested in the division of
25 professional regulation under § 5-26 are hereby transferred to the division of professional
26 regulation and licensing hereunder. The division of regulation and licensing shall have authority
27 as expressly provided in the provisions of chapter 26 of title 5. Notwithstanding any other general
28 law to the contrary, the division shall supersede all licensing and regulatory authority previously
29 established pursuant to chapters 10, 30, 32, 33.2, 35.2, 39.1, 40, 40.1, 44, 45, 48, 49, 59, 60, 63,
30 64, 64.1, 68, 69, 71, and 86 of title 5 and chapters 16.3, 17.4, 20.8, and 39 of title 23, granted to
31 individual boards under these chapters. All administrative appeals and advisory authority
32 conferred by these sections shall now be vested in the health professions board of review
33 established by § 5-26.1-3.

34 (h)The division shall administer their licensing or certification programs in a manner

1 which does not violate the requirements of 29 U.S.C. § 794, 42 U.S.C. § 12101 et seq., and
2 chapter 87 of title 42.

3 **5-26.1-3. Health professions board of review established.** – (a) A single health
4 professions board of review is hereby established for the purpose of appeals, discipline and
5 advisory functions for the arts, practices, sciences, or callings listed in § 5-26.1-2(a).

6 **5-26.1-4. Health professions board of review – Appointments – Terms -- Removal of**
7 **members – Vacancies – Technical Subcommittee.** – (a) With recommendation by the director
8 of health, and approval of the governor, the department shall appoint ten (10) members to the
9 health professions board of review. Four (4) of the members shall be professionals licensed and
10 in good standing in any of the arts, practices, sciences, or callings stated in § 5-26.1-2(a). Three
11 (3) of the members shall be general members of the public and consumers of the professions
12 stated in § 5-26.1-2(a). Three (3) of the members shall be employed in the healthcare industry.
13 The entire membership as a whole shall be diverse and representative of the Rhode Island
14 population to the greatest extent possible. In addition to the ten (10) appointed members, the
15 director of health or his or her designee shall serve as a member and chairperson.

16 (b) Appointed members of the board of review shall serve until their successors are
17 appointed and qualified and for the following terms:

18 1) Three (3) members for one (1) year;

19 2) Three (3) members for two (2) years;

20 3) Three (3) members for three (3) years; and

21 4) Beginning July 1, 2018, all members shall serve for three (3) years from their date of
22 appointment.

23 (c) Upon recommendation of the director of health, any member of the board may be
24 removed by the governor for cause, including, but not limited to failure to attend regularly
25 scheduled meetings or failure to maintain good standing in his or profession. On the death,
26 resignation, or removal for cause of any member of the board, the governor shall fill the vacancy
27 by appointment for a new three (3) year term in accordance with subsection (a).

28 (d) The director of health shall designate at least one (1) person licensed and in good
29 standing in each profession listed in § 5-26.1-2(a) to serve as a non-voting technical expert to the
30 board in his or her profession as necessary and required by the board.

31 (e) All members of the board and designated technical experts shall not be compensated
32 for their service.

33 (d) All members of the board are subject to the provisions of chapter 14 of title 36 and
34 associated provisions.

1 **5-26.1-5. Health professions board of review – Powers and duties.** - (a) Upon formal
2 request, the board shall hear an appeal of disciplinary actions taken by the division of professional
3 regulation and licensing related to the professions listed in § 5-26.1-3(a) within thirty (30) days
4 from the issuance of a complaint by the division. Any such hearing shall be conducted in
5 accordance with chapter 35 of title 42, administrative procedures. The board shall render a
6 decision within ten business (10) days from the close of the hearing. The board shall adopt
7 regulations for the conduct of any such hearings. The board may summon witnesses and
8 administer oaths as necessary. If a person fails to comply with an order of the board after being
9 afforded a hearing, the superior court in Providence county has jurisdiction upon complaint of the
10 department of health to restrain and enjoin that person from violating any order.

11 (b) The board shall hear all licensing and examination appeals pertaining to professions
12 listed in § 5-26.1-2(a) in a manner consistent with subsection (a).

13 (c) Any aggrieved person, including the division, may appeal from the decision of the
14 board pursuant to § 42-35-15 to the superior court.

15 (d) The board may serve in an advisory capacity and may make recommendations to the
16 director of health and the division of professional regulation and licensing regarding any
17 selection, review and evaluation of the licensing examinations; regarding any policy that may be
18 necessary to improve the operations of the division of professional regulation and licensing;
19 recommend that the director adopt rules and regulations that set professional practice standards
20 for professions listed in § 5-26.1-2(a). Any recommendations are advisory in nature and are
21 subject to the approval of the director of health.

22 (e) The board shall administer their function in a manner which does not violate the
23 requirements of 29 U.S.C. § 794, 42 U.S.C. § 12101 et seq., and chapter 87 of title 42.

24 SECTION 3. Sections 5-10-1, 5-10-28, 5-10-31 and 5-10-32 of the General Laws entitled
25 “Barbers, Hairdressers, Cosmeticians, Manicurists, and Estheticians” are hereby amended to read
26 as follows:

27 **5-10-1. Definitions.** – The following words and phrases, when used in this chapter, are
28 construed as follows:

29 (1) "Apprentice barber" means an employee whose principal occupation is service with a
30 barber or hairdresser who has held a current license as a barber or hairdresser for at least three (3)
31 years with a view to learning the art of barbering, as defined in subdivision (15) of this section.

32 (2) "Barber" means any person who shaves or trims the beard, waves, dresses, singses,
33 shampoos, or dyes the hair or applies hair tonics, cosmetic preparations, antiseptics, powders, oil
34 clays, or lotions to scalp, face, or neck of any person; or cuts the hair of any person, gives facial

1 and scalp massages, or treatments with oils, creams, lotions, or other preparations.

2 (3) "Board" means the [health professions board of review](#) ~~state board of barbering and~~
3 ~~hairdressing as provided for in this chapter~~ [in Chapter 26.1-3 of title 5.](#)

4 (4) "Department" means the Rhode Island department of health.

5 (5) "Division" means the division of professional regulation and licensing within the
6 department of health.

7 (6) "Esthetician" means a person who engages in the practice of esthetics, and is licensed
8 as an esthetician.

9 (7) "Esthetician shop" means a shop licensed under this chapter to do esthetics of any
10 person.

11 (8) "Esthetics" means the practice of cleansing, stimulating, manipulating, and
12 beautifying skin, including, but not limited to, the treatment of such skin problems as
13 dehydration, temporary capillary dilation, excessive oiliness, and clogged pores.

14 (9) "Hair design shop" means a shop licensed under this chapter to do barbering or
15 hairdressing/cosmetology, or both, to any person.

16 (10) "Hairdresser and cosmetician" means any person who arranges, dresses, curls, cuts,
17 waves, singes, bleaches, or colors the hair or treats the scalp, or manicures the nails of any person
18 either with or without compensation or who, by the use of the hands or appliances, or of cosmetic
19 preparations, antiseptics, tonics, lotions, creams, powders, oils or clays, engages, with or without
20 compensation, in massaging, cleansing, stimulating, manipulating, exercising, or beautifying or in
21 doing similar work upon the neck, face, or arms or who removes superfluous hair from the body
22 of any person.

23 (11) "Instructor" means any person licensed as an instructor under the provisions of this
24 chapter.

25 (12) "Manicuring shop" means a shop licensed under this chapter to do manicuring only
26 on the nails of any person.

27 (13) "Manicurist" means any person who engages in manicuring for compensation and is
28 duly licensed as a manicurist. (14) "School" means a school approved under chapter 40 of title 16,
29 as amended, devoted to the instruction in and study of the theory and practice of barbering,
30 hairdressing and cosmetic therapy, esthetics and/or manicuring.

31 (15) "The practice of barbering" means the engaging by any licensed barber in all or any
32 combination of the following practices: shaving or trimming the beard or cutting the hair; giving
33 facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by
34 hand or mechanical appliances; singeing, shampooing, arranging, dressing, curling, waving,

1 chemical waving, hair relaxing, or dyeing the hair or applying hair tonics; or applying cosmetic
2 preparations, antiseptics, powders, oils, clays or lotions to scalp, face, or neck.

3 (16) "The practice of hairdressing and cosmetic therapy" means the engaging by any
4 licensed hairdresser and cosmetician in any one or more of the following practices: the
5 application of the hands or of mechanical or electrical apparatus, with or without cosmetic
6 preparations, tonics, lotions, creams, antiseptics, or clays, to massage, cleanse, stimulate,
7 manipulate, exercise, or otherwise to improve or to beautify the scalp, face, neck, shoulders,
8 arms, bust, or upper part of the body or the manicuring of the nails of any person; or the removing
9 of superfluous hair from the body of any person; or the arranging, dressing, curling, waving,
10 weaving, cleansing, cutting, singeing, bleaching, coloring, or similarly treating the hair of any
11 person.

12 (17) "The practice of manicuring" means the cutting, trimming, polishing, tinting,
13 coloring, or cleansing the nails of any person.

14 **5-10-28. Appeals.** – Any person aggrieved by any decision or ruling of the Division may
15 appeal to the [board administrator of the division or his or her designee in accordance with § 5-](#)
16 [26.1-5.](#) A further judicial appeal may ~~then be made to the appropriate board of examiners.~~ of the
17 board's decision may [be brought in accordance with § 5-26.1-5\(c\).](#) ~~Any person aggrieved by any~~
18 ~~decision or ruling of the board may appeal it to the director of the department. Any further appeal~~
19 ~~from the action of the director is in accordance with the provisions of chapter 35 of title 42.~~ For
20 the purpose of this section the division is considered a person.

21 **5-10-31. Prosecution of violations.** – Complaints for violations of the provisions of this
22 chapter shall be made [by to](#) the division, ~~the board of hairdressing, or a member or any person~~
23 ~~authorized by the division,~~ [who shall investigate the complaint and take appropriate action in](#)
24 [accordance with regulation and as necessary. Nothing herein shall prevent the division from](#)
25 [bringing a complaint on its own accord.](#) ~~and~~ ~~†~~ The complainant, [other than the division,](#) shall not
26 be required to recognize for costs; provided, that if the division, ~~board or any member~~ refuses or
27 unreasonably neglects to prosecute a violation of this chapter, any person holding any license
28 issued by the division may complain to the attorney general, who shall assign a member of his or
29 her department to investigate the complaint and, if reasonable cause for the complaint is found to
30 exist, shall diligently prosecute the person, association, partnership, or corporation violating the
31 provisions of this chapter or portion of this chapter.

32 **5-10-32. Enforcement of chapter – Annual reports.** – The division is specifically
33 charged with the enforcement of this chapter, shall investigate all complaints for violations of the
34 provisions of this chapter. [The board](#) shall hold a hearing upon any complaint for any violation of

1 the chapter within thirty (30) days after the filing of the complaint and render a decision, in
2 writing, within ten (10) days from the close of the hearing. If the ~~division~~ board finds that any of
3 the provisions of this chapter have been violated, ~~it~~ the division shall immediately institute any
4 criminal prosecution that the violation warrants.

5 SECTION 4. Sections 5-10-2, 5-10-3, 5-10-4, 5-10-6 of the General Laws in Chapter 5-
6 10, entitled, “Barbers, Hairdressers, Cosmeticians, Manicurists and Estheticians” are hereby
7 repealed.

8 ~~**5-10-2. Creation of division of professional regulation and board of barbering and**~~
9 ~~**hairdressing—Powers and duties.**~~ (a) ~~Within the department of health there is a division of~~
10 ~~professional regulation and a board of barbering and hairdressing. The division shall:~~

11 ~~(1) Approve all written and practical examinations;~~

12 ~~(2) Issue all licenses and permits subsequently provided for in this chapter;~~

13 ~~(3) Serve as the sole inspector of sanitation of all establishments licensed under this~~
14 ~~chapter;~~

15 ~~(4) Make any rules and regulations that the division deems necessary or expedient, in~~
16 ~~conformity with the provisions of this chapter and not contrary to law, for the conduct of the~~
17 ~~business of barbering and hairdressing and cosmetic therapy or esthetics and manicuring, for the~~
18 ~~use of appliances, apparatus, and electrical equipment and machines and the establishment of~~
19 ~~sanitary requirements in all establishments and of all persons licensed under the provisions of this~~
20 ~~chapter;~~

21 ~~(5) Keep a register of all persons and places of business licensed under this chapter;~~

22 ~~(6) Keep complete records of all persons and establishments licensed under this chapter;~~

23 ~~(7) Summon witnesses and administer oaths; and~~

24 ~~(8) Do all things and perform all acts necessary to enforce the provisions of this chapter.~~

25 ~~(b) The board of barbering and hairdressing shall have a policy making role in selection~~
26 ~~of the examinations. Subsequent to the administration of the examination, the board of examiners~~
27 ~~shall review the examinations to evaluate their effectiveness. The board shall supervise the~~
28 ~~operations of the division of professional regulation in an advisory capacity in promulgating any~~
29 ~~policy that is necessary to improve the operations of the division in their areas of expertise. The~~
30 ~~promulgation of that policy is subject to the approval of the director of the department. Members~~
31 ~~of the board are subject to the provisions of chapter 14 of title 36.~~

32 ~~**5-10-3. Board of barbering and hairdressing—Appointments—Organization—**~~
33 ~~**Removal of members.**~~ (a) ~~The governor shall appoint seven (7) members to a board of~~
34 ~~hairdressing who shall be appointed for a term of four (4) years and until their successors are~~

1 ~~appointed and qualified. The governor shall appoint one public member, three (3) licensed~~
2 ~~cosmetologists, and three (3) licensed barbers. However, for the initial board appointments the~~
3 ~~three hairdressing members of the current board of hairdressing and the three (3) barber members~~
4 ~~of the current board of barbering shall be automatically appointed to the board of barbering and~~
5 ~~hairdressing to fulfill their unexpired terms. To be eligible for appointment to the board, the~~
6 ~~appointee shall have been a licensed barber or hairdresser and cosmetician, continuously and~~
7 ~~actively engaged in that practice for at least five (5) years immediately preceding his or her~~
8 ~~appointment, and not be connected, either directly or indirectly, with any school of barbering,~~
9 ~~hairdressing, and cosmetic therapy as defined in § 5-10-1(14), or any establishment dealing in~~
10 ~~barbering, cosmetic, or hairdressing supplies.~~

11 ~~(b) Any member of the board appointed by the governor may be removed by the~~
12 ~~governor for cause and any vacancy occurring in the membership of the board by that removal~~
13 ~~shall be filled by the governor by the appointment of a qualified person to serve for the unexpired~~
14 ~~term.~~

15 ~~(c) The division shall keep a record of all proceedings of the board, issue all notices,~~
16 ~~attest all records, and perform any other duties that are required by the board.~~

17 ~~(d) The department is authorized to employ a chief field inspector appointed by the~~
18 ~~governor and to assist the division in the proper administration of this chapter.~~

19 ~~**5-10-4. Board of barbering and hairdressing — Compensation of members.** — No~~
20 ~~member of the board shall be compensated for his or her services for attendance at meetings of~~
21 ~~the board, attendance at examinations, but shall be reimbursed by the department of health for his~~
22 ~~or her traveling and other expenses incurred in the performance of his or her duties provided in~~
23 ~~this chapter.~~

24 ~~**5-10-6. Meetings of board — Time and notice of examinations.** — The board shall meet~~
25 ~~as often as necessary for the transaction of any business that regularly comes before it. The board~~
26 ~~shall hold each year, at any times and places within the state that it designates, at least two (2)~~
27 ~~public examinations for the various classes of licenses that it is empowered to issue. Practical~~
28 ~~examinations shall be held for those licenses.~~

29 SECTION 5. Sections 5-30-6, 5-30-7, 5-30-8, 5-30-9, 5-30-10, 5-30-12, 5-30-13, 5-30-14
30 and 5-30-15 of the General Laws in Chapter 5-30 entitled “Chiropractic Physicians,” are hereby
31 amended as follows:

32 ~~**5-30-6. Qualifications and examinations of applicants.** — Every person desiring to~~
33 ~~begin the practice of chiropractic medicine, except as provided in this chapter, shall present~~
34 ~~satisfactory evidence to the division of professional regulation [and licensing](#) of the department of~~

1 health, verified by oath, that he or she is more than twenty-three (23) years of age, of good moral
2 character, and that before he or she commenced the study of chiropractic medicine had
3 satisfactorily completed credit courses equal to four (4) years of pre-professional study acceptable
4 by an accredited academic college and obtained a bachelor of science or bachelor of arts degree
5 and subsequently graduated from a school or college of chiropractic medicine approved by the
6 division of professional regulation [and licensing](#) of the department of health, and has completed a
7 residential course of at least four (4) years, each year consisting of at least nine (9) months study.
8 Any qualified applicant shall take an examination ~~before the state board of chiropractic examiners~~
9 [as required by the division of professional regulation and licensing](#) to determine his or her
10 qualifications to practice chiropractic medicine. Every applicant for an examination shall pay a
11 fee as set forth in § 23-1-54 for the examination to the division of professional and licensing
12 regulation. Every candidate who passes the examination shall be recommended by the division of
13 professional regulation of the department of health to the director of the department of health to
14 receive a certificate of qualification to practice chiropractic medicine. [Nothing herein shall](#)
15 [prevent the division of professional regulation and licensing from issuing a license without](#)
16 [examination in accordance with the provisions of § 5-26.1-2\(c\)\(2\) or § 5-30-7.](#)

17 **5-30-7. Certification of chiropractic physicians authorized to practice in other states.**

18 – The division of professional regulation [and licensing](#) of the department of health may, at its
19 discretion, dispense with the examination of any chiropractic physician authorized to practice
20 chiropractic medicine in any other state, and who has been practicing his or her profession in that
21 state for at least five (5) years and desires to reside permanently and practice his or her profession
22 in this state, provided the laws of that state require qualifications of a grade equal to those
23 required in Rhode Island, and provided that equal rights are accorded by that state to chiropractic
24 physicians of Rhode Island. The chiropractic physician shall make an application to the division
25 for exemption from examination and the division may in its discretion exempt him or her. If the
26 division exempts him or her, he or she shall pay a fee as set forth in § 23-1-54 for a certificate of
27 exemption from that examination, and upon receipt of that fee, the division shall recommend him
28 or her to the director of the department of health to receive a certificate of qualification to practice
29 chiropractic medicine.

30 **5-30-8. Certification to practice physiotherapy.** – (a) Every person desiring to practice

31 physiotherapy in addition to chiropractic medicine and who completed a course of four (4) years,
32 of eight (8) months each, in some school of chiropractic medicine approved by the division of
33 professional regulation [and licensing](#) of the department of health, completed a course of three (3)
34 years, of nine (9) months each, at some school of chiropractic medicine approved by the division

1 and an additional year, of at least six (6) months, in physiotherapy and all branches of that field,
2 at that school, or has served as an intern for six (6) months in any year at an institution approved
3 by the division, and satisfies the division that he or she is qualified, may take an examination
4 ~~before the state board of chiropractic examiners~~ to determine his or her qualification to practice
5 physiotherapy in addition to chiropractic medicine.

6 (b) Every applicant for that examination shall pay a fee for the examination to the
7 division of professional regulation [and licensing](#) of the department of health, provided that if the
8 examination is taken at the same time as the examination to determine the applicant's fitness to
9 practice chiropractic medicine, only one fee as set forth in § 23-1-54 is charged. Every candidate
10 who passes that examination shall be recommended by the division of professional regulation [and](#)
11 [licensing](#) of the department of health to the director of the department of health to receive a
12 certificate of qualification to practice physiotherapy.

13 **5-30-9. Method and scope of examinations – Reexaminations.** – With the exception of
14 vertebral palpation and adjusting which is by demonstration, the examination provided for in § 5-
15 30-6 to determine the applicant's qualification to practice chiropractic medicine shall be in
16 writing, and it shall be given in any subjects that the division of professional regulation [and](#)
17 [licensing](#) of the department of health determines, but it must include questions in all of the
18 following subjects: microbiology, anatomy, histology and embryology, physiology, chemistry,
19 laboratory diagnosis, hygiene and sanitation, philosophy of chiropractic medicine, spinal analysis,
20 pathology, physical diagnosis, practice of chiropractic medicine, technique, clinical diagnosis, x-
21 ray, first aid, gynecology and dietetics. The division utilizes for the examinations in the basic
22 sciences subjects of microbiology, anatomy, physiology, chemistry, and pathology the
23 examination prepared and scored by the examination institute committee of the Federation of
24 State Medical Boards of the United States, Inc., (FLEX) or any other examination that in the
25 opinion of the division of professional regulation [and licensing](#) is substantially equivalent to it.
26 The Rhode Island board of medical licensure shall cooperate with the division in making the
27 (FLEX) examination available. In case an applicant fails to pass the first examination, he or she is
28 entitled to reexamination at the next regular examination without further fee. The examination to
29 determine the applicant's fitness to practice physiotherapy shall include questions in any branches
30 of physiotherapy that the division determines. The division shall prepare reasonable questions and
31 shall fairly mark and grade the answers to these questions, all of which shall be done for the
32 purpose of determining whether the applicant is reasonably qualified to practice chiropractic
33 medicine and physiotherapy.

34 **5-30-10. Issuance and registration of certificates.** – Upon receipt of any

1 recommendation from the [division of professional regulation and licensing](#) ~~board of chiropractic~~
2 ~~examiners~~, as provided in §§ 5-30-6 – 5-30-8, the director of the department of health shall issue
3 to the recommended person a certificate to practice chiropractic medicine or physiotherapy within
4 this state, or certificates to practice each of them, in accordance with that recommendation. Those
5 certificates shall be signed by the [administrator of the division of professional regulation and](#)
6 [licensing](#) ~~members of the board of chiropractic examiners~~ and by the director of the department of
7 health, who shall affix the official seal of the department of health to the certificates. The holder
8 of a certificate authorizing him or her to practice chiropractic medicine, immediately upon receipt
9 of the certificate, shall cause it to be filed for registration in the office of the clerk of the city or
10 town in which he or she resides, and that act shall constitute him or her a regularly registered
11 chiropractic physician.

12 **5-30-12. Annual registration – Payment of fees.** – Annually, during the month of
13 October in each year, every person granted a certificate to practice chiropractic medicine shall
14 register his or her name, address, and place of business with the division of professional
15 regulation [and licensing](#) of the department of health. The division shall keep a book for that
16 purpose, and each person registering shall pay a fee as set forth in § 23-1-54 and shall receive a
17 certificate of registration for the next succeeding fiscal year, unless the certificate of practice has
18 been suspended or revoked for cause, as provided in § 5-30-13. All fees for examination, for
19 certificate of exemption from examination, and for annual registration shall be deposited as
20 general revenues.

21 **5-30-13. Continuing education requirements** – Grounds for refusal, revocation, or
22 suspension of certificates. – (a) The division of professional regulation [and licensing](#) of the
23 department of health may, after notice and a hearing, in its discretion refuse to grant the
24 certificate provided for in this chapter to any chiropractic physician if the applicant has not
25 furnished satisfactory evidence that he or she has completed, in the twelve (12) months preceding
26 each renewal date, at least twelve (12) hours of instruction in chiropractic related subjects as
27 conducted by the Chiropractic Society of Rhode Island or the equivalent as approved by the
28 division. Satisfactory evidence of completion of postgraduate study of a type and character, or at
29 an educational session or institution approved by the division, is considered equivalent. Every
30 chiropractic physician licensed to practice within this state, on or before the thirty-first day of
31 October of every third year after the 1980 registration, shall apply to the [division](#) ~~Rhode Island~~
32 ~~state board of chiropractic examiners~~ for certification of triennial registration with the division
33 ~~board~~. The division may, after notice and a hearing, in its discretion refuse to grant the certificate
34 provided for in this chapter to any chiropractic physician, if the applicant has not furnished

1 satisfactory evidence ~~to the board of examiners~~ that in the preceding three (3) years the
2 practitioner has completed sixty (60) hours of instruction in chiropractic related subjects
3 prescribed by the rules and regulations, ~~by the board of chiropractic examiners~~ as conducted by
4 the Chiropractic Society of Rhode Island or the equivalent as approved by the division.
5 Satisfactory evidence of completion of postgraduate study of a type and character, or at an
6 educational session or institution approved by the division, is considered equivalent. The division
7 may waive the educational requirements if the division is satisfied that an applicant has suffered a
8 hardship or for any other sufficient reason was prevented from meeting the educational
9 requirements.

10 (b) The division of professional regulation and licensing of the department of health may,
11 after notice and hearings, in its discretion refuse to grant the certificate provided for in this
12 chapter to any chiropractic physician who is not of good moral character, or who has violated any
13 of the laws of the state involving moral turpitude or affecting the ability of any chiropractic
14 physician to practice chiropractic medicine, or who has been guilty of gross unprofessional
15 conduct or conduct of a character likely to deceive or defraud the public, and may, after notice
16 and hearing, revoke or suspend any certificate issued or granted by it for like cause or for any
17 fraud or deception committed in obtaining the certificate. "Gross unprofessional conduct" is
18 defined as including, but not being limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (c) The division of professional regulation [and licensing](#) of the department of health shall
10 serve a copy of its decision or ruling upon any person whose certificate has been revoked or
11 refused.

12 **5-30-14. Appeals from director and division.** – Any person aggrieved by any decision
13 or ruling ~~of the director of the department of health, or~~ of the division of professional regulation
14 and licensing, in regard to any of the provisions of this chapter, may appeal to [the health](#)
15 [professions board of review in accordance with § 5-26.1-5. A further judicial appeal of the](#)
16 [board’s decision may be brought pursuant to § 5-26.1-5\(c\).](#) ~~the superior court in the manner~~
17 ~~provided for in chapter 35 of title 42.~~

18 **5-30-15. Disposition of fees – Compensation of board members.** – The administrator
19 of the division of professional regulation [and licensing](#) shall collect all fees for the division under
20 the provisions of this chapter, and shall remit those fees to the general treasurer monthly. Under
21 no circumstances shall any fee be returned. ~~Members of the board of chiropractic examiners shall~~
22 ~~not be compensated for actual attendance at meetings of the board.~~

23 SECTION 6. Sections 5-30-1.1, 5-30-2, and 5-30-17 of the General Laws in Chapter 5-30
24 entitled “Chiropractic Physicians” are hereby repealed:

25 ~~**5-30-1.1. Board of Chiropractic Examiners.** (a) Within the division of professional~~
26 ~~regulation of the department of health, there shall be a state board of chiropractic examiners to be~~
27 ~~appointed by the director of the department of health with the approval of the governor. The~~
28 ~~board shall consist of five (5) members who are certified electors in this state, to be appointed to~~
29 ~~terms of three (3) years each. No member shall serve more than two (2) consecutive full terms.~~
30 ~~Three (3) members shall be chiropractic physicians licensed to practice in the state of Rhode~~
31 ~~Island, and two (2) members shall be representatives of the general public.~~

32 ~~(b) The current members of the board as provided for in chapter 26 of this title shall~~
33 ~~continue to serve until the expiration of their terms. One additional chiropractic physician and the~~
34 ~~public members shall be appointed for initial terms to expire on June 30, 2002.~~

1 ~~(c) At the expiration of the terms, the director, with the approval of the governor, shall~~
2 ~~appoint, at that time, and every three (3) years thereafter, qualified persons for a term of three (3)~~
3 ~~years. Upon the death, resignation or removal of any member, the director of the department of~~
4 ~~health, with the approval of the governor, shall appoint to vacancies, as they occur, a qualified~~
5 ~~person to serve on the board for the remainder of the term and until his or her successor is~~
6 ~~appointed and qualified.~~

7 ~~(d) The director of the department of health may remove any member of the board for~~
8 ~~neglect of any duty required by law or for any incompetent, unprofessional, or dishonorable~~
9 ~~conduct. Vacancies shall be filled in the same manner as the original appointment is made for the~~
10 ~~remainder of the term. Before beginning his or her term of office, each member shall take the~~
11 ~~oath prescribed by law for state officers, a record of which shall be filed with the secretary of~~
12 ~~state.~~

13 ~~**5-30-2. Board of examiners – Rules and regulations – Oaths – Seal.** The state board of~~
14 ~~chiropractic examiners shall make any rules and regulations, not inconsistent with law, that it~~
15 ~~deems necessary to carry out the provisions of this chapter relating to the practice of chiropractic~~
16 ~~medicine. Any member of the board has power to administer oaths for all purposes required in the~~
17 ~~discharge of his or her duties. The board shall adopt a seal to be affixed to all its official~~
18 ~~documents.~~

19 ~~**5-30-17. Applicability of chapter 37 of this title to chiropractic medicine.** Except as~~
20 ~~expressly provided in this chapter, all provisions of chapter 37 of this title apply to the practice of~~
21 ~~chiropractic medicine, and to persons practicing chiropractic medicine within the state.~~

22 SECTION 7. Sections 5-32-2, 5-32-3, 5-32-4, 5-32-6, 5-32-8, 5-32-9, 5-32-11, 5-32-12,
23 5-32-13, and 5-32-17 in Chapter 5-32 entitled “Electrolysis” are hereby amended to read as
24 follows:

25 ~~**5-32-2. Penalty for unlicensed practice.** – Every person who subsequently engages in~~
26 ~~the practice of electrolysis in this state without being licensed by the [division of professional](#)~~
27 ~~[regulation and licensing](#) ~~board of examiners~~ in electrolysis is practicing illegally and, upon~~
28 ~~conviction, shall be fined not more than twenty-five dollars (\$25.00) and every day of the~~
29 ~~continuation of illegal practice is a separate offense.~~

30 ~~**5-32-3. Certificates – Applications – Penalty for violations.** – The division of~~
31 ~~professional regulation [and licensing](#) of the department of health shall issue certificates to~~
32 ~~practice electrolysis, as defined in this chapter, to any persons that comply with the provisions of~~
33 ~~this chapter. Any person who desires to engage in that practice shall submit, in writing, in any~~
34 ~~form that is required by the [division](#) ~~board~~, an application for a certificate to engage in that~~

1 practice. The application shall be accompanied by a fee as set forth in § 23-1-54. Any person,
2 firm, corporation or association violating any of the provisions of this chapter commits a
3 misdemeanor and, upon conviction, shall be punished by a fine not to exceed two hundred dollars
4 (\$200), or imprisoned for a period not to exceed three (3) months, or both the fine and
5 imprisonment.

6 **5-32-4. Qualifications of applicants.** – Licenses to engage in the practice of electrolysis
7 shall be issued to the applicants who comply with the following requirements:

8 (1) Are citizens or legal residents of the United States.

9 (2) Have attained the age of eighteen (18) years.

10 (3) Have graduated from a high school or whose education is the equivalent of a high
11 school education.

12 (4) Have satisfactorily completed a course of training and study in electrolysis as a
13 registered apprentice under the supervision of a licensed Rhode Island electrologist who is
14 qualified to teach electrolysis to apprentices as prescribed in § 5-32-17 or has graduated from a
15 school of electrolysis after having satisfactorily completed a program consisting of not less than
16 six hundred fifty (650) hours of study and practice in the theory and practical application of
17 electrolysis. That apprenticeship includes at least six hundred and fifty (650) hours of study and
18 practice in the theory and practical application of electrolysis within a term of nine (9) months;
19 provided, that the apprentice registers with the division of professional regulation [and licensing](#) of
20 the department of health upon beginning his or her course of instruction, and the licensed person
21 with whom he or she serves that apprenticeship keeps a record of the hours of that instruction,
22 and upon the completion of that apprenticeship certifies that fact to the [division](#). ~~board of~~
23 ~~examiners in electrolysis.~~

24 (5) Is of good moral character.

25 (6) Passes an examination approved by the department of health.

26 **5-32-6. Examination of applicants – Expiration and renewal of certificates.** – (a)

27 Examination of applicants for certificates shall be held at least twice a year in the city of
28 Providence and may be held elsewhere at the discretion of the division of professional regulation
29 [and licensing](#) of the department of health. The division has the power to adopt, change, alter and
30 amend, rules and regulations for the conducting of those examinations, and may fix the fee for
31 reexamination. The division shall issue to each person successfully passing the examination,
32 where an examination is required, and who satisfies the division of his or her qualifications, a
33 certificate, signed by the administrator of the division, entitling him or her to practice that
34 business in this state for the annual period stated in the certificate, or until the certificate is

1 revoked or suspended, as subsequently provided.

2 (b) All certificates shall expire on the 30th day of April of each year, unless sooner
3 suspended or revoked, and shall be renewed for the next ensuing year by the division upon
4 payment to the division of an annual renewal fee as set forth in § 23-1-54 for each renewal.

5 **5-32-8. Apprenticeship register.** – The division of professional regulation and licensing
6 of the department of health shall keep a register in which the names of all persons serving
7 apprenticeships licensed under this chapter shall be recorded. This register is open to public
8 inspection.

9 **5-32-9. Fixed place of business – Sanitary regulation.** – The practice of electrolysis
10 shall be engaged in only in a fixed place or establishment, which place or establishment shall be
11 provided with any instruments, implements, and equipment and subject to any sanitary regulation
12 and inspection that the division of professional regulation [and licensing](#) of the department of
13 health prescribes.

14 **5-32-11. Display of licenses – Revocation or suspension of licenses for gross**
15 **unprofessional misconduct.** – (a) Every license issued under this chapter shall specify the name
16 of the person to whom it was issued and shall be displayed prominently in the place of business or
17 employment. The division of professional regulation [and licensing](#) of the department of health has
18 the power to revoke or suspend any license of registration issued under this chapter for gross
19 unprofessional conduct. Gross unprofessional conduct is defined as including, but not limited to:

20 (1) The use of any false or fraudulent statement in any document connected with the
21 practice of electrolysis.

22 (2) The obtaining of any fee by fraud or misrepresentation either to a patient or insurance
23 plan.

24 (3) The violation of a privileged communication.

25 (4) Knowingly performing any act which in any way aids or assists an unlicensed person
26 to practice electrolysis in violation of this chapter.

27 (5) The practice of electrolysis under a false or assumed name.

28 (6) The advertising for the practice of electrolysis in a deceptive or unethical manner.

29 (7) Habitual intoxication or addiction to the use of drugs.

30 (8) Violations of any of the rules or regulations of the state department of health, or the
31 violation of any section of this chapter.

32 (9) Gross incompetence in the practice of his or her profession.

33 (10) Repeated acts of immorality or repeated acts of gross misconduct in the practice of
34 his or her profession.

1 (b) Any person aggrieved by any decision or of the division of professional regulation, in
2 regard to any of the provisions of this chapter, may appeal to the health professions board of
3 review in accordance with § 5-26.1-5. ~~Before any license is suspended or revoked, its holder shall~~
4 ~~be notified, in writing, of the charge or charges preferred against him or her and shall have a~~
5 ~~reasonable time to prepare his or her defense and has the right to be represented by counsel and to~~
6 ~~be heard and to present his or her defense. Any person whose license has been suspended or~~
7 ~~revoked may apply to have the license reissued and the license may be reissued to him or her~~
8 ~~upon a satisfactory showing that the cause for disqualification has ceased. The division of~~
9 ~~professional regulation of the department of health has power by its administrator to summon any~~
10 ~~person to appear as a witness and testify at any hearing of the division, to examine witnesses,~~
11 ~~administer oaths and punish for contempt any person refusing to appear or testify. The division~~
12 ~~shall serve a copy of its decision or ruling upon any person whose license has been revoked or~~
13 ~~refused.~~

14 **5-32-12. Appeals from division.** – Any person aggrieved by any decision or ruling of the
15 health professions board of review ~~division of professional regulation of the department of health~~
16 may appeal that decision in accordance with § 5-26.1-5(c). ~~to the superior court in the manner~~
17 ~~provided in the Administrative Procedures Act, chapter 35 of title 42.~~

18 **5-32-13. Annual renewal of certificates.** – All certificates issued under the provisions of
19 this chapter shall be renewed annually by the holders of the certificate at an annual renewal fee as
20 set forth in § 23-1-54 by the division of professional regulation and licensing of the department of
21 health.

22 **5-32-17. Qualifications for teaching electrolysis.** – (a) A person in order to qualify as
23 an instructor or teacher of electrolysis to apprentices must:

24 (1) Have been actively engaged as a licensed practitioner of electrolysis for at least five
25 (5) years.

26 (2) Pass a state board examination specifically designed to evaluate his or her
27 qualifications to teach electrolysis.

28 (3) Be a high school graduate or the equivalent.

29 (b) Upon satisfactorily passing this examination, the division of professional regulation
30 and licensing of the department of health shall issue a license to the person upon the payment of a
31 fee as set forth in § 23-1-54.

32 (c) A qualified licensed electrologist shall not register more than one apprentice for each
33 nine (9) month training period.

