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 Chapter 5-26 of the General Laws entitled “Division of Professional Regulation” is hereby repealed in its entirety.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
member shall serve until his or her successor has been appointed and qualified.

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

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

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

CHAPTER 5-26.1

THE DIVISION OF PROFESSIONAL REGULATION AND LICENSING

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

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

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

(1) Barbers, hairdressers, cosmeticians, manicurists, and estheticians in chapter 10 of title 5;

(2) Chiropractic physicians in chapter 30 of title 5;

(3) Electrolysis in chapter 32 of title 5;

(4) Funeral director/embalmer in chapter 33.2 of title 5;

(5) Opticians in chapter 35.2 in title 5;

(6) Social workers in chapter 39.1 of title 5;

(7) Physical therapists in chapter 40 in title 5;

(8) Occupational therapy in chapter 40.1 in title 5;

(9) Psychologists in chapter 44 of title 5;
(10) Nursing home administrators 45 of title 5;

(11) Speech pathology and audiology in chapter 48 of title 5;

(12) Hearing aid dealers and fitters in chapter 49 of title 5;

(13) Prosthetist in chapter 59 of title 5;

(14) Athletic trainers in chapter 60 in title 5;

(15) Mental health counselors and marriage and family therapists in chapter 63 of title 5;

(16) Licensed dietician in chapter 64 of title 5;

(17) Dietary manager in chapter 64.1 of title 5;

(18) Radiologic technologists in chapter 68 of title 5;

(19) Licensed chemical dependency professionals in chapter 69 of title 5;

(20) Interpreters for the deaf in chapter 71 of title 5;

(21) Applied behavior analysts in chapter 86 of title 5;

(22) Clinical laboratory science practice in chapter 16.3 in title 23;

(23) Assisted living residence administrators in chapter 17.4 of title 23;

(24) Massage therapists in chapter 20.8 in title 23; and

(25) Respiratory care in chapter 39 of title 23;

(b) Over all professions stated in (a), the division of professional regulation and licensing shall:

(1) Approve all written and practical examinations in accordance with (c) below;

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

(3) Serve as the inspector of sanitation of all individuals and establishments licensed under this chapter;

(4) Make any rules and regulations that the division deems necessary or expedient, in conformity with the provisions of this chapter and not contrary to law, relating to the practice of any of the professions provided in subsection (a), including, but not limited to, the licensing, examination, examination fees, conduct of the business, the establishment, the sanitary requirements in all establishments and of all persons licensed or unlicensed under the provisions of this chapter;

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

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

(7) Summon witnesses; and

(8) Perform all acts necessary to enforce the provisions of this chapter;

(9) Act as the administrative agent and keep a record of all proceedings of the health professions board of review, issue all notices, attest all records, and perform any other
administrative duties that are required by the health professionals board of review, established in accordance with § 5-26.1-3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and

(5) The temporary permit or provisional license shall expire, but may be extended, in
accordance with a time period to be determined by the division under regulation.

(e) Establish standards for continuing education.

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

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

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

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

(h) The division shall administer their licensing or certification programs in a manner
which does not violate the requirements of 29 U.S.C. § 794, 42 U.S.C. § 12101 et seq., and chapter 87 of title 42.

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

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

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

1) Three (3) members for one (1) year;
2) Three (3) members for two (2) years;
3) Three (3) members for three (3) years; and
4) Beginning July 1, 2018, all members shall serve for three (3) years from their date of appointment.

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

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

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

(d) All members of the board are subject to the provisions of chapter 14 of title 36 and associated provisions.
5-26.1-5. Health professions board of review – Powers and duties. - (a) Upon formal request, the board shall hear an appeal of disciplinary actions taken by the division of professional regulation and licensing related to the professions listed in § 5-26.1-3(a) within thirty (30) days from the issuance of a complaint by the division. Any such hearing shall be conducted in accordance with chapter 35 of title 42, administrative procedures. The board shall render a decision within ten business (10) days from the close of the hearing. The board shall adopt regulations for the conduct of any such hearings. The board may summon witnesses and administer oaths as necessary. If a person fails to comply with an order of the board after being afforded a hearing, the superior court in Providence county has jurisdiction upon complaint of the department of health to restrain and enjoin that person from violating any order.

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

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

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

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

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

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

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

(2) "Barber" means any person who shaves or trims the beard, waves, dresses, singes, shampoos, or dyes the hair or applies hair tonics, cosmetic preparations, antiseptics, powders, oil clays, or lotions to scalp, face, or neck of any person; or cuts the hair of any person, gives facial
and scalp massages, or treatments with oils, creams, lotions, or other preparations.

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

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

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

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

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

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

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

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

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

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

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

(15) "The practice of barbering" means the engaging by any licensed barber in all or any combination of the following practices: shaving or trimming the beard or cutting the hair; giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances; singeing, shampooing, arranging, dressing, curling, waving,
chemical waving, hair relaxing, or dyeing the hair or applying hair tonics; or applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, or neck.

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

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

5-10-28. Appeals. – Any person aggrieved by any decision or ruling of the Division may appeal to the board administrator of the division or his or her designee in accordance with § 5-26.1-5. A further judicial appeal may then be made to the appropriate board of examiners, of the board’s decision may be brought in accordance with § 5-26.1-5(c). Any person aggrieved by any decision or ruling of the board may appeal it to the director of the department. Any further appeal from the action of the director is in accordance with the provisions of chapter 35 of title 42. For the purpose of this section the division is considered a person.

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

5-10-32. Enforcement of chapter – Annual reports. – The division is specifically charged with the enforcement of this chapter, shall investigate all complaints for violations of the provisions of this chapter. The board shall hold a hearing upon any complaint for any violation of
the chapter within thirty (30) days after the filing of the complaint and render a decision, in
writing, within ten (10) days from the close of the hearing. If the division board finds that any of
the provisions of this chapter have been violated, it the division shall immediately institute any
criminal prosecution that the violation warrants.

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

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

(1) Approve all written and practical examinations;
(2) Issue all licenses and permits subsequently provided for in this chapter;
(3) Serve as the sole inspector of sanitation of all establishments licensed under this
chapter;
(4) Make any rules and regulations that the division deems necessary or expedient, in
conformity with the provisions of this chapter and not contrary to law, for the conduct of the
business of barbering and hairdressing and cosmetic therapy or esthetics and manicuring, for the
use of appliances, apparatus, and electrical equipment and machines and the establishment of
sanitary requirements in all establishments and of all persons licensed under the provisions of this
chapter;
(5) Keep a register of all persons and places of business licensed under this chapter;
(6) Keep complete records of all persons and establishments licensed under this chapter;
(7) Summon witnesses and administer oaths; and
(8) Do all things and perform all acts necessary to enforce the provisions of this chapter.
(b) The board of barbering and hairdressing shall have a policy making role in selection
of the examinations. Subsequent to the administration of the examination, the board of examiners
shall review the examinations to evaluate their effectiveness. The board shall supervise the
operations of the division of professional regulation in an advisory capacity in promulgating any
policy that is necessary to improve the operations of the division in their areas of expertise. The
promulgation of that policy is subject to the approval of the director of the department. Members
of the board are subject to the provisions of chapter 11 of title 36.