34 SECTION 8. Sections 5-33.2-1, 5-33.2-5, and 5-33.2-19 of the General Laws in Chapter

1 5-33.2 entitled "Funeral Director/Embalmer Funeral Service Establishments" are hereby amended
2 to read as follows:

3 **5-33.2-1. Definitions.** – As used in this chapter:

4 (1) "Board" means the [health professions board of review](#) ~~state board of funeral~~
5 ~~directors/embalmers.~~ [established in accordance with § 5-26.1-3.](#)

6 (2) "Cremation" means a two (2) part procedure where a dead human body or body parts
7 are reduced by direct flames to residue which includes bone fragments and the pulverization of
8 the bone fragments to a coarse powdery consistency.

9 (3) "Department" means the Rhode Island department of health.

10 (4) "Division" means the division of professional regulation and licensing created under
11 chapter 26.1 of this title.

12 (5) "Embalmer" means any person who has completed an internship, full course of study
13 at an accredited mortuary science school, has passed the national board examination and is
14 engaged in the practice or profession of embalming, as defined in this section.

15 (6) "Embalming" means the practice, science or profession of preserving, disinfecting,
16 and preparing in any manner, dead human bodies for burial, cremation or transportation.

17 (7) "Funeral" means a period following death in which there are religious services or
18 other rites or ceremonies with the body of the deceased present.

19 (8)(i) "Funeral directing" means:

20 (A) Conducting funeral services; or

21 (B) The arrangement for disposition of dead human bodies, except in the case of any
22 religion where the preparation of the body or the provision of funeral services should be done
23 according to religious custom or belief.

24 (ii) Only funeral directors/embalmers, working for a licensed funeral establishment are
25 allowed to meet with families for the purpose of arranging funerals. Provided, that any person
26 who assumed an ownership interest from their spouse or any widow or widower of a licensed
27 funeral director who at the time of November 1, 1995 has been meeting with families to arrange
28 for the conducting of funeral services are allowed to continue this practice.

29 (9) "Funeral director/embalmer" means any person engaged, or holding himself or herself
30 out as engaged in the practice or profession of funeral directing, and the science, practice or
31 profession of embalming as previously defined, including a funeral director of record, who may
32 be a funeral director at more than one establishment or any other word or title intending to imply
33 or designate him or her as a funeral director/embalmer, undertaker, or mortician. The holder of
34 this license must be the holder of an embalmer's license.

1 (10) "Funeral director/embalmer intern" means any person engaged in learning the
2 practice, or profession of funeral directing and the science, practice or profession of embalming
3 under the instruction and supervision of a funeral director/embalmer licensed and registered under
4 the provisions of this chapter and actively engaged in the practice, or profession of funeral
5 directing and embalming in this state.

6 (11) "Funeral establishment" means a fixed place, establishment or premises, licensed by
7 the department, devoted to the activities which are incident, convenient, or related to the care and
8 preparation, arrangement, financial and otherwise, for the funeral, transportation, burial or other
9 disposition of human dead bodies and including, but not limited to, a suitable room with all
10 instruments and supplies used for the storage and/or preparation of dead human bodies for burial
11 or other disposition.

12 (12) "Funeral merchandise" means those items which are normally presented for sale as
13 part of the funeral home operation on a for profit basis. These items include caskets, sealed
14 warranted outer burial containers, and burial clothing. Not included are urns, grave markers, and
15 non-sealed outer burial containers. All persons engaged in the sale of funeral merchandise must
16 comply with the provisions of chapter 33 of this title.

17 (13) "Person" includes individuals, partnership, corporations, limited liability companies,
18 associations and organization of all kinds.

19 (14) "Practice of funeral service" means a person engaging in providing shelter, care and
20 custody of human dead remains; in the practice of preparing of the human dead remains by
21 embalming or other methods for burial or other disposition; in entering into a funeral service
22 contract; engaging in the functions of funeral directing and/or embalming as presently known
23 including those stipulated within this chapter and as defined in the federal trade commission
24 "funeral rule". The practice of conducting funeral services is conducted in the presence of a
25 licensed funeral director/embalmer.

26 **5-33.2-5. Application for license – Application fee.** – Any person who desires to engage
27 in embalming or funeral directing, or both, shall submit, in writing, to the division of professional
28 regulation [and licensing](#), an application for a license. That application shall be accompanied by a
29 fee set by the department of health.

30 **5-33.2-19. Appeals.** – ~~Any person aggrieved by any decision or ruling of the division~~
31 ~~may appeal that decision to the administrator of the division or his or her designee. A further~~
32 ~~appeal may then be made to the appropriate board of examiners. Any person aggrieved by any~~
33 ~~decision or ruling of that board may appeal the decision to the director of the department. Any~~
34 ~~further appeal from the action of the director shall be in accordance with the provisions of chapter~~

1 ~~35 of title 42, "Administrative Procedures Act." The division shall be considered a person for the~~
2 ~~purposes of this section.~~ Any person aggrieved by any decision or of the division in regard to any
3 of the provisions of this chapter, may appeal to the health professions board of review in
4 accordance with § 5-26.1-5. Any person aggrieved by any decision or ruling of the health
5 professions board of review may appeal that decision in accordance with § 5-26.1-5(c).

6 SECTION 9. Section 5-33.2-2 of the General Laws in Chapter 5-33.2 entitled "Funeral
7 Director/Embalmer Funeral Service Establishments" is hereby repealed.

8 ~~**5-33.2-2. Board of examiners—Qualifications and removal of members—Vacancies.**~~

9 ~~—(a) The members of the board of examiners in embalming shall be residents of this state for at~~
10 ~~least five (5) years; three (3) of whom shall have had at least five (5) years' practical experience~~
11 ~~in embalming dead human bodies and in funeral directing, and shall have been actually engaged~~
12 ~~in these professions in this state and two (2) of whom shall be private citizens who represent the~~
13 ~~consumer and who are not involved with or affiliated with, financial or otherwise, any funeral~~
14 ~~establishment and/or funeral director/embalmer. The current members shall serve their present~~
15 ~~term as they fulfill the requirements of this section. No member shall serve more than two (2)~~
16 ~~consecutive terms.~~

17 ~~(b) The director of the department of health may remove any member of the board for~~
18 ~~cause. Vacancies are filled pursuant to § 5-26-4.~~

19 SECTION 10. Sections 5-35.2-1, 5-35.2-4, 5-35.2-10, 5-35.2-13, and 5-35-14 of the
20 General Laws in Chapter 5-35.2 entitled "Opticians" are hereby amended to read as follows:

21 **5-35.2-1. Definitions.** – As used in this chapter:

22 (1) "Advisory committee" means the health professions board of review established in
23 accordance with § 5-26.1-3. ~~advisory committee of opticianry as established herein.~~

24 (2) "Department" means the department of health

25 (3) "Director" means the director of the department of health.

26 (4) "Division" means the division of professional regulation and licensing created under
27 chapter 26.1 of this title.

28 ~~(4)~~(5) "Optician" means a person licensed in this state to practice opticianry pursuant to
29 the provisions of this chapter.

30 ~~(5)~~(6) "The Practice of Opticianry" means the preparation or dispensing of eyeglasses,
31 spectacles, lenses, or related appurtenances, for the intended wearers, or users, on prescription
32 from licensed physicians or optometrists, or duplications or reproductions of previously prepared
33 eyeglasses, spectacles, lenses, or related appurtenances; or the person who, in accordance with
34 such prescriptions, duplications or reproductions, measures, adapts, fits, and adjusts eyeglasses,

1 spectacles, lenses, including spectacles add powers for task specific use or occupational
2 applications, or appurtenances, to the human face. Provided, however, a person licensed under the
3 provisions of this chapter shall be specifically prohibited from engaging in the practice of ocular
4 refraction, orthoptics, visual training, the prescribing of subnormal vision aids, telescopic
5 spectacles, fitting, selling, replacing, or dispensing contact lenses.

6 **5-35.2-4. Advertising by opticians.** –This division, ~~of professional regulation,~~ in
7 addition to conducting the examinations, licensing, and registering of opticians, shall make rules
8 and regulations governing advertising by opticians. The division shall have the power to revoke
9 the license of any optician violating those rules and regulations.

10 **5-35.2-10. Refusal, suspension or revocation of license for unprofessional conduct.** –

11 (a) In addition to any and all other remedies provided in this chapter, the ~~division director~~ may,
12 after notice and hearing, in the ~~division's director's~~ discretion, refuse to grants, refuse to renew,
13 suspend, or revoke any license provided for in this chapter to any person who is guilty of
14 unprofessional conduct or conduct of a character likely to deceive or defraud the public, or for
15 any fraud or deception committed in obtaining a license. "Unprofessional conduct" is defined as
16 including, but is not limited to:

17 (1) Conviction of one of the offenses set forth in § 23-17-37;

18 (2) Knowingly placing the health of a client a serious risk without maintaining proper
19 precautions;

20 (3) Advertising by means of false or deceptive statements;

21 (4) The use of drugs or alcohol to an extent that impairs that person's ability to properly
22 engage in the profession;

23 (5) The use of any false or fraudulent statement in any document connected with his or
24 her practice;

25 (6) The obtaining of any fee by fraud or willful misrepresentation of any kind either to a
26 patient or insurance plan;

27 (7) Knowingly performing any act which in any way aids or assists an unlicensed person
28 to practice in violation of this chapter;

29 (8) Violating or attempting to violate, directly or indirectly, or assisting in, or abetting,
30 the violation of, or conspiring to violate, any of the provisions of this chapter or regulations
31 previously or hereafter issued pursuant to this chapter;

32 (9) Incompetence;

33 (10) Repeated acts of gross misconduct;

34 (11) (a) Failure to conform to acceptable and prevailing community standard of

1 opticianry practice.

2 (b) Any person aggrieved by any decision of the division in regard to any of the
3 provisions of this chapter may appeal to the health professions board of review in accordance
4 with § 5-26.1-5. Any person aggrieved by any decision or ruling of the health professions board
5 of review may appeal that decision in accordance with § 5-26.1-5(c).

6 **5-35.2-13. Prosecution of violations.** – It shall be the duty of the division ~~director~~ to
7 enforce the provisions of this chapter and to prosecute every person who violates those
8 provisions. Whenever a complaint is made by the department, or by any of its authorized agents,
9 of any violation of the provisions of this chapter, they shall not be required to furnish surety for
10 costs, nor are they liable for costs on that complaint.

11 **5-35.2-14. Rules and regulations.** – The division ~~department~~, in addition to approving
12 the examinations and licensing of opticians, shall make rules and regulations governing the
13 practice of opticianry. The division ~~department~~ shall have the power to revoke the license of any
14 optician violating those rules and regulations.

15 SECTION 11. Section 5-35.2-8 of the General Laws in Chapter 5-35.2 entitled
16 “Opticians” is hereby repealed.

17 ~~**5-35.2-8. Advisory committee for opticianry.** There is created an advisory committee~~
18 ~~for opticianry, appointed by the director, to consist of five (5) members, who shall be residents of~~
19 ~~the state, four (4) of whom shall be licensed as opticians under the provisions of this chapter, and~~
20 ~~shall have practiced as opticians for a period of at least five (5) years, and one lay person who~~
21 ~~shall be from the public. The members of the advisory committee shall be appointed for terms of~~
22 ~~three (3) years; each member may serve a maximum of two (2) full terms. The duties of the~~
23 ~~advisory committee for opticianry shall include but not be limited to advising the director on all~~
24 ~~matters pertaining to the licensure and regulation of opticianry in this state.~~

25 SECTION 12. Sections 5-39.1-2, 5-39-5, 5-39-8, 5-39-9, 5-39-10, 5-39-11, and 5-39-12
26 of the General Laws in Chapter 5-39 entitled “Social Workers” are hereby amended to read as
27 follows:

28 **5-39.1-2. Definitions.** – As used in this chapter:

29 (1) "Board" means the ~~state board of social work examiners for licensure of social~~
30 ~~workers.~~ health professions board of review established in accordance with § 5-26.1-3.

31 (2) "Clinical social work practice" means the professional application of social work
32 theories, methods, and values in the diagnosis, assessment, and treatment of cognitive, affective,
33 and behavioral disorders arising from physical, environmental, or emotional conditions. Clinical
34 social work services include, but are not limited to, diagnosis; assessment; evaluation;

1 psychotherapy and counseling for individuals, couples, families, and groups; client-centered
2 advocacy; consultation; and supervision. Clinical social work services do not include
3 psychological testing, and nothing in this chapter shall be construed to permit social workers to
4 practice psychology.

5 (3) "Continuing education hours" means actual hours earned in continuing education
6 courses, seminars, and workshops.

7 (4) "Department" means the Rhode Island department of health.

8 (5) "Director" means the director of the Rhode Island department of health.

9 (6) "Division" means the division of professional regulation [and licensing](#) in the Rhode
10 Island department of health.

11 (7)(i) "Experience" means three thousand (3,000) hours of post-master's practice of
12 clinical social work during a twenty-four (24) to seventy-two (72) month period of time
13 immediately preceding the date of application for licensure.

14 (ii) One thousand five hundred (1,500) hours must consist of providing clinical social
15 work services directly to clients.

16 (8) "Supervision" means face-to-face contact with a licensed independent clinical social
17 worker for the purpose of apprising the supervisor of the diagnosis, assessment, and treatment of
18 each client; receiving oversight and guidance from the supervisor in the delivery of clinical social
19 work services to each client; and being evaluated by the supervisor. This contact must consist of:

20 (i) A minimum of two (2) hours of supervision every two (2) weeks;

21 (ii) A minimum of one hour of supervision per twenty (20) hours of direct contact with
22 clients, whether or not the number of hours of supervision required for a two (2) week period
23 have been met;

24 (iii) One-to-one contact with the supervisor at least seventy-five percent (75%) of the
25 time with group supervision of no more than ten (10) supervisees during the balance of the time;
26 and

27 (iv) Supervision by an individual other than the applicant's parents, spouse, former
28 spouse, siblings, children, employees, or anyone sharing the same household or any romantic,
29 domestic, or familial relationship.

30 **5-39.1-5. Agency powers.** – The department of health shall promulgate rules and
31 regulations that may be reasonably necessary for the administration of this chapter and to further
32 its purposes. The ~~division department of health, on the recommendation of the board of social~~
33 ~~work examiners,~~ shall:

34 (1) Issue licenses to those qualified under this chapter;

1 (2) Examine individuals seeking licensure and pass on the examinations; and

2 (3) Determine if applicants are qualified for licensure.

3 **5-39.1-8. Licenses.** – (a) The ~~division~~ ~~department~~ shall issue the appropriate license to
4 applicants who meet the qualifications of the section.

5 (b) Prerequisites: "Licensed clinical social worker". A license as a "licensed clinical
6 social worker" shall be issued to an applicant who meets the following qualifications:

7 (1) Has a doctorate in clinical social work from a duly accredited college or university or
8 master's degree from a school of social work accredited by the council on social work education,
9 and

10 (2) Has satisfactorily completed an examination for this license, or

11 (3) Has a comparable license, certification, or registration from the state, or another state
12 or territory of the United States that imposes qualifications substantially similar to those of this
13 chapter, as determined by the board.

14 (c) Prerequisites: "Licensed independent clinical social worker". A license for a "licensed
15 independent clinical social worker" shall be issued to an applicant who meets the following
16 qualifications:

17 (1) Is licensed under this chapter as a "licensed clinical social worker", and

18 (2) Has twenty-four (24) months of experience acceptable to the board, under appropriate
19 supervision, and

20 (3) Has fulfilled the continuing education requirements for this license, and

21 (4) Has satisfactorily completed an examination for this license, or

22 (5) Has a comparable license, certification, or registration from the state, or another state
23 or territory of the United States that imposes qualifications substantially similar to those of this
24 chapter.

25 (d) In addition to these qualifications, an applicant for any of the these titles must prove
26 to the board's satisfaction:

27 (1) An age of at least twenty-one (21) years;

28 (2) That he or she merits the public trust;

29 (3) A United States citizenship or proof of other legal resident status;

30 (4) An absence of conviction of a felony, which is subject to waiver by the board upon
31 presentation of satisfactory evidence that this conviction does not impair the ability of the person
32 to conduct with safety to the public the practice authorized by this license. The applicant shall
33 bear the burden of proving that his or her conviction does not impair his or her ability to conduct
34 with safety to the public the practice authorized by this license;

1 (5) An absence of NASW sanction for violation of Code of Ethics, or other state board
2 sanction which is subject to waiver by the board upon presentation of satisfactory evidence that
3 this sanction does not impair the ability of the person to conduct with safety to the public the
4 practice authorized by this license. The applicant bears the burden of proving that his or her
5 sanction does not impair his or her ability to conduct with safety to the public the practice
6 authorized by this license;

7 (6) That the applicant has not been declared mentally incompetent by any court, and if
8 any decree has ever been rendered, that there has been a subsequent court determination that the
9 applicant is competent; and

10 (7) Freedom from use of any controlled substance or any alcoholic beverages to the
11 extent that the use impairs the ability of the person to conduct with safety to the public the
12 practice authorized by this license. The applicant bears the burden of proving that he or she is free
13 from use of any controlled substance or any alcoholic beverages that impair his or her ability to
14 conduct with safety to the public the practice authorized by this license.

15 **5-39.1-9. Fees and renewal.** – The initial fee for application for licensure and the
16 renewal fee every twenty-four (24) months after initial licensure shall be as set forth in § 23-1-54.
17 Renewal shall be approved upon payment of the fee and in compliance with any additional
18 requirements that the [division board](#) promulgates.

19 **5-39.1-10. Social worker discipline.** – Licensees subject to this chapter shall conduct
20 their activities, services, and practice in accordance with this chapter and with any rules
21 promulgated pursuant to this chapter. The [division board](#) may recommend to the director refusal
22 to grant a license to, or may recommend that the director suspend, revoke, condition, limit,
23 qualify, or restrict the license of any individual who the [division board](#), after a hearing,
24 determines:

25 (1) Is incompetent to practice under the provisions of this chapter, or is found to engage
26 in the practice of social work in a manner harmful or dangerous to a client or to the public;

27 (2) Has obtained or attempted to obtain a certificate or license, or renewal of a certificate
28 or license, by bribery or fraudulent representation;

29 (3) Has knowingly made a false statement on a form required by the [division board](#) for
30 licensing or renewal of license;

31 (4) Has failed to obtain the continuing education credits required by the [division board](#);

32 (5) Has engaged in or solicited sexual relations with a client, or committed an act of
33 sexual abuse or sexual misconduct against a past or current client;

34 (6) Has failed to remain free from use of any controlled substance or any alcoholic

1 beverages to the extent that the use impairs the ability of the person to conduct with safety to the
2 public the practice authorized by this license. The applicant bears the burden of proving that he or
3 she is free from use of any controlled substance or any alcoholic beverages, which impair his or
4 her ability to conduct with safety to the public the practice authorized by this license;

5 (7) Has been convicted of a felony, which is subject to waiver by the [Division board](#) upon
6 presentation of satisfactory evidence that this conviction does not impair the ability of the person
7 to conduct with safety to the public practice authorized by this license. The applicant bears the
8 burden of proving that his or her conviction does not impair his or her ability to conduct with
9 safety to the public the practice authorized by this license;

10 (8) Has disciplinary action pending or has revocation, suspension, or probation taken
11 against the licensee license in another state;

12 (9) Assists or permits unlicensed persons under the licensee's supervision to perform
13 services for which a license is required under this chapter;

14 (10) Has failed to maintain confidentiality, except as required or permitted by law;

15 (11) Has engaged in false or misleading advertising;

16 (12) Has a mental disability, which significantly impairs the ability of the person to
17 conduct with safety to the public the practice authorized by this license. Mental disability
18 includes, but is not limited to, an order by a court that a licensee is in need of mental treatment for
19 incompetence; or

20 (13) Has violated any of the provisions of this chapter, or the provisions of any code of
21 ethics adopted by the [division board](#).

22 **5-39.1-11. Complaints.** – All complaints concerning a licensee's business or professional
23 practice shall be received by ~~either the board or~~ the [division state agency](#). Each complaint
24 received shall be logged, recording at a minimum the following information:

- 25 (1) Licensee's name;
- 26 (2) Name of the complaining party;
- 27 (3) Date of complaint;
- 28 (4) Brief statement of complaint; and
- 29 (5) Disposition.

30 **5-39.1-12. Disciplinary process.** – (a) Disciplinary procedures under this chapter shall be
31 conducted [by the division](#) in accordance with the [process outlined in § 5-26.1-2. Administrative](#)
32 ~~Procedures Act, chapter 35 of title 42.~~

33 (b) [Any person aggrieved by any determination of the division in regard to any of the](#)
34 [provisions of this chapter, may appeal to the health professions board of review in accordance](#)

1 [with § 5-26.1-5.](#) The board ~~or its designee~~ shall hear evidence produced in support of the formal
2 charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the
3 board shall make [a determination.](#) ~~recommendation to the director who shall issue an order.~~

4 [\(c\) Any person further aggrieved by any decision or ruling of the health professions board](#)
5 [of review may appeal that decision in accordance with § 5-26.1-5\(c\). The term “person” in this](#)
6 [section includes the Department.](#)

7 SECTION 13. Section 5-39.1-6 of the General Laws in Chapter 5-39 entitled “Social
8 Workers” is hereby repealed:

9 ~~**5-39.1-6. Board of social work examiners.** (a) Within the department there is~~
10 ~~established a board of social work examiners.~~

11 ~~(b) The governor shall appoint a board consisting of seven (7) members. Two (2) shall be~~
12 ~~social workers; two (2) shall be licensed clinical social workers; and two (2) shall be licensed~~
13 ~~independent clinical social workers (for the purposes of initial appointments certified social~~
14 ~~workers represent licensed clinical social workers and certified independent social workers~~
15 ~~represent licensed independent social workers). One member shall be a public member. At least~~
16 ~~one member shall be a NASW member.~~

17 ~~(c) All board members shall be appointed for a term of three (3) years. No member shall~~
18 ~~serve more than nine (9) consecutive years. In the event a member cannot complete his or her~~
19 ~~term, a successor shall be appointed to serve the unexpired term.~~

20 ~~(d) Terms of initial members shall be staggered with two (2) members appointed for a~~
21 ~~one year term, two (2) for two (2) years, and three (3) for three (3) year terms.~~

22 SECTION 14. Sections 5-40-1, 5-40-6, 5-40-6.1, 5-40-7, 5-40-7.1, 5-40-13, 5-40-14, 5-
23 40-15 and 5-40-16 of the General Laws in Chapter 5-40 entitled “Physical Therapists” are hereby
24 amended to read as follows:

25 **5-40-1. Definitions.** – As used in this chapter:

26 (1) "Board" means the [health professions board of review established in accordance with](#)
27 [§ 5-26.1-3.](#) ~~board of physical therapy established by § 5-40-2.~~

28 (2) "Department" means the department of health.

29 [\(3\) "Division" means the division of professional regulation and licensing in the Rhode](#)
30 [Island department of health.](#)

31 [\(4\) "Examination" means an examination approved by the department in consultation](#)
32 [with the board.](#)

33 ~~(4)(5)~~ "License" means a license issued by the department to practice physical therapy.

34 ~~(5)(6)~~ "Physical therapist" means an individual who is licensed by the department to

1 practice physical therapy.

2 ~~(6)~~(7) "Physical therapist assistant" means an individual who is licensed by the
3 department to assist in the practice of physical therapy under the supervision of a physical
4 therapist.

5 ~~(7)~~(8)(i) "Practice physical therapy" means the examination, treatment, and instruction of
6 human beings to detect, assess, prevent, correct, alleviate and limit physical disability, physical
7 dysfunction, and pain from injury, disease and any other bodily conditions, and includes the
8 administration, interpretation, and evaluation of tests and measurements of bodily functions and
9 structures; the planning, administration, evaluation, and modification of treatment and instruction,
10 including the use of physical measures, activities, and devices, for preventive and therapeutic
11 purposes; and the provision of consultative, educational, and other advisory services for the
12 purpose of reducing the incidence and severity of physical disability, physical dysfunction and
13 pain.

14 (ii) The practice of physical therapy does not include the practice of medicine as defined
15 in chapter 37 of this title.

16 ~~(8)~~(9) "Supervision" means that a licensed physical therapist is at all times responsible
17 for supportive personnel and students.

18 **5-40-6. Qualification of physical therapists.** – Any applicant for licensure shall submit
19 to the ~~division board~~ written evidence on forms furnished by the department of health, verified by
20 oath, that the applicant meets all of the following requirements:

- 21 (1) Is at least eighteen (18) years of age;
- 22 (2) Is of good moral character;
- 23 (3) Has graduated from an education program in physical therapy accredited by the
24 Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting
25 agency as approved by the department ~~in consultation with the board~~, in the year of the
26 applicant's graduation; and
- 27 (4) Has passed the National Physical Therapy Examination (NPTE) of the Federation of
28 State Boards of Physical Therapy (FSBPT) or other physical therapy certification examination as
29 approved by the department ~~in consultation with the board~~ to determine the applicant's fitness to
30 engage in the practice of physical therapy.

31 **5-40-6.1. Qualifications of physical therapist assistants.** – Any applicant for licensure
32 shall submit to the ~~division board~~ written evidence on forms furnished by the department of
33 health, verified by oath, that the applicant meets all of the following requirements:

- 34 (1) Is at least eighteen (18) years of age;

1 (2) Is of good moral character;

2 (3) Has graduated from an educational program in physical therapy accredited by the
3 Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting
4 agency as approved by the department ~~in consultation with the board~~, in the year of said
5 applicant's graduation; and

6 (4) Has passed the National Physical Therapy Examination (NPTE) of the Federation of
7 State Boards of Physical Therapy (FSBPT) or other physical therapy assistant certification
8 examination as approved by the department ~~in consultation with the board~~ to determine the
9 applicant's fitness to engage in the practice of physical therapy.

10 **5-40-7. Licensing of physical therapists.** – (a) By Examination. The applicant is
11 required to pass with a grade determined by the ~~division board~~, an examination approved by the
12 department ~~in consultation with the board~~; physical therapists licensed under the provisions of
13 this chapter on August 31, 1982, shall continue to be licensed.

14 (b) Without Examination by Endorsement. A license to practice physical therapy may be
15 issued without examination to an applicant who has been licensed by examination as a physical
16 therapist under the laws of another state or territory or District of Columbia, if, in the opinion of
17 the ~~division board~~, the applicant meets the qualifications required of physical therapists in this
18 state.

19 (c)(1) Graduate Practice. Every graduate of a ~~division board~~ approved physical therapy
20 school who has filed a physical therapy application may, upon receiving a permit from the
21 department of health, perform as a physical therapist under the supervision of a physical therapist
22 licensed in this state.

23 (2) During this period, the applicant shall identify him or herself only as a "graduate
24 physical therapist".

25 (3) If the applicant fails to take the examination, as specified in § 5-40-7(a), within ninety
26 (90) days from effective date of graduate status, without cause, or fails to pass the examination
27 and receive a license, all privileges provided in subdivisions (1) and (2) of this subsection
28 automatically cease.

29 (d)(1) Foreign-Trained Applicants. If the foreign-trained applicant has successfully met
30 the requirements of the rules and regulations, the applicant's credentials shall be accepted by the
31 ~~division board~~.

32 (2) Prior to becoming licensed in this state, the foreign-trained applicant must also meet
33 all of the appropriate requirements described in this section or its equivalent as established in
34 rules and regulations.

1 **5-40-7.1. Licensing of physical therapist assistants.** – (a) By Examination. The
2 applicant is required to pass with a grade determined by the division board an examination
3 approved by the department, ~~in consultation with the board.~~

4 (b) Without Examination by Endorsement. A license may be issued without examination
5 to an applicant who has been licensed by examination as a physical therapist assistant under the
6 laws of another state or territory or District of Columbia, if, in the opinion of the division board,
7 the applicant meets the qualifications required of physical therapist assistants in this state.

8 (c)(1) Graduate Practice. Every graduate of a division board approved physical therapist
9 assistant educational program who has filed a physical therapy application may, upon receiving a
10 permit from the department of health, perform as a physical therapist assistant under the
11 supervision of a physical therapist licensed in this state.

12 (2) During this period, the applicant shall identify him or herself only as a "graduate
13 physical therapist assistant."

14 (3) If the applicant fails to take the examination, as specified in § 5-40-7(a), within ninety
15 (90) days from the effective date of graduate status, without cause or fails to pass the examination
16 and receive a license, all privileges provided in subdivisions (1) and (2) of this subsection
17 automatically cease.

18 (d)(1) Foreign-Trained Applicants. If the foreign-trained applicant has successfully met
19 the requirements of the rules and regulations, the applicant's credentials shall be accepted by the
20 division board.

21 (2) Prior to becoming licensed in this state, the foreign-trained applicant must also meet
22 all of the appropriate requirements described in this section or its equivalent as established in
23 rules and regulations.

24 **5-40-13. Grounds for discipline of licensees.** – (a) The division board has power to
25 deny, revoke, or suspend any license issued by the department or applied for in accordance with
26 this chapter, or to discipline a person licensed under this chapter upon proof that said person has
27 engaged in unprofessional conduct including, but not limited to:

28 (1) Fraud or deceit in procuring or attempting to procure a license or in the practice of
29 physical therapy;

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

31 (3) Is mentally and/or professionally incompetent;

32 (4) Has repeatedly violated any of the provisions of this chapter;

33 (5) Providing services to a person who is making a claim as a result of a personal injury,
34 who charges or collects from the person any amount in excess of the reimbursement to the

1 physical therapist by the insurer as a condition of providing or continuing to provide services or
2 treatment;

3 (6) Conviction, including a plea of nolo contendere, of one or more of the offenses listed
4 in § 23-17-37;

5 (7) Abandonment of a patient;

6 (8) Promotion by a physical therapist or physical therapist assistant of the sale of drugs,
7 devices, appliances, or goods or services provided for a patient in a manner as to exploit the
8 patient for the financial gain of the physical therapist or physical therapist assistant;

9 (9) Making or filing false reports or records in the practice of physical therapy;

10 (10) Repeated failure to file or record, or impede or obstruct a filing or recording, or
11 inducing another person to fail to file or record physical therapy reports;

12 (11) Failure to furnish patient records upon proper request;

13 (12) Practice as a physical therapist assistant without supervision by a physical therapist
14 licensed in the state of Rhode Island;

15 (13) Incompetent or negligent misconduct in the practice of physical therapy;

16 (14) Revocation, suspension, surrender, or limitation of privilege based on quality of care
17 provided or disciplinary action against a license to practice as a physical therapist or physical
18 therapist assistant in another state, jurisdiction, or country;

19 (15) Failure to furnish the board, administrator, investigator, or representatives
20 information legally requested by the [division board](#);

21 (16) Violation of this chapter or any of the rules and regulations or departure from or
22 failure to conform to the current standards of acceptable and prevailing practice and code of
23 ethics of physical therapy.

24 (b) Whenever a patient seeks or receives treatment from a physical therapist without
25 referral from a doctor of medicine, osteopathy, dentistry, podiatry, chiropractic, physician
26 assistant, or certified registered nurse practitioner, the physical therapist shall:

27 (1) Disclose to the patient, in writing, the scope and limitations of the practice of physical
28 therapy and obtain their consent in writing; and

29 (2) Refer the patient to a doctor of medicine, osteopathy, dentistry, podiatry, or
30 chiropractic within ninety (90) days after the date treatment commenced; provided, that a physical
31 therapist is not required to make this a referral after treatment is concluded;

32 (3) No physical therapist who has less than one year clinical experience as a physical
33 therapist shall commence treatment on a patient without a referral from a doctor of medicine,
34 osteopathy, dentistry, podiatry, chiropractic, physician assistant, or certified registered nurse

1 practitioner.

2 (c) For purposes of this chapter and notwithstanding any other provisions of this chapter
3 or any rules or regulations adopted by the [division board](#), any person licensed or registered under
4 this chapter who is a bona fide employee or independent contractor of a physician or a physician
5 group entitled to wages and compensation pursuant to such employment or contract, or is a co-
6 owner of a physical therapy practice with a physician group, shall not be deemed to be engaged in
7 conduct unbecoming a person licensed or registered under this chapter, or to be engaged in
8 conduct detrimental to the best interest of the public, or to be in violation of any other provision
9 of this chapter by virtue of any of the above relationships, and shall not be subject to licensure
10 denial, suspension, revocation, or any other disciplinary action or penalty under this chapter:

11 (1) Solely by virtue of such employment or contract; or

12 (2) Solely by virtue of the provision of physical therapy services pursuant to a referral
13 from the employing or contracting physician or physician group.

14 Any such interest referenced in this paragraph shall be in accordance with federal and
15 state law, specifically, including, but not limited to, chapter 5-48.1.

16 **5-40-14. Procedure for discipline of physical therapist.** – (a) When a written allegation
17 is filed with the [division board](#) charging a person with having been guilty of any of the actions
18 specified in § 5-40-13, the division of professional regulation [and licensing](#) shall immediately
19 investigate those charges. ~~or, the board, after investigation, may institute charges.~~

20 (1) In the event that investigation reveals reasonable grounds for believing that the person
21 is guilty of the charges, ~~upon the recommendation of the board or the administrator, the director~~
22 [the division](#) shall ~~fix a time and place for a hearing, and shall~~ serve a copy of the charges together
23 with a notice of the time and the place fixed for the hearing [before board](#), personally upon the
24 accused at least twenty (20) days prior to the time fixed for the hearing.

25 (2) When personal service cannot be effected and that fact is certified by oath by any
26 person authorized to make service, the [division board](#) shall publish once in each of two (2)
27 successive weeks, a notice of the hearing in a newspaper published in the county where the
28 accused last resided according to the records of the [division board](#) and shall mail a copy of the
29 charges and of that notice to the accused at his or her last known address. When publication of
30 notice is necessary, the date of the hearing shall not be less than twenty (20) days after the last
31 date of publication of the notice.

32 (3) At the hearing, the accused has the right to appear personally or by counsel or both, to
33 produce witnesses and evidence on his or her behalf, to cross-examine witnesses, and to have
34 subpoenas issued by the administrator of professional regulation. The attendance of witnesses and

1 the production of books, documents, and papers at the hearing may be compelled by subpoenas
2 issued by the administrator, which shall be served in accordance with law.

3 (4) At the hearing, the board ~~administrator~~ shall administer oaths as may be necessary for
4 the proper conduct of the hearing.

5 (5) The board is not bound by the strict rules of procedure or by the laws of evidence in
6 the conduct of its proceedings, but the determination shall be based upon sufficient legal evidence
7 to sustain it.

8 (6) If the accused is found guilty of the charges, the board may refuse to issue a
9 registration to the applicant or may revoke or suspend their license or otherwise discipline that
10 person.

11 (c) Upon the revocation or suspension of any license, the license holder shall surrender
12 the license to the administrator of professional regulation who shall strike the name of the holder
13 from the register.

14 (d) A revoked or suspended license may be reviewed at the discretion of the division
15 ~~board~~.

16 **5-40-15. Grounds for discipline without a hearing.** – (a) In the event a person is
17 hospitalized for mental illness or as an alcoholic as defined in chapter 1.10 of title 23, the division
18 ~~board~~ may, without the necessity of the proceedings provided for in § 5-40-16, suspend, or refuse
19 to renew the license of that person for the duration of his or her confinement or until that person
20 is medically discharged from hospitalization.

21 (b) A plea of nolo contendere cannot be used as a defense to prevent the board from
22 suspending or refusing to renew the license.

23 (c) With the approval of the director, the division may temporarily suspend the license
24 without a hearing if the division finds that evidence in its possession indicates that a continuing in
25 practice would constitute an immediate danger to the public. In the event that the division
26 temporarily suspends the license without a hearing by the board, a hearing must be held within
27 ten (10) days after the suspension has occurred.

28 **5-40-16. Appeals from board, administrator, or director.** – (a) An appeal from any
29 decision or order of the board, ~~administrator of professional regulation, or director of the~~
30 ~~department of health may be~~ may be brought by an aggrieved person in accordance with § 42-35-
31 15. The term “person” in this section includes the Department. ~~claimed by any aggrieved party~~
32 ~~within thirty (30) days of that decision or order by filing a claim of appeal and reasons for the~~
33 ~~appeal in the office of the clerk of the superior court in the county in which the aggrieved party~~
34 ~~resides.~~

1 ~~(b) A copy of the aggrieved party's claim of appeal and the reasons for the appeal shall be~~
2 ~~served on the secretary of the board, or administrator of professional regulation. The secretary or~~
3 ~~administrator shall promptly certify to the clerk of the superior court a correct and full copy of the~~
4 ~~record in connection with the order, including a transcript of the evidence, if the transcript has~~
5 ~~been taken, its findings of fact, conclusions, and a copy of the order.~~

6 ~~(c) The court shall review the record of the order or decision and in the event it finds that~~
7 ~~order or decision unlawful, arbitrary, or unreasonable, may vacate or set aside that order.~~

8 ~~(d) The aggrieved party may claim or waive a trial by jury and proceedings shall be the~~
9 ~~same as those taken at other criminal or civil proceedings, but no party shall rely on any other~~
10 ~~grounds than those stated in his or her reasons of appeal.~~

11 ~~(e)~~(b) The filing of a claim of appeal shall not in itself stay or suspend the operation of
12 any order or decision of the board, but during the pendency of those proceedings, the superior
13 court may, in its discretion, stay or suspend in whole or in part, the order or decision. No order of
14 the court staying or suspending an order or decision shall be made by the court other than on five
15 (5) days' notice and after a hearing thereon and the suspension of the order or decision shall be
16 based upon a finding by the court that great or irreparable damage would result to the aggrieved
17 party in the absence of that stay or suspension.