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

appointed and qualified. The governor shall appoint one public member, three (3) licensed

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

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

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

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

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

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

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
and 5-30-15 of the General Laws in Chapter 5-30 entitled “Chiropractic Physicians,” are hereby
amended as follows:

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

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

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

5-30-8. Certification to practice physiotherapy. – (a) Every person desiring to practice
physiotherapy in addition to chiropractic medicine and who completed a course of four (4) years,
of eight (8) months each, in some school of chiropractic medicine approved by the division of
professional regulation and licensing of the department of health, completed a course of three (3)
years, of nine (9) months each, at some school of chiropractic medicine approved by the division
and an additional year, of at least six (6) months, in physiotherapy and all branches of that field, at that school, or has served as an intern for six (6) months in any year at an institution approved by the division, and satisfies the division that he or she is qualified, may take an examination before the state board of chiropractic examiners to determine his or her qualification to practice physiotherapy in addition to chiropractic medicine.

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

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

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

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

5-30-13. Continuing education requirements – Grounds for refusal, revocation, or suspension of certificates. – (a) The division of professional regulation and licensing of the department of health may, after notice and a hearing, in its discretion refuse to grant the certificate provided for in this chapter to any chiropractic physician if the applicant has not furnished satisfactory evidence that he or she has completed, in the twelve (12) months preceding each renewal date, at least twelve (12) hours of instruction in chiropractic related subjects as conducted by the Chiropractic Society of Rhode Island or the equivalent as approved by the division. Satisfactory evidence of completion of postgraduate study of a type and character, or at an educational session or institution approved by the division, is considered equivalent. Every chiropractic physician licensed to practice within this state, on or before the thirty-first day of October of every third year after the 1980 registration, shall apply to the division Rhode Island state board of chiropractic examiners for certification of triennial registration with the division board. The division may, after notice and a hearing, in its discretion refuse to grant the certificate provided for in this chapter to any chiropractic physician, if the applicant has not furnished
satisfactory evidence to the board of examiners that in the preceding three (3) years the practitioner has completed sixty (60) hours of instruction in chiropractic related subjects prescribed by the rules and regulations by the board of chiropractic examiners as conducted by the Chiropractic Society of Rhode Island or the equivalent as approved by the division. Satisfactory evidence of completion of postgraduate study of a type and character, or at an educational session or institution approved by the division, is considered equivalent. The division may waive the educational requirements if the division is satisfied that an applicant has suffered a hardship or for any other sufficient reason was prevented from meeting the educational requirements.

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

1. The use of any false or fraudulent statement in any document connected with the practice of chiropractic medicine.
2. The obtaining of any fee by willful fraud or misrepresentation either to a patient or insurance plan.
3. The willful violation of a privileged communication.
4. Knowingly performing any act which in any way aids or assists an unlicensed person to practice chiropractic medicine in violation of this chapter.
5. The practice of chiropractic medicine under a false or assumed name.
6. The advertising for the practice of chiropractic medicine in a deceptive or unethical manner.
7. The obtaining of a fee as personal compensation or gain for an employer or for a person on a fraudulent representation that a manifestly incurable condition can be permanently cured.
8. Habitual intoxication or addiction to the use of drugs.
9. Willful or repeated violations of any of the rules or regulations of the state department of health.
(10) Gross incompetence in the practice of his or her profession.

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

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

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

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

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

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

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

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

(b) The current members of the board as provided for in chapter 26 of this title shall continue to serve until the expiration of their terms. One additional chiropractic physician and the public members shall be appointed for initial terms to expire on June 30, 2002.
(c) At the expiration of the terms, the director, with the approval of the governor, shall appoint, at that time, and every three (3) years thereafter, qualified persons for a term of three (3) years. Upon the death, resignation or removal of any member, the director of the department of health, with the approval of the governor, shall appoint to vacancies as they occur, a qualified person to serve on the board for the remainder of the term and until his or her successor is appointed and qualified.

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

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

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

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, 5-32-13, and 5-32-17 in Chapter 5-32 entitled “Electrolysis” are hereby amended to read as follows:

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

### 5-32-3. Certificates – Applications – Penalty for violations
The division of professional regulation and licensing of the department of health shall issue certificates to practice electrolysis, as defined in this chapter, to any persons that comply with the provisions of this chapter. Any person who desires to engage in that practice shall submit, in writing, in any form that is required by the division board, an application for a certificate to engage in that
practice. The application shall be accompanied by a fee as set forth in § 23-1-54. Any person, firm, corporation or association violating any of the provisions of this chapter commits a misdemeanor and, upon conviction, shall be punished by a fine not to exceed two hundred dollars ($200), or imprisoned for a period not to exceed three (3) months, or both the fine and imprisonment.

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

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

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

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

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

(5) Is of good moral character.

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

5-32-6. Examination of applicants – Expiration and renewal of certificates. – (a) Examination of applicants for certificates shall be held at least twice a year in the city of Providence and may be held elsewhere at the discretion of the division of professional regulation and licensing of the department of health. The division has the power to adopt, change, alter and amend, rules and regulations for the conducting of those examinations, and may fix the fee for reexamination. The division shall issue to each person successfully passing the examination, where an examination is required, and who satisfies the division of his or her qualifications, a certificate, signed by the administrator of the division, entitling him or her to practice that business in this state for the annual period stated in the certificate, or until the certificate is
revoked or suspended, as subsequently provided.

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

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

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

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

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

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

(3) The violation of a privileged communication.

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

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

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

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

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

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

(10) Repeated acts of immorality or repeated acts of gross misconduct in the practice of his or her profession.
(b) Any person aggrieved by any decision or ruling of the division of professional regulation, in regard to any of the provisions of this chapter, may appeal that decision in accordance with § 5-26.1-5(c), to the superior court in the manner provided in the Administrative Procedures Act, chapter 35 of title 42.

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

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

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

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

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

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

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

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

SECTION 8. Sections 5-33.2-1, 5-33.2-5, and 5-33.2-19 of the General Laws in Chapter
5-33.2 entitled “Funeral Director/Embalmer Funeral Service Establishments” are hereby amended to read as follows:

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

1. Definitions.

   (1) “Board” means the health professions board of review state board of funeral directors/embalmers, established in accordance with § 5-26.1-3.

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

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

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

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

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

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

   (8)(i) "Funeral directing” means:

      (A) Conducting funeral services; or

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

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

   (9) "Funeral director/embalmer” means any person engaged, or holding himself or herself out as engaged in the practice or profession of funeral directing, and the science, practice or profession of embalming as previously defined, including a funeral director of record, who may be a funeral director at more than one establishment or any other word or title intending to imply or designate him or her as a funeral director/embalmer, undertaker, or mortician. The holder of this license must be the holder of an embalmer's license.
(10) "Funeral director/embalmer intern" means any person engaged in learning the
practice, or profession of funeral directing and the science, practice or profession of embalming
under the instruction and supervision of a funeral director/embalmer licensed and registered under
the provisions of this chapter and actively engaged in the practice, or profession of funeral
directing and embalming in this state.