18 (f) An appeal may be taken from the decision of the superior court to the supreme court
19 of the state in the same manner as an appeal is taken under §~~42-35-16~~ 28-35-29.

20 SECTION 15. Sections 5-40-2, 5-40-3, 5-40-4 and 5-40-5 of the General Laws in
21 Chapter 5-40 entitled "Physical Therapists" are hereby repealed.

22 ~~**5-40-2. Board of physical therapy — Creation — Composition.** — Within the division of~~
23 ~~professional regulation of the department of health there is a board of physical therapy consisting~~
24 ~~of seven (7) members as provided by § 5-40-3.~~

25 ~~**5-40-3. Board of physical therapy — Composition — Appointment, terms, oath and**~~
26 ~~**removal of members.** — (a) In the month of June, 1983, and annually thereafter, the director of~~
27 ~~health, with the approval of the governor, appoints the appropriate number of persons to serve on~~
28 ~~the board for terms of three (3) years and until his or her successor has been appointed and~~
29 ~~qualified. The board shall consist of seven (7) members appointed by the director of the~~
30 ~~department of health with the approval of the governor. Four (4) members shall be licensed~~
31 ~~physical therapists; one member shall be a licensed physical therapist assistant; one member shall~~
32 ~~be a physician licensed to practice medicine in this state; and one member shall be a consumer.~~

33 ~~(b) No member shall serve for more than two (2) successive terms. The director of health~~
34 ~~may remove any member from the board for neglect of any duty required by law or for any~~

1 ~~incompetency, unprofessional or dishonorable conduct. Vacancies created by voluntary~~
2 ~~resignation or removal by the director of health shall be filled in the same manner as the original~~
3 ~~appointment is made for the remainder of the term not exceeding the original two (2) term~~
4 ~~limitation.~~

5 (c) ~~Before beginning a term, each member of the board shall takes the oath prescribed by~~
6 ~~law for state officers which shall be filed with the secretary of state.~~

7 ~~**5-40-4. Board of physical therapy — Organization and meetings.** The board shall~~
8 ~~organize immediately after the appointment and qualification of its members. The board shall~~
9 ~~elect annually a chairperson and secretary. The board shall meet at least semiannually. Meetings~~
10 ~~may also be called at any time by the chairperson, or the director of the department of health, or~~
11 ~~the administrator of the division of professional regulation, or by written request of two (2)~~
12 ~~members of the board. A majority of the fully authorized board constitutes a quorum to do~~
13 ~~business.~~

14 ~~The board is authorized to recommend to the director of the department of health for his~~
15 ~~or her approval the adoption and revision of rules and regulations not inconsistent with law, that~~
16 ~~are necessary to enable it to carry into effect the provisions of this chapter. The board shall~~
17 ~~recommend for licensure only qualified applicants. The board shall review applicants at least~~
18 ~~twice a year. The board shall recommend the tests which applicants for licensure take. The~~
19 ~~department shall adopt policies to be followed in the examination, licensure, and renewal of~~
20 ~~license of duly qualified applicants. The board shall conduct hearings upon charges calling for the~~
21 ~~discipline of a licensee or revocation of a license. The department has the power to issue~~
22 ~~subpoenas and compel the attendance of witnesses and administer oaths to persons giving~~
23 ~~testimony at hearings. The board or the director of the department of health shall prosecute all~~
24 ~~persons violating this chapter and has the power to incur necessary expenses of prosecution. The~~
25 ~~board shall keep a record of all of its proceedings. The board may utilize other persons as~~
26 ~~necessary to carry on the work of the board.~~

27 ~~**5-40-5. Board of physical therapy — General powers.** The board is authorized to~~
28 ~~recommend to the director of the department of health for his or her approval the adoption and~~
29 ~~revision of rules and regulations not inconsistent with law, that are necessary to enable it to carry~~
30 ~~into effect the provisions of this chapter. The board shall recommend for licensure only qualified~~
31 ~~applicants. The board shall review applicants at least twice a year. The board shall recommend~~
32 ~~the tests which applicants for licensure take. The department shall adopt policies to be followed in~~
33 ~~the examination, licensure, and renewal of license of duly qualified applicants. The board shall~~
34 ~~conduct hearings upon charges calling for the discipline of a licensee or revocation of a license.~~

1 ~~The department has the power to issue subpoenas and compel the attendance of witnesses and~~
2 ~~administer oaths to persons giving testimony at hearings. The board or the director of the~~
3 ~~department of health shall prosecute all persons violating this chapter and has the power to incur~~
4 ~~necessary expenses of prosecution. The board shall keep a record of all of its proceedings. The~~
5 ~~board may utilize other persons as necessary to carry on the work of the board.~~

6 SECTION 16. Sections 5-40.1-3, 5-40.1-8, 5-40.1-10, 5-40.1-10, 5-40.1-12, and 5-40.1-
7 14 of the General Laws in Chapter 5-40 entitled "Occupational Therapists" are hereby amended
8 to read as follows:

9 **5-40.1-3. Definitions.** – (a) "Administrator" means the administrator of the division of
10 professional regulation.

11 (b) "Board" means the [health professions board of review established in accordance with](#)
12 ~~[§ 5-26.1-3. board of occupational therapy within the division of professional regulation](#)~~
13 ~~[established pursuant to the provisions of § 5-40.1-4.](#)~~

14 (c) "Chapter" refers to chapter 40.1 of this title, entitled "Occupational Therapy", of the
15 general laws of Rhode Island.

16 (d) "Director" means the director of the Rhode Island department of health.

17 (e) "Division" means the division of professional regulation [and licensing](#).

18 (f)(1) "Occupational therapy" (OT) is the use of purposeful activity or interventions
19 designed to achieve functional outcomes which promote health, prevent injury or disability, and
20 develop, improve, sustain, or restore the highest possible level of independence of any individual
21 who has an injury, illness, cognitive impairment, sensory impairment, psychosocial dysfunction,
22 mental illness, developmental or learning disability, physical disability, or other disorder or
23 condition.

24 (2) Occupational therapy includes evaluation by means of skilled observation of
25 functional performance and/or assessment through the administration and interpretation of
26 standardized or non-standardized tests and measurements.

27 (g)(1) "Occupational therapy services" includes, but is not limited to:

28 (i) Evaluating and providing treatment in consultation with the individual, family, or
29 other appropriate persons;

30 (ii) Interventions directed toward developing, improving, sustaining, or restoring daily
31 living skills, including self-care skills and activities that involve interactions with others and the
32 environment, work readiness or work performance, play skills or leisure capacities or educational
33 performance skills;

34 (iii) Developing, improving, sustaining, or restoring sensory-motor, oral-motor,

1 perceptual, or neuromuscular functioning; or emotional, motivational, cognitive, or psychosocial
2 components of performance; and

3 (iv) Educating the individual, family, or other appropriate persons in carrying out
4 appropriate interventions.

5 (2) These services may encompass evaluating need; and designing, developing, adapting,
6 applying, or training in the use of assistive technology devices; designing, fabricating or applying
7 rehabilitative technology, such as selected orthotic devices; training in the functional use of
8 orthotic or prosthetic devices; applying therapeutic activities, modalities, or exercise as an adjunct
9 to or in preparation for functional performance; applying ergonomic principles; adapting
10 environments and processes to enhance daily living skills; or promoting health and wellness.

11 (h) "Occupational therapist" means a person licensed to practice occupational therapy
12 under the provisions of this chapter and the rules and regulations authorized by this chapter.

13 (i) "Occupational therapy aide" means a person not licensed pursuant to the statutes and
14 rules applicable to the practice of occupational therapy, who works under the supervision of a
15 licensed occupational therapist or occupational therapy assistant, who assists in the practice of
16 occupational therapy and whose activities require an understanding of occupational therapy, but
17 do not require professional or advanced training in the basic anatomical, psychological, and social
18 sciences involved in the practice of occupational therapy.

19 (j) "Occupational therapy assistant" means a person licensed to practice occupational
20 therapy under the provisions of this chapter and the rules and regulations authorized by this
21 chapter.

22 (k) "Supervision" means that a licensed occupational therapist or occupational therapy
23 assistant is at all times responsible for supportive personnel and students.

24 **5-40.1-8. Requirements for licensure.** – (a) Any applicant seeking licensure as an
25 occupational therapist or occupational therapy assistant in this state must:

26 (1) Be at least eighteen (18) years of age;

27 (2) Be of good moral character;

28 (3) Have successfully completed the academic requirements of an education program in
29 occupational therapy accredited by the American Occupational Therapy Association's
30 Accreditation Council for Occupational Therapy Education or other therapy accrediting agency
31 that may be approved by the ~~division~~ **board**;

32 (4) Have successfully completed a period of supervised fieldwork experience arranged by
33 the recognized educational institution where he or she met the academic requirements:

34 (i) For an occupational therapist, a minimum of twenty-four (24) weeks of supervised

1 fieldwork experience shall be required;

2 (ii) For an occupational therapy assistant, a minimum of twelve (12) weeks shall be
3 required;

4 (5) Have successfully passed the National Certification Examination for Occupational
5 Therapists, Registered, or National Certification Examination for Occupational Therapy
6 Assistants, of the National Board for Certification in Occupational Therapy (NBCOT) or other
7 occupational therapy certification examination as approved by the division. ~~board~~.

8 (b) Application for licensure to practice occupational therapy in this state either by
9 endorsement or by examination shall be made on forms provided by the division, which shall be
10 completed, notarized, and submitted to the board thirty (30) days prior to the scheduled date of
11 the board meeting. The application shall be accompanied by the following documents:

12 (1) Three (3) affidavits from responsible persons attesting to the applicant's good moral
13 character;

14 (2) For U.S. citizens: a certified copy of birth record or naturalization papers;

15 (3) For non-U.S. citizens: documented evidence of alien status, such as immigration
16 papers or resident alien card or any other verifying papers acceptable to the administrator;

17 (4) Documented evidence and supporting transcripts of qualifying credentials as
18 prescribed in this section;

19 (5) One unmounted passport photograph of the applicant (head and shoulder view)
20 approximately 2x3 inches in size;

21 (6) A statement from the board of occupational therapy in each state in which the
22 applicant has held or holds licensure, or is otherwise subject to state regulation, to be submitted to
23 the board of this state attesting to the licensure status of the applicant during the time period the
24 applicant held licensure in that state; and

25 (7) The results of the written national examination of the National Board for Certification
26 in Occupational Therapy (NBCOT).

27 (c)(1) Applicants seeking licensure as occupational therapists or occupational therapy
28 assistants are required to pass the national written examination of the National Board for
29 Certification in Occupational Therapy (NBCOT) approved by the board to test the applicant's
30 fitness to engage in the practice of occupational therapy pursuant to the provisions of this chapter.

31 (2) The date, time, and place of examinations shall be available from the National Board
32 for Certification in Occupational Therapy (NBCOT).

33 (d) In case any applicant fails to satisfactorily pass an examination, the applicant shall be
34 entitled to re-examination.

1 (e) Occupational therapists and occupational therapy assistants who are licensed or
2 regulated to practice under laws of another state or territory or the District of Columbia may,
3 upon receiving a receipt from the division, perform as an occupational therapist or occupational
4 therapy assistant under the supervision of a qualified and licensed occupational therapist or
5 occupational therapy assistant. If this applicant fails to receive licensure when the board reviews
6 the application, all previously mentioned privileges automatically cease.

7 (f) Applicants from foreign occupational therapy schools must meet the requirements of
8 the National Board for Certification in Occupational Therapy (NBCOT) and present evidence of
9 passage of the National Certification Examination for Occupational Therapists or the National
10 Certification Examination for Occupational Therapy Assistants of the NBCOT. Applicants must
11 meet all of the appropriate requirements for licensure to the satisfaction of the board and in
12 accordance with the statutory and regulatory provisions of this chapter.

13 **5-40.1-10. Examination.** – The applicant shall be required to pass with a grade
14 determined by the [division board](#), an examination approved by the board pursuant to § 5-40.1-
15 8(a)(5).

16 **5-40.1-12. Renewal of licenses – Inactive status.** – (a) Upon the recommendation of the
17 [division board](#), the director shall issue to applicants who have satisfactorily met the licensure
18 requirements of this chapter, a license to practice occupational therapy in this state. The license,
19 unless sooner suspended or revoked, shall expire on the thirty-first (31st) day of March, of each
20 even year (biennially).

21 (1) On or before the first (1st) day of March of each even year, the administrator of the
22 division shall mail an application for renewal of license to every individual to whom a license has
23 been issued or renewed during the current licensure period.

24 (2) Every licensed individual who desires to renew his or her license shall file with the
25 division a renewal application executed together with the evidence of continuing education
26 requirements as delineated in subdivision (3) of this subsection and the renewal fee as set forth in
27 § 23-1-54 made payable by check to the general treasurer, state of Rhode Island, on or before the
28 thirty-first (31st) day of March of each even year.

29 (3) On application for renewal of license, occupational therapists and occupational
30 therapy assistants must show proof of participation in twenty (20) hours biennially in
31 presentations, clinical instruction, publications, research, in-service programs, American
32 Occupational Therapy Association-recognized conferences, university course, and/or self-study
33 courses.

34 (4) Upon receipt of a renewal application and payment of fee, the director shall, upon the

1 recommendation of the board, grant a renewal license effective the thirty-first (31st) day of
2 March for a period of two (2) years, unless sooner suspended or revoked.

3 (5) Any individual who allows his or her license to lapse by failing to renew it on or
4 before the thirty-first (31st) day of March of the next even year as provided in subdivisions (1),
5 (2) and (3) of this subsection, may be reinstated by the director upon receiving a receipt from the
6 division for payment of the current renewal fee plus an additional fee as set forth in § 23-1-54
7 made payable by check to the general treasurer, state of Rhode Island.

8 (6) An individual using the title "occupational therapist" or "occupational therapy
9 assistant" during the time his or her license has lapsed is subject to the penalties provided for
10 violation of those regulations and this chapter.

11 (b) An individual licensed as an occupational therapist or occupational therapy assistant
12 in this state who does not intend to engage in the practice of occupational therapy within this state
13 during any year, may upon request to the division, have his or her name transferred to an inactive
14 status and shall not be required to register biennially or pay any fee as long as he or she remains
15 inactive. Any individual whose name has been transferred to an inactive status pursuant to this
16 section, may be restored to active status to practice occupational therapy without a penalty fee,
17 upon the filing of an application for licensure renewal, the licensure renewal fee as set forth in §
18 23-1-54 made payable by check to the general treasurer of the state of Rhode Island, and any
19 other information that may be requested by the division.

20 **5-40.1-14. Grounds for refusal to renew, suspension, or revocation of license.** – (a)

21 The ~~board~~ [division](#) may deny a license or refuse to renew a license or may suspend or revoke a
22 license or may impose probationary conditions if the licensee has been found guilty of
23 unprofessional conduct which has endangered or is likely to endanger the health, welfare, or
24 safety of the public. Unprofessional conduct includes:

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

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

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

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

33 (5) Failing to report, in writing, to the ~~board~~ [division](#) any disciplinary decision issued
34 against the licensee or the applicant in another jurisdiction within thirty (30) days of the

1 disciplinary decisions;

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

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

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

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

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

16 (2) Occupational therapy personnel shall respect the rights of the recipients of their
17 services;

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

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

22 (5) Occupational therapy personnel shall provide accurate information about occupational
23 therapy services; and

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

26 SECTION 17. Sections 5-40.1-4, 5-40.1-5 and 5-40.1-15 of the General Laws in Chapter
27 5-40.1 entitled "Occupational Therapists" are hereby repealed.

28 ~~5-40.1-4. Board of occupational therapy Practice Creation Composition~~
29 ~~Appointment and term of members Meetings Vacancies.~~ (a) There is created within the
30 ~~division of professional regulation in the department of health a board of occupational therapy~~
31 ~~practice. The board shall consist of five (5) members appointed by the director of the department~~
32 ~~of health with the approval of the governor. Three (3) members shall be licensed occupational~~
33 ~~therapists; one member shall be a physician licensed to practice medicine in this state; and one~~
34 ~~member shall be a consumer.~~

1 ~~(b) The director of the department of health, with the approval of the governor, within~~
2 ~~sixty (60) days following May 11, 1984, shall appoint one board member for a term of one year;~~
3 ~~two (2) for a term of two (2) years; and two (2) for a term of three (3) years. Appointments made~~
4 ~~thereafter shall be for three (3) year terms, but no person shall be appointed to serve more than~~
5 ~~two (2) consecutive terms. Terms shall begin on the first day of the calendar year and end on the~~
6 ~~last day of the calendar year or until successors are appointed, except for the first appointed~~
7 ~~members who shall serve through the last calendar day of the year in which they are appointed,~~
8 ~~before commencing the terms prescribed by this section.~~

9 ~~(c) The board shall meet during the first month of each calendar year to select a~~
10 ~~chairperson and for other purposes. At least one additional meeting shall be held before the end of~~
11 ~~each calendar year. Other meetings may be convened at the call of the chairperson, the~~
12 ~~administrator of professional regulation, or upon the written request of any two (2) board~~
13 ~~members. A majority of the members of the board constitutes a quorum for all purposes.~~

14 ~~(d) In the event of a vacancy in one of the positions, the director of the department of~~
15 ~~health, with the approval of the governor, may appoint a person to fill the unexpired term.~~

16 ~~**5-40.1-5. Board of occupational therapy practice — Powers and duties — Office —**~~
17 ~~**Compensation of members.**~~ (a) ~~The board is authorized to recommend to the director of the~~
18 ~~department of health for his or her approval the adoption and revision of any rules and regulations~~
19 ~~not inconsistent with law as necessary to enable it to carry into effect the provisions of this~~
20 ~~chapter.~~

21 ~~(b) The board shall recommend only qualified applicants for licensure. The board shall~~
22 ~~review applicants at least twice a year.~~

23 ~~(c) The division of professional regulation shall adopt policies to be followed in the~~
24 ~~examination, licensure, and renewal of licenses of qualified applicants.~~

25 ~~(d) The board shall conduct hearings upon charges calling for the discipline of licensees~~
26 ~~or revocation of licenses as shall be necessary, in accordance with the Administrative Procedures~~
27 ~~Act, chapter 35 of title 42. The administrator of professional regulation has the power to issue~~
28 ~~subpoenas and compel the attendance of witnesses, and administer oaths to persons giving~~
29 ~~testimony at hearings.~~

30 ~~(e) The board shall maintain in the office of the division of professional regulation a~~
31 ~~register of all persons holding a license.~~

32 ~~(f) Members of the board shall receive no compensation for their services.~~

33 ~~**5-40.1-15. Board of occupational therapy practice — Seal — Authentication of**~~
34 ~~**records.**~~ The board shall adopt a seal by which it authenticates its proceedings. Copies of the

1 ~~proceedings, records, and acts of the board and certificates purporting to relate the facts~~
2 ~~concerning its proceedings, records, and acts signed by the secretary and authenticated by the~~
3 ~~seal, shall be evidence in all courts of this state.~~

4 SECTION 18. Sections 5-44-1, 5-44-9, 5-44-10, 5-44-11, 5-44-13, 5-44-14, 5-44-15, 5-
5 44-18, 5-44-19, 5-44-20, and 5-44-22 of the General Laws in Chapter 5-44 entitled
6 "Psychologists" are hereby amended to read as follows:

7 **5-44-1. Definitions.** – As used in this chapter:

8 (1) "Academic psychologist" means a person employed by or associated with a
9 recognized college or university or other recognized institution who is engaged in teaching,
10 studying, or conducting research in the science of psychology.

11 (2) "Board" means the [health professions board of review established in accordance with](#)
12 ~~[§ 5-26.1-3. board of psychology established by § 5-44-3.](#)~~

13 (3) "Education" means the academic program pursued by a person in obtaining a doctoral
14 degree, that program to include formal course work, seminars, and practica.

15 (4) "Licensed psychologist" means a person who has been licensed for the practice of
16 psychology under this chapter. "Psychologist" as used in this chapter means a licensed
17 psychologist as defined in this section.

18 (5) "Practice of psychology" means the rendering of professional psychological services
19 to individuals, groups, families, or any public or private organization for remuneration.
20 Professional psychological services means applying established psychological principles,
21 methods, or procedures for the purpose of preventing or eliminating symptomatic, maladaptive or
22 undesired behavior and of enhancing interpersonal relationships, work and life adjustment,
23 personal effectiveness, and mental health. The practice of psychology includes, but is not limited
24 to:

25 (i) Diagnoses and treatment of emotional, mental or behavioral dysfunction, disorder or
26 disability, alcoholism and substance abuse disorders of habit or conduct, as well as of the
27 psychological aspects of physical illness, accident, injury, or disability;

28 (ii) Psychological testing and evaluation of intelligence, personality, abilities, interests,
29 aptitudes, and neuropsychological functioning;

30 (iii) Psychoeducation evaluation, therapy, remediation and consultation; and

31 (iv) Counseling, psychotherapy, psychoanalysis, hypnotherapy, biofeedback and behavior
32 analysis and therapy.

33 (6) "Psychology student", "psychology trainee", "psychology intern", or "psychology
34 resident" means a student, intern, or other person studying or preparing for the profession of

1 psychologist under the supervision of recognized educational or training institutions or facilities.

2 (7) "Training" means the pre-professional or professional supervised experience received
3 by the person at the pre or post-doctoral level, that experience to have been obtained in an
4 internship, clinic, or other similar professional setting.

5 (8) "Department" means the Rhode Island department of health.

6 (9) "Director" means the director of the Rhode Island department of health.

7 (10) "Division" means the division of professional regulation and licensing within the
8 department of health.

9 **5-44-9. Qualifications of psychologists.** – An applicant for licensure shall submit to the
10 division board written evidence acceptable to the department, verified under oath, that the
11 applicant:

12 (1) Is of good moral character;

13 (2) Has received a doctorate degree in psychology from a college or university whose
14 program of study for that degree at that time meets or exceeds the stated requirements for
15 approval by the American Psychological Association, or its equivalent in terms of excellence of
16 education and training, or a doctorate degree in an allied field whose education and training
17 requirements are substantially similar to current American Psychological Association standards of
18 accreditation for the granting of a doctorate in psychology;

19 (3) Has had the requisite supervised experience as deemed acceptable to the board as
20 delineated in the rules and regulations;

21 (4) Has passed an examination conducted by the board to determine his or her
22 qualification for licensure as a psychologist, or is applying under the provisions of § 5-44-11;

23 **5-44-10. Examinations.** – (a) Examinations for licensure shall be conducted by the
24 division as scheduled by the director of the department of health, and shall be offered ~~by the~~
25 ~~board~~ at least twice a year according to methods and in any subject fields that it deems most
26 practical and expeditious to test the applicant's qualifications.

27 (1) The division board may require examinations to be written or oral, or both.

28 (2) In any written examination, the identity of the applicant shall not be disclosed to the
29 division board until after the examination papers have been graded.

30 (3) Written examination papers shall be preserved and available to the division board for
31 at least two (2) years.

32 (b) A candidate shall pass the examination by reaching the threshold score and
33 requirements set forth by the Division. ~~upon the affirmative vote of at least two (2) members of~~
34 ~~the board.~~

1 **5-44-11. Licensure without examination.** – A licensure as a psychologist may be
2 issued to:

3 (1) An applicant who has been licensed or certified as a psychologist under the laws of
4 another state, United States territory, or foreign country where the ~~division board~~ determines that
5 the requirements are substantially equivalent to those of this state; or

6 (2) A person who has been certified after examination by the American Board of
7 Examiners in Professional Psychology, if the division board determines that the examination is
8 substantially equivalent to, or exceeds, the requirements of the examination approved by the
9 ~~division board~~.

10 **5-44-13. Temporary license.** – (a) Pursuant to §§ 5-44-6 and 5-44-23(e) of this chapter
11 and rules and regulations promulgated hereunder, a temporary permit to practice psychology
12 under supervision may be granted to a candidate for licensure who has paid the required fee as set
13 forth in § 23-1-54 and has satisfied the following requirements:

14 (1) Filed an application for licensure with all required supporting materials;

15 (2) Has received a doctoral degree in accordance with § 5-44-10, and successfully
16 completed one thousand five hundred (1,500) hours of supervision satisfactory to the ~~division~~
17 ~~board~~ as specified in the rules and regulations;

18 (3) Shall only practice under the appropriate supervision of a licensed psychologist as
19 delineated in the rules and regulations promulgated hereunder;

20 (4) Shall refrain from using the title "psychologist" or representing himself or herself as a
21 psychologist other than by using the title "psychology student", "psychology trainee" or
22 "psychology intern", or "psychology resident"; and

23 (5) The temporary permit shall be valid for a period of two (2) years from the date of
24 issuance.

25 (b) Temporary permit holders may request from the ~~division board~~ a one year extension.
26 Such an extension may be granted at the discretion of the ~~division board~~ upon review of the
27 applicant's circumstances. This extension shall only be granted once.

28 **5-44-14. Limitation of practice.** – The ~~division board~~ shall ensure through regulations
29 and enforcement that licensees limit their practice to demonstrated areas of competence as
30 documented by relevant professional education, training, and experience.

31 **5-44-15. Expiration and renewal of licenses – Continuing education – Lapsed**
32 **license.** – (a) The license of every person licensed under the provisions of this chapter shall
33 expire on the first day of July of the next even-numbered year following the issuance of his or her
34 license.

1 (b) On or before the first day of May of each even-numbered year, the department shall
2 mail an application for renewal of license to every person to whom a license has been issued or
3 renewed during the cycle.

4 (c) Every licensed person who desires to renew his or her license shall file with the
5 department a renewal application, executed, together with a renewal fee as set forth in § 23-1-54,
6 on or before the first day of June in each even-numbered year. Upon receipt of a renewal
7 application and payment of the renewal fee, the accuracy of the application shall be verified and
8 the department may grant a renewal license effective July 1st and expiring the June 30th in each
9 even-numbered year.

10 (d) Every licensed psychologist who desires to continue licensure as a licensed
11 psychologist shall present satisfactory evidence to the ~~division board~~ and approved by rule or
12 regulation of the ~~division board~~ that the licensed psychologist has completed a prescribed course
13 of continuing licensed psychological education.

14 (e) Any person who allows his or her license to lapse, by failing to renew it on or before
15 June 1st in each even-numbered year, as provided in this section, may be reinstated by the
16 department on payment of the current renewal fee, plus an additional fee as set forth in § 23-1-54.
17 Any person using the title "psychologist" or offering services defined as the practice of
18 psychology under this chapter during the time his or her license has lapsed is subject to the
19 penalties provided for violation of this chapter.

20 **5-44-18. Grounds for discipline.** – The ~~division board~~ has the power to deny, revoke, or
21 suspend any license issued by the department in accordance with this chapter, or to discipline a
22 psychologist upon proof that the person:

23 (1) Is guilty of fraud or deceit in procuring or attempting to procure a license or
24 temporary license;

25 (2) Is guilty of a felony or of a crime of immorality;

26 (3) Is habitually intemperate or is addicted to the use of habit-forming drugs;

27 (4) Is mentally incompetent;

28 (5) Is incompetent or negligent in the practice of psychology and has violated the
29 provisions of chapter 5-44 or the rules and regulations promulgated hereunder;

30 (6) Has violated the ethical principles governing psychologists and the practice of
31 psychology, as adopted by the board and in force at the time a charge is made regardless of
32 whether or not the person is a member of any national, regional, or state psychological
33 association; provided, that those ethical principles are a national recognized standard; and
34 departure from or the failure to conform to the minimal standards of acceptable and prevailing

1 psychology practice.

2 (7) Has practiced as a psychologist or has performed the duties of a psychologist without
3 proper supervision by a psychologist licensed under this chapter unless specifically exempted by
4 this chapter.

5 (8) Has had their license revoked, suspended, privileges limited or other disciplinary
6 action in another state or jurisdiction, including the voluntary surrender of a license.

7 (9) Has failed to furnish the department or its legal representative information requested
8 by the board as part of a disciplinary action.

9 **5-44-19. Procedure for discipline.** – (a) When a sworn complaint is filed with the
10 ~~division board~~ charging a person with being guilty of any of the actions specified in § 5-44-18,
11 the department shall immediately investigate those charges. ~~or, the board, investigation, may~~
12 ~~institute charges.~~

13 (b)(1) If the investigation reveals reasonable grounds for believing that the applicant or
14 psychologist is guilty of the charges, the ~~division board shall fix a time and place for a hearing,~~
15 ~~and~~ shall serve a copy of the charges, together with a notice of the time and the place fixed for the
16 hearing before the board, personally upon the accused at least twenty (20) days prior to the time
17 fixed for the hearing.

18 (2) The board ~~may investigate and will~~ render a decision on any disciplinary complaint
19 against anyone practicing psychology (regardless of whether he or she was licensed at the time of
20 the alleged complaint) or that their license has subsequently been surrendered, revoked or not
21 renewed.

22 (3) The board at its discretion may dismiss or suspend a complaint without a finding as
23 delineated in the rules and regulations so that a person who is the subject of the complaint may
24 participate in colleague assistance program acceptable to the board. The board may suspend a
25 complaint contingent upon the person complying with directions issued by the board. The board
26 may reinstate any suspended complaint at anytime it deems that the person is not in compliance
27 with the directions of the board.

28 (4) When personal service cannot be effected and that fact is certified by oath by any
29 person authorized to make service, the ~~division board~~ shall publish once in each of two (2)
30 successive weeks, a notice of the hearing in a newspaper published in the county where the
31 accused last resided according to the records of the ~~division board~~ and shall mail a copy of the
32 charges and of the notice to the accused at his or her last known address.

33 (5) When publication of notice is necessary, the date of the hearing shall not be less than
34 twenty (20) days after the last date of publication of the notice.

1 (c)(1) At the hearing, the accused has the right to appear personally or by counsel or both,
2 to produce witnesses and evidence on his or her behalf, to cross-examine witnesses, and to have
3 subpoenas issued by the administrator of professional regulation.

4 (2) The attendance of witnesses and the production of books, documents, and papers at
5 the hearing may be compelled by subpoenas issued by the department, which shall be served in
6 accordance with law.

7 (3) The ~~board~~ department shall administer oaths as necessary for the proper conduct of
8 the hearing.

9 (4) The board is not bound by the strict rules of procedure or by the laws of evidence in
10 the conduct of its proceedings, but the determination shall be based upon sufficient legal evidence
11 to sustain it.

12 (d) If the accused is found guilty of the charges, the board may refuse to issue a
13 registration to the applicant, or may revoke or suspend his or her license, or discipline that person.

14 (e) Upon the revocation or suspension of any license, the license holder shall surrender
15 the license to the department who shall indicate same in the licensure verification database.

16 (f) A revocation or suspension of license may be reviewed at the discretion of the
17 ~~division board, or at the initiative of the department~~ who may ~~request order~~ a rehearing of the
18 issue if he or she finds cause.

19 **5-44-20. Grounds for discipline without a hearing.** – With the approval of the director,
20 the ~~division board~~ may temporarily suspend the license of a psychologist without a hearing if the
21 ~~division board~~ finds that evidence in its possession indicates that a psychologist continuing in
22 practice would constitute an immediate danger to the public. In the event that the ~~division board~~
23 temporarily suspends the license of a psychologist without a hearing by the board, a hearing must
24 be held within ten (10) days after the suspension has occurred.

25 **5-44-22. Injunction of violations.** – When it appears to the ~~division board~~ that any
26 person is violating any of the provisions of this chapter, the director may institute an action,
27 commenced in the name of the ~~department board~~, to enjoin that violation in a court of competent
28 jurisdiction. That court may enjoin any person from violating any of the provisions of this
29 chapter, without regard to whether proceedings have been or may be instituted before the board or
30 whether criminal proceedings have been or may be instituted.

31 SECTION 19. Sections 5-44-3, 5-44-4, 5-44-5, 5-44-6 of the General Laws in Chapter 5-
32 44 entitled “Psychologists” are hereby repealed.

33 ~~**5-44-3. Board of psychology—Creation—Composition.** Within the department of~~
34 ~~professional regulation in the department of health, there shall be a board of psychology~~

1 consisting of five (5) members as provided by § 5-44-4.

2 ~~**5-44-4. Board of psychology—Appointment, terms, oath, and removal of members.**~~

3 ~~(a) The director of the department of health shall, with the approval of the governor, appoint five~~
4 ~~(5) electors as members of the board. One member of the board shall be representative of the~~
5 ~~public, and four (4) shall be psychologists pursuant to this chapter and each of them shall have~~
6 ~~been engaged in their profession for at least five (5) years. At least one member of the board shall~~
7 ~~be an academic psychologist.~~

8 ~~(b) The director shall, with the approval of the governor, appoint persons to serve on the~~
9 ~~board for a term of three (3) years and each member shall serve until his or her successor has~~
10 ~~been appointed and qualified.~~

11 ~~(c) The director may remove any member from the board for neglect of any duty required~~
12 ~~by law, or for incompetence, or unprofessional or dishonorable conduct. Vacancies shall be filled~~
13 ~~in the same manner as the original appointment was made, for the remainder of the term.~~

14 ~~**5-44-5. Board of psychology—Organization and meetings.**~~ (a) The board shall

15 ~~organize immediately after the appointment and qualification of its members.~~

16 ~~(b) The board shall annually elect a chairperson and secretary. Meetings may be called by~~
17 ~~the chairperson or the director of the department of health or by written request of three (3)~~
18 ~~members of the board. A majority of seats filled shall constitute a quorum. The board shall meet~~
19 ~~as often as necessary.~~

20 ~~**5-44-6. Board of psychology—General powers.**~~ The board of psychology shall:

21 ~~(1) Be authorized to recommend to the director for his or her approval the adoption and~~
22 ~~revision of rules and regulations not inconsistent with law as necessary to enable it to carry into~~
23 ~~effect the provisions of this chapter.~~

24 ~~(2) Determine the tests which applicants for licensure take. The department shall adopt~~
25 ~~policies to be followed in the examinations, licensure, and renewal of licenses of qualified~~
26 ~~applicants.~~

27 ~~(3) Conduct hearings upon charges calling for the discipline of a license or revocation.~~
28 ~~The department has the power to issue subpoenas and compel the attendance of witnesses and~~
29 ~~administer oaths to persons giving testimony at hearings.~~

30 ~~(4) The board, or the director shall prosecute all persons violating this chapter and has the~~
31 ~~power to incur the necessary expenses of prosecution. The board shall keep a record of all its~~
32 ~~proceedings.~~

33 SECTION 20. Sections 5-45-4, 5-45-6, 5-45-7, and 5-45-12 of the General Laws in
34 Chapter 5-45 entitled “Nursing Home Administrators” are hereby amended to read as follows:

1 **5-45-4. Definitions.** – For the purpose of this chapter, and as used in it:

2 (1) "Board" means the [health professions board of review established in accordance with](#)
3 [§ 5-26.1-3. board of examiners for nursing home administrators established by this chapter.](#)

4 (2) "Department" means the department of health.

5 (3) "Designee" means any subordinate official of the department authorized by the
6 director to carry out any of the powers and responsibilities granted to him or her by this chapter.

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

8 (5) "[Division](#)" means [the division of professional regulation and licensing within the](#)
9 [department of health.](#)

10 ~~(6)~~(6) "Nursing home" means any facility providing nursing care to any in-patient, which
11 is required to be licensed under any law or regulation of the state, and which is further defined as
12 a skilled nursing home by the licensing authority of the state.

13 ~~(7)~~(7) "Nursing home administrator" means the individual responsible for planning,
14 organizing, directing, and controlling the operation of the nursing home, whether or not those
15 functions are shared by one or more other persons.

16 **5-45-6. Licensing function of department of health – Term of licenses – Appeal of**
17 **license denials, suspensions, or revocations.** – The department shall license nursing home
18 administrators in accordance with rules and regulations adopted by the [division board](#) with the
19 approval of the director. A nursing home administrator's license shall be nontransferable and shall
20 be valid until the following June 30th, or until surrendered for cancellation, or suspended or
21 revoked for violation of this chapter or any other laws or regulations relating to the proper
22 operation of a nursing home. Any denial of issuance or renewal, or any suspension or revocation
23 shall be subject to review [by the board](#) upon the timely request of the licensee and pursuant to
24 Administrative Procedures Act, chapter 35 of title 42.

25 **5-45-7. Qualification for licensure.** – In order to be eligible for licensure pursuant to this
26 chapter, a person shall:

27 (1) Be not less than eighteen (18) years of age and of good moral character.

28 (2) Have satisfactorily completed a course of instruction and training approved by the
29 department. The course shall be designed as to content and administered as to present sufficient
30 knowledge of the needs properly to be served by nursing homes, laws governing the operation of
31 nursing homes and the protection of the interests of patients in the nursing homes, and the
32 elements of good nursing home administration.

33 (3) Have passed an examination conducted by the [division board](#) and designed to test for
34 competence in the subject matter referred to in subdivision (2) of this section. Where the

1 department deems it appropriate for purposes of according with religious teachings, the
2 examination of an individual may exclude any subjects which could be considered in derogation
3 of, or in conflict with, the teachings and practice of any recognized religious faith. Any license
4 issued on the basis of that abridged examination shall be annotated to designate the appropriate
5 limitation of the type of facility of which the licensed individual may be an administrator.

6 (4) Pay licensure fees as set forth in § 23-1-54.

7 **5-45-12. Disciplinary proceedings – Grounds for discipline.** – (a) The department may
8 suspend, revoke or refuse to renew any license issued under this chapter, or may reprimand,
9 censure, or discipline a licensee or may require participation in continuing education, or
10 professional mentoring or may place an administrator on probation in accordance with the
11 provisions of this section, upon decision and after a [board](#) hearing as provided by chapter 35 of
12 title 42, upon proof that the licensee engaged in unprofessional conduct. Unprofessional conduct
13 includes, but is not limited to, any of the following:

14 (1) Being unfit or incompetent by reason of negligence, habits, or other causes;

15 (2) Violating any of the provisions of this chapter or the rules enacted in accordance with
16 it; or acting in a manner inconsistent with the health and safety of the patients of the nursing
17 facility in which he or she is the administrator;

18 (3) Engaging in fraud or deceit in the practice of nursing home administration, or in his or
19 her admission to this practice;

20 (4) Being convicted in a court of competent jurisdiction, either within or without this
21 state, of a felony.

22 (5) Failing to conform to minimal standards of acceptable and prevailing practice of
23 nursing home administration.

24 (b) If a nursing home administrator is placed on probation, the department may require
25 the licensee to:

26 (1) Report regularly to the department on matters that are the basis of the probation;

27 (2) Limit practice to the areas prescribed by the department; or

28 (3) Complete a prescribed program of continuing professional education until the licensee
29 attains a degree of skill satisfactory to the department in those areas that are the basis of the
30 probation.

31 SECTION 21. Sections 5-45-1 and 5-45-3 of the General Laws in Chapter 5-45 entitled
32 “Nursing Home Administrators” are hereby repealed.

33 ~~**5-45-1. Board of examiners – Creation – Composition – Appointment, terms, oath,**~~
34 ~~**and removal of members – Meetings.**~~ – (a) ~~Within the department of health, there shall be a~~

1 ~~board of examiners for nursing home administrators. The board shall be appointed by the director~~
2 ~~of the department of health, with the approval of the governor, and shall consist of seven (7)~~
3 ~~persons who shall be certified electors of this state.~~

4 ~~(1) Three (3) members of the board shall be persons licensed as nursing home~~
5 ~~administrators pursuant to the provisions of this chapter.~~

6 ~~(2) Two (2) members of the board shall be representatives from senior citizen groups.~~

7 ~~(3) On June 1, 1979, two (2) additional qualified members are appointed. One shall be a~~
8 ~~nurse who is licensed in the state, is a graduate of an accredited school of nursing, and has been~~
9 ~~actively engaged in nursing service for at least two (2) years immediately preceding appointment~~
10 ~~or reappointment. The other member shall be a physician licensed to practice medicine in this~~
11 ~~state, who has been actively engaged in the practice of medicine for at least two (2) years~~
12 ~~immediately preceding appointment or reappointment. The physician and nurse members of the~~
13 ~~board shall be representative of those persons of the profession concerned with the care and~~
14 ~~treatment of chronically ill or infirm elderly patients.~~

15 ~~(4) A majority of the board members may not be representative of a single profession or~~
16 ~~category of institution, and members who are not representative of institutions may not have a~~
17 ~~direct financial interest in any nursing home. Licensed nursing home administrators shall be~~
18 ~~considered representatives of institutions for the purpose of this section.~~

19 ~~(b) Members shall be appointed to a term of three (3) years. No member shall serve more~~
20 ~~than two (2) terms. The director of the department of health shall, with the approval of the~~
21 ~~governor, appoint to vacancies, as they occur, a qualified person to serve on the board for the~~
22 ~~remainder of the term and until his or her successor is appointed and qualified.~~

23 ~~(c) The director of the department of health may remove, after a hearing and with the~~
24 ~~approval of the governor, any member of the board for neglect of any duty required by law or for~~
25 ~~any incompetency, unprofessional or dishonorable conduct. Vacancies shall be filled in the same~~
26 ~~manner as the original appointment was made for the remainder of the term. Before beginning his~~
27 ~~or her term of office, each member shall take the oath prescribed by law for state officers, a~~
28 ~~record of which shall be filed with the secretary of state.~~

29 ~~(d) The director shall appoint a chairperson. No member shall serve as chairperson for~~
30 ~~more than three (3) years.~~

31 ~~(e) Four (4) members of the board shall constitute a quorum.~~

32 ~~(f) The members of the board shall serve without compensation.~~

33 ~~(g) Meetings shall be called by the director of the department of health, or his or her~~
34 ~~authorized designee, or by a majority of the members of the board.~~

1 ~~(h) The administrator of professional regulation of the department of health, as provided~~
2 ~~by chapter 26 of this title shall serve as administrative agent of the board.~~

3 ~~**5-45-3. Board of examiners—Functions.**~~ (a) It is the function of the board to:

4 ~~(1) Conduct examinations as required by the department and to act in an advisory~~
5 ~~capacity to the department in all matters pertaining to the licensing of nursing home~~
6 ~~administrators;~~

7 ~~(2) Develop and apply appropriate techniques, including examinations and investigations,~~
8 ~~for determining whether an individual meets those standards, subject to the approval of the~~
9 ~~director;~~

10 ~~(3) Recommend to the department the issuance of licenses and registrations to individuals~~
11 ~~determined, after application of those techniques, to meet those standards; and to recommend to~~
12 ~~the director the revocation or suspension of licenses or registrations previously issued; and to~~
13 ~~recommend disciplinary action to be taken against a nursing home administrator, including~~
14 ~~placing a licensee on probation, and ordering continuing education or professional mentoring by~~
15 ~~nursing facility professionals in any case where the individual holding that license or registration~~
16 ~~is determined substantially to have failed to conform to the requirements of those standards or~~
17 ~~when a nursing facility under the administrator's control has been found on its survey to have~~
18 ~~continued poor performance or is repeatedly unable to remain in compliance with standards; and~~

19 ~~(4) Adopt, on or before January 1, 1995, with the approval of the director of the~~
20 ~~department of health, rules and regulations governing a mandatory program of continuing~~
21 ~~education for nursing home administrators.~~

22 ~~(b) Programs for continuing education for nursing facility administrators may be~~
23 ~~presented by:~~

24 ~~(1) The Rhode Island Health Care Association;~~

25 ~~(2) The Rhode Island Association of Facilities for the Aging;~~

26 ~~(3) The American College of Health Care Administrators;~~

27 ~~(4) The Alliance for Better Nursing Home Care;~~

28 ~~(5) Nationally recognized associations of the groups listed in subdivisions (1)–(4) of this~~
29 ~~subsection;~~

30 ~~(6) Any accredited college or university; or~~

31 ~~(7) Any organizations authorized and approved by the department.~~

32 SECTION 22. Sections 5-48-1, 5-48-7, 5-48-7.1, 5-48-7.2, 5-48-9, 5-48-9.1, 5-48-12, and
33 5-48-13 of the General Laws in Chapter 5-48 entitled “Speech Pathology and Audiology” are
34 hereby amended to read as follows:

1 **5-48-1. Purpose and legislative intent – Definitions.** – (a) It is declared to be a policy of
2 this state that the practice of speech language pathology and audiology is a privilege granted to
3 qualified persons and that, in order to safeguard the public health, safety, and welfare, protect the
4 public from being misled by incompetent, unscrupulous, and unauthorized persons, and protect
5 the public from unprofessional conduct by qualified speech language pathologists and
6 audiologists, it is necessary to provide regulatory authority over persons offering speech language
7 pathology and audiology services to the public.

8 (b) The following words and terms when used in this chapter have the following meaning
9 unless otherwise indicated within the context:

10 (1) "Audiologist" means an individual licensed by the board to practice audiology.

11 (2) "Audiology" means the application of principles, methods, and procedures related to
12 hearing and the disorders of the hearing and balance systems, to related language and speech
13 disorders, and to aberrant behavior related to hearing loss. A hearing disorder in an individual is
14 defined as altered sensitivity, acuity, function, processing, and/or damage to the integrity of the
15 physiological auditory/vestibular systems.

16 (3) "Audiology support personnel" means individuals who meets minimum
17 qualifications, established by the board, which are less than those established by this chapter as
18 necessary for licensing as an audiologist, who do not act independently, and who work under the
19 direction and supervision of an audiologist licensed under this chapter who has been actively
20 working in the field for twenty-four (24) months after completion of the postgraduate
21 professional experience and who accepts the responsibility for the acts and performances of the
22 audiology assistant while working under this chapter.

23 (4) "Board" means the [health professions board of review established in accordance with](#)
24 [§ 5-26.1-3. ~~state board of examiners for speech language pathology and audiology.~~](#)

25 (5) "Clinical fellow" means the person who is practicing speech language pathology
26 under the supervision of a licensed speech language pathologist while completing the
27 postgraduate professional experience as required by this chapter.

28 (6) (i) "Department" means the Rhode Island department of health.

29 (ii) "Division" means the [division of professional regulation and licensing within the](#)
30 [department of health.](#)

31 (7) "Director" means the director of the Rhode Island department of health.

32 (8) "Person" means an individual, partnership, organization, or corporation, except that
33 only individuals can be licensed under this chapter.

34 (9)(i) "Practice of audiology" means rendering or offering to render any service in

1 audiology, including prevention, screening, and identification, evaluation, habilitation,
2 rehabilitation; participating in environmental and occupational hearing conservation programs,
3 and habilitation and rehabilitation programs including hearing aid and assistive listening device
4 evaluation, prescription, preparation, dispensing, and/or selling and orientation; auditory training
5 and speech reading; conducting and interpreting tests of vestibular function and nystagmus;
6 conducting and interpreting electrophysiological measures of the auditory pathway; cerumen
7 management; evaluating sound environment and equipment; calibrating instruments used in
8 testing and supplementing auditory function; and planning, directing, conducting or supervising
9 programs that render or offer to render any service in audiology.

10 (ii) The practice of audiology may include speech and/or language screening to a pass or
11 fail determination, for the purpose of initial identification of individuals with other disorders of
12 communication.

13 (iii) A practice is deemed to be the "practice of audiology" if services are offered under
14 any title incorporating such word as "audiology", "audiologist", "audiometry", "audiometrist",
15 "audiological", "audiometrics", "hearing therapy", "hearing therapist", "hearing clinic", "hearing
16 clinician", "hearing conservation", "hearing conservationist", "hearing center", "hearing aid
17 audiologist", or any similar title or description of services.

18 (10)(i) "Practice of speech language pathology" means rendering or offering to render
19 any service in speech language pathology including prevention, identification, evaluation,
20 consultation, habilitation, rehabilitation; determining the need for augmentative communication
21 systems, dispensing and selling these systems, and providing training in the use of these systems;
22 and planning, directing, conducting, or supervising programs that render or offer to render any
23 service in speech language pathology.

24 (ii) The practice of speech language pathology may include nondiagnostic pure tone air
25 conduction screening, screening tympanometry, and acoustic reflex screening, limited to a pass or
26 fail determination, for the purpose of performing a speech and language evaluation or for the
27 initial identification of individuals with other disorders of communication.

28 (iii) The practice of speech language pathology also may include aural rehabilitation,
29 which is defined as services and procedures for facilitating adequate receptive and expressive
30 communication in individuals with hearing impairment.

31 (iv) A practice is deemed to be the "practice of speech language pathology" if services are
32 offered under any title incorporating such words as "speech pathology", "speech pathologist",
33 "speech therapy", "speech therapist", "speech correction", "speech correctionist", "speech clinic",
34 "speech clinician", "language pathology", "language pathologist", "voice therapy", "voice

1 therapist", "voice pathology", "voice pathologist", "logopedics", "logopedist", "communicology",
2 "communicologist", "aphasiology", "aphasiologist", "phoniatriest", or any similar title or
3 description of services.

4 (11) "Regionally accredited" means the official guarantee that a college or university or
5 other educational institution is in conformity with the standards of education prescribed by a
6 regional accrediting commission recognized by the United States Secretary of Education.

7 (12) "Speech language pathologist" means an individual who is licensed by the board to
8 practice speech language pathology.

9 (13) "Speech language pathology" means the application of principles, methods, and
10 procedures for prevention, identification, evaluation, consultation, habilitation, rehabilitation,
11 instruction, and research related to the development and disorders of human communication.
12 Disorders are defined to include any and all conditions, whether of organic or non-organic origin,
13 that impede the normal process of human communication in individuals or groups of individuals
14 who have or are suspected of having these conditions, including, but not limited to, disorders and
15 related disorders of:

16 (i) Speech: articulation, fluency, voice, (including respiration, phonation and resonance);

17 (ii) Language (involving the parameters of phonology, morphology, syntax, semantics
18 and pragmatics; and including disorders of receptive and expressive communication in oral,
19 written, graphic, and manual modalities);

20 (iii) Oral, pharyngeal, laryngeal, cervical esophageal, and related functions (e.g.,
21 dysphasia, including disorders of swallowing and oral function for feeding; oro-facial
22 myofunctional disorders);

23 (iv) Cognitive aspects of communication (including communication disability and other
24 functional disabilities associated with cognitive impairment); and

25 (v) Social aspects of communication (including challenging behavior, ineffective social
26 skills, lack of communication opportunities).

27 (14) "Speech language support personnel" means individuals who meet minimum
28 qualifications established by the board, which are less than those established by this chapter as
29 necessary for licensing as a speech language pathologist, who do not act independently, and who
30 work under the direction and supervision of a speech language pathologist licensed under this
31 chapter who has been actively working in the field for twenty-four (24) months after completion
32 of the postgraduate professional experience and who accepts the responsibility for the acts and
33 performances of the speech language pathology assistant while working under this chapter.
34 Speech language support personnel shall be registered with the board within thirty (30) days of

1 beginning work, or the supervising speech language pathologist will be assessed a late filing fee
2 as set forth in § 23-1-54.

3 **5-48-7. Qualifications of applicants for a license as a speech language pathologist. –**

4 To be eligible for licensure by the [division board](#) as a speech language pathologist the applicant
5 must:

6 (1) Be of good moral character;

7 (2) Apply to the department, upon a form prescribed by the department;

8 (3) Submit the appropriate application fee;

9 (4) Submit an official transcript indicating possession of a master's degree or a doctorate
10 degree or equivalent in speech language pathology from an educational institution accredited by
11 the Council on Academic Accreditation (CAA) of the American Speech Language Hearing
12 Association (ASHA) or other national accrediting association as may be approved by the board.
13 The degree shall consist of course work in accordance with the current minimum requirements for
14 the certificate of clinical competence issued by the American Speech Language Hearing
15 Association (ASHA) or other national accrediting association as may be approved by the board
16 and delineated in the rules and regulations;

17 (5) Complete supervised clinical practicum experiences from an educational institution or
18 its cooperating programs. The content of the practicum shall be in accordance with the current
19 minimum requirements for the certificate of clinical competence issued by the American Speech
20 Language Hearing Association (ASHA) or other national accrediting association as may be
21 approved by the division [board](#) and delineated in the rules and regulations;

22 (6) Pass a national examination in speech language pathology as required by the
23 American Speech Language Hearing Association (ASHA) or other national accrediting
24 association as may be approved by the board and delineated in the rules and regulations;

25 (7) Present verification of a certificate of clinical competence from the American Speech
26 Language Hearing Association (ASHA) or other national accrediting association as may be
27 approved by the division [board](#); and

28 (8) If applicable, present evidence from the board of speech language pathology in each
29 state in which the applicant has held or holds licensure to be submitted to the board of this state,
30 attesting to the licensure status of the applicant during the time period the applicant held licensure
31 in said state.

32 **5-48-7.1. Qualifications for a provisional license for a speech language pathologist. –**

33 (a) To be eligible for provisional licensure by the [division board](#), the speech language pathologist
34 applicant must submit an application with the required application fee and be in compliance with

1 the requirements of § 5-48-7(1), (4), (5) and (6).

2 (b) In addition to the requirements of subsection (a) of this section, content of the
3 supervised postgraduate professional experience shall meet the standards of a trainee or fellow of
4 speech pathology as required by the American Speech Language Hearing Association (ASHA) or
5 other national accrediting association as may be approved by the ~~division, board.~~

6 (c) If the postgraduate professional experience extends beyond one year, provisional
7 licensure must be renewed annually and not exceed thirty-six (36) months past the initiation of
8 the professional experience.

9 (d) The provisional licensure shall expire ninety (90) days after the end of the
10 postgraduate professional experience.

11 **5-48-7.2. Qualifications for license as an audiologist.** – Persons seeking initial licensure
12 as an audiologist on or after January 1, 2008 shall meet the following requirements:

13 (1) Be of good moral character;

14 (2) Apply to the board, upon a form prescribed by the board;

15 (3) Submit the appropriate application fee;

16 (4) Submit an official transcript indicating possession of an earned doctorate degree in
17 audiology from a regionally accredited educational institution as delineated in the rules and
18 regulations;

19 (5) Pass a national examination in audiology approved by the ~~division board~~ and
20 delineated in the rules and regulations;

21 (6) Present evidence of practicum experience that is equivalent to a minimum of twelve
22 (12) months of full-time, supervised experience, that may be completed as part of the graduate
23 degree, as delineated in the rules and regulations;

24 (7) If applicable, present evidence from the board of audiology in each state in which the
25 applicant has held or holds licensure to be submitted to the board of this state, attesting to the
26 licensure status of the applicant during the time period the applicant held licensure in said state;

27 (8) Any other requirements as set forth in the rules and regulations.

28 **5-48-9. Fees – Late filing – Inactive status – Filing fees for support personnel**
29 **registration.** (a) The ~~division board~~ may charge an application fee; a biennial license renewal

30 fee payable before July 1 of even years (biennially); or a provisional license renewal fee as set
31 forth in § 23-1-54 payable annually from the date of issue.

32 (b) Any person who allows his or her license to lapse by failing to renew it on or before
33 the thirtieth (30th) day of June of even years (biennially), may be reinstated by the board on
34 payment of the current renewal fee plus an additional late filing fee as set forth in § 23-1-54.

1 (c) An individual licensed as a speech language pathologist and/or audiologist in this
2 state, not in the active practice of speech-language pathology or audiology within this state during
3 any year, may upon request to the board, have his or her name transferred to an inactive status
4 and shall not be required to register biennially or pay any fee as long as he or she remains
5 inactive. Inactive status may be maintained for no longer than two (2) consecutive licensing
6 periods, after which period licensure shall be terminated and reapplication to the board shall be
7 required to resume practice.

8 (d) Any individual whose name has been transferred to an inactive status may be restored
9 to active status within two (2) licensing periods without a penalty fee, upon the filing of:

10 (1) An application for licensure renewal, with a licensure renewal fee as set forth in § 23-
11 1-54 made payable by check to the general treasurer of the state of Rhode Island; and

12 (2) Any other information that the division board may request.

13 (e) Audiology and speech language pathology support personnel shall be registered with
14 the board within thirty (30) days of beginning work, or the supervising audiologist or speech
15 language pathologist shall be assessed a late filing fee as set forth in § 23-1-54.

16 **5-48-9.1. Continuing education.** – (a)(1) On or before the thirtieth (30th) day of June of
17 even years, every person licensed to practice speech language pathology and/or audiology within
18 this state shall complete not less than twenty (20) clock hours of continuing education within the
19 preceding two (2) years and be able to present satisfactory evidence of completion to the division.
20 ~~board.~~

21 (2) Those persons holding licensure in both speech language pathology and audiology
22 must have completed and have evidence of completion of not less than thirty (30) clock hours of
23 continuing education within the preceding two (2) years.

24 (b) Continuing education hours may not be carried over from one renewal period to the
25 next.

26 (c) The division board at its discretion may extend, reduce, or waive the requirement for
27 continuing education for hardship or other extenuating circumstances as the division board deems
28 appropriate.

29 **5-48-12. Penalty for violations.** – (a) The division board is granted the authority to
30 impose the following disciplinary actions in those instances in which an applicant for a license or
31 a licensee has been guilty of conduct which has endangered, or is likely to endanger, the health,
32 welfare, or safety of the public:

33 (1) Refuse to issue or renew a license.

34 (2) Issue a letter of reprimand or concern.

1 (3) Require restitution of fees.

2 (4) Impose probationary conditions.

3 (5) Suspend or revoke a license.

4 (b) Any person found to be in violation of any provision of this chapter, upon conviction,
5 shall be guilty of a misdemeanor and punished by a fine of not more than one thousand dollars
6 (\$1,000).

7 **5-48-13. Revocation and suspension procedure – Reinstatement.** – (a)(1) Notice, in
8 writing, of a contemplated revocation or suspension of a license, of this particular cause, and of
9 the date of a hearing, shall be sent by [the division through](#) registered or certified mail to the
10 licensee at his or her last known address at least fifteen (15) days before the date of the hearing
11 [before the board](#).

12 (2) The individual against whom a charge is filed has the right to appear before the board
13 in person or by counsel, or both; may produce witnesses and evidence on his or her behalf; and
14 may question witnesses.

15 (3) No license shall be revoked or suspended without a hearing, but the nonappearance of
16 the licensee, after notice, shall not prevent a hearing.

17 (4) All matters upon which the decision is based shall be introduced in evidence at the
18 proceeding.

19 (5) The licensee shall be notified, in writing, of the board's decision.

20 (6) ~~The board may make any rules and regulations that it deems proper for the filing of~~
21 ~~charges and the conduct of hearings.~~

22 ~~(b)~~ (a) After issuing an order of revocation or suspension [by the board](#), the [department](#)
23 ~~board~~ may ~~also~~ file a petition in equity in the superior court in a county in which the respondent
24 resides or transacts business, to ensure appropriate injunctive relief to expedite and secure the
25 enforcement of its order, pending the final determination.

26 ~~(c)~~ (b) An application for reinstatement may be made to the board, which may, upon the
27 affirmative vote of at least the majority of its members, [which may hear further argument](#)
28 [regarding grant a](#) reinstatement.

29 [\(c\) An appeal from any decision or order of the board may be brought by an aggrieved](#)
30 [person in accordance with § 42-35-15. The term “person” in this section includes the department.](#)

31 SECTION 23. Sections 5-48-2, 5-48-3 and 5-48-4 of the General Laws in Chapter 5-48
32 entitled “Speech Pathology and Audiology” are hereby repealed.

33 ~~**5-48-2. Board of examiners – Composition – Appointments, terms and qualifications**~~
34 ~~**of members.** – (a) There exists within the department of health a board of examiners of speech~~

1 ~~language pathology and audiology. The board shall consist of five (5) persons who are residents~~
2 ~~of the state, and who have worked within the state for at least one year prior to their~~
3 ~~appointments.~~

4 ~~(1) Two (2) members shall be speech language pathologists who have practiced speech~~
5 ~~language pathology for at least five (5) years preceding appointment, are currently practicing~~
6 ~~speech language pathology, and hold active and valid licensure for the practice of speech~~
7 ~~language pathology in this state.~~

8 ~~(2) One member shall be an audiologist who has practiced audiology for at least five (5)~~
9 ~~years immediately preceding appointment, is currently practicing audiology, and holds active and~~
10 ~~valid licensure for the practice of audiology in this state.~~

11 ~~(3) One member shall be an otolaryngologist who holds certification by the American~~
12 ~~Academy of Otolaryngology — head and neck surgery, who is currently practicing~~
13 ~~otolaryngology, and holds active and valid licensure as a physician within this state.~~

14 ~~(4) One member shall be a representative of the consumer public who is not associated~~
15 ~~with or financially interested in the practice or business of speech language pathology or~~
16 ~~audiology.~~

17 ~~(b) All appointments to the board shall be for the term of three (3) years. Members shall~~
18 ~~serve until the expiration of the term for which they have been appointed or until their appointed~~
19 ~~successors are qualified.~~

20 ~~(c) When a vacancy upon the board occurs, the director of the department of health shall,~~
21 ~~with the approval of the governor, appoint persons who are working within the state to fill the~~
22 ~~remainder of the vacant term.~~

23 ~~(d) The board shall reorganize annually during the month of January and shall select a~~
24 ~~chairperson.~~

25 ~~(e) A majority of currently filled positions shall constitute a quorum to do business.~~

26 ~~(f) No person shall be appointed to serve more than two (2) consecutive terms.~~

27 ~~(g) The first board and all future members shall be appointed by the director of the~~
28 ~~department of health, with the approval of the governor.~~

29 ~~(h) The director of the department of health, with the approval of the governor, may~~
30 ~~remove any member of the board for dishonorable conduct, incompetency, or neglect of duty.~~

31 ~~**5-48-3. Board of examiners — Duties and powers — Meetings — Compensation of**~~
32 ~~**members.** (a) The board shall administer, coordinate, and enforce the provisions of this chapter,~~
33 ~~evaluate the qualifications of applicants, and may issue subpoenas, examine witnesses, and~~
34 ~~administer oaths, conduct hearings, and at its discretion investigate allegations of violations of~~

1 ~~this chapter and impose penalties if any violations of the chapter have occurred.~~

2 ~~(b) The board shall conduct hearings and keep records and minutes as necessary to an~~
3 ~~orderly dispatch of business.~~

4 ~~(c) The board shall, with the approval of the director of the department of health, adopt,~~
5 ~~amend or repeal rules and regulations, including, but not limited to, regulations that delineate~~
6 ~~qualifications for licensure and establish standards of professional conduct. Following their~~
7 ~~adoption, the rules and regulations shall govern and control the professional conduct of every~~
8 ~~person who holds a license to practice speech language pathology or audiology in this state.~~

9 ~~(d) The board shall make available complete lists of the names and addresses of all~~
10 ~~licensed speech language pathologists and/or audiologists.~~

11 ~~(e) The board may request legal advice and assistance from the appropriate state legal~~
12 ~~officer.~~

13 ~~(f) Regular meetings of the board shall be held at the times and places that it prescribes,~~
14 ~~and special meetings may be held upon the call of the chairperson; provided, that at least one~~
15 ~~regular meeting shall be held each year.~~

16 ~~(g) The conferral or enumeration of specific powers in this chapter shall not be construed~~
17 ~~as a limitation of the general powers conferred by this section. No member of the board shall be~~
18 ~~liable to civil action for any act performed in good faith in the performance of his or her duties as~~
19 ~~prescribed by this chapter.~~

20 ~~(h) Board members shall serve without compensation.~~

21 ~~(i) The board may suspend the authority of any registered speech language pathologist or~~
22 ~~audiologist to practice speech language pathology or audiology for failure to comply with any of~~
23 ~~the requirements of this chapter.~~

24 ~~**5-48-4. Board examiners — Seal — Authentication of records.** The board shall adopt~~
25 ~~the state seal by which it authenticates its proceedings. Copies of the proceedings, records, and~~
26 ~~acts of the board, and certificates purporting to relate the facts concerning those proceedings,~~
27 ~~records, and acts, signed by the secretary and authenticated by that seal, shall be evidence in all~~
28 ~~courts of this state.~~

29 SECTION 24. Sections 5-49-1, 5-49-6, 5-49-7, and 5-49-12 of the General Laws in
30 Chapter 5-49 entitled "Hearing Aid Dealers and Fitters" are hereby amended to read as follows:

31 **5-49-1. Definitions.** – As used in this chapter, except as the context may require:

32 (1) "Audiologist" means a person who has been awarded a certificate of competency by
33 the American Speech and Hearing Association and who is duly licensed by the department.

34 (2) "Board" means the [health professions board of review established in accordance with](#)

1 § 5-26.1-3. ~~board of hearing aid dealers and fitters.~~

2 (3) "Department" means the department of health.

3 (4) "Division" means the division of professional regulation and licensing within the
4 department of health.

5 ~~(4)~~ (5) "Hearing aid" means any wearable instrument or device designed for or offered for
6 the purpose of aiding or compensating for impaired human hearing, and any parts, attachments, or
7 accessories, including ear mold, but excluding batteries and cords.

8 ~~(5)~~ (6) "License" means a license issued by the state under this chapter to hearing aid
9 dealers and fitters.

10 ~~(6)~~ (7) "Practice of fitting and dealing in hearing aids" means the evaluation and
11 measurement of human hearing by means of an audiometer or by any other means solely for the
12 purpose of making selections, adaptations, or sale of hearing aids. The term also includes the
13 making of impressions for ear molds. This term does not include the making of audiograms for a
14 physician or a member of related professions for use in consultation with the hard of hearing.

15 ~~(7)~~ (8) "Sell" or "sale" means any transfer of title or of the right to use by lease, bailment,
16 or any other contract, excluding wholesale transactions with distributors or dealers.

17 ~~(8)~~ (9) "Temporary permit" means a permit issued while the applicant is in training to
18 become a licensed hearing aid dealer and fitter.

19 **5-49-6. Issuance of licenses and certificates of endorsement.** – (a) The division
20 ~~department~~ shall register each applicant without discrimination who passes an examination as
21 provided in § 5-49-7. Upon the applicant's payment as set forth in § 23-1-54 per annum for each
22 year of the term of license, the division ~~department~~ shall issue to the applicant a license signed by
23 the department. The total fee for the entire term of licensure shall be paid prior to the issuance of
24 the license.

25 (b) Whenever the division ~~board~~ determines that another state or jurisdiction has
26 requirements equivalent to or higher than those in effect pursuant to this chapter, and that this
27 state or jurisdiction has a program equivalent to or stricter than the program for determining
28 whether applicants pursuant to this chapter are qualified to dispense and fit hearing aids, the
29 department may issue certificates of endorsement to applicants who hold current, unsuspended,
30 and unrevoked certificates or licenses to fit and sell hearing aids in that other state or jurisdiction.

31 (c) No applicant for certificate of endorsement shall be required to submit to or undergo a
32 qualifying examination, etc., other than the payment of fees, as set forth in § 23-1-54.

33 (d) The holder of a certificate of endorsement shall be registered in the same manner as a
34 licensee. The fee for an initial certificate of endorsement shall be the same as the fee for an initial

1 license. Fees, grounds for renewal, and procedures for the suspension and revocation of
2 certificates of endorsement shall be the same as for renewal, suspension, and revocation of a
3 license.

4 **5-49-7. License by examination.** – (a) Applicants who do not meet the experience
5 qualification of former § 5-49-5 on July 1, 1973, may obtain a license by successfully passing a
6 qualifying examination, provided the applicant:

- 7 (1) Is at least twenty-one (21) years of age;
- 8 (2) Is of good moral character;
- 9 (3) Has an education equivalent to a four-year course in an accredited high school; and
- 10 (4) Is free of contagious or infectious disease.

11 (b) Applicants for license by examination shall appear at a time, place, and before any
12 persons that the department designates, to be examined by means of written and practical tests in
13 order to demonstrate that he or she is qualified to practice the fitting and sale of hearing aids. The
14 examination administered as directed by the [division board](#) shall not be conducted in a manner
15 that requires college training in order to pass. Nothing in this examination shall imply that the
16 applicant possess the degree of medical competence normally expected of physicians.

17 **5-49-12. Complaints – Grounds and proceedings for revocation or suspension of**
18 **licenses.** – (a)(1) Any person wishing to make a complaint against a licensee under this chapter
19 shall file this complaint, in writing, with the department, within one year from the date of the
20 action upon which the complaint is based.

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

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

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

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

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

34 (7) Either party taking depositions shall give at least five (5) days' written notice to the

1 other party of the time and place of those depositions, and the other party has the right to attend
2 (with counsel if desired) and cross-examine.

3 (8) Judicial appeals ~~Appeals~~ from suspension or revocation by the board may be made in
4 accordance with § 42-35-15. ~~through the appropriate administrative procedures act.~~

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

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

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

11 (3) Unethical conduct, including:

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

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

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

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

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

25 (vi) Habitual intemperance.

26 (vii) Gross immorality.

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

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

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

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

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

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

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

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

14 (8) Violating any provisions of this chapter.

15 SECTION 25. Sections 5-49-15, 5-49-16, 5-49-17 of the General Laws in Chapter 5-49
16 entitled "Hearing Aid Dealers and Fitters" are hereby repealed.

17 ~~5-49-15. Board Creation Composition Appointment and terms. (a) There is~~
18 ~~established a board of hearing aid dealers and fitters which guides, advises, and makes~~
19 ~~recommendations to the department.~~

20 ~~(b)(1) Members of the board shall be residents of the state.~~

21 ~~(2) The board shall consist of three (3) hearing aid dealers and fitters; one~~
22 ~~otolaryngologist; one audiologist; and one lay member who shall be a user of hearing aids and not~~
23 ~~employed in the practice of fitting and dealing in hearing aids.~~

24 ~~(3) Each hearing aid dealer and fitter on the board shall have no less than five (5) years~~
25 ~~experience and hold a valid license as a hearing aid dealer and fitter, as provided under this~~
26 ~~chapter.~~

27 ~~(4) Excepted shall be the hearing aid dealers and fitters of the first board appointed, who~~
28 ~~have no less than five (5) years of experience and fulfill all qualifications under § 5-49-7 as~~
29 ~~provided under this chapter.~~

30 ~~(e) All members of the board shall be appointed by the governor.~~

31 ~~(d) The term of office of each member shall be three (3) years; except that of the~~
32 ~~members of the first board appointed under this chapter, two (2) shall be appointed for two (2)~~
33 ~~years, two (2) shall be appointed for three (3) years, and two (2) shall be appointed for four (4)~~
34 ~~years.~~

1 ~~(e) Before a member's term expires, the governor shall appoint a successor to assume his~~
2 ~~or her duties on the expiration of his or her predecessor's term.~~

3 ~~(f) A vacancy in the office of a member shall be filled by appointment for the unexpired~~
4 ~~term.~~

5 ~~(g) The members of the board shall annually designate one member to serve as chair and~~
6 ~~another to serve as secretary-treasurer.~~

7 ~~(h) No member of the board who has served two (2) or more full terms may be~~
8 ~~reappointed to the board until at least one year after the expiration of his or her most recent full~~
9 ~~term of office.~~

10 ~~(i) Members of the board shall not be compensated for their services on the board.~~

11 ~~**5-49-16. Board Duties.**—(a) The board shall:~~

12 ~~(1) Advise the department in all matters relating to this chapter;~~

13 ~~(2) Prepare the examinations required by this chapter for the department; and~~

14 ~~(3) Assist the department in carrying out the provisions of this chapter.~~

15 ~~(b) The department shall be guided by the recommendations of the board in all matters~~
16 ~~relating to this chapter.~~

17 ~~**5-49-17. Board Meetings.**—The board shall meet not less than six (6) times each year~~
18 ~~at a place, day, and hour determined by the board. The board shall also meet at any other times~~
19 ~~and places as requested by the department.~~

20 SECTION 26. Sections 5-59.1-3, 5-59.1-6, and 5-59.1-12 of the General Laws in Chapter
21 5-59.1 entitled "Orthotics and Prosthetics Practices" are hereby amended to read as follows:

22 ~~**5-59.1-3. Definitions.**—~~ As used in this chapter:

23 (1) "ABC" means the American Board for Certification in Orthotics and Prosthetics or its
24 successor agency.

25 (2) "Board" means the health professions board of review established in accordance with
26 § 5-26.1-3. ~~"BOC" means the Board for Orthotist/Prosthetist Certification or its successor agency.~~

27 (3) "Custom fabricated orthotics" or "custom made orthotics" means devices designed
28 and fabricated, in turn, from raw materials for a specific patient and require the generation of an
29 image, form, or mold that replicates the patient's body or body segment and, in turn, involves the
30 rectification of an image.

31 (4) "Department" means the Rhode Island department of health.

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

33 (6) "Direct-formed orthoses" means devices formed or shaped during the molding
34 process directly on the patient's body or body segment.

1 (7) "Division" means the division of professional regulation and licensing in the
2 department of health.

3 ~~(7)~~(8) "Licensed Orthotist" means a person licensed under this chapter to practice
4 orthotics.

5 ~~(8)~~(9) "Licensed Prosthetist" means a person licensed under this chapter to practice
6 prosthetics.

7 ~~(9)~~(10) "Off-the-shelf orthosis" means devices manufactured by companies registered
8 with the Federal Food and Drug Administration other than devices designed for a particular
9 person based on that particular person's condition.