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

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

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

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

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

5-33.2-19. Appeals. – Any person aggrieved by any decision or ruling of the division
may appeal that decision to the administrator of the division or his or her designee. A further
appeal may then be made to the appropriate board of examiners. Any person aggrieved by any
decision or ruling of that board may appeal the decision to the director of the department. Any
further appeal from the action of the director shall be in accordance with the provisions of chapter
35 of title 42, “Administrative Procedures Act.” The division shall be considered a person for the purposes of this section. Any person aggrieved by any decision or of the division in regard to any of the provisions of this chapter, may appeal to the health professions board of review in accordance with § 5-26.1-5. Any person aggrieved by any decision or ruling of the health professions board of review may appeal that decision in accordance with § 5-26.1-5(c).

SECTION 9. Section 5-33.2-2 of the General Laws in Chapter 5-33.2 entitled “Funeral Director/Embalmers Funeral Service Establishments” is hereby repealed.

5-33.2-2. Board of examiners – Qualifications and removal of members – Vacancies.
   (a) The members of the board of examiners in embalming shall be residents of this state for at least five (5) years; three (3) of whom shall have had at least five (5) years’ practical experience in embalming dead human bodies and in funeral directing, and shall have been actually engaged in these professions in this state and two (2) of whom shall be private citizens who represent the consumer and who are not involved with or affiliated with, financial or otherwise, any funeral establishment and/or funeral director/embalmer. The current members shall serve their present term as they fulfill the requirements of this section. No member shall serve more than two (2) consecutive terms.
   (b) The director of the department of health may remove any member of the board for cause. Vacancies are filled pursuant to § 5-26-4.

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 General Laws in Chapter 5-35.2 entitled “Opticians” are hereby amended to read as follows:

5-35.2-1. Definitions. – As used in this chapter:
   (1) "Advisory committee" means the health professions board of review established in accordance with § 5-26.1-3, advisory committee of opticianry as established herein.
   (2) "Department" means the department of health
   (3) "Director" means the director of the department of health.
   (4) "Division" means the division of professional regulation and licensing created under chapter 26.1 of this title.
   (5) "Optician" means a person licensed in this state to practice opticianry pursuant to the provisions of this chapter.
   (6) "The Practice of Opticianry" means the preparation or dispensing of eyeglasses, spectacles, lenses, or related appurtenances, for the intended wearers, or users, on prescription from licensed physicians or optometrists, or duplications or reproductions of previously prepared eyeglasses, spectacles, lenses, or related appurtenances; or the person who, in accordance with such prescriptions, duplications or reproductions, measures, adapts, fits, and adjusts eyeglasses,
spectacles, lenses, including spectacles add powers for task specific use or occupational
applications, or appurtenances, to the human face. Provided, however, a person licensed under the
provisions of this chapter shall be specifically prohibited from engaging in the practice of ocular
refraction, orthoptics, visual training, the prescribing of subnormal vision aids, telescopic
spectacles, fitting, selling, replacing, or dispensing contact lenses.

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

5-35.2-10. Refusal, suspension or revocation of license for unprofessional conduct. —
(a) In addition to any and all other remedies provided in this chapter, the division director may,
after notice and hearing, in the division's director's discretion, refuse to grants, refuse to renew,
suspend, or revoke any license provided for in this chapter to any person who is guilty of
unprofessional conduct or conduct of a character likely to deceive or defraud the public, or for
any fraud or deception committed in obtaining a license. "Unprofessional conduct" is defined as
including, but is not limited to:

(1) Conviction of one of the offenses set forth in § 23-17-37;
(2) Knowingly placing the health of a client a serious risk without maintaining proper
precautions;
(3) Advertising by means of false or deceptive statements;
(4) The use of drugs or alcohol to an extent that impairs that person's ability to properly
engage in the profession;
(5) The use of any false or fraudulent statement in any document connected with his or
her practice;
(6) The obtaining of any fee by fraud or willful misrepresentation of any kind either to a
patient or insurance plan;
(7) Knowingly performing any act which in any way aids or assists an unlicensed person
to practice in violation of this chapter;
(8) Violating or attempting to violate, directly or indirectly, or assisting in, or abetting,
the violation of, or conspiring to violate, any of the provisions of this chapter or regulations
previously or hereafter issued pursuant to this chapter;
(9) Incompetence;
(10) Repeated acts of gross misconduct;
(11) (a) Failure to conform to acceptable and prevailing community standard of
opticianry practice.

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

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

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

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

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

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

(2) "Clinical social work practice" means the professional application of social work theories, methods, and values in the diagnosis, assessment, and treatment of cognitive, affective, and behavioral disorders arising from physical, environmental, or emotional conditions. Clinical social work services include, but are not limited to, diagnosis; assessment; evaluation;
psychotherapy and counseling for individuals, couples, families, and groups; client-centered advocacy; consultation; and supervision. Clinical social work services do not include psychological testing, and nothing in this chapter shall be construed to permit social workers to practice psychology.

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

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

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

(6) "Division" means the division of professional regulation and licensing in the Rhode Island department of health.

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

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

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

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

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

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

and

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

539.1-5. Agency powers – The department of health shall promulgate rules and regulations that may be reasonably necessary for the administration of this chapter and to further its purposes. The division of health, on the recommendation of the board of social work examiners, shall:

(1) Issue licenses to those qualified under this chapter;
(2) Examine individuals seeking licensure and pass on the examinations; and

(3) Determine if applicants are qualified for licensure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) Has engaged in false or misleading advertising;

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

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

5-39.1-11. Complaints. – All complaints concerning a licensee's business or professional practice shall be received by either the board or the division state agency. Each complaint received shall be logged, recording at a minimum the following information:

(1) Licensee's name;

(2) Name of the complaining party;

(3) Date of complaint;

(4) Brief statement of complaint; and

(5) Disposition.

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

(b) Any person aggrieved by any determination of the division in regard to any of the provisions of this chapter, may appeal to the health professions board of review in accordance.
The board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the board shall make a determination, recommendation to the director who shall issue an order.

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

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

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

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

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

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

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, 5-40-15 and 5-40-16 of the General Laws in Chapter 5-40 entitled “Physical Therapists” are hereby amended to read as follows:

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

(1) “Board” means the health professions board of review established in accordance with § 5-26.1-3, board of physical therapy established by § 5-40-2.

(2) “Department” means the department of health.

(3) “Division” means the division of professional regulation and licensing in the Rhode Island department of health.

(4) “Examination” means an examination approved by the department in consultation with the board.

(4)(5) “License” means a license issued by the department to practice physical therapy.

(5)(6) “Physical therapist” means an individual who is licensed by the department to
practice physical therapy.

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

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

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

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

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

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

(2) Is of good moral character;

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

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

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

(1) Is at least eighteen (18) years of age;
(2) Is of good moral character;

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

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

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

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

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

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

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

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

(2) Prior to becoming licensed in this state, the foreign-trained applicant must also meet all of the appropriate requirements described in this section or its equivalent as established in rules and regulations.
5-40-7.1. Licensing of physical therapist assistants. – (a) By Examination. The applicant is required to pass with a grade determined by the division board an examination approved by the department, in consultation with the board.