10 ~~(10)~~(11) "Orthosis" means a custom fabricated brace or support that is designed based on
11 medical necessity. Orthosis does not include prefabricated or direct-formed orthotic devices, as
12 defined in this section, or any of the following assistive technology devices: commercially
13 available knee orthoses used following injury or surgery; spastic muscle-tone inhibiting orthoses;
14 upper extremity adaptive equipment; finger splints; hand splints; wrist gauntlets; face masks used
15 following burns; wheelchair seating that is an integral part of the wheelchair and not worn by the
16 patient independent of the wheelchair; fabric or elastic supports; corsets; low-temperature formed
17 plastic splints; trusses; elastic hose; canes; crutches; cervical collars; dental appliances; and other
18 similar devices as determined by the director, such as those commonly carried in stock by a
19 pharmacy, department store, corset shop, or surgical supply facility.

20 ~~(11)~~(12) "Orthotics" means the science and practice of evaluating, measuring, designing,
21 fabricating, assembling, fitting, adjusting or, servicing, as well as providing the initial training
22 necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of
23 neuromuscular or musculoskeletal dysfunction, disease, injury or deformity. The practice of
24 orthotics encompasses evaluation, treatment, and consultation; with basic observational gait and
25 postural analysis, orthotists assess and design orthoses to maximize function and provide not only
26 the support but the alignment necessary to either prevent or correct deformity or to improve the
27 safety and efficiency of mobility or locomotion, or both. Orthotic practice includes providing
28 continuing patient care in order to assess its effect on the patient's tissues and to assure proper fit
29 and function of the orthotic device by periodic evaluation.

30 ~~(12)~~(13) "Orthotist" means an allied health professional who is specifically trained and
31 educated to provide or manage the provision of a custom-designed, fabricated, modified and
32 fitted external orthosis to an orthotic patient, based on a clinical assessment and a physician's
33 prescription, to restore physiological function and/or cosmesis, and certified by ABC or BOC.

34 ~~(13)~~(14) "Physician" means a doctor of allopathic medicine (M.D.), osteopathic medicine

1 (D.O.), podiatric medicine (D.P.M.), and chiropractic medicine (D.C.).

2 ~~(14)~~(15)"Prefabricated orthoses" or "off-shelf orthoses" means devices that are
3 manufactured as commercially available stock items for no specific patient.

4 ~~(15)~~(16)"Prosthesis" means an artificial limb that is alignable or, in lower extremity
5 applications, capable of weight bearing. Prosthesis also means an artificial medical device that is
6 not surgically implanted and that is used to replace a missing limb, appendage, or other external
7 human body part including an artificial limb, hand, or foot. The term does not include artificial
8 eyes, ears, noses, dental appliances, osotmy products, or devices such as eyelashes or wigs or
9 artificial breasts.

10 ~~(16)~~(17)"Prosthetics" means the science and practice of evaluation, measuring, designing,
11 fabricating, assembling, fitting, aligning, adjusting or servicing, as well as providing the initial
12 training necessary to accomplish the fitting of, a prosthesis through the replacement of external
13 parts of a human body, lost due to amputation or congenital deformities or absences. The practice
14 of prosthetics also includes the generation of an image, form, or mold that replicates the patient's
15 body or body segment and that requires rectification of dimensions, contours and volumes for use
16 in the design and fabrication of a socket to accept a residual anatomic limb to, in turn, create an
17 artificial appendage that is designed either to support body weight or to improve or restore
18 function or cosmesis, or both. Involved in the practice of prosthetics is observational gait analysis
19 and clinical assessment of the requirements necessary to refine and mechanically fix the relative
20 position of various parts of the prosthesis to maximize function, stability, and safety of the
21 patient. The practice of prosthetics includes providing and continuing patient care in order to
22 assess the prosthetic device's effect on the patient's tissues and to assure proper fit and function of
23 the prosthetic device by periodic evaluation.

24 ~~(17)~~(18)"Prosthetist" means a practitioner, certified by the ABC or BOC, who provides
25 care to patients with partial or total absence of a limb by designing, fabricating, and fitting
26 devices, known as prostheses. At the request of and in consultation with physicians, the
27 prosthetist assists in formulation of prescriptions for prostheses, and examines and evaluates
28 patients' prosthetic needs in relation to their disease entity and functional loss. In providing the
29 prostheses, he or she is responsible for formulating its design, including selection of materials and
30 components; making all necessary costs, measurements and model modifications; performing
31 fittings including static and dynamic alignments; evaluating the prosthesis on the patient;
32 instructing the patient in its use, and maintaining adequate patient records; all in conformity with
33 the prescription.

34 **5-59.1-6. Qualifications for license.** – (a) Qualification for licensing under this chapter

1 shall be the possession of the title "certified prosthetist" or "certified orthotist", as issued by and
2 under the rules of the American Board for Certification in Orthotics and Prosthetics, Inc. or the
3 ~~division Board for Orthotist/Prosthetist certification~~. Evidence of the possession of that title shall
4 be presented to the department.

5 (b) In order to qualify for a license to practice orthotics or prosthetics a person shall
6 provide proof of:

7 (1) Possession of a baccalaureate degree from an accredited college or university;

8 (2) Completion of an orthotic, or prosthetic education program that meets or exceeds the
9 requirements of the National Commission on Orthotic and Prosthetic Education;

10 (3) Completion of a clinical residency in orthotics and/or prosthetics that meets or
11 exceeds the standards of the National Commission on Orthotic and Prosthetic Education; and

12 (4) Current certification by ABC or ~~division BOC~~ in the discipline for which the
13 application corresponds.

14 **5-59.1-12. Relicensing – Renewal.** – Every holder of a license issued under this chapter
15 shall biannually attest to the department as to current certification issued by the American Board
16 of Certification in Orthotics and Prosthetics or the ~~division's Board for Orthotists/Prosthetist~~
17 Certification. All licenses issued under this chapter shall expire biannually on the last day of
18 September of every odd numbered year. A biennial renewal fee as set forth in § 23-1-54 shall be
19 required. Every orthotist and prosthetist shall conform to the standards of the American Board for
20 Certification in Orthotics and Prosthetics or ~~division Board for Orthotists/Prosthetists~~
21 ~~C~~certification.

22 SECTION 27. Sections 5-59.1-10 and 5-59.1-17 of the General Laws in Chapter 5-59.1
23 entitled "Orthotics and Prosthetics Practices" are hereby repealed.

24 ~~**5-59.1-10. Grandfather clause.** – Any person currently practicing full-time in the state
25 of Rhode Island on January 1, 2007 in an orthotist and/or prosthetic facility as a certified BOC or
26 ABC orthotist and/or prosthetist must file an application for licensure prior to sixty (60) days
27 after January 1, 2007 to continue practice at his or her identified level of practice. The applicant
28 must provide verifiable proof of active certification in orthotics and/or prosthetics by the ABC or
29 BOC. This section shall not be construed to grant licensing to a person who is a certified or
30 registered orthotic or prosthetic "fitter" or orthotic or prosthetic "assistant."~~

31 ~~**5-59.1-17. Advisory Board of orthotics and prosthetics practice – Composition –**
32 **Appointment and terms – Powers and duties.** – (a) There is hereby created an advisory
33 licensing board to review applications for licensure to obtain a license as an orthotist or
34 prosthetist pursuant to this chapter of the general laws. The review of each applicant's licensing~~

1 ~~shall require that the applicant have completed an NCOPE (National Commission on Orthotic and~~
2 ~~Prosthetic Education); accredited residency under a board certified practitioner in the respective~~
3 ~~discipline; and meet all of the requirements of the chapter. The board shall conduct its interviews~~
4 ~~and/or investigation and shall report its findings to the director of the department of health.~~

5 ~~(b) The licensing board shall be composed of three (3) persons: the director of the~~
6 ~~department of health, or his or her designee; one board certified Rhode Island state licensed~~
7 ~~prosthetist; and one board certified Rhode Island state licensed orthotist. The board certified~~
8 ~~orthotist and the board certified prosthetist shall be certified by the American Board of~~
9 ~~Certification in orthotics and prosthetics and licensed by the State of Rhode Island, shall serve for~~
10 ~~three (3) year terms and shall be selected by the board of directors of the Rhode Island Society of~~
11 ~~Orthotists and Prosthetists, Inc. The members of the board shall serve without compensation.~~

12 SECTION 28. Sections 5-60-2, 5-60-9, 5-60-13, 5-60-14, and 5-60-15 of the General
13 Laws in Chapter 5-60 entitled "Athletic Trainers" are hereby amended to read as follows:

14 **5-60-2. Definitions.** – As used in this chapter:

15 (1) "Athletic trainer" means a person with the specific qualifications established in § 5-
16 60-10 who, upon the direction of his or her team physician and/or consulting physician, carries
17 out the practice of athletic training to athletic injuries incurred by athletes in preparation of or
18 participation in an athletic program being conducted by an educational institution under the
19 jurisdiction of an interscholastic or intercollegiate governing body, a professional athletic
20 organization, or a board sanctioned amateur athletic organization; provided, that no athlete shall
21 receive athletic training services if classified as geriatric by the consulting physician. No athlete
22 shall receive athletic training services if non-athletic or age-related conditions exist or develop
23 that render the individual debilitated or non-athletic. To carry out these functions, the athletic
24 trainer is authorized to utilize modalities such as heat, light, sound, cold, electricity, exercise, or
25 mechanical devices related to care and reconditioning. The athletic trainer, as defined in this
26 chapter, shall not represent himself or herself or allow an employer to represent him or her to be,
27 any other classification of healthcare professional governed by a separate and distinct practice act.
28 This includes billing for services outside of the athletic trainer's scope of practice, including, but
29 not limited to services labeled as physical therapy.

30 (2) "Board" means the [health professions board of review established in accordance with](#)
31 ~~[§ 5-26.1-3. Rhode Island board of athletic trainers established under § 5-60-4.](#)~~

32 (3) "Department of health" means the department of state under which the board of
33 athletic trainers is listed.

34 (4) "Director" means the director or state official in charge of the department of health.

1 (5) "Division" means the division of professional regulation and licensing at the
2 department of health.

3 **5-60-9. License required to use title "athletic trainer".** – No person may use the title
4 "athletic trainer" or perform the duties of an athletic trainer, unless licensed by the division state
5 of Rhode Island to perform those duties.

6 **5-60-13. Expiration and renewal of licenses.** – A license issued under this chapter shall
7 expire on the thirtieth day of June of every odd-numbered year. Licenses shall be renewed
8 according to procedures established by the department and upon payment of the renewal fees
9 established in § 5-60-11. Beginning with the renewal application due July 1, 2003, and every
10 renewal year thereafter, each licensed athletic trainer who wishes to continue licensure as an
11 athletic trainer shall present satisfactory evidence to the division board that he or she has
12 completed the continuing education requirements established by the division board through
13 regulation.

14 **5-60-14. Grounds for refusal or revocation of licenses.** – The division board may
15 refuse to issue a license to an applicant or may suspend, revoke, or refuse to renew the license of
16 any licensee if he or she has:

17 (1) Been convicted of a felony or misdemeanor involving moral turpitude, the record of
18 conviction being conclusive evidence of conviction if the department determines after
19 investigation that the person has not been sufficiently rehabilitated to warrant the public trust;

20 (2) Secured a license under this chapter by fraud or deceit; or

21 (3) Violated or conspired to violate this chapter or rules or regulations issued pursuant to
22 this chapter.

23 **5-60-15. Appeals.** – An appeal from any decision or order of the division board may be
24 taken by any aggrieved party to the board in the manner provided for in the Administrative
25 Procedures Act, chapter 35 of title 42.

26 SECTION 29. Sections 5-60-4 and 5-60-5 of the General Laws in Chapter 5-60 entitled
27 "Athletic Trainers" are hereby repealed.

28 ~~**5-60-4. Board—Composition—Appointment, terms, oaths, and removal of members**~~
29 ~~**—Officers—Meetings.**~~ (a) ~~The director of the department of health, with the approval of the~~
30 ~~governor, shall appoint the members of the Rhode Island board of athletic trainers, which shall be~~
31 ~~composed of three (3) licensed athletic trainers and one public member and one physician~~
32 ~~licensed to practice medicine and with an interest in sports medicine. In making appointments to~~
33 ~~the board, the director shall give consideration to recommendations made by professional~~
34 ~~organizations of athletic trainers and physicians. Each appointee shall be licensed and practicing~~

1 ~~in the state, except that the director in appointing the athletic trainer members of the first board~~
2 ~~may appoint any practicing athletic trainer who possesses the qualification required by § 5-60-10.~~
3 ~~To qualify as a member, a person must be a citizen of the United States and a resident of the state~~
4 ~~for five (5) years immediately preceding appointment.~~

5 ~~(b) The members of the board shall be appointed for terms of three (3) years which expire~~
6 ~~on August 1 of even numbered years, except that in making the initial appointments the director~~
7 ~~shall designate one member to serve one year, two (2) members to serve two (2) years, and two~~
8 ~~(2) members to serve three (3) years. In the event of death, resignation, or removal of any~~
9 ~~member, the vacancy shall be filled for the unexpired portion of the term in the same manner as~~
10 ~~the original appointment. The director may remove any member for cause at any time prior to the~~
11 ~~expiration of his or her term. No member shall serve for more than two (2) consecutive three (3)~~
12 ~~year terms.~~

13 ~~(c) Each appointee to the board shall qualify by taking the constitutional oath of office~~
14 ~~within thirty (30) days from the date of his or her appointment. On presentation of the oath, the~~
15 ~~director shall issue commissions to appointees as evidence of their authority to act as members of~~
16 ~~the board.~~

17 ~~(d) The board shall elect from its members for a term of one year, a chairperson, vice-~~
18 ~~chairperson, and secretary-treasurer, and may appoint committees that it considers necessary to~~
19 ~~carry out its duties. The board shall meet at least two (2) times a year. Additional meetings may~~
20 ~~be held on the call of the chairperson or at the written request of any three (3) members of the~~
21 ~~board. The quorum required for any meeting of the board shall be three (3) members. No action~~
22 ~~by the board or its members has any effect unless a quorum of the board is present.~~

23 ~~**5-60-5. Board— Powers and duties.** Subject to the approval of the director, the board~~
24 ~~has the powers and duties to:~~

25 ~~(1) Make rules and regulations consistent with this chapter, which are necessary for the~~
26 ~~performance of its duties.~~

27 ~~(2) Prescribe application forms for license applicants.~~

28 ~~(3) Keep a complete record of all licensed athletic trainers and prepare annually a roster~~
29 ~~showing the names and addresses of all licensed athletic trainers, and make available a copy of~~
30 ~~the roster to any person requesting it on payment of a fee established by the department sufficient~~
31 ~~to cover the costs of the roster.~~

32 ~~(4) Keep a permanent record of all proceedings under this chapter.~~

33 ~~(5) Issue licenses to qualified applicants.~~

34 ~~(6) Conduct hearings to deny, revoke, suspend, or refuse renewal of licenses under this~~

1 ~~chapter, and issue subpoenas to compel witnesses to testify or produce evidence at the hearings.~~

2 SECTION 30. Sections 5-63.2-2, 5-63.2-8, 5-63.2-9, 5-63.2-10, 5-63.2-13, 5-63.2-14, 5-
3 63.2-15, 5-63.2-17, 5-63.2-21, 5-63.2-22, 5-63.2-24 and 5-63.2-26 of the General Laws in
4 Chapter 5-63.2 entitled "Mental Health Counselors and Marriage and Family Therapists" are
5 hereby amended to read as follows:

6 **5-63.2-2. Definitions.** – As used in this chapter:

7 (1) "Advertise" means, but is not limited to, the issuing or causing to be distributed any
8 card, sign, or device to any person; or the causing, permitting or allowing any sign or marking on
9 or in any building, radio or television, or by advertising by any other means designed to secure
10 public attention.

11 (2) "Board" means the [health professions board of review established in accordance with](#)
12 ~~[§ 5-26.1-3. board of mental health counselors and marriage and family therapists.](#)~~

13 (3) "Clinical counselor in mental health" means a person who is licensed pursuant to § 5-
14 63.2-9, which license is in force and not suspended or revoked as of the particular time in
15 question.

16 (4) ["Division" means the division of professional regulation and licensing in the](#)
17 [department of health.](#)

18 (5)(4) "Internship" means a part of an organized graduate program in counseling therapy
19 and constitutes a supervised experience within a mental health and/or marriage and family setting.

20 (6)(5) "Marriage and family therapists" means a person who is licensed pursuant to § 5-
21 63.2-10 which license is in force and not suspended or revoked as of the particular time in
22 question.

23 (7)(6) "Person" means any individual, firm, corporation, partnership, organization or
24 body politic.

25 (8)(7) "Practice of clinical mental health counseling" means the rendering of professional
26 services to individuals, families or groups for monetary compensation. These professional
27 services include:

28 (i) Applying the principals, methods and theories of counseling and/or psychotherapeutic
29 techniques to define goals and develop a treatment plan of action aimed toward the prevention,
30 treatment and resolution of social, mental and emotional dysfunction and intra or interpersonal
31 disorders in persons diagnosed at intake as non-psychotic and not presenting medical problems;
32 and

33 (ii) Engaging in psychotherapy of a non-medical nature utilizing supervision when
34 appropriate and making referrals to other psychiatric, psychological or medical resources when

1 the person is diagnosed as psychotic or presenting a medical problem.

2 ~~(9)~~(8) "Practice of marriage and family therapy" means the rendering of professional
3 services to individuals, family groups, couples or organizations for monetary compensation.
4 These professional services include applying principles, methods and therapeutic techniques for
5 the purpose of resolving emotional conflicts, modifying perceptions and behavior, enhancing
6 communications and understanding among all family members and the prevention of family and
7 individual crisis. Individual marriage and family therapists shall also engage in psychotherapy of
8 a non-medical and non -psychotic nature with appropriate referrals to psychiatric resources.

9 ~~(10)~~(9) "Practicum" means a part of an organized graduate program in counseling therapy
10 and constitutes a supervised experience within the graduate counseling program.

11 ~~(11)~~(10) "Qualified supervision" means the supervision of clinical services in accordance
12 with standards established by the ~~division Board~~ under the supervision of an individual who has
13 been recognized by the Board as an approved supervisor.

14 ~~(12)~~(11) "Recognized educational institution" means any educational institution which
15 grants a Bachelor's, Master's, or Doctoral degree and which is recognized by the ~~division Board~~
16 ~~of Mental Health Counselors and Marriage and Family Therapy Examiners~~ or a recognized post-
17 graduate clinical training program as specified in §§ 5-63.2-9(2) and 5-63.2-10(2).

18 (13) (12) "Use a title or description of" means to hold oneself out to the public as having
19 a particular status by means of stating on signs, mailboxes, address plates, stationery,
20 announcements, calling cards or other instruments of professional identification.

21 **5-63.2-8. Register of mental health counselors and marriage and family therapists –**
22 **Records – Issuance of licenses.** – The ~~division administrator of professional regulations of the~~
23 ~~department of health~~ shall maintain a register of all clinical mental health counselors and
24 marriage and family therapists licensed under this chapter which shall be open at all reasonable
25 times to public inspection. The ~~division administrator~~ shall be the custodian of all records
26 pertaining to the licensure of clinical mental health counselors and marriage and family therapists.
27 The division shall determine whether a license shall be issued. ~~He or she shall issue licenses only~~
28 ~~upon the recommendation of the board.~~

29 **5-63.2-9. Qualifications of licensed clinical mental health counselors.** – (a) An
30 applicant for licensure shall submit to the ~~division board~~ written evidence on forms furnished by
31 the division ~~of professional regulation~~ verified under oath that the applicant:

- 32 (1) Is of good character; and
33 (2) Has received a graduate degree specializing in counseling/therapy from a college or
34 university accredited by the New England Association of Schools and Colleges, or an equivalent

1 regional accrediting agency, and which has the approval by a cognizable national or regional
2 certifying authority; and

3 (3) Has completed sixty (60) semester hours or ninety (90) quarter hours within their
4 graduate counseling/therapy program; and

5 (4) Has completed a minimum of twelve (12) semester hours or eighteen (18) quarter
6 hours of supervised practicum and a minimum of one calendar year of supervised internship
7 consisting of twenty (20) hours per week or its equivalent with emphasis in mental health
8 counseling supervised by the department within the college or university granting the requisite
9 degree or by an accredited postgraduate clinical training program recognized by the United States
10 Department of Education, or education and/or experience which is deemed equivalent by the
11 ~~division board~~; and

12 (5) Has completed a minimum of two (2) years of relevant postgraduate experience,
13 including at least two thousand (2,000) hours of direct client contact offering clinical or
14 counseling or therapy services with emphasis in mental health counseling subsequent to being
15 awarded a master's degree, certificate of advanced graduate study or doctorate; and

16 (6) A minimum of one hundred (100) hours of post-degree supervised case work spread
17 over a two (2) year period; provided, that the supervision was provided by a person who at the
18 time of rendering the supervision was recognized by the ~~division board~~ as an approved
19 supervisor; and

20 (7) Has passed to the satisfaction of the ~~division board~~ an examination conducted by it to
21 determine the applicant's qualification for licensure as a clinical mental health counselor or is
22 applying for licensure under the provisions of § 5-63.2-15.

23 (b) A candidate shall be held to have qualified for licensure as a clinical mental health
24 counselor upon a determination of qualifications by the division. ~~the affirmative vote of at least~~
25 ~~four (4) members of the board, two (2) of whom must be mental health counselors on the board.~~

26 **5-63.2-10. Qualifications of licensed – Marriage and family therapists.** – (a) An
27 applicant for licensure shall submit to the ~~division board~~ written evidence on forms furnished by
28 the division of professional regulation verified under oath that the applicant:

29 (1) Is of good character; and

30 (2) Has completed a graduate degree program specializing in marital and family therapy
31 from a college or university accredited by the New England Association of Schools and Colleges,
32 or an equivalent regional accreditation agency; and

33 (3) Has completed sixty (60) semester hours or ninety (90) quarter hours within their
34 graduate degree program specializing in marital and family therapy; and

1 (4) Has completed a minimum of twelve (12) semester hours or eighteen (18) quarter
2 hours of supervised practicum and a one calendar year of supervised internship consisting of
3 twenty (20) hours per week or its equivalent with emphasis in marriage and family therapy
4 supervised by the department within the college or university granting the requisite degree or by
5 an accredited postgraduate clinical training program, approved by the commission on
6 accreditation for marriage and family therapy education recognized by the United States
7 department of education or education and/or experience which is deemed equivalent by the
8 division board; and

9 (5) Has had a minimum of two (2) years of relevant postgraduate experience, including at
10 least two thousand (2,000) hours of direct client contact offering clinical or counseling or therapy
11 services with emphasis in marriage and family therapy subsequent to being awarded a master's
12 degree or doctorate; and

13 (6) Has had a minimum of one hundred (100) hours of post-degree supervised case
14 spread over two (2) years; provided, that the supervision was provided by a person who at the
15 time of rendering the supervision was recognized by the division board as an approved
16 supervisor; and

17 (7) Has passed to the satisfaction of the board an examination conducted by it to
18 determine the applicant's qualifications for licensure as a marriage and family therapist or is
19 applying for licensure under the provisions of § 5-63.2-15.

20 (b) A candidate shall be qualified for licensure as a marriage and family therapist upon a
21 determination of qualifications by the division. ~~the affirmative vote of at least four (4) members~~
22 ~~of the board, two (2) of whom must be marriage and family therapists on the board.~~

23 **5-63.2-13. Licensure application.** – (a) Each person desiring to obtain a license as a
24 practicing marriage and family therapist or clinical mental health counselor shall make
25 application to the division board upon the form and in the manner that the board prescribes and
26 shall furnish satisfactory evidence to the division board that she or he:

27 (1) Is of good moral character;

28 (2) Has not engaged or is not engaged in any practice or conduct which would be a
29 ground for refusing to issue a license under § 5-63.2-21 of this chapter;

30 (3) Is qualified for licensure pursuant to the requirements of this chapter, or is currently
31 certified by the Rhode Island department of health as a mental health counselor or a marriage and
32 family therapist. The transition from certification to licensure does not require an additional fee
33 payment.

34 (b) Any person who applies to the division board shall be issued a license ~~by the board~~ if

1 she or he meets the qualifications stated in subdivisions (a)(1), (2), and (3) of this section and
2 provides satisfactory evidence to the board that she or he:

3 (1) Meets educational experience qualifications as follows:

4 (i) Educational requirements: a master's degree or certificate in advanced graduate studies
5 or a doctoral degree in marriage and family therapy or mental health counseling from a
6 recognized educational institution, or a graduate degree in an allied field from a recognized
7 educational institution and graduate level course work which is equivalent to a master's degree in
8 marriage and family therapy or mental health counseling, as determined by the division board.

9 (ii) Experience requirements: successful completion of two (2) calendar years of work
10 experience in marriage and family therapy or mental health counseling under qualified
11 supervision following receipt of a qualifying degree.

12 (2) Passes an examination administered by the division board.

13 **5-63.2-14. Examination of applicants.** – Examination for licensure shall be conducted
14 by the division as scheduled by the director of the department of health and offered ~~by the board~~
15 at least twice a year according to methods and in each subject fields that ~~is~~ the division deems
16 most practical and expeditious to test the applicant's qualifications. The division board may
17 require examinations to be written or oral, or both. In any written examination the identity of the
18 applicant shall not be disclosed to the division board until after the examination papers are
19 graded. Written examination papers shall be preserved and available ~~to the board~~ for at least two
20 (2) years.

21 **5-63.2-15. Licensure by endorsement.** – A license as a clinical mental health counselor
22 or marriage and family therapist may be issued, in the discretion of the division board, without
23 examination, to an applicant who is a clinical mental health counselor where the applicant is
24 licensed or certified in another state whose requirements are equivalent to or exceed the
25 requirements established pursuant to this chapter.

26 **5-63.2-17. Expiration and renewal of license.** – (a) Every clinical mental health
27 counselor and marriage and family therapist who desires to continue licensure as a licensed
28 clinical mental health counselor and licensed marriage and family therapist shall present
29 satisfactory evidence to the division board and approved by rule or regulation of the division
30 ~~board~~ that the licensed clinical mental health counselor and licensed marriage and family
31 therapist has completed a prescribed course of continuing education. The license of every person
32 licensed under the provisions of this chapter shall expire on the first day of July of the next even
33 year following the date of his or her license; provided, that no license shall expire prior to July 1,
34 1998. On or before the first day of May in each even year, commencing in the year 1998, the

1 ~~division administrator~~ shall mail an application for renewal of license to every person to whom a
2 license is issued or renewed during the current year, and every licensed person who desires to
3 renew his or her license files with the division the renewal application executed. This application
4 shall include verification of prescribed continuing education requirements, together with a
5 renewal fee as set forth in § 23-1-54 on or before the first day of June in each even year. Upon
6 receipt of the application and payment of the fee, the accuracy of the application shall be verified
7 and the ~~division administrator of professional regulation~~ shall grant a renewal license effective
8 July 1st and expiring twenty-four (24) months later.

9 (b) Any person who allows his or her license to lapse, by failing to renew it on or before
10 June 1st in each year, as provided in this section, shall be reinstated by the administrator of
11 professional regulation on payment of the current renewal fee plus an additional fee as set forth in
12 § 23-1-54; and verification of prescribed continuing education requirements. Any person using
13 the title "clinical mental health counselor" and/or "marriage and family therapist" during the time
14 his or her license has lapsed shall be subject to the penalties provided for violation of this chapter;
15 provided, that if a person has allowed his or her licensure to lapse for four (4) years or more, he or
16 she shall be reinstated only at the discretion of the ~~director. board.~~

17 **5-63.2-21. Grounds for discipline.** – The ~~division board~~ has the power to deny, revoke
18 or suspend any registration issued by the ~~department administrator of professional regulation~~ or
19 applied for in accordance with this chapter or to discipline a licensed clinical mental health
20 counselor and/or a licensed marriage and family therapist upon proof that the person:

- 21 (1) Is guilty of fraud or deceit in procuring or attempting to procure a registration;
- 22 (2) Is guilty of a felony or of a crime of immorality;
- 23 (3) Is habitually intemperate or is addicted to the use of habit-forming drugs;
- 24 (4) Is mentally incompetent;
- 25 (5) Has willfully or repeatedly violated any of the provisions of this chapter;
- 26 (6) Is habitually negligent in the performance of his or her duties;
- 27 (7) Has willfully or repeatedly violated any of the ethical principles governing mental
28 health counselors and marriage and family therapists and the practice of mental health counseling
29 and marriage and family therapy, as adopted by the ~~department board~~, and in force at the time a
30 charge is made and determined by the ~~division board~~, regardless of whether or not the person is a
31 member of any national, regional or state professional association; provided, that the ethical
32 principles are of a nationally-recognized standard of the respective national professional
33 organization.

34 **5-63.2-22. Procedure for discipline.** – When a sworn complaint is filed with the ~~division~~

1 ~~board~~ charging a person with having been guilty of any of the actions specified in § 5-63.2-20,
2 the division ~~of professional regulation~~ shall immediately investigate the charges, and ~~or, the~~
3 ~~board~~, after investigation, may institute charges. In the event the investigation reveals reasonable
4 grounds for believing that the applicant or person licensed under this chapter is guilty of the
5 charges, the division ~~the board shall fix a time and place for a hearing, and~~ shall cause a copy of
6 the charges, together with a notice of the time and the place fixed for a hearing before the board,
7 to be personally served upon the accused at least twenty (20) days prior to the time fixed for the
8 hearing. When personal service cannot be effected and the fact is certified by oath by any person
9 authorized to make service, the division ~~board~~ shall cause to be published once in each of two (2)
10 successive weeks, a notice of the hearing in a newspaper published in the county where the
11 accused last resided according to the records of the division ~~board~~ and shall mail a copy of the
12 charges and the notice to the accused at his or her last known address. When publication of notice
13 is necessary, the date of the hearing shall not be less than twenty (20) days after the last date of
14 publication of the notice. At the hearing the accused has the right to appear personally or by
15 counsel or both, to produce witnesses and evidence on his or her behalf, to cross-examine
16 witnesses and to have subpoenas issued by the administrator of professional regulation. The
17 attendance of witnesses and the production of books, documents and papers at the hearing may be
18 compelled by subpoenas issued by the administrator, which is served in accordance with law. At
19 the hearing the board ~~administrator~~ shall administer oaths that are necessary for the proper
20 conduct of the hearing. The board shall not be bound by the strict rules of procedure or by the
21 laws of evidence in the conduct of its proceedings, but the determination shall be based upon
22 sufficient legal evidence to sustain it. If the accused is found guilty of the charges, the board may
23 refuse to issue a registration to the applicant or may revoke or suspend his or her license or
24 discipline the person. Upon the revocation or suspension of any license the holder shall surrender
25 the license to the administrator of professional regulation who shall strike the name of the holder
26 from the register of licensed clinical mental health counselors and/or licensed marriage and
27 family therapists. A revocation or suspension of a license may be reviewed at the discretion of the
28 board or at the initiative of the administrator of professional regulation who may order a
29 rehearing of the issue if he or she finds cause.

30 **5-63.2-24. Injunction of violations.** – When it appears to the division ~~board~~ that any
31 person is violating any of the provisions of this chapter, the director of the department of health
32 may cause an action to be instituted, commenced in the name of the department ~~board~~, to enjoin
33 the violation in a court of competent jurisdiction and the court may enjoin any person from
34 violating any of the provisions of this chapter without regard to whether proceedings have been or

1 may be instituted before the board or whether criminal proceedings have been or may be
2 instituted.

3 **5-63.2-26. Appeals from director and board.** – Any person aggrieved by a decision or
4 ruling of the ~~director of the department of health or the~~ board may appeal to the superior court in
5 the manner provided in the Administrative Procedures Act, chapter 35 of title 42. [The term](#)
6 [“person” shall include the department.](#)

7 SECTION 31. Sections 5-63.2-3, 5-63.2-4, 5-63.2-5, 5-63.2-6, 5-63.2-7 of the General
8 Laws in Chapter 5-63.2 entitled “Mental Health Counselors and Marriage and Family Therapists”
9 are hereby repealed:

10 ~~**5-63.2-3. Board of mental health counselors and marriage and family therapists.**~~
11 ~~Within the division of professional regulation in the state department of health, there is a board of~~
12 ~~mental health counselors and marriage and family therapists consisting of nine (9) members.~~

13 ~~**5-63.2-4. Composition of board—Appointment, terms and removal of members.**~~ The
14 ~~director of the department of health with the approval of the governor shall appoint nine (9)~~
15 ~~electors as members of the board. Three (3) shall be clinical mental health counselors, at least two~~
16 ~~(2) of whom shall meet the qualifications of § 5-63.2-9 and have at least five (5) years of private~~
17 ~~practice experience in mental health counseling; three (3) shall be marriage and family therapists,~~
18 ~~who shall be clinical marriage and family therapists who meet the qualifications of § 5-63.2-10~~
19 ~~and have at least five (5) years of private practice experience in marriage and family therapy;~~
20 ~~three (3) shall be members of the public. Commencing September 1996, the director of the~~
21 ~~department of health shall appoint one clinical mental health counselor for one year, one clinical~~
22 ~~mental health counselor for two (2) years, one clinical mental health counselor for three (3) years;~~
23 ~~one marriage and family therapist for one year, one marriage and family therapist for two (2)~~
24 ~~years, and one marriage and family therapist for three (3) years, and one public member for two~~
25 ~~(2) years, and two (2) public members for three (3) years. After this all terms of appointments~~
26 ~~shall be for three (3) years. In no instance shall a person serve more than six (6) consecutive years~~
27 ~~on the board.~~

28 ~~**5-63.2-5. Organization and meeting of board.**~~ The board shall organize immediately
29 ~~after the appointment and qualification of its members. The board shall annually elect a~~
30 ~~chairperson and secretary. Meetings may be called by the chairperson or the director of the~~
31 ~~department of health or by written request of four (4) members of the board. Five (5) members of~~
32 ~~the board shall constitute a quorum; provided, that a clinical mental health counselor and a~~
33 ~~marriage and family therapist must be present. The board shall meet as often as necessary.~~

34 ~~**5-63.2-6. General powers of board.**~~ The board is authorized to recommend to the

1 ~~director of the department of health for his or her approval the adoption, and from time to time,~~
2 ~~the revision of the rules and regulations not inconsistent with law that may be necessary to enable~~
3 ~~it to carry into effect the provisions of this chapter. The board shall recommend for licensure at~~
4 ~~least twice a year. It shall determine the tests which applicants for licensure take. The division of~~
5 ~~professional regulation shall adopt policies to be followed in the examination, licensure and~~
6 ~~renewal of licenses of qualified applicants. The board shall conduct hearings upon charges calling~~
7 ~~for the discipline of a licensed clinical mental health counselor or licensed marriage and family~~
8 ~~therapist or for revocation of a license. The administrator of professional regulation has the power~~
9 ~~to issue subpoenas and compel the attendance of witnesses and administer oaths to persons giving~~
10 ~~testimony at hearings. The board or the director of the department of health shall cause the~~
11 ~~prosecution of all persons violating this chapter and has the power to incur the necessary~~
12 ~~expenses for the prosecution. The board shall make provisions for continuing educational~~
13 ~~requirements for licensure. The board shall keep a record of all its proceedings.~~

14 ~~**5-63.2-7. Reimbursement of board members.** Members of the board shall serve~~
15 ~~without compensation.~~

16 SECTION 32. Sections 5-64-3, 5-64-10, 5-64-12, 5-64-13 and 5-64-14 of the General
17 Laws in Chapter 5-64 entitled "Licensed Dietitian" are hereby amended to read as follows:

18 **5-64-3. Definitions.** – As used in this chapter:

19 (1) "Board" means the [health professions board of review established in accordance with](#)
20 ~~[§ 5-26.1-3. Rhode Island state board of dietetics.](#)~~

21 (2) "Commission of dietetic registration" (CDR) means a commission on dietetic
22 registration that is a member of the National Commission for Health Certifying Agencies.

23 (3) "Degree" means a degree received from or validated by a college or university that
24 was regionally accredited through the council on postsecondary accreditation and the U.S.
25 Department of Education at the time the degree was conferred.

26 (4) "Dietetics" means the professional discipline of applying principles derived from the
27 sciences of nutrition, biochemistry, physiology, management, and behavioral and social sciences
28 in the provision of dietetic services.

29 (5) "Dietitian and/or nutritionist" means a person engaged in the practice of dietetics.

30 (6) "Director" means the director of the Rhode Island department of health.

31 [\(7\) "Division" means the division of professional regulation and licensing in the](#)
32 [department of health.](#)

33 ~~(8)(7)~~ "Examination" means the registration examination for dietitians or other exam as
34 determined by and approved by the board.

1 (9)(8) "Licensed dietitian/nutritionist" means a person licensed under this chapter.

2 (10)(9) "Registered dietitian" means a person registered by the commission of dietetic
3 registration.

4 **5-64-10. Procedure for discipline.** – (a) When a sworn complaint is filed with the
5 division board charging a person with having been guilty of any of the actions specified in § 5-
6 64-9, the division ~~of professional regulation~~ shall immediately investigate the charges ~~;~~ ~~or, the~~
7 ~~board, after investigation, may institute charges.~~ In the event the investigation reveals reasonable
8 grounds for believing that the applicant or person certified under this chapter is guilty of the
9 charges, the division board ~~shall fix a time and place for a hearing, and~~ shall cause a copy of the
10 charges together with a notice of the time and place fixed for the hearing before the board to be
11 served personally upon the accused at least twenty (20) days prior to the time fixed for the
12 hearing. When personal service cannot be affected and the fact is certified by oath by any person
13 authorized to make service, the division board shall cause to be published once in each of two (2)
14 successive weeks, a notice of the hearing in a newspaper published in the county where the
15 accused last resided according to the records of the division board and shall mail a copy of the
16 charges and the notice to the accused at his or her last known address. When publication of notice
17 is necessary, the date of the hearing shall not be less than twenty (20) days after the last date of
18 publication of the notice. At the hearing the accused has the right to appear personally or by
19 counsel or both, to produce witnesses and evidence on his or her behalf and to cross-examine
20 witnesses. The attendance of witnesses and the production of books, documents, and papers at the
21 hearing may be compelled by subpoenas issued by the administrator of the division which shall
22 be served in accordance with law. At the hearing the board administrator shall administer oaths
23 that may be necessary for the proper conduct of the hearing. The board ~~division of professional~~
24 ~~regulation~~ shall not be bound by the strict rules of procedure or by the laws of evidence in the
25 conduct of its proceedings but the determination shall be based upon sufficient legal evidence to
26 sustain it. If the accused is found guilty of the charges, the division ~~of professional regulation~~ may
27 refuse to issue a license or otherwise discipline the person.

28 (b) Upon the revocation or suspension of any license the holder shall surrender the
29 license to the division administrator of professional regulation who shall strike the name of the
30 holder from the register.

31 (c) A revocation or suspension of license may be reviewed at the discretion of the
32 division ~~of professional regulation or at the initiative of the administrator of professional~~
33 ~~regulation~~ who may order a rehearing of the issue if he or she finds cause.

34 **5-64-12. Exemptions.** – This chapter shall not be construed as preventing or restricting

1 the practice, services, or activities of:

2 (1) Any person who does not call himself or herself a dietitian/nutritionist from
3 furnishing nutritional information to customers or any consumer as to the use of foods, food
4 products, or dietary supplements in connection with the marketing and distribution of those
5 products; or to the general public for educational purposes and any person who provides a weight
6 loss program and/or health maintenance counseling as long as the persons do not engage in
7 nutrition counseling for the management of disease, and do not hold themselves out to be
8 dietitians/nutritionists.

9 (2) A person licensed or certified in this state under any other law from engaging in the
10 profession or occupation for which the person is licensed or certified and any person holding a
11 doctoral degree from an accredited institution in nutrition or a related field as determined by the
12 [division board](#); and any person with a bachelor's degree in home economics from furnishing
13 nutrition information incidental to the practice of his or her profession.

14 (3) A person employed as a dietitian/nutritionist by the government of the United States
15 or the state or by a participating local agency of the special supplemental food program for
16 women, infants and children, if the person practices solely under direction or control of the
17 organization by which the person is employed.

18 (4) A student enrolled in a [division board](#) approved academic program in
19 dietetics/nutrition.

20 (5) Family members, friends, or acquaintances who provide gratuitous nutrition advice as
21 long as the advisor does not hold himself or herself out to be a dietitian/nutritionist.

22 (6) Not-for-profit health-related agencies, as described in 26 U.S.C. § 501(c)(3), which
23 provide nutrition information in the normal course of doing business.

24 **5-64-13. License expiration, renewal.** – All licenses under this chapter shall be renewed
25 biennially and shall be accompanied by a fee of one hundred twenty-five dollars (\$125). The
26 application shall be accompanied or supported by evidence of the completion of a minimum of
27 twenty (20) continuing nutrition education credits as approved by the [division board](#), reported
28 biennially every second year after the 1993 recertification period. Failure to file an application for
29 a renewal license to practice and to furnish the evidence shall constitute grounds for revocation,
30 suspension, or refusal to renew the license, unless the [division board-of-dietetics](#) in its discretion
31 determines the failure to be due to reasonable cause or excusable neglect. This applicant shall be
32 given six (6) months to make up the appropriate amount of credits required to bring him or her
33 into compliance. The candidate shall be subject to immediate suspension or revocation of license.

34 **5-64-14. Licensing without examination.** – (a) The [division board](#) shall recommend for

1 licensure any person:

2 (1) Who meets the qualifications of § 5-64-6(a)(1) and who submits the required
3 application and fee together with satisfactory evidence to the ~~division~~ ~~board~~ that he or she has
4 been practicing dietetics for at least one year since 1983; or

5 (2) Who provides evidence of current registration as a registered dietitian by the
6 commission of dietetic registration.

7 (b) Licensure under the provisions of subdivision (a)(1) of this section cannot be granted
8 after two (2) years following promulgation of rules and regulations.

9 SECTION 33. Section 5-64-5 of the General Laws in Chapter 5-64 entitled “Licensed
10 Dietitian” is hereby repealed.

11 ~~5-64-5. Rhode Island state board of dietetics practice. (a) Within the division of~~
12 ~~professional regulation in the Rhode Island department of health there is a board of dietetics~~
13 ~~practice.~~

14 ~~(1) The board shall consist of nine (9) members appointed for terms of three (3) years~~
15 ~~each with no member serving more than two (2) consecutive terms. One shall be the director of~~
16 ~~the department of health or designee. Five (5) shall be licensed dietitians/nutritionists appointed~~
17 ~~by the director of the department of health, with the approval of the governor, except that the~~
18 ~~appointments made initially need not be licensed under this chapter. (In his or her initial~~
19 ~~appointment the director shall designate the licensed dietitian/nutritionist members of the board as~~
20 ~~follows: one member to serve for a term of one year; two (2) members to serve for a term of two~~
21 ~~(2) years; and two (2) members to serve for a term of three (3) years). One member shall be a~~
22 ~~physician licensed to practice medicine in this state appointed by the governor. Two (2) shall be~~
23 ~~consumers appointed by the governor.~~

24 ~~(2) The director of the department of health may remove any member of the board for~~
25 ~~cause.~~

26 ~~(3) Vacancies shall be filled for the unexpired portion of any term in the same manner as~~
27 ~~the original appointment.~~

28 ~~(b) The duties of the board shall be to:~~

29 ~~(1) Recommend to the director rules and regulations necessary to implement this chapter.~~

30 ~~(2) Determine the qualification and fitness of applicants and to issue and/or reinstate~~
31 ~~licenses.~~

32 ~~(3) Recommend to the director revocation, suspension and/or denial of a license.~~

33 SECTION 34. Sections 5-64.1-3, 5-64-5, 5-64.1-7, and 5-64.1-10 of the General Laws in
34 Chapter 5-64.1 entitled “Dietary Manager” are hereby amended to read as follows:

1 **5-64.1-3. Definitions.** – As used in this chapter:

2 (1) "Board" means the [health professions board of review established in accordance with](#)
3 [§ 5-26.1-3.](#) ~~certifying board for dietary managers. The board has authority over the rules and~~
4 ~~regulations of the certification program for dietary managers.~~

5 (2) "Certified dietary manager" (C.D.M.) means to have entry level competency to
6 perform the duties and responsibilities of a dietary manager; that a person has training and
7 experience, and has passed an entry level credentialing exam to document his or her competency
8 after which participation in continuing education to maintain competency.

9 (3) "Dietary manager" means a person who:

10 (i) Integrates and applies principles with education and training at an accredited school,
11 college, or university in purchasing, personnel practices, supervision of people, budgeting and
12 finance, menu planning, and nutrition;

13 (ii) Directs and coordinates food service activities of a hospital, nursing home, or a
14 related facility;

15 (iii) Confers with dieticians to ensure that menus and department policies conform to
16 nutritional standards and government and established regulations and procedures;

17 (iv) Reviews patient diet information and discusses requests, changes, and inconsistencies
18 with patient, professional staff, and/or resident food committee or council;

19 (v) Plans and coordinates through subordinate supervisors, standards and procedures of
20 food storage, preparation, and service, department and equipment sanitation, employee safety,
21 and personnel policies and procedures;

22 (vi) Inspects food and food preparation and storage areas with knowledge of health and
23 sanitation regulations;

24 (vii) Tastes, smells, and observes food to ensure conformance with recipes and
25 appearance standards;

26 (viii) Attends meetings with employees, department heads, administration, and dieticians
27 to discuss regulations, procedures, grievances, and recommendations for improving food service;

28 (ix) Computes operating costs for own information and for information of administration;

29 (x) In the absence of the dietician, a certified dietary manager is responsible for the
30 department; and

31 (xi) Oversees all therapeutic diets to be planned in writing, reviewed, approved, and dated
32 by the qualified dietician.

33 (4) ["Division" means the division of professional regulation and licensing in the](#)
34 [department of health.](#)

1 (5)(4) "Facility" or "institution" means an organization or corporation such as hospitals,
2 nursing homes, commercial and/or community feeding.

3 (6)(5) "Managerial/supervisory experience" means that eighty percent (80%) of the
4 individual's time is spent in a full-time managerial/supervisory capacity.

5 (7)(6) "Person" or "individual" means an individual person whether a resident of this state
6 or not.

7 (8)(7) "Registered dietician" means any person registered to practice dietetics as specified
8 by the commission of registration of the American Dietetic Association.

9 **5-64.1-5. Restriction on use of titles.** – Only a person certified by the division board as a
10 certified dietary manager shall use the words "Certified Dietary Manager" (C.D.M.) in connection
11 with his or her name or place of business, or may use the words, letters, abbreviations, or insignia
12 indicating or implying that he or she is a certified dietary manager.

13 **5-64.1-7. Eligibility of dietary managers.** – (a) A person shall present satisfactory
14 evidence to the division board of having successfully completed the academic requirements of an
15 educational program in dietary management recognized by the division board at an accredited
16 college or university as determined by the division board.

17 (b) All persons shall meet the qualifications established by the commission of registration
18 of the American Dietetic Association for registered dieticians.

19 (c) An applicant for certification shall have successfully completed the written
20 examination of the Dietary Manager's Association. The title of C.D.M. must be earned by
21 successfully completing the examination.

22 (d) Applicants shall be responsible for applying to take the certifying board for dietary
23 manager's examination which is offered at a predetermined time and place. The application shall
24 be accompanied by a fee as prescribed by the division board, and this fee shall not be refundable.

25 (e) An applicant shall only be required to take the examination on one occasion;
26 provided, that he or she shall be required to maintain certified status by earning sufficient work
27 time hours as prescribed by the D.M.A., and shall pay annual certification fees when they are due.

28 (f) Failure to comply with requirements of this section shall result in the loss of certified
29 status, and the person shall be required to successfully complete the exam again.

30 (g) To maintain certified status, forty-five (45) hours of continuing education must still be
31 earned in each three (3) year certifying period. If this requirement is not met, certified status shall
32 be lost.

33 (h) The exam may be taken three (3) times. If an applicant fails all three (3) times, he or
34 she has to take some board certified specific refresher courses before being eligible to take the

1 exam again. Application and fees must be submitted each time he or she applies.

2 (i) Neither D.M.A. nor the [division certifying board for dietary managers](#) shall administer
3 the examination. It shall be administered by a recognized testing firm.

4 (j) Simply graduating from a dietary manager training program only does not constitute
5 certification. The graduate must meet all eligibility requirements for membership in D.M.A. as
6 established in this chapter.

7 **5-64.1-10. Fees.** – The [division board](#) shall prescribe reasonable fees for, but not limited
8 to:

- 9 (1) Initial fees;
- 10 (2) Renewal fees;
- 11 (3) Late fees;
- 12 (4) Certification fees; and
- 13 (5) Membership fees.

14 SECTION 35. Sections 5-68.1-2, 5-68.1-4, 5-68.1-6, 5-68.1-7, 5-68.1-10, 5-68.1-11, and
15 5-68.1-13 of the General Laws in Chapter 5-68.1 entitled “Radiologic Technologists” are hereby
16 amended to read as follows:

17 **5-68.1-2 Definitions.** – As used in this chapter:

18 (1) "Authorized user" means a licensed practitioner who meets the training and
19 experience requirements defined in rules and regulations promulgated pursuant to chapter 23-1.3.

20 (2) "Board" means the [health professions board of review established in accordance with](#)
21 [§ 5-26.1-3](#)~~board of radiologic technology.~~

22 (3)(i) "Department" means the Rhode Island department of health.

23 (ii) [“Division” means the division of professional regulation and licensing in the](#)
24 [department of health.](#)

25 (4) "Director" means the director of the Rhode Island department of health.

26 (5) "Financial interest" means being:

27 (i) A licensed practitioner of radiologic technology; or

28 (ii) A person who deals in goods and services that are uniquely related to the practice of
29 radiologic technology; or

30 (iii) A person who has invested anything of value in a business that provides radiologic
31 technology services.

32 (6) "License" means a license issued by the director to practice radiologic technology.

33 (7) "Licensed practitioner" means an individual licensed to practice medicine,
34 chiropractic, or podiatry, or an individual licensed as a registered nurse practitioner or physician

1 assistant in this state.

2 (8) "Medical physicist" means an individual, other than a licensed practitioner, who
3 practices independently one or more of the subfields of medical physics, and is registered or
4 licensed under rules and regulations promulgated pursuant to section 23-1.3

5 (9) "National organization" means a professional association or registry, approved by the
6 director, that examines, registers, certifies or approves individuals and education programs
7 relating to operators of sources of radiation.

8 (10) "Nuclear medicine technologist" means an individual, other than a licensed
9 practitioner, who compounds, calibrates, dispenses and administers radiopharmaceuticals,
10 pharmaceuticals, and radionuclides under the general supervision of an authorized user for benefit
11 of performing a comprehensive scope of nuclear medicine procedures, and who has met and
12 continues to meet the licensure standards of this chapter.

13 (11) "Person" means any individual, corporation, partnership, firm, association, trust,
14 estate, public or private institution, group, agency, political subdivision of this state or any other
15 state, or political subdivision of any agency thereof and any legal successor, representative, agent
16 or agency of the foregoing.

17 (12) "Radiation therapist" means an individual, other than a licensed practitioner, who
18 utilizes ionizing radiation under the general supervision of an authorized user for the planning and
19 delivery of therapeutic procedures, and who has met and continues to meet the licensure
20 standards of this chapter.

21 (13) "Radiology technologist" also known as a "radiographer" means an individual, other
22 than a licensed practitioner, who performs a comprehensive scope of diagnostic radiologic
23 procedures under the general supervision of a licensed practitioner using external ionizing
24 radiation, resulting in radiographic or digital images, and who has met and continues to meet the
25 licensure standard of this chapter.

26 (14) "Radiologist" means a licensed practitioner specializing in radiology who is certified
27 by or eligible for certification by the American Board of Radiology or the American Osteopathic
28 Board of Radiology, the British Royal College of Radiology, or the Canadian College of
29 Physicians and Surgeons.

30 (15) "Radiologist assistant" means an individual, other than a licensed practitioner, who
31 performs as an advanced level radiologic technologist and works under the general supervision of
32 a radiologist to enhance patient care by assisting the radiologist in the medical imaging
33 environment, and who has met and continues to meet the licensure standards of this chapter.

34 (16) "Source of radiation" means any substance or device emitting or capable of

1 producing ionizing radiation, for the purpose of performing therapeutic or diagnostic radiologic
2 procedures on human beings.

3 (17) "Student" means an individual enrolled in a course of study for medicine or
4 radiologic technology.

5 (18) "Supervision" means and includes:

6 (i) "Direct supervision" means supervision and control by a licensed practitioner who
7 assumes legal liability for the services rendered by the radiologic technologist, which supervision
8 requires the physical presence of the licensed practitioner for consultation and direction of the
9 actions of the radiologic technologist.

10 (ii) "General supervision" means supervision whereby a licensed practitioner, who
11 assumes legal liability for the services rendered, authorizes the services to be performed by the
12 radiologic technologist, which supervision, except in cases of emergency, requires the easy
13 availability or physical presence of the licensed practitioner for consultation and direction of the
14 actions of the radiologic technologist.

15 **5-68.1-4 License required.** – (a) No individual shall practice radiologic technology or
16 shall represent themselves as practicing radiologic technology, unless they are licensed under
17 this chapter. The provisions of this section do not apply to:

18 (1) A licensed practitioner when practicing within his or her field of expertise.

19 (2) A student of medicine, when under the general supervision of an instructor who is a
20 radiologist and when acting within the scope of practice.

21 (3) A dentist, licensed dental hygienist or certified dental assistant when practicing
22 within his or her field of expertise.

23 (4) A podiatry assistant who has received a "certificate of completion" from the
24 Community College of Rhode Island or other equivalent training approved by the [division board](#),
25 after having taken and passed the course on "radiography for podiatry assistance" and when
26 acting within the practice of podiatry.

27 (5) A medical physicist when practicing within his or her field of expertise.

28 (6) A licensed healthcare provider at a licensed ambulatory care facility on Block Island
29 and where the director of health determines a waiver of the licensure requirements to be in the
30 interest of public health.

31 (b) Nothing in this chapter is intended to limit, preclude or interfere with the practice of
32 persons and health care providers licensed by appropriate agencies of Rhode Island.

33 (c) This chapter does not prohibit an individual enrolled in an approved school of
34 radiologic technology, under the direct supervision of a radiologist or a licensed radiologic

1 technologist, from performing those duties essential for completion of a student's clinical service.

2 (d) This chapter is not intended to supersede the mammography rules and regulations
3 promulgated pursuant to § 23-17-32.

4 **5-68.1-6 Licensing by training and examination.** – (a) Any individual desiring to
5 become a licensed radiologic technologist shall make application to the [division board](#) on a
6 written form and in the manner that the [division board](#) prescribes, shall pay all the required
7 application fees and shall furnish evidence to the board that the applicant:

8 (1) Has successfully completed a training program approved by the division board;

9 (2) Has passed the appropriate examination(s) given by the American Registry of
10 Radiologic Technologists, the Nuclear Medicine Technology Certification Board or other
11 national organization specified in rules and regulations adopted pursuant to this chapter; and

12 (b) Graduate practice. Any graduate of a training program approved by the [division board](#)
13 who has filed a completed application (including all documents except for examination scores)
14 for licensing shall be recognized, upon receiving a receipt from the director, as a graduate
15 technologist for a period not to exceed ninety (90) days from the date on the application fee
16 receipt.

17 (1) This receipt shall authorize the applicant to practice that branch of radiologic
18 technology specified on the application until the results of the exam are distributed and acted
19 upon by the [division board](#), but in no case shall the authorized period exceed ninety (90) days.
20 During this authorized period, the applicant shall identify him or herself only as a "graduate
21 technologist."

22 (2) If the applicant fails to take the examination and receive a license, as specified in
23 subsection 5-68.1-6(a), during this authorized ninety (90) day period or fails to pass the
24 examination, all authorization to practice as a graduate technologist shall immediately become
25 null and void.

26 (3) Authorization to practice as a graduate technologist shall only be granted by the
27 [division board](#) to an individual for a single period not to exceed ninety (90) days, and shall not be
28 extended or renewed.

29 **5-68.1-7 Licensing by endorsement.** – Any individual desiring to become a licensed
30 radiologic technologist by endorsement shall make application to the [division board](#) on a written
31 form and in a manner that the division board prescribes and shall pay all the required application
32 fees. The applicant shall also furnish evidence to the [division board](#) that he or she holds a current
33 certificate, license or registration to practice radiologic technology in another state, and the
34 requirements for such certificate, license or registration, as determined by the [division board](#), are

1 substantially equivalent to those established under this chapter, and rules and regulations
2 promulgated pursuant to this chapter.

3 **5-68.1-10 Fees.** – (a) The director, ~~in consultation with the board,~~ shall establish an initial
4 application fee as set forth in § 23-1-54 and a license renewal fee that shall be prescribed in rules
5 and regulations promulgated pursuant to § 5-68.1-15.

6 (b) The proceeds of any fees collected pursuant to the provisions of this chapter shall be
7 deposited in the general fund as general revenues.

8 **5-68.1-11 Denial, suspension, revocation and reinstatement of licenses.** – (a) The
9 ~~division board~~ may recommend refusal, suspension or revocation of any license, ~~in accordance~~
10 ~~with the provisions of section 42-35,~~ for any of the following causes:

11 (1) Having a certificate, license or registration to practice radiologic technology revoked,
12 suspended, or otherwise acted against, including being denied certification by a national
13 organization, by a specialty board recognized by the director, or by a certification authority of
14 another state, territory or country;

15 (2) Fraud in the procurement of any license under this chapter, including, but not limited
16 to, impersonating or acting a proxy for an applicant in an examination for licensure in the field of
17 radiologic technology;

18 (3) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a
19 crime that directly relates to the practice of radiologic technology or to the ability to practice
20 radiologic technology. Pleading nolo contendere shall be considered a conviction for the purpose
21 of this provision.

22 (4) Incompetence or engaging in negligent or unprofessional conduct, which includes, but
23 is not limited to, any departure from, or the failure to conform to, the standards of practice of
24 radiologic technology as established by the director, in which case actual injury need not be
25 established;

26 (5) Being unable to practice radiologic technology with reasonable skill and safety to
27 patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or other materials or as
28 a result of any mental or physical condition. A licensee affected under this paragraph shall, at
29 reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume the
30 competent practice of radiologic technology with reasonable skill and safety.

31 (6) Making or filing a false report or record that the licensee knows to be false,
32 intentionally or negligently failing to file a report or record required by state or federal law, or
33 willfully impeding or obstructing such filing or inducing another to so. Such reports or records
34 include only those reports or records which are signed in the capacity of the licensee.

1 (7) (a) Violating, or aiding or abetting any person to violate, any provision of this chapter,
2 any rule or regulation promulgated pursuant to this chapter, or any lawful order of the director
3 previously entered in a disciplinary proceeding or failing to comply with a lawfully issued
4 subpoena of the director.

5 (b) Any person aggrieved by any determination of the division in regard to any of the
6 provisions of this chapter, may appeal to the health professions board of review in accordance
7 with § 5-26.1-5.

8 ~~(c)(b)~~ Five (5) years from the date of revocation of a license under this chapter,
9 application may be made for reinstatement, restoration or modification of probation. The division
10 board has the discretion to accept or reject any application for the reinstatement.

11 ~~5-68.1-13 Appeals from board or director~~ **Appeals from board.** – An appeal from any
12 decision or order of the board or director may be taken in accordance with the provisions of
13 section 42-35-15.

14 SECTION 36. Section 5-68.1-3 of the General Laws in Chapter 5-68 entitled
15 “Radiologic Technologists” is hereby repealed.

16 ~~§ 5-68.1-3 Board—Composition—Appointment and terms of members.—(a) Within the~~
17 ~~Rhode Island department of health there shall be a board of radiologic technology consisting of~~
18 ~~seven (7) members as follows:~~

19 ~~(1) One member shall be a member of the public who has no financial interest in~~
20 ~~radiologic technology other than as a consumer or possible consumer of its services. They shall~~
21 ~~have no financial interest personally or through a spouse.~~

22 ~~(2) Two (2) members of the board shall be licensed practitioners, one of whom shall be a~~
23 ~~radiologist who utilizes ionizing radiation in the normal course of his or her practice.~~
24 ~~Nominations for the licensed practitioner board members shall be submitted by the Rhode Island~~
25 ~~Medical Society and the Rhode Island Radiological Society to the director for approval.~~

26 ~~(3)(i) Three (3) members of the board shall be licensed under this chapter. One shall be~~
27 ~~from radiography, one shall be from nuclear medicine, and one shall be from radiation therapy.~~

28 ~~(ii) The director shall appoint as radiologic technologist members of the board,~~
29 ~~individuals currently practicing as registered radiologic technologists in Rhode Island.~~

30 ~~(4) One member shall be a representative of the hospital association who shall be~~
31 ~~nominated by the Hospital Association of Rhode Island and submitted to the director for~~
32 ~~approval.~~

33 ~~(5)(i) The director, with the approval of the governor, shall make appointments for a three~~
34 ~~(3) year term, but no individual shall serve more than two (2) consecutive terms. Members of the~~

1 ~~board as of the effective date of this chapter, who were previously appointed pursuant to § 5-68-4,~~
2 ~~shall continue to serve for the remainder of their appointed term.~~

3 ~~(ii) In the event of a vacancy in one of the positions, the director, with the approval of the~~
4 ~~governor, may appoint an individual who shall fill the unexpired term.~~

5 ~~(6) The board shall meet during the first month of each calendar year to select a~~
6 ~~chairperson and for other purposes. At least one additional meeting shall be held during each~~
7 ~~calendar year. Meetings may also be called at any time by the chairperson, the director or by~~
8 ~~written request of two (2) members of the board. A majority of the fully authorized board~~
9 ~~constitutes a quorum.~~

10 ~~(b) The duties of the board shall be as follows:~~

11 ~~(1) To evaluate the qualifications of applicants and review the required examination~~
12 ~~results administered by a testing agency approved by the board;~~

13 ~~(2) To recommend to the director the issuance of licenses to applicants who meet the~~
14 ~~requirements of this chapter;~~

15 ~~(3) To administer, coordinate and enforce the provisions of this chapter and investigate~~
16 ~~persons engaging in practices that may violate the provisions of the chapter;~~

17 ~~(4) To recommend to the director the denial or revocation of licenses to practice~~
18 ~~radiologic technology as provided in this chapter; and~~

19 ~~(5) To recommend to the director adoption of rules and regulations pursuant to this~~
20 ~~chapter.~~

21 SECTION 37. Sections 5-69-2, 5-69-5, 5-69-8, 5-69-10, 5-69-11, and 5-69-12 of the
22 General Laws in Chapter 5-69 entitled "License Procedure for Chemical Dependency
23 Professionals" are hereby amended to read as follows:

24 **5-69-2 Definitions.** – As used in this chapter:

25 (1) "ACDP" means an advanced chemical dependency professional certification as per
26 the Rhode Island board for certification of chemical dependency professionals requirements.

27 (2) "ACDP II" means an advanced chemical dependency professional II certification as
28 per the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse.
29 "ICRC/AODA".

30 (3) "Advertise" includes, but is not limited to, the issuing or causing to be distributed any
31 card, sign, or device to any person; or the causing, permitting, or allowing any sign or marking on
32 or in any building or structure, or in any newspaper or magazine or in any directory, or on radio
33 or television, or by the use of any other means designed to secure public attention.

34 (4) "Approved continuing education" means research and training programs, college and

1 university courses, in-service training programs, seminars and conferences designed to maintain
2 and enhance the skills of substance abuse counselors or clinical supervisors and which are
3 recognized by the ICRC/AODA member board.

4 (5) "CDCS" means chemical dependency clinical supervisor.

5 (6) "Clergy" includes any minister, priest, rabbi, Christian Science practitioner, or any
6 other similar religious counselor.

7 (7) "Continuum of care network" means public and private substance abuse care agencies
8 such as detoxification centers, emergency rooms, hospitals, treatment centers, outpatient and day
9 treatment clinics, and community residences for substance abusers. The services employs or
10 refers to medical, psychological, health, and counseling professions that treat substance abuse and
11 related concerns.

12 (8) "Department" means the Rhode Island department of health and "division" means the
13 division of professional regulation and licensing in the department.

14 (9) "Director" means the director of the Rhode Island department of health.

15 (10) "Documented professional work experience" means the ICRC/AODA member board
16 approved form completed by employer or approved supervisor verifying dates of employment
17 and responsibilities.

18 (11) "Experience" means six thousand (6,000) hours of supervised practice of chemical
19 dependency counseling in a department of mental health, retardation, and hospitals licensed or
20 division approved facility during a sixty (60) month period of time immediately preceding the
21 date of application for licensure.

22 (12) "ICRC/AODA" means International Certification and Reciprocity
23 Consortium/Alcohol and Other Drug Abuse.

24 (13) "Licensed chemical dependency clinical supervisor" means an individual licensed by
25 the department of health to practice and supervise substance abuse counseling and who meets the
26 qualification established in this section.

27 (14) "Licensed chemical dependency professional" means an individual licensed by the
28 department of health to practice substance abuse counseling and who meets the qualifications
29 established in this section.

30 (15) "~~Licensing board~~" or "~~b~~Board" means the health professions board of review
31 established in accordance with § 5-26.1-3.~~the board of licensing for chemical dependency~~
32 ~~professionals.~~

33 (16) "Member Board" means the Rhode Island Board for Certification of Chemical
34 Dependency Professionals.

1 (17) "Practice of substance abuse counseling" means rendering or offering to render
2 professional service for any fee, monetary or otherwise, documented to individuals, families or
3 groups. Those professional services include the application of the ICRC/AODA specific
4 knowledge, skills, counseling theory, and application of techniques to define goals and develop a
5 treatment plan of action aimed toward the prevention, education, or treatment in the recovery
6 process of substance abuse within the continuum of care service network. The practice further
7 includes, but is not limited to, networking and making referrals to medical, social services,
8 psychological, psychiatric, and/or legal resources when indicated.

9 (18) "Recognized education institution" means any educational institution, which grants
10 an associate, bachelor, masters, or doctoral degree and which is recognized by the ~~division board,~~
11 or by a nationally or regionally recognized educational or professional accrediting organization.

12 (19) "Substance abuse" means addictive (chronic or habitual) consumption, injection,
13 inhalation, or behavior of/with substance (such as alcohol and drugs), progressively injuring and
14 afflicting the user's psychological, physical, social, economical, and/or spiritual functioning.

15 (20) "Supervision" means no less than one hour per week and consists of individual or
16 group supervision with a clinician licensed or certified in substance abuse counseling with
17 education, supervisory experience, and ethics approved by the ICRC/AODA member.

18 **5-69-5 Agency powers.** – The department shall promulgate rules and regulations that are
19 reasonably necessary for the administration of this chapter and to further its purposes. The
20 department shall, ~~on recommendation of the licensing board,~~ issue licenses to those qualified
21 under this chapter. The director of the department of health may issue additional levels of
22 licensing that may be developed, approved, or adopted by both the licensing board division and
23 the ICRC/AODA member board.

24 **5-69-8 Licenses.** – (a) The department shall issue the appropriate license to applicants
25 who meet the qualifications for the license as specified:

26 (1) "Licensed chemical dependency professional". Any individual desiring to obtain a
27 license as a licensed chemical dependency professional shall be currently certified as an advanced
28 chemical dependency professional or advanced chemical dependency professional II in accord
29 with the ICRC/AODA member board standards, as a prerequisite for submitting the application to
30 the division. licensing board.

31 (2) "Licensed chemical dependency clinical supervisor". Any individual desiring to
32 obtain a license as a licensed chemical dependency clinical supervisor shall be currently certified
33 as an advanced chemical dependency professional or advanced chemical dependency professional
34 II, shall have completed the ICRC/AODA member board standards for chemical dependency

1 clinical supervisor, and shall submit an application to the ~~division. licensing board.~~

2 (3) Other. An applicant having a comparable license, certification, or reciprocity within
3 Rhode Island or from another state or territory of the United States that imposes qualifications
4 substantially similar to those of this chapter, as determined by the ~~division. licensing board.~~

5 (b) In addition to the qualifications listed in this section, an applicant for any of these
6 titles must prove to the ~~division's licensing board's~~ satisfaction:

7 (1) Good moral character that is a continuing requirement for licensure;

8 (2) United States citizenship or status as a legal resident alien;

9 (3) Absence of a sanction from the National Association of Alcohol and Drug Abuse
10 Counselors, or ICRC/AODA member board sanction for violation of the code of ethics, or other
11 related state board which shall be waived by the ~~division board~~ upon presentation of satisfactory
12 evidence that the sanction does not impair the ability of the person to conduct with safety to the
13 public the practice authorized by this license. The applicant shall bear the burden of proving that
14 his or her sanction does not impair his or her ability to conduct with safety to the public the
15 practice authorized by this license;

16 (4) Absence of conviction of a felony, which shall be waived by the ~~division board~~ upon
17 presentation of satisfactory evidence that the conviction does not impair the ability of the person
18 to conduct with safety to the public the practice authorized by this license. The applicant shall
19 bear the burden of proving that his or her conviction does not impair his or her ability to conduct
20 with safety to the public the practice authorized by this license;

21 (5) That the applicant has not been declared mentally incompetent by any court, and if the
22 decree has ever been rendered, that there has been a subsequent court determination that the
23 applicant is competent; and

24 (6) Freedom from use of any controlled substance or any alcoholic beverages to the
25 extent that the use impairs the ability of the person to conduct with safety to the public the
26 practice authorized by this license. The applicant shall bear the burden of proving that he or she is
27 free from use of any controlled substance or any alcoholic beverages that impair his or her ability
28 to conduct with safety to the public the practice authorized by this license.

29 **5-69-10 Licensed professionals discipline.** – Licensees subject to this chapter shall
30 conduct their activities, services, and practice in accordance with this chapter and with any rules
31 promulgated pursuant to this chapter. The ~~division licensing board~~ may ~~recommend to the~~
32 ~~director refusal~~ refuse to grant a license to, or to suspend, revoke, condition, limit, qualify, or
33 restrict the license of any individual who the ~~division licensing board or its designee~~, after a
34 hearing by the board, determines:

1 (1) Is incompetent to practice under the provisions of this chapter, or is found to engage
2 in the practice of chemical dependency counseling and/or supervision in a manner harmful or
3 dangerous to a client or to the public;

4 (2) Has obtained or attempted to obtain a license, or renewal, by bribery or fraudulent
5 representation;

6 (3) Has knowingly made a false statement on a form required by the [division](#) ~~licensing~~
7 ~~board~~;

8 (4) Has failed to obtain the continuing education credits necessary for re-licensing;

9 (5) Has engaged in sexual relations with a current client, solicited sexual relations with a
10 current client, or committed an act of sexual abuse, or sexual misconduct with a current client;

11 (6) Has failed to remain free from the use of any controlled substance or any alcoholic
12 beverages to the extent that the use impairs the ability of the person to conduct with safety to the
13 public the practice authorized by this license. The applicant shall bear the burden of proving that
14 he or she is free from use of any controlled substance or any alcoholic beverages that impair his
15 or her ability to conduct with safety to the public the practice authorized by this license;

16 (7) Has been convicted of a felony, which shall be waived by the board upon presentation
17 of satisfactory evidence that the conviction does not impair the ability of the person to conduct
18 with safety to the public the practice authorized by this license. The applicant shall bear the
19 burden of proving that his or her conviction does not impair his or her ability to conduct with
20 safety to the public the practice authorized by this license;

21 (8) Has disciplinary action pending or has revocation, suspension, or probation taken
22 against the licensee in Rhode Island or another state or territory of these United States;

23 (9) Has failed to maintain confidentiality per federal regulation 42 CFR part 2;

24 (10) Has engaged in false or misleading advertising;

25 (11) Has a mental disability which significantly impairs the ability or judgment (the order
26 of a court that the licensee is in need of mental treatment for incompetency shall continue the
27 mental disability); and

28 (12) Has violated any of the provisions of this chapter, or the provisions of any code of
29 ethics adopted by the [department](#). ~~licensing board~~.

30 **5-69-11 Complaints.** – All complaints concerning a licensee's business or professional
31 practice shall be received by ~~either the [division](#), ~~licensing board~~ or the ~~department of health~~~~. Each
32 complaint received shall be logged, recording at a minimum the following information:

33 (1) Licensee's name;

34 (2) Name of the complaining party;

- 1 (3) Date of complaint;
- 2 (4) Brief statement of complaint; and
- 3 (5) Disposition.

4 **5-69-12 Disciplinary process.** – (a) Disciplinary procedures under this chapter shall be
5 conducted in accordance with the Administrative Procedures Act, chapter 35 of title 42.

6 (b) In accordance with § 5-26.1-5, The licensing board or its designee shall hear
7 evidence produced in support of the formal charges and contrary evidence produced by the
8 licensee. At the conclusion of the hearing, the licensing board shall make a determination
9 regarding the charges. ~~recommendations to the director who shall issue an order.~~

10 (c) An appeal from any decision or order of the board may be brought by an aggrieved
11 person in accordance with § 42-35-15. The term “person” in this section includes the department.

12 **5-69-13 Disciplinary sanctions.** – (a) The division licensing board may recommend that
13 the director impose any of the following sanctions, singly or in combination, when it finds that a
14 licensee is guilty of any offenses described in this section:

- 15 (1) Revocation of the license;
- 16 (2) Suspension of the license for any period of time;
- 17 (3) Censure of the licensee;
- 18 (4) Issue a letter or reprimand;
- 19 (5) Place a licensee on probationary status and require the licensee to submit to any of the
20 following:

- 21 (i) Report regularly to the licensing board upon matters that are the basis of probation;
- 22 (ii) Continue to renew professional education until a satisfactory degree of skill has been
23 attached in those areas that are the basis of probation;
- 24 (iii) Attend employee assistance counseling services.

- 25 (6) Refuse to renew a license;
- 26 (7) Revoke probation which was granted and impose any other discipline provided in this
27 section when the requirements of probation are not fulfilled or have been violated.