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

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

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

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

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

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

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

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

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

(3) Is mentally and/or professionally incompetent;

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

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

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

(7) Abandonment of a patient;

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

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

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

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

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

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

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

(15) Failure to furnish the board, administrator, investigator, or representatives information legally requested by the division board;

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

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

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

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

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

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

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

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

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

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

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

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

(3) At the hearing, the accused has the right to appear personally or by counsel or both, to produce witnesses and evidence on his or her behalf, to cross-examine witnesses, and to have subpoenas issued by the administrator of professional regulation. The attendance of witnesses and
the production of books, documents, and papers at the hearing may be compelled by subpoenas
issued by the administrator, which shall be served in accordance with law.

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

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

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

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

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

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

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

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

5-40-16. Appeals from board, administrator, or director. – (a) An appeal from any
decision or order of the board, administrator of professional regulation, or director of the
department of health may be, may be brought by an aggrieved person in accordance with § 42-35-
15. The term “person” in this section includes the Department, claimed by any aggrieved party
within thirty (30) days of that decision or order by filing a claim of appeal and reasons for the
appeal in the office of the clerk of the superior court in the county in which the aggrieved party
resides.
(b) A copy of the aggrieved party's claim of appeal and the reasons for the appeal shall be served on the secretary of the board, or administrator of professional regulation. The secretary or administrator shall promptly certify to the clerk of the superior court a correct and full copy of the record in connection with the order, including a transcript of the evidence, if the transcript has been taken, its findings of fact, conclusions, and a copy of the order.

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

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

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

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

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

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

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

(b) No member shall serve for more than two (2) successive terms. The director of health may remove any member from the board for neglect of any duty required by law or for any
incompetency, unprofessional or dishonorable conduct. Vacancies created by voluntary
resignation or removal by the director of health shall be filled in the same manner as the original
appointment is made for the remainder of the term not exceeding the original two (2) term
limitation.

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

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

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

5-40-5. Board of physical therapy -- General powers. -- The board is authorized to
recommend to the director of the department of health for his or her approval the adoption and
revision of rules and regulations not inconsistent with law, that are necessary to enable it to carry
into effect the provisions of this chapter. The board shall recommend for licensure only qualified
applicants. The board shall review applicants at least twice a year. The board shall recommend
the tests which applicants for licensure take. The department shall adopt policies to be followed in
the examination, licensure, and renewal of license of duly qualified applicants. The board shall
conduct hearings upon charges calling for the discipline of a licensee or revocation of a license.
The department has the power to issue subpoenas and compel the attendance of witnesses and administer oaths to persons giving testimony at hearings. The board or the director of the department of health shall prosecute all persons violating this chapter and has the power to incur necessary expenses of prosecution. The board shall keep a record of all of its proceedings. The board may utilize other persons as necessary to carry on the work of the board.

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

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

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

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

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

(e) "Division" means the division of professional regulation and licensing.

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

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

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

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

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

(iii) Developing, improving, sustaining, or restoring sensory-motor, oral-motor,
perceptual, or neuromuscular functioning; or emotional, motivational, cognitive, or psychosocial components of performance; and

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

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

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

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

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

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

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

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

(2) Be of good moral character;

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

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

(i) For an occupational therapist, a minimum of twenty-four (24) weeks of supervised
fieldwork experience shall be required;

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

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

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

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

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

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

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

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

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

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

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

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

(d) In case any applicant fails to satisfactorily pass an examination, the applicant shall be entitled to re-examination.
(e) Occupational therapists and occupational therapy assistants who are licensed or regulated to practice under laws of another state or territory or the District of Columbia may, upon receiving a receipt from the division, perform as an occupational therapist or occupational therapy assistant under the supervision of a qualified and licensed occupational therapist or occupational therapy assistant. If this applicant fails to receive licensure when the board reviews the application, all previously mentioned privileges automatically cease.

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

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

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

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

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

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

(4) Upon receipt of a renewal application and payment of fee, the director shall, upon the
recommendation of the board, grant a renewal license effective the thirty-first (31st) day of March for a period of two (2) years, unless sooner suspended or revoked.

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

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

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

5-40.1-14. Grounds for refusal to renew, suspension, or revocation of license.— (a) The division board may deny a license or refuse to renew a license or may suspend or revoke a license or may impose probationary conditions if the licensee has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Unprofessional conduct includes:

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

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

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

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

(5) Failing to report, in writing, to the division board any disciplinary decision issued against the licensee or the applicant in another jurisdiction within thirty (30) days of the
disciplinary decisions;

(6) Violating any provision of this chapter; and

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

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

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

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

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

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

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

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

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

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

5-40.1-4. Board of occupational therapy — Practice — Creation — Composition — Appointment and term of members — Meetings — Vacancies. — (a) There is created within the division of professional regulation in the department of health a board of occupational therapy practice. The board shall consist of five (5) members appointed by the director of the department of health with the approval of the governor. Three (3) members shall be licensed occupational therapists; one member shall be a physician licensed to practice medicine in this state; and one member shall be a consumer.
(b) The director of the department of health, with the approval of the governor, within sixty (60) days following May 11, 1984, shall appoint one board member for a term of one year; two (2) for a term of two (2) years; and two (2) for a term of three (3) years. Appointments made thereafter shall be for three (3) year terms, but no person shall be appointed to serve more than two (2) consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed by this section.

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

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

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

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

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

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

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

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

5-40.1-15. Board of occupational therapy practice—Seal—Authentication of records—The board shall adopt a seal by which it authenticates its proceedings. Copies of the
proceedings, records, and acts of the board and certificates purporting to relate the facts
concerning its proceedings, records, and acts signed by the secretary and authenticated by the
seal, shall be evidence in all courts of this state.

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-
44-18, 5-44-19, 5-44-20, and 5-44-22 of the General Laws in Chapter 5-44 entitled
“Psychologists” are hereby amended to read as follows:

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

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

(2) "Board" means the health professions board of review established in accordance with
§ 5-26.1-3, board of psychology established by § 5-44-3.

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

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

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

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

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

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

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

(6) "Psychology student", "psychology trainee", "psychology intern", or "psychology
resident" means a student, intern, or other person studying or preparing for the profession of
psychologist under the supervision of recognized educational or training institutions or facilities.

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

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

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

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

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

(1) Is of good moral character;

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

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

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

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

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

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

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

(b) A candidate shall pass the examination by reaching the threshold score and requirements set forth by the Division, upon the affirmative vote of at least two (2) members of the board.
5-44-11. Licensure without examination. – A licensure as a psychologist may be issued to:

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

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

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

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

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

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

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

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

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

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

5-44-15. Expiration and renewal of licenses. – Continuing education. – Lapsed license. – (a) The license of every person licensed under the provisions of this chapter shall expire on the first day of July of the next even-numbered year following the issuance of his or her license.
(b) On or before the first day of May of each even-numbered year, the department shall mail an application for renewal of license to every person to whom a license has been issued or renewed during the cycle.