28 (b) The director may reinstate any licensee to good standing under this chapter, if after a
29 hearing the department of health is satisfied that the applicant's renewed practice is in the public
30 interest.

31 (c) Upon the suspension or revocation of a license issued under this chapter, a licensee
32 shall be required to surrender the license to the director and upon failure to do so, the director
33 shall have the right to seize the license.

34 (d) The director may make available annually a list of the names and addresses of all

1 licensees under the provisions of this chapter, and of all persons who have been disciplined within
2 the preceding twelve (12) months.

3 (e) Any persons convicted of violating the provisions of this chapter shall be guilty of a
4 misdemeanor, punishable by a fine of not more than five hundred dollars (\$500), imprisonment
5 for not more than one year, or both.

6 SECTION 38. Sections 5-69-6 and 5-69-7 of the General Laws in Chapter 5-69 entitled,
7 “License Procedure for Chemical Dependency Professionals” are hereby repealed.

8 ~~§ 5-69-6 Licensing board.—(a) Within the department there shall be established a board
9 of licensing for chemical dependency professionals. The governor shall appoint a licensing board
10 consisting of seven (7) members.~~

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

13 ~~(2) Licensing board members shall be:~~

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

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

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

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

22 ~~(3) Licensing board members shall serve without compensation.~~

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

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

34 ~~(6) The governor may remove any member of the licensing board for neglect of duty;~~

1 ~~malfeasance, conviction of a felony or a crime of moral turpitude while in office or for lack of~~
2 ~~attendance/participation in board meetings. No licensing board member shall participate in any~~
3 ~~matter before the licensing board in which pecuniary interest, personal bias, or other similar~~
4 ~~conflicts of interests is established.~~

5 ~~§ 5-69-7 Powers and duties of the licensing board.—(a) The organization, meeting, and~~
6 ~~management of the licensing board shall be established by regulations promulgated by the~~
7 ~~department of health.~~

8 ~~(b) In addition to duties set forth in this chapter, the licensing board shall:~~

9 ~~(1) Examine and pass on the qualifications of all applicants identified by the~~
10 ~~ICRC/AODA member board that all standards have been successfully completed for licensure~~
11 ~~under this chapter, and recommend to the director that a license shall be issued to each qualified~~
12 ~~successful applicant, attesting to the applicant's professional qualification to practice as a~~
13 ~~"licensed chemical dependency professional" or a "licensed chemical dependency clinical~~
14 ~~supervisor";~~

15 ~~(2) Recommend that the director adopt rules and regulations that set ICRC/AODA~~
16 ~~professional practice standards for licensed chemical dependency professionals and licensed~~
17 ~~chemical dependency clinical supervisors;~~

18 ~~(3) Recommend modifications or amendments deemed necessary to effectuate its~~
19 ~~purpose;~~

20 ~~(4) Be responsible for making recommendations to the director concerning all~~
21 ~~disciplinary functions carried out regarding all licenses under this chapter;~~

22 ~~(5) Have any other powers required to carry out the provisions of this chapter.~~

23 SECTION 39. Sections 5-71-3, 5-71-7, 5-71-8, 5-71-10, and 5-71-13 of the General
24 Laws in Chapter 5-71 entitled "Interpreters for the Deaf" are hereby amended to read as
25 follows:

26 **5-71-3 Definitions.** – (1) "Board" means the [health professions board of review](#)
27 ~~established in accordance with § 5-26.1-3. state board of examiners for interpreters for the deaf.~~

28 (2) "Certified" means any person who is a certified member of the Registry of
29 Interpreters for the Deaf, Inc., (RID), its successor agency or other agencies as approved by the
30 department. ~~in consultation with the board.~~

31 (3) "Consumer" is an individual who is deaf, hard of hearing or other individual with
32 disabilities whose primary language is sign language (e.g., American Sign Language, manually
33 coded sign systems).

34 (4) "Department" means the Rhode Island department of health [and "division" shall mean](#)

1 [the division of professional regulation and licensing.](#)

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

3 (6) "Educational Interpreter for the Deaf" means an individual who has specialized
4 licensure in the provision of sign language interpreting to students who are deaf, hard-of-hearing
5 or deaf-blind in grades preschool through twelve (12).

6 (7) "Emergency" means an urgent circumstance that demands immediate action in order
7 for a consumer to avoid imminent harm or loss. In the event of an emergency, the consumer may
8 elect to use the services of a nonlicensed interpreter or transliterator as set forth in regulations
9 promulgated by the department.

10 (8) "Interpreter for the deaf" means any person who engages in the practice of
11 interpreting for the deaf as defined in subsection (9) below.

12 (9) "Interpreter trainee" and "interpreter student" means any person, meeting the
13 minimum requirements established by the department in consultation with the board who is
14 currently enrolled in a nationally accredited interpreter training program and participating in the
15 practicum portion of their studies.

16 (10) "Interpreting for the deaf" means conveying spoken English into American Sign
17 Language (ASL) (voice-to-sign) or conveying American Sign Language into English (sign-to-
18 voice), or interpreting English to and/or from a visual gestural system. Such practice shall not
19 include transliterating for the deaf.

20 (11) "Screened interpreter or transliterator for the deaf" means any person who presents
21 proof of an active state screening or its equivalent and presents proof of successful completion of
22 an examination as approved by the department in consultation with the board.

23 (12) "Transliterator for the deaf" means any person who engages in the practice of
24 transliterating for the deaf as defined in subsection (13) below.

25 (13) "Transliterating for the deaf" means conveying spoken English into Manually coded
26 English (voice-to-sign), or conveying manually coded English into spoken English (sign-to-
27 voice), or conveying English on the lips so that it is accessible to speech reading (i.e. oral
28 transliterating). Such practice shall not include interpreting for the deaf.

29 **5-71-7 Disposition of moneys received.** – All moneys received by the [division board](#)
30 shall be deposited in the treasury of the state.

31 **5-71-8 Qualifications of applicants for licenses.** – (a) To be eligible for licensure by the
32 [division board](#) as an interpreter for the deaf or transliterator for the deaf, or educational interpreter
33 for the deaf, the applicant must submit written evidence on forms furnished by the department,
34 verified by oath, that the applicant meets all of the following requirements:

1 (1) Is of good moral character;
2 (2) Meets the certification or screened requirements as defined in regulations
3 promulgated by the department; and

4 (3) Pays the department a license fee as set forth in § 23-1-54.

5 (b) To be eligible for licensure by the board as an educational interpreter for the deaf, the
6 applicant must meet all of the requirements as described in subsection (a) and must further
7 present proof of successful completion of the educational interpreter performance assessment
8 (EIPA), written and performance tests, or a similar test as approved by the division board, at a
9 performance level established by the division board.

10 **5-71-10 Endorsement.** – The department in consultation with the division board shall
11 promulgate regulations providing for a procedure for waiver of the requirements of § 5-71-9 for
12 applicants who hold a valid license, certificate, or equivalent issued within another state;
13 provided, that the requirements under which that license, certificate, or equivalent was issued,
14 meet or exceed the standards required by this chapter.

15 **5-71-13 Grounds for suspension or revocation of licenses.** – (a) The division board
16 may recommend to the director of the department of health the issuance, renewal, or revocation
17 of a license, or suspension, placement on probation, censure or reprimand a licensee, or any other
18 disciplinary action that the division board may deem appropriate, for conduct that may result
19 from, but not necessarily be limited to:

20 (1) Obtaining his or her license by means of fraud, misrepresentation, or concealment of
21 material facts;

22 (2) Being guilty of fraud, misrepresentation, concealment or material misstatement of
23 facts or deceit in connection with his or her services rendered as an interpreter for the deaf,
24 transliterator for the deaf, or educational interpreter for the deaf;

25 (3) Being guilty of unprofessional conduct as defined by the rules established by the
26 department ~~in consultation with the board~~, and/or has violated any standard of professional or
27 ethical conduct adopted by the National Registry of Interpreters for the Deaf;

28 (4) Violating the continuing education requirements of this chapter as defined in
29 subsection 5-71-9(d), and rules and regulations as promulgated by the department;

30 (5) Violating any lawful order, or any provision of this chapter or of the rules or
31 regulations promulgated in this chapter;

32 (6) Aiding or assisting another person in violating any provision of this chapter or any
33 rule or regulation adopted under this chapter;

34 (7) Departure from or failure to conform to the current standards of acceptable and

1 prevailing practice of interpreting for the deaf.

2 (b) Working under a license that is expired or on inactive status, working under a license
3 when certification is expired or on inactive status, and practicing interpreting without being
4 exempt under chapter 5-71 shall be considered to be practicing without a license.

5 (c) ~~The department shall respond to all recommendations from the board under this~~
6 ~~section within thirty (30) calendar days.~~ Disciplinary procedures under this chapter shall be
7 conducted in accordance with the Administrative Procedures Act, chapter 35 of title 42.

8 (d) In accordance with § 5-26.1-5, the board shall hear evidence produced in support of
9 the formal charges and contrary evidence produced by the licensee. At the conclusion of the
10 hearing, the board shall make a determination regarding the charges.

11 (e) An appeal from any decision or order of the board may be brought by an aggrieved
12 person in accordance with § 42-35-15. The term “person” in this section includes the department.

13 SECTION 40. Sections 5-71-4, 5-71-5 and 5-71-6 of the General Laws in Chapter 5-71
14 entitled “Interpreters for the Deaf” are hereby repealed.

15 ~~§ 5-71-4 Board of examiners—Creation—Compensation—Appointment, terms and~~
16 ~~qualifications of members.—(a) There shall exist within the state department of health a board of~~
17 ~~examiners of interpreters for the deaf. The board shall consist of five (5) persons who shall be~~
18 ~~residents of the state of Rhode Island for at least two (2) years prior to their appointments: three~~
19 ~~(3) nationally certified interpreters, and two (2) consumers.~~

20 (b) ~~All appointments made under this section shall be made by the governor with the~~
21 ~~advice and consent of the senate. In making appointments to the board, the governor shall give~~
22 ~~consideration to recommendations made by the commission on the deaf and hard of hearing~~
23 ~~established pursuant to § 23-1.8-1. All members shall serve terms of three (3) years. Members~~
24 ~~shall serve until the expiration of the term for which they have been appointed or until their~~
25 ~~successor is appointed. No person shall be appointed to serve more than two (2) consecutive~~
26 ~~terms. When a vacancy upon the board occurs, a replacement shall be appointed for the remainder~~
27 ~~of that term as prescribed in this section.~~

28 (c) ~~The board shall reorganize annually during the month of December and shall elect a~~
29 ~~chairperson and vice chairperson for the subsequent calendar year. The board may elect from~~
30 ~~among its members such other officers as it deems necessary.~~

31 (d) ~~Three (3) members of the board shall constitute a quorum to do business. A majority~~
32 ~~vote of those present shall be required for action.~~

33 (e) ~~Members of the board shall be removable by the governor pursuant to the provisions~~
34 ~~of § 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal~~

1 ~~reasons unrelated to capacity or fitness for the office shall be unlawful.~~

2 ~~§ 5-71-5 Board of examiners—Duties and powers—Meetings—Compensation of~~
3 ~~members.~~

4 ~~(a) The department with the assistance of the board shall administer, coordinate and~~
5 ~~enforce the provisions of this chapter, evaluate the qualifications of applicants, and may issue~~
6 ~~subpoenas, examine witnesses, and administer oaths, and investigate persons engaging in~~
7 ~~practices which violate the provisions of this chapter.~~

8 ~~(b) The department shall conduct hearings and shall keep records and minutes that are~~
9 ~~necessary for the orderly dispatch of business.~~

10 ~~(c) The department shall hold public hearings regarding rules and regulations.~~

11 ~~(d) The department in consultation with the board, in accordance with the rule-making~~
12 ~~provisions of the Administrative Procedures Act, chapter 35 of title 42, shall adopt responsible~~
13 ~~rules and regulations, and may amend or repeal those rules and regulations. Following their~~
14 ~~adoption, the rules and regulations shall govern and control the professional conduct of every~~
15 ~~person who holds a license to practice interpreting or transliterating for the deaf in the state of~~
16 ~~Rhode Island.~~

17 ~~(e) Regular meetings of the board shall be held, and special meetings may be held upon~~
18 ~~the call of the chairperson as necessary to deal with such issues as violations of this chapter;~~
19 ~~provided, that at least one regular meeting is held each calendar year.~~

20 ~~(f) The conferral or enumeration of specific powers in this chapter shall not be construed~~
21 ~~as a limitation of the general powers conferred by the section. No member of the board shall be~~
22 ~~liable to civil action for any act performed in good faith in the performance of his or her duties as~~
23 ~~prescribed by this chapter.~~

24 ~~(g) Board members shall serve on an honorable basis without compensation.~~

25 ~~(h) The board may request legal advice and assistance from the appropriate legal officer.~~

26 ~~(i) The board shall conduct a training course for newly appointed and qualified members~~
27 ~~within six (6) months of their appointment. The course shall be developed and conducted by the~~
28 ~~chair of the commission, approved by the commission, and shall include instruction in the subject~~
29 ~~areas of this chapter, and chapters 42-46, 36-14, and 38-2, and the commission's rules and~~
30 ~~regulations. The director of the department of administration shall, within ninety (90) days of~~
31 ~~March 29, 2006, prepare and disseminate training materials relating to the provisions of chapters~~
32 ~~42-46, 36-14, and 38-2.~~

33 ~~(j) Within ninety (90) days after the end of each fiscal year, the board shall approve and~~
34 ~~submit an annual report to the governor, the speaker of the house of representatives, the president~~

1 ~~of the senate, and the secretary of state of its activities during that fiscal year. The report shall~~
2 ~~provide: an operating statement summarizing meetings or hearings held, including meeting~~
3 ~~minutes, subjects addressed, decisions rendered, licenses considered and their dispositions, rules~~
4 ~~or regulations promulgated, studies conducted, policies and plans developed, approved or~~
5 ~~modified, and programs administered or initiated; a consolidated financial statement of all funds~~
6 ~~received and expended including the source of the funds, a listing of any staff supported by these~~
7 ~~funds, and a summary of any clerical, administrative or technical support received; a summary of~~
8 ~~performance during the previous fiscal year including accomplishments, shortcomings and~~
9 ~~remedies; a synopsis of hearings, complaints, suspensions or other legal matters related to the~~
10 ~~authority of the board; a summary of any training courses held pursuant to the provisions of~~
11 ~~paragraph 5-71-5(i); a briefing on anticipated activities in the upcoming fiscal year; and findings~~
12 ~~and recommendations for improvements. The report shall be posted electronically on the general~~
13 ~~assembly and the secretary of state's websites as prescribed in § 42-20-8.2. The director of the~~
14 ~~department of administration shall be responsible for the enforcement of this provision.~~

15 ~~§ 5-71-6 Board of examiners Seal Authentication of records. The board shall adopt~~
16 ~~the state seal by which it shall authenticate its proceedings. Copies of the proceedings, records~~
17 ~~and acts of the board, and certificates purporting to relate the facts concerning those proceedings,~~
18 ~~records, and acts, signed by the secretary and authenticated by that seal, shall be evidence in all~~
19 ~~courts of this state.~~

20 SECTION 41. Sections 5-86-2, 5-86-9, 5-86-10, 5-86-12, 5-86-16, 5-86-17, 5-86-18, and
21 5-86-20 of the General Laws in Chapter 5-86 entitled "Licensing of Applied Behavior Analysts"
22 are hereby amended to read as follows:

23 **5-86-2 Definitions.** – As used in this chapter, the following terms shall be construed as
24 follows:

25 (1) "Applied behavior analyst" means a person licensed to practice applied behavior
26 analysis under the provisions of this chapter and the rules and regulations authorized by this
27 chapter.

28 (2) "Applied behavior analyst aide" means a person not licensed pursuant to the laws and
29 rules applicable to the practice of applied behavior analysis, who works under the supervision of a
30 licensed applied behavior analyst, who assists in the practice of applied behavior analysis and
31 whose activities require an understanding of applied behavior analysis, but do not require
32 professional or advanced training in the basic anatomical, psychological, and social sciences
33 involved in the practice of applied behavior analysis.

34 (3) "Applied behavior assistant analyst" means a person licensed who practices applied

1 behavior analysis under the provisions of this chapter and the rules and regulations authorized by
2 this chapter.

3 (4) "Board" means the [health professions board of review established in accordance with](#)
4 [§ 5-26.1-3. licensing board of applied behavior analysts within the Rhode Island department of](#)
5 [health, established pursuant to the provisions of § 5-86-3 of the chapter.](#)

6 (5) "Department" means the Rhode Island department of health [and “division” means the](#)
7 [division of professional regulation and licensing with the department.](#)

8 (6) "Director" means the director of the Rhode Island department of health.

9 (7) "Education" means the academic program pursued by the person in obtaining the
10 bachelor's, master's or doctorate degree, that the programs to include formal course work,
11 seminars and practica.

12 (8) "Psychologist with equivalent experience" means a person deemed to hold equivalent
13 licensure as an applied behavior analyst upon satisfying equivalency requirements through
14 submission and satisfaction of written evidence of education and relevant experience to the
15 department pursuant to subsection 5-86-9(c) of this chapter.

16 (9) "Practice of applied behavior analysis" means the design, implementation and
17 evaluation of environmental modifications by a behavior analyst to produce socially significant
18 improvements in human behavior. It includes the empirical identification of functional relations
19 between environment and behavior, known as functional assessment and analysis. Applied
20 behavior analysis interventions are based on scientific research and the direct observation and
21 measurement of behavior and environment. They utilize contextual factors, establishing
22 operations, antecedent stimuli, positive reinforcement and other consequences to help people
23 develop new behaviors, increase or decrease existing behaviors, and emit behaviors under
24 specific environmental conditions. The practice of applied behavior analysis expressly excludes
25 psychological testing, neuropsychology, psychotherapy, cognitive therapy, sex therapy,
26 psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities. Such services
27 are provided by a person licensed under this chapter only when applied behavior analysis services
28 are prescribed by a child psychiatrist, a behavioral developmental pediatrician, a child neurologist
29 or a licensed psychologist with training in child psychology pursuant to § 27-20.11-4.

30 (10) "Supervised experience" means the practical application of principles, methods and
31 procedures of the science of applied behavioral analysis in accordance with the requirements of §
32 5-86-9 of this chapter.

33 (11) "Supervision" means that a licensed applied behavior analyst is at all times
34 responsible for supportive personnel and clients.

1 (12) "These regulations" mean all parts of Rhode Island rules and regulations for
2 licensing applied behavior analysts, applied behavior assistant analysts, and psychologists with
3 equivalent experience.

4 (13) "Training" means the pre-professional or professional supervised experience
5 received by the person at the pre or post-doctoral level that experience to have been obtained in
6 an internship, clinic, or other similar professional setting.

7 **5-86-9 Qualifications and examinations for licensing.** – (a) An applicant for licensure
8 as a licensed applied behavior analyst shall submit to the ~~division board~~ written evidence on
9 forms furnished by the department verified under oath (i.e. notarized) that said applicant:

10 (1) Be of good moral character;

11 (2) Has obtained a graduate degree in applied behavior analysis or a related field, as
12 approved by the ~~division board~~, from a college or university accredited by the New England
13 association of schools and colleges, or an equivalent regional accrediting agency, and which has
14 the approval by a national or regional certifying authority, including but not limited to the
15 ~~division applied behavior analyst licensing board~~;

16 (3) Has successfully completed the amount of coursework in applied behavior analysis
17 acceptable to the ~~division board~~;

18 (4) Has appropriate supervised experience to include either: (i) One year, including one
19 thousand five hundred (1500) hours of supervised independent fieldwork in applied behavior
20 analysis. The distribution of supervised independent fieldwork hours must be at least ten (10)
21 hours per week, but not more than thirty (30) hours per week, for a minimum of three (3) weeks
22 per month; (ii) One thousand (1000) hours of practicum in behavior analysis within a university
23 experience program approved by the national or regional certifying authority. The distribution of
24 practicum hours must be at least ten (10) hours per week, but not more than twenty-five (25)
25 hours per week, for a minimum of three (3) weeks per month; or (iii) Seven hundred fifty (750)
26 hours of intensive practicum in behavior analysis within a university experience program
27 approved by the national or regional certifying authority. The distribution of intensive practicum
28 hours must be at least ten (10) hours per week, but not more than twenty-five (25) hours per
29 week, for a minimum of three (3) weeks per month;

30 (5) Has passed the relevant examination administered by an appropriate nationally
31 recognized accrediting organization as approved by the department of health for this function;

32 (6) Maintain active status and fulfill all relevant requirements for renewal and relicensing
33 with the nationally recognized and accredited organization(s) as approved by the department of
34 health licensing;

1 (7) Conducts his or her professional activities in accordance with accepted standards for
2 responsible professional conduct, as approved by the division ~~Rhode Island applied behavior~~
3 ~~analyst licensing board~~; and

4 (8) Meets the criteria as established in § 5-86-12.

5 (b) An applicant for licensure as a licensed applied behavior assistant analyst shall submit
6 to the division ~~board~~ written evidence on forms furnished by the department verified under oath
7 (i.e., notarized) that said applicant:

8 (1) Be of good moral character;

9 (2) Has obtained a bachelor's degree in behavior analysis or a related field, as approved
10 by the division ~~board~~, from a college or university accredited by the New England Association of
11 Schools and Colleges, or an equivalent regional accrediting agency, and which has the approval
12 by a national or regional certifying authority, including, but not limited to, the division; ~~applied~~
13 ~~behavior analyst licensing board~~;

14 (3) Has successfully completed the amount of coursework in applied behavior analysis
15 acceptable to the division; ~~board~~;

16 (4) Has appropriate supervised experience to include either: (i) One thousand (1000)
17 hours of supervised independent fieldwork in applied behavior analysis. The distribution of
18 supervised independent fieldwork hours must be at least ten (10) hours per week, but not more
19 than thirty (30) hours per week, for a minimum of (3) three weeks per month; (ii) Six hundred
20 seventy (670) hours of practicum in behavior analysis within a university experience program
21 approved by the national or regional certifying board. The distribution of practicum hours must
22 be at least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a
23 minimum of three (3) weeks per month; or (iii) Five hundred (500) hours of intensive practicum
24 in behavior analysis within a university experience program approved by the national or regional
25 certifying board. The distribution of intensive practicum hours must be at least ten (10) hours per
26 week, but not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per
27 month.

28 (5) Is supervised by a licensed applied behavior analyst in a manner consistent with the
29 division's ~~board's~~ requirements for supervision of licensed applied behavior assistant analysts;

30 (6) Has passed the examination administered by an appropriate nationally recognized
31 accrediting organization as approved by department of health licensing for this function;

32 (7) Maintain active status and fulfill all relevant requirements for renewal and relicensing
33 with the nationally recognized and accredited organization(s) as approved by the department of
34 health licensing;

1 (8) Conduct his or her professional activities in accordance with accepted standards for
2 responsible professional conduct, as required by the [division](#) ~~Rhode Island applied behavior~~
3 ~~analyst licensure board~~; and

4 (9) Meet the criteria as established in § 5-86-11.

5 (c) applicant shall be judged to hold the equivalent requirement of a licensure as an
6 applied behavior analyst upon submission to the [division](#) ~~board~~, written evidence on forms
7 furnished by the department verified under oath (i.e., notarized), if the following equivalency
8 requirements are met to the satisfaction of the [division](#): ~~licensing board~~:

9 (1) Has received a doctoral degree in psychology from a college or university accredited
10 by the New England association of schools and colleges, or an equivalent regional accrediting
11 agency, and which has the approval by a national or regional certifying authority;

12 (2) individually licensed by the department of health as a psychologist subject to chapter
13 5-44;

14 (3) Be of good moral character;

15 (4) Has completed coursework in applied behavior analysis supervised by the department
16 within the college or university granting the requisite degree or by an accredited postgraduate
17 clinical training program recognized by the United States department of education, or education
18 and/or experience which is deemed equivalent by the [division](#); ~~board~~;

19 (5) Has completed one thousand five hundred (1,500) hours of direct client contact
20 offering applied behavior analysis services subsequent to being awarded a doctoral degree in
21 psychology;

22 (6) Conducts his or her professional activities in accordance with accepted standards for
23 responsible professional conduct, as required by the [division](#); ~~Rhode Island applied behavior~~
24 ~~analyst licensure board~~; and

25 (7) Meets the criteria as established in § 5-86-12.

26 **5-86-10 Licensure.** – A license may be issued to:

27 (1) An applicant who meets the requirements for licensure as approved by the department
28 of health and licensed as a licensed applied behavior analyst, licensed applied behavior assistant
29 analyst or psychologist with equivalent experience as stated in this chapter; and

30 (2) An applicant who has been certified by an appropriate nationally recognized and
31 accredited organization, as approved by the department of health, licensing and licensed as a
32 licensed applied behavior analyst, licensed applied behavior assistant analyst or psychologist with
33 equivalent experience under the laws of another state, United States territory, or foreign country
34 where the [division](#) ~~board~~ determines that the requirements are substantially equivalent to those of

1 this state.

2 **5-86-12 Limitation of practice.** – The ~~division board~~ shall ensure through regulations
3 and enforcement that licensees limit their practice to demonstrated areas of competence as
4 documented by relevant professional education, training, and experience.

5 **5-86-16 Grounds for discipline.** – The ~~division board~~ has the power to deny, revoke, or
6 suspend any license issued by the department in accordance with this chapter, or to discipline a
7 licensee upon proof that the person:

8 (1) Is guilty of fraud or deceit in procuring or attempting to procure a license or
9 temporary license;

10 (2) Is guilty of a felony or of a crime of immorality;

11 (3) Is habitually intemperate or is addicted to the use of habit-forming drugs;

12 (4) Is mentally incompetent;

13 (5) Is incompetent or negligent in the practice of applied behavior analysis as determined
14 by the ~~division; Rhode Island applied behavior analyst licensing board;~~

15 (6) Has not fulfilled the required continuing education requirements as determined by the
16 ~~division; Rhode Island applied behavior analysis licensing board;~~

17 (7) Has violated the ethical principles governing applied behavior analysts and the
18 practice of applied behavior analysis, as adopted by the board and in force at the time a charge is
19 made, provided that those ethical principles are a nationally recognized standard;

20 (8) Has practiced as a licensed applied behavior assistant analyst or has performed the
21 duties of a licensed applied behavior assistant analyst without proper supervision by a licensed
22 applied behavior analyst pursuant to § 5-86-26;

23 (9) Has had their license revoked, suspended, privileges limited or other disciplinary
24 action in another state or jurisdiction, including the voluntary surrender of a license; or

25 (10) Has failed to furnish the department or its legal representative information requested
26 by the ~~division board~~ as part of a disciplinary action.

27 **5-86-17 Procedure for discipline.** – (a) When a sworn complaint is filed with the
28 ~~division board~~ charging a person with being guilty of any of the actions specified in section 5-86-
29 16, the department shall immediately investigate those charges. ~~or, the board, after investigation,~~
30 ~~may institute charges.~~ The department may coordinate investigations of alleged violations ~~of the~~
31 ~~Rhode Island applied behavior analyst licensing board~~ with an appropriate nationally recognized
32 accrediting organization.

33 (b) If the investigation reveals reasonable grounds for believing that the licensee or
34 applicant for licensure is guilty of the charges, the ~~division board shall fix a time and place for a~~

1 ~~hearing, and~~ shall serve a copy of the charges, together with a notice of the time and the place
2 fixed for the hearing before the board, personally upon the accused at least twenty (20) days prior
3 to the time fixed for the hearing.

4 (c) When personal service cannot be effected and that fact is certified by oath by any
5 person authorized to make service, the division board shall publish once in each of two (2)
6 successive weeks, a notice of the hearing in a newspaper published in the county where the
7 accused last resided according to the records of the division board and shall mail a copy of the
8 charges and of the notice to the accused at his or her last known address.

9 (d) When publication of notice is necessary, the date of the hearing shall not be less than
10 twenty (20) days after the last date of publication of the notice.

11 (e) At the hearing, the accused has the right to appear personally or by counsel or both, to
12 produce witnesses and evidence on his or her behalf, to cross-examine witnesses, and to have
13 subpoenas issued by the administrator of professional regulation.

14 (f) The attendance of witnesses and the production of books, documents, and papers at
15 the hearing may be compelled by subpoenas issued by the department, which shall be served in
16 accordance with law.

17 (g) The board department shall administer oaths as necessary for the proper conduct of
18 the hearing.

19 (h) The board is not bound by the strict rules of procedure or by the laws of evidence in
20 the conduct of its proceedings, but the determination shall be based upon sufficient legal evidence
21 to sustain it.

22 (i) If the accused is found guilty of the charges, the board may refuse to issue a license to
23 the applicant, or may revoke or suspend his or her license, or discipline that person.

24 (j) Upon the revocation or suspension of any license, the license holder shall surrender
25 the license to the department, who shall indicate the same in the licensure verification database.

26 (k) A revocation or suspension of license may be reviewed at the discretion of the
27 division board, or at the initiative of the department which may order a rehearing of the issue if it
28 finds cause.

29 **5-86-18 Grounds for discipline without a hearing.** – With the approval of the director,
30 the division ~~board~~ may temporarily suspend the license of a licensed applied behavior analyst,
31 licensed applied behavior assistant analyst or psychologist with equivalent experience without a
32 hearing if the division board finds that evidence in its possession indicates that a licensed applied
33 behavior analyst, licensed applied behavior assistant analyst or psychologist with equivalent
34 experience continuing in practice would constitute an immediate danger to the public. In the

1 event that the ~~division board~~ temporarily suspends the license of a licensed applied behavior
2 analyst, licensed applied behavior assistant analyst or psychologist with equivalent experience
3 without a hearing by the board, a hearing must be held within ten (10) days after the suspension
4 has occurred.

5 **5-86-20 Injunction of violations.** – When it appears to the ~~division board~~ that any person
6 is violating any of the provisions of this chapter, the director may institute an action, commenced
7 in the name of the ~~department board~~, to enjoin that violation in a court of competent jurisdiction.
8 That court may enjoin any person from violating any of the provisions of this chapter, without
9 regard to whether proceedings have been or may be instituted before the board or whether
10 criminal proceedings have been or may be instituted.

11 SECTION 42. Sections 5-86-4, 5-86-5, 5-86-6 and 5-86-7 of the General Laws in
12 Chapter 5-86 entitled “Licensing of Applied Behavior Analysts” are hereby repealed.

13 ~~§ 5-86-4 Board of applied behavior analysts—Creation—Composition.—Within the~~
14 ~~department of professional regulation in the department of health there shall be a Rhode Island~~
15 ~~applied behavior analyst licensing board consisting of five (5) members as provided by § 5-86-5.~~

16 ~~§ 5-86-5 Board of applied behavior analysts—Appointment, terms, and removal of~~
17 ~~members.—(a) The director of the department of health shall, with the approval of the governor,~~
18 ~~appoint five (5) electors as members of the board. Three (3) members of the board shall be~~
19 ~~licensed applied behavior analysts, one member shall be a licensed applied behavior assistant~~
20 ~~analyst, and one shall be a consumer representative holding neither license. The licensed applied~~
21 ~~behavior analysts and licensed applied behavior assistant analyst shall have at least three (3) years~~
22 ~~professional experience with credentials comparable as those established in this chapter, be~~
23 ~~certified for a minimum of five (5) years by an appropriate nationally recognized accrediting~~
24 ~~organization as approved by the department of health.~~

25 ~~(b) The director shall, with the approval of the governor, appoint persons to serve on the~~
26 ~~board. Two (2) of those members first appointed by the director of the department of health shall~~
27 ~~serve initial terms of three (3) years; two (2) of those members first appointed by the director of~~
28 ~~the department of health shall serve an initial term of two (2) years; and one of those members~~
29 ~~appointed by the director of the department of health shall serve an initial term of one year~~
30 ~~thereafter, all appointed members of the board shall be appointed to serve for terms of three (3)~~
31 ~~years.~~

32 ~~(c) The board members are eligible to succeed themselves.~~

33 ~~(d) The director may remove any member from the board for neglect of any duty required~~
34 ~~by law, or for incompetence, or unprofessional or dishonorable conduct. Vacancies shall be filled~~

1 ~~in the same manner as the original appointment was made, for the remainder of the term.~~

2 ~~§ 5-86-6 Board of applied behavior analysts—Organization and meetings.—(a) The~~
3 ~~board shall organize immediately after the appointment and qualification of its members.~~

4 ~~(b) The board shall annually elect a chairperson and secretary. Meetings may be called by~~
5 ~~the chairperson or the director of the department of health or by written request of three (3)~~
6 ~~members of the board. A majority of seats filled shall constitute a quorum. The board shall meet~~
7 ~~as often as necessary.~~

8 ~~§ 5-86-7 Board of applied behavior analysts—General powers.—The Rhode Island~~
9 ~~applied behavior analyst licensing board shall:~~

10 ~~(1) Recommend to the director for his or her approval the adoption and revision of rules~~
11 ~~and regulations not inconsistent with law as necessary to enable it to carry into effect the~~
12 ~~provisions of this chapter;~~

13 ~~(2) Adopt policies to be followed in the licensure and renewal of licenses of qualified~~
14 ~~applicants in accordance with chapter 42-35, of the administrative procedures act;~~

15 ~~(3) Conduct hearings upon charges calling for the discipline of a license or revocation.~~
16 ~~The department has the power to issue subpoenas and compel the attendance of witnesses and~~
17 ~~administer oaths to persons giving testimony at hearings; and~~

18 ~~(4) The board or the director shall prosecute all persons violating this chapter and has the~~
19 ~~power to incur the necessary expenses of prosecution. The board shall keep a record of all its~~
20 ~~proceedings, including, but not limited to, meeting minutes.~~

21 SECTION 43. Sections 23-16.3-3, 23-16.3-8, 23-16.3-9, 23-16.3-10, 23-16.3-11, 23-
22 16.3-12, and 23-16.3-13 of the General Laws in Chapter 23-16.3 entitled “Clinical Laboratory
23 Science Practice” are hereby amended to read as follows:

24 **23-16.3-3 Definitions.** – The following words and terms when used in this chapter have
25 the following meaning unless otherwise indicated within the context:

26 (1) "Accredited clinical laboratory program" means a program planned to provide a
27 predetermined amount of instruction and experience in clinical laboratory science that has been
28 accredited by one of the accrediting agencies recognized by the United States Department of
29 Education.

30 (2) "Board" means the [health professions board of review established in accordance with](#)
31 ~~[§ 5-26.1-3. clinical laboratory science board appointed by the director of health.](#)~~

32 (3) "Clinical laboratory" or "laboratory" means any facility or office in which clinical
33 laboratory tests are performed.

34 (4) "Clinical laboratory science practitioner" or "one who engages in the practice of

1 clinical laboratory science" means a health care professional who performs clinical laboratory
2 tests or who is engaged in management, education, consulting, or research in clinical laboratory
3 science, and includes laboratory directors, supervisors, clinical laboratory scientists
4 (technologists), specialists, and technicians working in a laboratory, but does not include persons
5 employed by a clinical laboratory to perform supportive functions not related to direct
6 performance of laboratory tests and does not include clinical laboratory trainees. Provided,
7 however, nothing contained in this chapter shall apply to a clinical perfusionist engaged in the
8 testing of human laboratory specimens for extracorporeal functions, which shall include those
9 functions necessary for the support, treatment, measurement, or supplementation of the
10 cardiopulmonary or circulatory system of a patient.

11 (5) "Clinical laboratory scientist" and/or "technologist" means a person who performs
12 clinical laboratory tests pursuant to established and approved protocols requiring the exercise of
13 independent judgment and responsibility, maintains equipment and records, performs quality
14 assurance activities related to test performance, and may supervise and teach within a clinical
15 laboratory setting.

16 (6) "Clinical laboratory technician" means a person who performs laboratory tests
17 pursuant to established and approved protocols which require limited exercise of independent
18 judgment and which are performed under the personal and direct supervision of a clinical
19 laboratory scientist (technologist), laboratory supervisor, or laboratory director.

20 (7) "Clinical laboratory test" or "laboratory test" means a microbiological, serological,
21 chemical, hematological, radiobioassay, cytological, immunological, or other pathological
22 examination which is performed on material derived from the human body, the test or procedure
23 conducted by a clinical laboratory which provides information for the diagnosis, prevention, or
24 treatment of a disease or assessment of a medical condition.

25 (8) "Department" means the Rhode Island department of health.

26 (9) "Director" means the director of the Rhode Island department of health.

27 [\(10\) "Division" means the division of professional regulation and licensing with the](#)
28 [department.](#)

29 ~~(11)(10)~~ "Limited function test" means a test conducted using procedures which as
30 determined by the director have an insignificant risk of an erroneous result, including those
31 which:

32 (i) Have been approved by the United States Food and Drug Administration for home
33 use;

34 (ii) Employ methodologies that are so simple and accurate as to render the likelihood of

1 erroneous results negligible; or

2 (iii) The director has determined pose no reasonable risk of harm to the patient if
3 performed incorrectly.