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

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

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

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

1. Is guilty of fraud or deceit in procuring or attempting to procure a license or temporary license;
2. Is guilty of a felony or of a crime of immorality;
3. Is habitually intemperate or is addicted to the use of habit-forming drugs;
4. Is mentally incompetent;
5. Is incompetent or negligent in the practice of psychology and has violated the provisions of chapter 5-44 or the rules and regulations promulgated hereunder;
6. Has violated the ethical principles governing psychologists and the practice of psychology, as adopted by the board and in force at the time a charge is made regardless of whether or not the person is a member of any national, regional, or state psychological association; provided, that those ethical principles are a national recognized standard; and departure from or the failure to conform to the minimal standards of acceptable and prevailing...
psychology practice.

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

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

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

5-44.19. Procedure for discipline. – (a) When a sworn complaint is filed with the division board charging a person with being guilty of any of the actions specified in § 5-44.18, the department shall immediately investigates those charges, or the board, investigation, may institute charges.

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

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

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

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

(5) When publication of notice is necessary, the date of the hearing shall not be less than twenty (20) days after the last date of publication of the notice.
(c)(1) At the hearing, the accused has the right to appear personally or by counsel or both, to produce witnesses and evidence on his or her behalf, to cross-examine witnesses, and to have subpoenas issued by the administrator of professional regulation.

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

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

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

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

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

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

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

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

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

5-44-3. Board of psychology – Creation – Composition. – Within the department of professional regulation in the department of health, there shall be a board of psychology.
consisting of five (5) members as provided by § 5-44-4.

5-44-4. Board of psychology — Appointment, terms, oath, and removal of members. (a) The director of the department of health shall, with the approval of the governor, appoint five (5) electors as members of the board. One member of the board shall be representative of the public, and four (4) shall be psychologists pursuant to this chapter and each of them shall have been engaged in their profession for at least five (5) years. At least one member of the board shall be an academic psychologist.

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

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

5-44-5. Board of psychology — Organization and meetings. (a) The board shall organize immediately after the appointment and qualification of its members.

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

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

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

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

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

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

SECTION 20. Sections 5-45-4, 5-45-6, 5-45-7, and 5-45-12 of the General Laws in Chapter 5-45 entitled “Nursing Home Administrators” are hereby amended to read as follows:
5-45-4. Definitions. – For the purpose of this chapter, and as used in it:

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

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

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

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

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

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

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

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

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

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

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

(3) Have passed an examination conducted by the division board and designed to test for competence in the subject matter referred to in subdivision (2) of this section. Where the
department deems it appropriate for purposes of according with religious teachings, the
examination of an individual may exclude any subjects which could be considered in derogation
of, or in conflict with, the teachings and practice of any recognized religious faith. Any license
issued on the basis of that abridged examination shall be annotated to designate the appropriate
limitation of the type of facility of which the licensed individual may be an administrator.

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

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

(1) Being unfit or incompetent by reason of negligence, habits, or other causes;
(2) Violating any of the provisions of this chapter or the rules enacted in accordance with
it; or acting in a manner inconsistent with the health and safety of the patients of the nursing
facility in which he or she is the administrator;
(3) Engaging in fraud or deceit in the practice of nursing home administration, or in his or
her admission to this practice;
(4) Being convicted in a court of competent jurisdiction, either within or without this
state, of a felony.
(5) Failing to conform to minimal standards of acceptable and prevailing practice of
nursing home administration.

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

(1) Report regularly to the department on matters that are the basis of the probation;
(2) Limit practice to the areas prescribed by the department; or
(3) Complete a prescribed program of continuing professional education until the licensee
attains a degree of skill satisfactory to the department in those areas that are the basis of the
probation.

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

5-45-1. Board of examiners – Creation – Composition – Appointment, terms, oath,
and removal of members – Meetings. – (a) Within the department of health, there shall be a
board of examiners for nursing home administrators. The board shall be appointed by the director of the department of health, with the approval of the governor, and shall consist of seven (7) persons who shall be certified electors of this state.

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

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

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

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

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

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

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

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

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

(g) Meetings shall be called by the director of the department of health, or his or her authorized designee, or by a majority of the members of the board.
(h) The administrator of professional regulation of the department of health, as provided by chapter 26 of this title shall serve as administrative agent of the board.

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

1. Conduct examinations as required by the department and to act in an advisory capacity to the department in all matters pertaining to the licensing of nursing home administrators;

2. Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets those standards, subject to the approval of the director;

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

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

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

1. The Rhode Island Health Care Association;

2. The Rhode Island Association of Facilities for the Aging;

3. The American College of Health Care Administrators;

4. The Alliance for Better Nursing Home Care;

5. Nationally-recognized associations of the groups listed in subdivisions (1)–(4) of this subsection;

6. Any accredited college or university; or

7. Any organizations authorized and approved by the department.

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 5-48-13 of the General Laws in Chapter 5-48 entitled “Speech Pathology and Audiology” are hereby amended to read as follows:
1. Purpose and legislative intent – Definitions.

(a) It is declared to be a policy of this state that the practice of speech language pathology and audiology is a privilege granted to qualified persons and that, in order to safeguard the public health, safety, and welfare, protect the public from being misled by incompetent, unscrupulous, and unauthorized persons, and protect the public from unprofessional conduct by qualified speech language pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech language pathology and audiology services to the public.

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

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

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

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

4. "Board" means the health professions board of review established in accordance with § 5-26.1-3, state board of examiners for speech language pathology and audiology.

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

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

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

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

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

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

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

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

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

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

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

(iv) A practice is deemed to be the "practice of speech language pathology" if services are offered under any title incorporating such words as "speech pathology", "speech pathologist", "speech therapy", "speech therapist", "speech correction", "speech correctionist", "speech clinic", "speech clinician", "language pathology", "language pathologist", "voice therapy", "voice
"therapist", "voice pathology", "voice pathologist", "logopedics", "logopedist", "communicology", "communicologist", "aphasiology", "aphasiologist", "phoniatrist", or any similar title or description of services.

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

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

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

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

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

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

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

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

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

Speech language support personnel shall be registered with the board within thirty (30) days of
beginning work, or the supervising speech language pathologist will be assessed a late filing fee as set forth in § 23-1-54.

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

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

1. Be of good moral character;
2. Apply to the department, upon a form prescribed by the department;
3. Submit the appropriate application fee;
4. Submit an official transcript indicating possession of a master's degree or a doctorate degree or equivalent in speech language pathology from an educational institution accredited by the Council on Academic Accreditation (CAA) of the American Speech Language Hearing Association (ASHA) or other national accrediting association as may be approved by the board. The degree shall consist of course work in accordance with the current minimum requirements for the certificate of clinical competence issued by the American Speech Language Hearing Association (ASHA) or other national accrediting association as may be approved by the board and delineated in the rules and regulations;
5. Complete supervised clinical practicum experiences from an educational institution or its cooperating programs. The content of the practicum shall be in accordance with the current minimum requirements for the certificate of clinical competence issued by the American Speech Language Hearing Association (ASHA) or other national accrediting association as may be approved by the division board and delineated in the rules and regulations;
6. Pass a national examination in speech language pathology as required by the American Speech Language Hearing Association (ASHA) or other national accrediting association as may be approved by the board and delineated in the rules and regulations;
7. Present verification of a certificate of clinical competence from the American Speech Language Hearing Association (ASHA) or other national accrediting association as may be approved by the division board; and
8. If applicable, present evidence from the board of speech language pathology in each state in which the applicant has held or holds licensure to be submitted to the board of this state, attesting to the licensure status of the applicant during the time period the applicant held licensure in said state.

**5-48-7.1: Qualifications for a provisional license for a speech language pathologist. —**

(a) To be eligible for provisional licensure by the [division board](#), the speech language pathologist applicant must submit an application with the required application fee and be in compliance with
the requirements of § 5-48-7(1), (4), (5) and (6).

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

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

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

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

(1) Be of good moral character;

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

(3) Submit the appropriate application fee;

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

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

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

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

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

5-48-9. Fees – Late filing – Inactive status – Filing fees for support personnel registration. (a) The division board may charge an application fee; a biennial license renewal fee payable before July 1 of even years (biennially); or a provisional license renewal fee as set forth in § 23-1-54 payable annually from the date of issue.

(b) Any person who allows his or her license to lapse by failing to renew it on or before the thirtieth (30th) day of June of even years (biennially), may be reinstated by the board on payment of the current renewal fee plus an additional late filing fee as set forth in § 23-1-54.
(c) An individual licensed as a speech language pathologist and/or audiologist in this state, not in the active practice of speech-language pathology or audiology within this state during any year, may upon request to the board, have his or her name transferred to an inactive status and shall not be required to register biennially or pay any fee as long as he or she remains inactive. Inactive status may be maintained for no longer than two (2) consecutive licensing periods, after which period licensure shall be terminated and reapplication to the board shall be required to resume practice.

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

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

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

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

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

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

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

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

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

(1) Refuse to issue or renew a license.

(2) Issue a letter of reprimand or concern.
(3) Require restitution of fees.

(4) Impose probationary conditions.

(5) Suspend or revoke a license.

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

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

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

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

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

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

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

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

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

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

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

5-48-2. Board of examiners – Composition – Appointments, terms and qualifications of members. – (a) There exists within the department of health a board of examiners of speech...
language pathology and audiology. The board shall consist of five (5) persons who are residents
of the state, and who have worked within the state for at least one year prior to their
appointments.

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

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

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

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

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

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

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

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

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

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

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

5-48-3. Board of examiners — Duties and powers — Meetings — Compensation of
members; (a) The board shall administer, coordinate, and enforce the provisions of this chapter,
evaluate the qualifications of applicants, and may issue subpoenas, examine witnesses, and
administer oaths, conduct hearings, and at its discretion investigate allegations of violations of
this chapter and impose penalties if any violations of the chapter have occurred.

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

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

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

e. The board may request legal advice and assistance from the appropriate state legal officer.

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

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

(h) Board members shall serve without compensation.

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

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

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

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

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

(2) “Board” means the health professions board of review established in accordance with

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

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

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

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

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

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

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

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

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

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

(d) The holder of a certificate of endorsement shall be registered in the same manner as a licensee. The fee for an initial certificate of endorsement shall be the same as the fee for an initial
license. Fees, grounds for renewal, and procedures for the suspension and revocation of certificates of endorsement shall be the same as for renewal, suspension, and revocation of a license.

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

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

(2) Is of good moral character;

(3) Has an education equivalent to a four-year course in an accredited high school; and

(4) Is free of contagious or infectious disease.

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

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

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

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

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

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

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

(7) Either party taking depositions shall give at least five (5) days' written notice to the
other party of the time and place of those depositions, and the other party has the right to attend
(with counsel if desired) and cross-examine.

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

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

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

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

(3) Unethical conduct, including:

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

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

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

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

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

(vi) Habitual intemperance.

(vii) Gross immorality.

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

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

(x) Directly or indirectly giving or offering to give, or permitting or causing to be given,
money or anything of value to any person who advises another in a professional capacity, as an
inducement to influence him or her, or have him or her influence others, to purchase or contract
to purchase products sold or offered for sale by a hearing aid dealer or fitter, or influencing
persons to refrain from dealing in the products of competitors.
(xi) Representing, when this is not the case, that the hearing aid is or will be “custom-made”, “made to order”, or "prescription-made", or in any other sense specially fabricated for an individual person.

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

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

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

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

(8) Violating any provisions of this chapter.


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

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

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

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

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

(c) All members of the board shall be appointed by the governor.

(d) The term of office of each member shall be three (3) years; except that of the members of the first board appointed under this chapter, two (2) shall be appointed for two (2) years, two (2) shall be appointed for three (3) years, and two (2) shall be appointed for four (4) years.
Before a member's term expires, the governor shall appoint a successor to assume his or her duties on the expiration of his or her predecessor's term.

A vacancy in the office of a member shall be filled by appointment for the unexpired term.

The members of the board shall annually designate one member to serve as chair and another to serve as secretary-treasurer.

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

Members of the board shall not be compensated for their services on the board.

The board shall:

(a) Advise the department in all matters relating to this chapter;

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

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

The department shall be guided by the recommendations of the board in all matters relating to this chapter.

The board shall meet not less than six (6) times each year at a place, day, and hour determined by the board. The board shall also meet at any other times and places as requested by the department.

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

(1) “ABC” means the American Board for Certification in Orthotics and Prosthetics or its successor agency.

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

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

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

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

(6) "Direct-formed orthoses" means devices formed or shaped during the molding process directly on the patient's body or body segment.
(7) “Division” means the division of professional regulation and licensing in the department of health.

(8) “Licensed Orthotist” means a person licensed under this chapter to practice orthotics.

(9) “Licensed Prosthetist” means a person licensed under this chapter to practice prosthetics.

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

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

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

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

(14) “Physician” means a doctor of allopathic medicine (M.D.), osteopathic medicine
(D.O.), podiatric medicine (D.P.M.), and chiropractic medicine (D.C.).

"Prefabricated orthoses" or "off-shelf orthoses" means devices that are manufactured as commercially available stock items for no specific patient.

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

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

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

5-59.1-6. Qualifications for license. — (a) Qualification for licensing under this chapter
shall be the possession of the title “certified prosthetist” or “certified orthotist”, as issued by and
under the rules of the American Board for Certification in Orthotics and Prosthetics, Inc. or the
division Board for Orthotist/Prosthetist certification. Evidence of the possession of that title shall
be presented to the department.

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

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

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

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

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

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

SECTION 27. Sections 5-59.1-10 and 5-59.1-17 of the General Laws in Chapter 5-59.1
titled “Orthotics and Prosthetics Practices” are hereby repealed.

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

5-59.1-17. Advisory Board of Orthotics and Prosthetics Practice – Composition –
Appointment and terms – Powers and duties. – (a) There is hereby created an advisory
licensing board to review applications for licensure to obtain a license as an orthotist or
prosthetist pursuant to this chapter of the general laws. The review of each applicant’s licensing
shall require that the applicant have completed an NCOPE (National Commission on Orthotic and
Prosthetic Education); accredited residency under a board certified practitioner in the respective
discipline; and meet all of the requirements of the chapter. The board shall conduct its interviews
and/or investigation and shall report its findings to the director of the department of health.