4 **23-16.3-8 Standards for licensure.** – (a) Clinical laboratory scientist (technologist). The
5 department of health shall issue a clinical laboratory scientist's license to an individual who meets
6 the qualifications developed by the [division board](#), including at least one of the following
7 qualifications:

8 (1) A baccalaureate degree in clinical laboratory science (medical technology) from an
9 accredited college or university whose curriculum included appropriate clinical education;

10 (2) A baccalaureate degree in biological, chemical, or physical science from an accredited
11 college or university, and subsequent to graduation has at least twelve (12) months of appropriate
12 clinical education in an accredited clinical laboratory science program;

13 (3) A baccalaureate degree which includes a minimum of thirty-six (36) semester (or
14 equivalent) hours in the biological, chemical, and physical sciences from an accredited college or
15 university plus two (2) years of full-time work experience including a minimum of four (4)
16 months in each of the four (4) major disciplines of laboratory practice (clinical chemistry, clinical
17 microbiology, hematology, immunology/immunohematology); or

18 (4) A baccalaureate degree consisting of ninety (90) semester (or equivalent) hours,
19 thirty-six (36) of which must be in the biological, chemical, or physical sciences, from an
20 accredited university, and appropriate clinical education in an accredited clinical laboratory
21 science program.

22 (5) A clinical laboratory scientist (technologist) who previously qualified under federal
23 regulatory requirements such as 42 CFR § 493.1433 of the March 14, 1990 federal register or
24 other regulations or criteria which may be established by the [division board](#).

25 (b) Clinical laboratory technician. The department of health shall issue a clinical
26 laboratory technician's license to an individual who meets the qualifications promulgated by the
27 [division board](#), including at least one of the following qualifications:

28 (1) An associate degree or completion of sixty (60) semester (or equivalent) hours from a
29 clinical laboratory technician program (MLT or equivalent) accredited by an agency recognized
30 by the United States Department of Education that included a structured curriculum in clinical
31 laboratory techniques;

32 (2) A high school diploma (or equivalent) and (i) completion of twelve (12) months in a
33 technician training program in an accredited school such as CLA (ASCP) clinical laboratory
34 assistant (American Society of Clinical Pathologists), and MLT-C medical laboratory technician-

1 certificate programs approved by the division ~~board~~; or (ii) successful completion of an official
2 military medical laboratory procedure course of at least fifty (50) weeks duration and has held the
3 military enlisted occupational specialty of medical laboratory specialist (laboratory technician); or

4 (3) A clinical laboratory technician who previously qualified under federal regulatory
5 requirements such as 42 CFR § 493.1441 of the March 14, 1990 federal register which meet or
6 exceed the requirements for licensure set forth by the division. ~~board~~.

7 (c) Clinical histologic technician. The department of health shall issue a clinical
8 histologic technician license to an individual who meets the qualifications promulgated by the
9 division ~~board~~, including at least one of the following:

10 (1) Associate degree or at least sixty (60) semester hours (or equivalent) from an
11 accredited college/university to include a combination of mathematics and at least twelve (12)
12 semester hours of biology and chemistry, and successfully complete an accredited program in
13 histologic technique or one full year of training in histologic technique under the supervision of a
14 certified histotechnologist or an appropriately certified histopathology supervisor with at least
15 three (3) years experience.

16 (2) High school graduation (or equivalent) and two (2) years full time acceptable
17 experience under the supervision of a certified/licensed clinical histologic technician at a licensed
18 clinical laboratory in histologic technique.

19 (d) Cytotechnologist. The department of health shall issue a cytotechnologist license to
20 an individual who meets the qualifications promulgated by the division ~~board~~ including at least
21 one of the following:

22 (1) A baccalaureate degree from an accredited college or university with twenty (20)
23 semester hours (30 quarter hours) of biological science, eight (8) semester hours (12 quarter
24 hours) of chemistry, and three (3) semester hours (4 quarter hours) of mathematics and successful
25 completion of a twelve (12) month cytotechnology program.

26 (2) A baccalaureate degree from an accredited college or university with twenty (20)
27 semester hours (30 quarter hours) of biological science, eight (8) semester hours (12 quarter
28 hours) of chemistry, and three (3) semester hours (4 quarter hours) of mathematics and five (5)
29 years full time acceptable clinical laboratory experience including cytopreparatory techniques,
30 microscopic analysis, and evaluation of the body systems within the last ten (10) years. At least
31 two (2) of these years must be subsequent to the completion of the academic component and at
32 least two (2) years must be under the supervision of a licensed physician who is a pathologist,
33 certified, or eligible for certification, by the American Board of Pathology in anatomic pathology
34 or has other suitable qualifications acceptable to the division. ~~board~~.

1 (3) A cytotechnologist who previously qualified under federal regulatory requirements
2 such as 42 CFR § 493.1437 of the March 14, 1990 federal register.

3 (e) The board shall recommend standards for any other clinical laboratory science
4 practitioners specializing in areas such as nuclear medical technology, radioimmunoassay,
5 electron microscopy, forensic science, molecular biology, or similar recognized academic and
6 scientific disciplines with approval of the director of health.

7 **23-16.3-9 Waiver of requirements.** – The division board shall recommend regulations
8 providing procedures for waiver of the requirements of § 23-16.3-8 for all applicants who hold a
9 valid license or its equivalent issued by another state; provided that the requirements under which
10 that license or its equivalent was issued to meet or exceed the standards required by this chapter
11 with the approval of the director. The division board may also recommend regulations it deems
12 appropriate with respect to individuals who hold valid licenses or their equivalent in other
13 countries.

14 **23-16.3-10 Licensure application procedures.** – (a) Licensure applicants shall submit
15 their application for licensure to the department of health upon the forms prescribed and furnished
16 by the department of health, and shall pay the designated application or examination fee.

17 (b) Upon receipt of application and payment of a fee, the department of health shall issue
18 a license for a clinical laboratory scientist or technologist, a clinical laboratory technician, or an
19 appropriate specialty license to any person who meets the qualifications specified in this chapter
20 and the regulations promulgated under this chapter.

21 (c) The division board may recommend a procedure for issuance of temporary permits to
22 individuals otherwise qualified under this chapter who intend to engage in clinical laboratory
23 science practice in this state for a limited period of time not to exceed eighteen (18) months.

24 (d) The division board may recommend a procedure for issuance of provisional licenses
25 to individuals who otherwise qualify under this chapter but are awaiting the results of certification
26 examinations. A provisional license so issued shall be converted to a license under the provisions
27 of § 23-16.3-8 or expire not more than twelve (12) months after issuance. At the discretion of the
28 division board, the provisional license may be reissued at least one time with the director's
29 approval.

30 **23-16.3-11 Licensure renewal.** – (a) Licenses issued pursuant to this chapter shall expire
31 on a date and time specified by the department of health.

32 (b) Every person licensed pursuant to this chapter shall be issued a renewal license every
33 two (2) years upon:

34 (1) Submission of an application for renewal on a form prescribed by the department of

1 health and payment of an appropriate fee ~~determined by the division recommended by the board;~~
2 and

3 (2) Proof of completion, in the period since the license was first issued or last renewed, of
4 at least thirty (30) hours of continuing education courses, clinics, lectures, training programs,
5 seminars, or other programs related to clinical laboratory practice which are approved or accepted
6 by the division ~~board;~~ or proof of re-certification by a national certification organization that
7 mandates an annual minimum of fifteen (15) hours of continuing education, such as the National
8 Certification Agency for Medical Laboratory Personnel.

9 (c) The ~~division board~~ may recommend any other evidence of competency it shall deem
10 reasonably appropriate as a prerequisite to the renewal of any license provided for by this chapter,
11 as long as these requirements are uniform as to application, are reasonably related to the
12 measurement of qualification, performance, or competence, and are desirable and necessary for
13 the protection of the public health.

14 **23-16.3-12 Disciplinary requirements.** – The ~~divison board~~ may recommend to the
15 director of health issuance, renewal, or revocation of a license, or suspension, placement on
16 probation, censure, or reprimand of a licensee, or any other disciplinary action that the board may
17 deem appropriate, including the imposition of a civil penalty, for conduct that may result from,
18 but not necessarily be limited to:

19 (1) A material misstatement in furnishing information to the department of health;

20 (2) A violation or negligent or intentional disregard of this chapter, or of the rules or
21 regulations promulgated under this chapter;

22 (3) A conviction of any crime under the laws of the United States or any state or territory
23 of the United States which is a felony or which is a misdemeanor, an essential element of which
24 is dishonesty, or of any crime which is directly related to the practice of the profession;

25 (4) Making any misrepresentation for the purpose of obtaining registration or violating
26 any provision of this chapter;

27 (5) Violating any standard of professional conduct adopted by the ~~department board;~~

28 (6) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to
29 deceive, defraud, or harm the public;

30 (7) Providing professional services while mentally incompetent, under the influence of
31 alcohol or narcotic or controlled dangerous substance that is in excess of therapeutic amounts or
32 without valid medical indication;

33 (8) Directly or indirectly contracting to perform clinical laboratory tests in a manner
34 which offers or implies an offer of rebate, fee-splitting inducements or arrangements, or other

1 unlawful remuneration; or

2 (9) Aiding or assisting another person in violating any provision of this chapter or any
3 rule adopted under this chapter.

4 **23-16.3-13 Hearing requirements – Procedure.** – (a) The proceedings for the
5 revocation, suspension or limiting of any license may be initiated by any person, corporation,
6 association, or public officer or by the division board by the filing of written charges, but no
7 license shall be revoked, suspended, or limited without a hearing before the board within sixty
8 (60) days after the filing of written charges in accordance with the procedures established by the
9 board. A license may be temporarily suspended without a hearing for the period not to exceed
10 thirty (30) days upon notice to the licensee following a finding by the division board that there
11 exists a significant threat to the public health and approved by the director. In the event of a
12 temporary suspension the board will hear the matter within thirty (30) days and take appropriate
13 action as necessary.

14 SECTION 44. Sections 23-16.3-6 and 23-16.3-7 of the General Laws in Chapter 23-16.3
15 entitled “Clinical Laboratory Science Practice” are hereby repealed.

16 ~~§ 23-16.3-6 Administration.—(a) There is created within the division of professional~~
17 ~~regulation of the department of health a clinical laboratory advisory board which shall consist of~~
18 ~~seven (7) persons who have been residents of the state for at least two (2) years prior to their~~
19 ~~appointment, and who are actively engaged in their areas of practice. The director of the~~
20 ~~department of health, with the approval of the governor, shall make appointments to the board~~
21 ~~from lists submitted by organizations of clinical laboratory science practitioners and~~
22 ~~organizations of physicians and pathologists.~~

23 ~~(b) The board shall be composed of:~~

24 ~~(1) One physician certified by the American Board of Pathology or American Board of~~
25 ~~Osteopathic Pathology;~~

26 ~~(2) One physician who is not a laboratory director and is not a pathologist;~~

27 ~~(3) Four (4) clinical laboratory science practitioners, at least one of whom is a non-~~
28 ~~physician laboratory director, one of whom is a clinical laboratory scientist (technologist), and~~
29 ~~one of whom is a clinical laboratory technician, and who, except for the initial appointments, hold~~
30 ~~active and valid licenses as clinical laboratory science practitioners in this state and one of whom~~
31 ~~is a clinical laboratory science practitioner not falling in one of the first three (3) categories; and~~

32 ~~(4) One public member who is not associated with or financially interested in the practice~~
33 ~~of clinical laboratory science.~~

34 ~~(c) Board members shall serve for a term of three (3) years, and until their successors are~~

1 ~~appointed and qualified, except that the initial appointments, which shall be made within sixty~~
2 ~~(60) days after July 1, 1992, shall be as follows:~~

3 ~~(1) One pathologist, one non-physician laboratory director, and one clinical laboratory~~
4 ~~scientist, shall be appointed to serve for three (3) years;~~

5 ~~(2) One public representative and one non-pathologist physician, shall be appointed to~~
6 ~~serve for two (2) years; and~~

7 ~~(3) The remaining members shall be appointed to serve for one year.~~

8 ~~(d) The membership of the board shall receive no compensation for their services.~~

9 ~~(e) Whenever a vacancy shall occur on the board by reason other than the expiration of a~~
10 ~~term of office, the director of the department of health with the approval of the governor shall~~
11 ~~appoint a successor of like qualifications for the remainder of the unexpired term. No person shall~~
12 ~~be appointed to serve more than two (2) successive three (3) year terms.~~

13 ~~§ 23-16.3-7 Duties and powers of the clinical laboratory advisory board. — In~~
14 ~~addition to any other power conferred upon the board pursuant to this chapter, the board shall~~
15 ~~recommend to the director:~~

16 ~~(1) Rules and regulations for the implementation of this chapter including, but not limited~~
17 ~~to, regulations that delineate qualifications for licensure of clinical laboratory science~~
18 ~~practitioners as defined in this chapter, specify requirements for the renewal of licensure,~~
19 ~~establish standards of professional conduct, and recommend on the amendment or on the repeal~~
20 ~~of the rules and regulations. Following their adoption, the rules and regulations shall govern and~~
21 ~~control the professional conduct of every person who holds a license to perform clinical~~
22 ~~laboratory tests or otherwise engages in the profession of clinical laboratory science;~~

23 ~~(2) Standard written, oral, or practical examinations for purposes of licensure of clinical~~
24 ~~laboratory science practitioners as provided for in § 23-16.3-5;~~

25 ~~(3) Rules and regulations governing qualifications for licensure of specialists in those~~
26 ~~clinical laboratory science specialties that the board may determine in accordance with § 23-16.3-~~
27 ~~8(e);~~

28 ~~(4) Rules and regulations governing personnel performing tests in limited function~~
29 ~~laboratories;~~

30 ~~(5) A schedule of fees for applications and renewals;~~

31 ~~(6) Establish criteria for the continuing education of clinical laboratory science~~
32 ~~practitioners as required for license renewal;~~

33 ~~(7) Any other rules and regulations necessary to implement and further the purpose of~~
34 ~~this chapter.~~

1 SECTION 45. Sections 23-17.4-21.1 and 23-17.4-21.3 of the General Laws in Chapter
2 23-17.4 entitled “Assisted Living Residence Licensing Act” are hereby repealed.

3 ~~§ 23-17.4-21.1 Assisted living administrator certification board. (a) Within the~~
4 ~~department there is established an assisted living administrator certification board to be appointed~~
5 ~~by the director of health with the approval of the governor consisting of seven (7) members as~~
6 ~~follows: two (2) members of the board are persons with at least five (5) years experience in~~
7 ~~operating an assisted living residence; one member of the board is an active assisted living~~
8 ~~administrator who is not an assisted living owner; two (2) members are persons representing~~
9 ~~assisted living consumers or family members; and two (2) members are representatives of the~~
10 ~~assisted living industry or are assisted living employees.~~

11 ~~(b) Members shall be appointed to three (3) year terms. No member shall serve for more~~
12 ~~than two (2) terms. The director, with the approval of the governor, shall appoint all vacancies, as~~
13 ~~they occur for the remainder of a term or until a successor is appointed.~~

14 ~~(c) The director may remove, after a hearing and with the approval of the governor, any~~
15 ~~member of the board for neglect of any duty required by law or for any incompetency,~~
16 ~~unprofessional or dishonorable conduct. Before beginning a term, a member shall take an oath~~
17 ~~prescribed by law for state officers, a record of which shall be filed with the secretary of state.~~

18 ~~(d) The director shall appoint a chairperson.~~

19 ~~(e) Four (4) members of the board shall constitute a quorum.~~

20 ~~(f) The board shall serve without compensation.~~

21 ~~(g) Meetings of the board shall be called by the director or the director's designee, or a~~
22 ~~majority of the board members.~~

23 ~~(h) The director shall provide for a staff person of the department to serve as an~~
24 ~~administrative agent for the board.~~

25 ~~§ 23-17.4-21.3 Functions of assisted living certification board. It is the function of~~
26 ~~the board to:~~

27 ~~(1) Conduct examinations as required by the department and to act in an advisory~~
28 ~~capacity to the department in all matters pertaining to the certification of assisted living~~
29 ~~administrators;~~

30 ~~(2) Develop and apply appropriate techniques, including examinations and investigations,~~
31 ~~for determining whether an individual meets those standards, subject to the approval of the~~
32 ~~director;~~

33 ~~(3) Recommend to the department the issuance of licenses and registrations to individuals~~
34 ~~determined, after application of those techniques, to meet those standards; and to recommend to~~

1 ~~the director the revocation or suspension of licenses or registrations previously issued in any case~~
2 ~~where the individual holding that license or registration is determined substantially to have failed~~
3 ~~to conform to the requirements of those standards; and~~

4 ~~(4) Adopt, with the approval of the director of health, rules and regulations governing a~~
5 ~~mandatory program of continuing education for assisted living administrators.~~

6 SECTION 46. Sections 23-20.8-1, 23-20.8-3, 23-20.8-5 and 23-20.8-6 of the General
7 Laws in Chapter 23-20 entitled "Licensing of Massage Therapists" are hereby amended to read as
8 follows:

9 **23-20.8-1 Definitions.** – As used in this chapter:

10 (1) "Massage therapist" means a person engaged in the practice of massage and is
11 licensed in accordance with this chapter of the general laws of the state of Rhode Island.

12 (2) "Practice of massage" means the manual manipulation of the soft tissues of the human
13 body through the systematic application of massage techniques including: effleurage, petrissage,
14 compression, friction, vibration, percussion, pressure, positional holding, movement, range of
15 motion for purposes of demonstrating muscle excursion or muscle flexibility and nonspecific
16 stretching. The term massage includes the external application of lubricants or other topical
17 preparations such as water, heat and cold via the use of the hand, foot, arm or elbow with or
18 without the aid of massage devices for the purpose of aiding muscle relaxation, reducing stress,
19 improving circulation increasing range of motion, relieving muscular pain and the overall
20 enhancement of health. Massage shall not include the touch of genitalia, diagnosis of illness or
21 disease, the prescribing of drugs, medicines or exercise, high-velocity thrust applied to the joints
22 or spine, electrical stimulation, application of ultrasound or any services or procedures for which
23 a license to practice medicine, chiropractic, occupational therapy, physical therapy or podiatry as
24 required by law.

25 (3) "Board" means the [health professions board of review established in accordance with](#)
26 ~~§ 5-26.1-3. Rhode Island State Board of Licensed Massage Therapists as established within this~~
27 ~~chapter.~~

28 (4) "Division" means [the division of professional regulation and licensing within the](#)
29 [department of health.](#)

30 **23-20.8-3 Practice of massage – Licensed required – Use of title limited –**

31 **Qualifications for licenses continuing education – Fees.** – (a) A person shall not practice or
32 hold himself or herself out to others as practicing massage therapy, or as a massage therapist
33 without first receiving from the division ~~board~~ a license to engage in that practice.

34 (b) A person shall hold himself or herself out to others as a massage therapist when the

1 person adopts or uses any title or description including "massage therapist," "masseur,"
2 "masseuse," "massagist," "massotherapist," "myotherapist," "body therapist," "massage
3 technician," "massage practitioner," or any derivation of those terms that implies this practice.

4 (c) It shall be unlawful to advertise the practice of massage using the term massage or any
5 other term that implies a massage technique or method in any public or private publication or
6 communication by a person not licensed by the state of Rhode Island department of health as a
7 massage therapist. Any person who holds a license to practice as a massage therapist in this state
8 may use the title "licensed massage therapist" and the abbreviation "LMT." No other persons may
9 assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate
10 that the person using the title is a licensed massage therapist. A massage therapist's name and
11 license number must conspicuously appear on all of the massage therapist's advertisements. A
12 massage therapist licensed under this chapter must conspicuously display his or her license in his
13 or her principal place of business. If the massage therapists does not have a principal place of
14 business or conducts business in any other location, he or she must have a copy of his or her
15 license available for inspection while performing any activities related to massage therapy.

16 (d)(1) The division board shall, by rule, establish requirements for continued education.
17 The division board may establish such requirements to be completed and verified biennially or
18 annually. The board shall require no more than twelve (12) hours biennially or six (6) hours
19 annually.

20 (2) Applicants for biennial licensure renewal shall meet continuing education
21 requirements as prescribed by the division board. On application for renewal of license, massage
22 therapists shall attest to completion of six (6) hours annually in scope of practice-specific
23 offerings that may include, but not be limited to:

- 24 (i) Formal presentations;
- 25 (ii) Conferences;
- 26 (iii) Coursework from a regionally accredited college/university; and/or
- 27 (iv) Self-study course, such as online courses awarding one education hour for each hour
28 completed.

29 Such programs or offerings shall be approved or sponsored by a division board-approved
30 organization. The board shall require no more than two (2) hours of ethics or standards of practice
31 biennially.

32 (3) A licensee who fails to complete the continuing education requirements described
33 herein may be subject to disciplinary action pursuant to § 5-40-13 of this chapter.

34 (4) A license may be denied to any applicant who fails to provide satisfactory evidence of

1 completion of continuing education relevant to massage therapy as required herein.

2 (5) The division ~~board~~ may waive the requirement for these educational requirements if
3 the board is satisfied that the applicant has suffered hardship, which may have prevented meeting
4 the educational requirements.

5 (e) The fee for original application for licensure as a massage therapist and for annual
6 license renewal shall be as set forth in § 23-1-54. Fees for all other licenses under this chapter
7 shall be fixed in an amount necessary to cover the cost of administering this chapter.

8 (f) Any person applying for a license under this chapter shall undergo a criminal
9 background check. Such persons shall apply to the bureau of criminal identification of the state
10 police or local police department for a nationwide criminal records check. Fingerprinting shall be
11 required. Upon the discovery of any disqualifying information as defined in subsection (g), the
12 bureau of criminal identification of the state police or the local police department shall inform the
13 applicant, in writing, of the nature of the disqualifying information and, without disclosing the
14 nature of the disqualifying information, shall notify the board, in writing, that disqualifying
15 information has been found. In those situations in which no disqualifying information has been
16 found, the bureau of criminal identification shall inform the applicant and the board in writing of
17 this fact. An applicant against whom disqualifying information has been found may request that a
18 copy of the criminal background report be sent to the division ~~board~~, which shall make a
19 judgment regarding the licensure of the applicant. The applicant shall be responsible for payment
20 of the costs of the criminal records check.

21 (g) "Disqualifying information" means those offenses, including, but not limited to, those
22 offenses defined in sections 11-37, 11-37-8.1, 11-37-8.3, 23-17-37, 11-34 and 11-34.1.

23 **23-20.8-5 Application for license – Issuance or denial of license – Minimum**
24 **qualifications.** – (a) Every person desiring to begin the practice of massage therapy, except
25 exempt persons as provided in this chapter, shall present satisfactory evidence to the division of
26 professional regulation of the department of health, verified by oath, that he or she is:

- 27 (1) Over eighteen (18) years of age;
28 (2) Of good moral character (via background check in accordance with § 23-20.8-3);
29 (3) Has successfully completed an educational program, meeting minimum requirements
30 established by the ~~division board~~, including at least five hundred (500) hours of in-class, hands-on
31 and supervised coursework and clinical work; and

32 (4) Has successfully completed an examination approved by the division ~~board~~. Any
33 examination approved by the ~~division board~~ must meet generally recognized standards including
34 development through the use of a job-task analysis and must meet appropriate psychometric

1 standards.

2 (b) The department may grant a license to any applicant satisfying the requirements of
3 subdivisions 23-20.8-5(a)(1) and (2), has completed all appropriate forms, paid all appropriate
4 fees and has met substantially equivalent standards in obtaining a valid license, permit, certificate
5 or registration issued by any other state or territory of the United States or by a foreign country.

6 (c) The department shall, within sixty (60) days from the time any application for a
7 license is received, grant the applications and issue a license to practice massage for a year from
8 that date if the department is satisfied that the applicant complies with the rules and regulations
9 promulgated in accordance with this chapter. An applicant, whose criminal records check reveals
10 a conviction for any sexual offense, including, but not limited to, those offenses defined in
11 chapters 34 and 37 of title 11, shall be denied a license under this chapter.

12 (d) The fee for original application for licensure as a massage therapist and the fee for
13 annual license renewal shall be determined by the [division board](#) and shall not exceed one
14 hundred dollars (\$100).

15 **23-20.8-6 Suspension and revocation of licenses.** – Whenever the [division board](#), ~~or~~
16 ~~board designee~~ has reason to believe or that any person licensed under this chapter to practice
17 massage therapy has been convicted of any sexual offense, or that any person is practicing
18 massage in violation of this chapter or regulations promulgated under this chapter, the [division](#)
19 ~~board, or board designee~~, may, pending an investigation and hearing [by the board in accordance](#)
20 [with § 5-26.1-5](#), suspend for a period not exceeding ninety (90) days any license issued under
21 authority of this chapter and may, after due notice and hearing, revoke the license if he or she
22 finds that the person practicing massage is in violation of those rules and regulations or any
23 provision of this chapter. The holder of a license shall upon its revocation promptly surrender it to
24 the [division board, or board designee](#).

25 SECTION 47. Sections 23-20.8-2.1 and 23-20.8-4 of the General Laws in Chapter 23-
26 20.8 entitled “Licensing of Massage Therapists” are hereby repealed.

27 ~~§ 23-20.8-2.1 Board of massage therapists. — (a) Within the division of professional~~
28 ~~regulation of the department of health, there shall be a state board of massage therapy examiners~~
29 ~~to be appointed by the director of the department of health with the approval of the governor. The~~
30 ~~board shall consist of seven (7) members who reside in the state of Rhode Island, four (4) of~~
31 ~~whom shall be licensed pursuant to this chapter and one of whom shall be a member of the~~
32 ~~general public, and who does not have financial interest in the profession, or is married to~~
33 ~~someone in the profession. At no time shall more than one board member be an owner of, an~~
34 ~~instructor of, or otherwise affiliated with a board approved massage therapy school or course of~~

1 ~~instruction. The four (4) members who are licensed pursuant to this chapter shall represent both~~
2 ~~solo practitioners as well as members of a group practice.~~

3 ~~(b) The initial board shall be appointed for staggered terms, the longest of which shall not~~
4 ~~exceed three (3) years. After the initial appointments, all terms shall be for two (2) years and a~~
5 ~~member may be reappointed for a second (2nd) term. No member shall serve more than three (3)~~
6 ~~consecutive terms. Upon the death, resignation or removal of any member, the director of the~~
7 ~~department of health, with the approval of the governor, shall appoint to fill vacancies, as they~~
8 ~~occur, a qualified person to serve on the board for the remainder of his or her term or until his or~~
9 ~~her successor is appointed and qualified.~~

10 ~~(c) The board shall meet at least quarterly thereafter, shall hold a meeting and elect a~~
11 ~~chairman. The board may hold additional meetings at the call of the chair or at the written request~~
12 ~~of any three (3) members of the board. The board may appoint such committees as it considers~~
13 ~~necessary to carry out its duties. A majority of the sitting members of the board shall constitute a~~
14 ~~quorum.~~

15 ~~(d) The director of the department of health may remove any member of the board for the~~
16 ~~neglect of any duty required by law or for any incompetent, unprofessional, or dishonorable~~
17 ~~conduct. Before beginning his or her term of office, each member shall take the oath prescribed~~
18 ~~by law, a record of which shall be filed with the secretary of state.~~

19 ~~§ 23-20.8-4 Establishment — Board of massage therapists — Powers and duties. —~~

20 ~~Subject to the provisions of this chapter, the board shall have the following powers and duties:~~

21 ~~(1) Adopt rules and regulations governing the licensure of massage therapists in a manner~~
22 ~~consistent with the provisions of this chapter and in accordance with the procedures outlined in~~
23 ~~the Administrative Procedures Act;~~

24 ~~(2) Establish standards of professional and ethical conduct;~~

25 ~~(3) Adopt rules that endorse equivalent licensure examinations of another state or~~
26 ~~territory of the United States, the District of Columbia, or a foreign country and that may include~~
27 ~~licensure by reciprocity; hold hearing, as necessary, in accordance with the Administrative~~
28 ~~Procedures Act.~~

29 ~~(4) Maintain a complete record of all licensed massage therapists, ensure licensee~~
30 ~~compliance with all established requirements. The board will make an annual report to the~~
31 ~~governor which shall contain duties performed, actions taken and appropriate recommendations.~~
32 ~~Consult and advise other regulatory entities as necessary regarding issues pertaining to massage~~
33 ~~therapy practice, education and/or issues related to the regulation of massage therapists.~~

34 SECTION 48. Sections 23-39-2, 23-39-7, 23-39-9, 23-39-11, and 23-39-12 of the

1 General Laws in Chapter 23-39 entitled “Respiratory Care Act” are hereby amended to read as
2 follows:

3 **23-39-2 Definitions.** – As used in this chapter:

4 (1) "Board" means the [health professions board of review established in accordance with](#)
5 [§ 5-26.1-3; ~~administrative board of respiratory care;~~](#)

6 (2) "Department" means the Rhode Island department of health;

7 (3) "Director" means the director of the Rhode Island health department;

8 (4) "Division" means the division of professional regulation [and licensing within the](#)
9 [department;](#)

10 (5) "Respiratory care" (including respiratory therapy and inhalation therapy) means a
11 health professional, under qualified medical direction, employed in the therapy, management,
12 rehabilitation, diagnostic evaluation, and care of patients with deficiencies and abnormalities
13 which affect the cardiopulmonary system and associated aspects of other system function;

14 (6) "Respiratory care practitioner" means a person who is licensed to practice respiratory
15 care in Rhode Island. The respiratory care practitioner may transcribe and implement a
16 physician's written and verbal orders pertaining to the practice of respiratory care as defined in
17 this chapter; and

18 (7) "Respiratory care training program" means a program accredited or recognized by the
19 commission on accreditation of allied health education programs in collaboration with the
20 committee on accreditation for respiratory care or any other accrediting agency that may be
21 approved by the [division](#). ~~board.~~

22 **23-39-7 Licensing by training and examination.** – (a) Any person desiring to become
23 licensed as a respiratory care practitioner shall make application to the [division](#) ~~board~~ on a written
24 form in the manner that the [division](#) ~~board~~ prescribes, pay all required application fees, and
25 certify and furnish evidence to the [division](#) ~~board~~ that the applicant:

26 (1) Has successfully completed a training program as defined in this chapter;

27 (2) Has passed the examination approved by the [division](#) ~~board~~, as specified by rules and
28 regulations of the department, for respiratory care practitioners administered by a nationally
29 recognized organization for respiratory care; and

30 (3) Is of good moral character.

31 (b) Respiratory care providers who are licensed or otherwise regulated to practice under
32 laws of another state or territory or the District of Columbia may, upon receiving an authorization
33 from the division, perform as a respiratory care practitioner under the supervision of a qualified
34 and licensed respiratory care practitioner. If the applicant fails to receive licensure when the

1 ~~division board~~ reviews the application, all mentioned privileges shall automatically cease.

2 **23-39-9 Other licensing provisions.** – (a)(1) Graduate Practice. Every graduate of a
3 ~~division board~~ approved respiratory care school who has filed a respiratory care practitioner
4 application may, upon receiving a receipt from the division ~~of professional regulation~~, perform as
5 a respiratory care practitioner under the supervision of a respiratory care practitioner licensed in
6 this state.

7 (2) During this period the applicant shall identify himself or herself only as a "graduate
8 respiratory care practitioner."

9 (3) If the applicant shall fail to take the examination within ninety (90) days from
10 effective date of graduate status, without due cause or fail to pass the examination and receive a
11 license, all privileges described in subsection (a)(1) shall automatically cease.

12 (b) Unless licensed as a respiratory care practitioner under the respiratory care act, no
13 person shall use any title or abbreviation to indicate that the person is a licensed respiratory care
14 practitioner.

15 (c) Verification of a valid license issued pursuant to this chapter shall be available at the
16 respiratory care practitioner's place of employment.

17 (d) Licenses, including initial licenses, shall be issued for a period of two (2) years.

18 (e) License renewal dates will be set by the division.

19 (f) Applicants and biennial licensure shall meet the continuing education requirements as
20 prescribed by the director of health.

21 **23-39-11 Fees.** – (a) The director, ~~in consultation with the board~~, shall establish a
22 schedule of reasonable fees for licenses, and for renewal of licenses for respiratory care
23 practitioners.

24 (b) The initial application fee shall be as set forth in § 23-1-54.

25 (c) A biennial license renewal fee shall be established in an amount as set forth in § 23-1-
26 54.

27 **23-39-12 Denial, suspension, revocation, and reinstatement of licenses.** – (a) The
28 ~~division board~~ may refuse to issue or may suspend or revoke any license in accordance with the
29 procedures set forth in the Administrative Procedures Act, chapter 35 of title 42, for any of the
30 following causes:

31 (1) Fraud in the procurement of any license under this chapter;

32 (2) Imposition of any disciplinary action upon a person by any agency of another state
33 which regulates respiratory care but not to exceed the period or extent of that action;

34 (3) Conviction of a crime which substantially relates to the qualifications, functions or

1 duties of a respiratory care practitioner. The record of conviction or a certified copy thereof shall
2 be conclusive evidence of the conviction;

3 (4) Impersonating or acting as a proxy for an applicant in any examination given under
4 this chapter;

5 (5) Habitual or excessive use of intoxicants or drugs;

6 (6) Gross negligence in his or her practice as a respiratory care practitioner;

7 (7) Violating any of the provisions of this chapter or any rules or regulations duly
8 adopted under this chapter or aiding or abetting any person to violate the provisions of or any
9 rules or regulations adopted under this chapter;

10 (8) Engaging in acts of unprofessional conduct as defined by rule and regulation; or

11 (9) (a) Committing any fraudulent, dishonest or corrupt act which is substantially related
12 to the qualifications, functions, or duties of a respiratory care practitioner.

13 (b) The proceedings for the denial, revocation, suspension or limiting of any license may
14 be initiated by any person, corporation, association, or public officer or by the division board by
15 the filing of written charges, but no license shall be revoked, suspended, or limited without a
16 hearing before the board within sixty (60) days after the filing of written charges in accordance
17 with the procedures established by the board. A license may be temporarily suspended without a
18 hearing for the period not to exceed thirty (30) days upon notice to the licensee following a
19 finding by the division that there exists a significant threat to the public health and approved by
20 the director. In the event of a temporary suspension, the board shall hear the matter within 30
21 days and may take appropriate action as necessary.

22 SECTION 49. Sections 23-39-5 and 23-39-6 of the General Laws in Chapter 23-39
23 entitled "Respiratory Care Act" are hereby repealed.

24 ~~23-39-5 Board created. — (a) Within the division of professional regulation of the health~~
25 ~~department shall be a board of respiratory care consisting of five (5) members as follows:~~

26 ~~(1) One physician licensed in the state who is knowledgeable in respiratory care;~~

27 ~~(2) Three (3) licensed respiratory care practitioners;~~

28 ~~(3) One public member who is a resident of Rhode Island. The public member shall not~~
29 ~~have been licensed as a respiratory care practitioner nor shall he or she have any financial~~
30 ~~interest, direct or indirect, in the occupation regulated.~~

31 ~~(b) The director of the department of health, with the approval of the governor, within~~
32 ~~sixty (60) days following November 1, 1986, shall appoint one board member for a term of one~~
33 ~~year; two (2) for a term of two (2) years; and two (2) for a term of three (3) years. Appointments~~
34 ~~made thereafter shall be for three year terms but no person shall be appointed to serve more than~~

1 ~~two (2) consecutive terms.~~

2 ~~(c) The director, in his or her initial appointment, shall appoint as the respiratory care~~
3 ~~practitioner one of the members of the board or a person currently practicing as respiratory care~~
4 ~~practitioners in Rhode Island.~~

5 ~~(d) The board shall meet during the first month of each calendar year to select a~~
6 ~~chairperson and for other purposes. At least one additional meeting shall be held before the end of~~
7 ~~each calendar year. Other meetings may be convened at the call of the chairperson, the~~
8 ~~administrator of professional regulation, or upon the written request of any two (2) board~~
9 ~~members.~~

10 ~~(e) In the event of a vacancy in one of the positions, the director of the department of~~
11 ~~health, with the approval of the governor, may appoint a person who shall fill the unexpired term.~~

12 ~~§ 23-39-6 Board duties.~~—The duties of the board shall be as follows:

13 ~~(1) To evaluate the qualifications of applicants and review the required examination~~
14 ~~results administered by a testing agency approved by the board;~~

15 ~~(2) To recommend issue of licenses to applicants who meet the requirements of this~~
16 ~~chapter;~~

17 ~~(3) To administer, coordinate, and enforce the provision of this chapter and investigate~~
18 ~~persons engaging in practices which may violate the provisions of this chapter;~~

19 ~~(4) To deny, or revoke licenses to practice respiratory care as provided in this chapter;~~

20 ~~(5) To annually review the exam accepted by the board; and~~

21 ~~(6) To recommend to the director adoption of rules and regulations.~~

22 SECTION 50. This article shall take effect upon passage.