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

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

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

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

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

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

(4) "Director" means the director or state official in charge of the department of health.
(5) “Division” means the division of professional regulation and licensing at the department of health.

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

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

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

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

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

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

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

SECTION 29. Sections 5-60-4 and 5-60-5 of the General Laws in Chapter 5-60 entitled “Athletic Trainers” are hereby repealed.
in the state, except that the director in appointing the athletic trainer members of the first board
may appoint any practicing athletic trainer who possesses the qualification required by § 5-60.10.
To qualify as a member, a person must be a citizen of the United States and a resident of the state
for five (5) years immediately preceding appointment.

(b) The members of the board shall be appointed for terms of three (3) years which expire
on August 1 of even numbered years, except that in making the initial appointments the director
shall designate one member to serve one year, two (2) members to serve two (2) years, and two
(2) members to serve three (3) years. In the event of death, resignation, or removal of any
member, the vacancy shall be filled for the unexpired portion of the term in the same manner as
the original appointment. The director may remove any member for cause at any time prior to the
expiration of his or her term. No member shall serve for more than two (2) consecutive three (3)
year terms.

(c) Each appointee to the board shall qualify by taking the constitutional oath of office
within thirty (30) days from the date of his or her appointment. On presentation of the oath, the
director shall issue commissions to appointees as evidence of their authority to act as members of
the board.

(d) The board shall elect from its members for a term of one year, a chairperson, vice-
chairperson, and secretary treasurer, and may appoint committees that it considers necessary to
carry out its duties. The board shall meet at least two (2) times a year. Additional meetings may
be held on the call of the chairperson or at the written request of any three (3) members of the
board. The quorum required for any meeting of the board shall be three (3) members. No action
by the board or its members has any effect unless a quorum of the board is present.

5-60.5. Board—Powers and duties.—Subject to the approval of the director, the board
has the powers and duties to:

(1) Make rules and regulations consistent with this chapter, which are necessary for the
performance of its duties.

(2) Prepare application forms for license applicants.

(3) Keep a complete record of all licensed athletic trainers and prepare annually a roster
showing the names and addresses of all licensed athletic trainers, and make available a copy of
the roster to any person requesting it on payment of a fee established by the department sufficient
to cover the cost of the roster.

(4) Keep a permanent record of all proceedings under this chapter.

(5) Issue licenses to qualified applicants.

(6) Conduct hearings to deny, revoke, suspend, or refuse renewal of licenses under this
chapter, and issue subpoenas to compel witnesses to testify or produce evidence at the hearings.

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-
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
Chapter 5-63.2 entitled “Mental Health Counselors and Marriage and Family Therapists” are
hereby amended to read as follows:

5-63.2-2. Definitions. – As used in this chapter:

(1) “Advertise” means, but is not limited to, the issuing or causing to be distributed any
card, sign, or device to any person; or the causing, permitting or allowing any sign or marking on
or in any building, radio or television, or by advertising by any other means designed to secure
public attention.

(2) “Board” means the health professions board of review established in accordance with
§ 5-26.1-3, board of mental health counselors and marriage and family therapists.

(3) “Clinical counselor in mental health” means a person who is licensed pursuant to § 5-
63.2-9, which license is in force and not suspended or revoked as of the particular time in
question.

(4) “Division” means the division of professional regulation and licensing in the
department of health.

(5) “Internship” means a part of an organized graduate program in counseling therapy
and constitutes a supervised experience within a mental health and/or marriage and family setting.

(6) “Marriage and family therapists” means a person who is licensed pursuant to § 5-
63.2-10 which license is in force and not suspended or revoked as of the particular time in
question.

(7) “Person” means any individual, firm, corporation, partnership, organization or
body politic.

(8) “Practice of clinical mental health counseling” means the rendering of professional
services to individuals, families or groups for monetary compensation. These professional
services include:

(i) Applying the principals, methods and theories of counseling and/or psychotherapeutic
techniques to define goals and develop a treatment plan of action aimed toward the prevention,
treatment and resolution of social, mental and emotional dysfunction and intra or interpersonal
disorders in persons diagnosed at intake as non-psychotic and not presenting medical problems;

and

(ii) Engaging in psychotherapy of a non-medical nature utilizing supervision when
appropriate and making referrals to other psychiatric, psychological or medical resources when
the person is diagnosed as psychotic or presenting a medical problem.

(9) "Practice of marriage and family therapy" means the rendering of professional services to individuals, family groups, couples or organizations for monetary compensation. These professional services include applying principles, methods and therapeutic techniques for the purpose of resolving emotional conflicts, modifying perceptions and behavior, enhancing communications and understanding among all family members and the prevention of family and individual crisis. Individual marriage and family therapists shall also engage in psychotherapy of a non-medical and non-psychotic nature with appropriate referrals to psychiatric resources.

(10) "Practicum" means a part of an organized graduate program in counseling therapy and constitutes a supervised experience within the graduate counseling program.

(11) "Qualified supervision" means the supervision of clinical services in accordance with standards established by the division Board under the supervision of an individual who has been recognized by the Board as an approved supervisor.

(12) "Recognized educational institution" means any educational institution which grants a Bachelor's, Master's, or Doctoral degree and which is recognized by the division Board of Mental Health Counselors and Marriage and Family Therapy Examiners or a recognized postgraduate clinical training program as specified in §§ 5-63.2-9(2) and 5-63.2-10(2).

(13) "Use a title or description of" means to hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, calling cards or other instruments of professional identification.

5-63.2-8. Register of mental health counselors and marriage and family therapists – Records – Issuance of licenses. – The division administrator of professional regulations of the department of health shall maintain a register of all clinical mental health counselors and marriage and family therapists licensed under this chapter which shall be open at all reasonable times to public inspection. The division administrator shall be the custodian of all records pertaining to the licensure of clinical mental health counselors and marriage and family therapists. The division shall determine whether a license shall be issued. He or she shall issue licenses only upon the recommendation of the board.

5-63.2-9. Qualifications of licensed clinical mental health counselors. – (a) An applicant for licensure shall submit to the division board written evidence on forms furnished by the division of professional regulation verified under oath that the applicant:

(1) Is of good character; and

(2) Has received a graduate degree specializing in counseling/therapy from a college or university accredited by the New England Association of Schools and Colleges, or an equivalent
regional accrediting agency, and which has the approval by a cognizable national or regional
certifying authority; and

(3) Has completed sixty (60) semester hours or ninety (90) quarter hours within their
graduate counseling/therapy program; and

(4) Has completed a minimum of twelve (12) semester hours or eighteen (18) quarter
hours of supervised practicum and a minimum of one calendar year of supervised internship
consisting of twenty (20) hours per week or its equivalent with emphasis in mental health
counseling supervised by the department within the college or university granting the requisite
degree or by an accredited postgraduate clinical training program recognized by the United States
Department of Education, or education and/or experience which is deemed equivalent by the
division board; and

(5) Has completed a minimum of two (2) years of relevant postgraduate experience,
including at least two thousand (2,000) hours of direct client contact offering clinical or
counseling or therapy services with emphasis in mental health counseling subsequent to being
awarded a master's degree, certificate of advanced graduate study or doctorate; and

(6) A minimum of one hundred (100) hours of post-degree supervised case work spread
over a two (2) year period; provided, that the supervision was provided by a person who at the
time of rendering the supervision was recognized by the division board as an approved
supervisor; and

(7) Has passed to the satisfaction of the division board an examination conducted by it to
determine the applicant's qualification for licensure as a clinical mental health counselor or is
applying for licensure under the provisions of § 5-63.2-15.

(b) A candidate shall be held to have qualified for licensure as a clinical mental health
counselor upon a determination of qualifications by the division, the affirmative vote of at least
four (4) members of the board, two (2) of whom must be mental health counselors on the board.

5-63.2-10. Qualifications of licensed – Marriage and family therapists. – (a) An
applicant for licensure shall submit to the division board written evidence on forms furnished by
the division of professional regulation verified under oath that the applicant:

(1) Is of good character; and

(2) Has completed a graduate degree program specializing in marital and family therapy
from a college or university accredited by the New England Association of Schools and Colleges,
or an equivalent regional accreditation agency; and

(3) Has completed sixty (60) semester hours or ninety (90) quarter hours within their
graduate degree program specializing in marital and family therapy; and
(4) Has completed a minimum of twelve (12) semester hours or eighteen (18) quarter hours of supervised practicum and a one calendar year of supervised internship consisting of twenty (20) hours per week or its equivalent with emphasis in marriage and family therapy supervised by the department within the college or university granting the requisite degree or by an accredited postgraduate clinical training program, approved by the commission on accreditation for marriage and family therapy education recognized by the United States department of education or education and/or experience which is deemed equivalent by the division board; and

(5) Has had a minimum of two (2) years of relevant postgraduate experience, including at least two thousand (2,000) hours of direct client contact offering clinical or counseling or therapy services with emphasis in marriage and family therapy subsequent to being awarded a master's degree or doctorate; and

(6) Has had a minimum of one hundred (100) hours of post-degree supervised case spread over two (2) years; provided, that the supervision was provided by a person who at the time of rendering the supervision was recognized by the division board as an approved supervisor; and

(7) Has passed to the satisfaction of the board an examination conducted by it to determine the applicant's qualifications for licensure as a marriage and family therapist or is applying for licensure under the provisions of § 5-63.2-15.

(b) A candidate shall be qualified for licensure as a marriage and family therapist upon a determination of qualifications by the division, the affirmative vote of at least four (4) members of the board, two (2) of whom must be marriage and family therapists on the board.

5-63.2-13. Licensure application. – (a) Each person desiring to obtain a license as a practicing marriage and family therapist or clinical mental health counselor shall make application to the division board upon the form and in the manner that the board prescribes and shall furnish satisfactory evidence to the division board that she or he:

(1) Is of good moral character;

(2) Has not engaged or is not engaged in any practice or conduct which would be a ground for refusing to issue a license under § 5-63.2-21 of this chapter;

(3) Is qualified for licensure pursuant to the requirements of this chapter, or is currently certified by the Rhode Island department of health as a mental health counselor or a marriage and family therapist. The transition from certification to licensure does not require an additional fee payment.

(b) Any person who applies to the division board shall be issued a license by the board if
she or he meets the qualifications stated in subdivisions (a)(1), (2), and (3) of this section and
provides satisfactory evidence to the board that she or he:

(1) Meets educational experience qualifications as follows:

(i) Educational requirements: a master's degree or certificate in advanced graduate studies
or a doctoral degree in marriage and family therapy or mental health counseling from a
recognized educational institution, or a graduate degree in an allied field from a recognized
educational institution and graduate level course work which is equivalent to a master's degree in
marriage and family therapy or mental health counseling, as determined by the division board.

(ii) Experience requirements: successful completion of two (2) calendar years of work
experience in marriage and family therapy or mental health counseling under qualified
supervision following receipt of a qualifying degree.

(2) Passes an examination administered by the division board.

5-63.2-14. Examination of applicants. — Examination for licensure shall be conducted
by the division as scheduled by the director of the department of health and offered by the board
at least twice a year according to methods and in each subject fields that is the division deems
most practical and expeditious to test the applicant's qualifications. The division board may
require examinations to be written or oral, or both. In any written examination the identity of the
applicant shall not be disclosed to the division board until after the examination papers are
graded. Written examination papers shall be preserved and available to the board for at least two
(2) years.

5-63.2-15. Licensure by endorsement. — A license as a clinical mental health counselor
or marriage and family therapist may be issued, in the discretion of the division board, without
examination, to an applicant who is a clinical mental health counselor where the applicant is
licensed or certified in another state whose requirements are equivalent to or exceed the
requirements established pursuant to this chapter.

5-63.2-17. Expiration and renewal of license. — (a) Every clinical mental health
counselor and marriage and family therapist who desires to continue licensure as a licensed
clinical mental health counselor and licensed marriage and family therapist shall present
satisfactory evidence to the division board and approved by rule or regulation of the division
board that the licensed clinical mental health counselor and licensed marriage and family
therapist has completed a prescribed course of continuing education. The license of every person
licensed under the provisions of this chapter shall expire on the first day of July of the next even
year following the date of his or her license; provided, that no license shall expire prior to July 1,
1998. On or before the first day of May in each even year, commencing in the year 1998, the
division administrator shall mail an application for renewal of license to every person to whom a license is issued or renewed during the current year, and every licensed person who desires to renew his or her license files with the division the renewal application executed. This application shall include verification of prescribed continuing education requirements, together with a renewal fee as set forth in § 23-1-54 on or before the first day of June in each even year. Upon receipt of the application and payment of the fee, the accuracy of the application shall be verified and the division administrator of professional regulation shall grant a renewal license effective July 1st and expiring twenty-four (24) months later.

(b) Any person who allows his or her license to lapse, by failing to renew it on or before June 1st in each year, as provided in this section, shall be reinstated by the administrator of professional regulation on payment of the current renewal fee plus an additional fee as set forth in § 23-1-54; and verification of prescribed continuing education requirements. Any person using the title "clinical mental health counselor" and/or "marriage and family therapist" during the time his or her license has lapsed shall be subject to the penalties provided for violation of this chapter; provided, that if a person has allowed his or her licensure to lapse for four (4) years or more, he or she shall be reinstated only at the discretion of the director.

5-63.2-21. Grounds for discipline. – The division board has the power to deny, revoke or suspend any registration issued by the department administrator of professional regulation or applied for in accordance with this chapter or to discipline a licensed clinical mental health counselor and/or a licensed marriage and family therapist upon proof that the person:

(1) Is guilty of fraud or deceit in procuring or attempting to procure a registration;
(2) Is guilty of a felony or of a crime of immorality;
(3) Is habitually intemperate or is addicted to the use of habit-forming drugs;
(4) Is mentally incompetent;
(5) Has willfully or repeatedly violated any of the provisions of this chapter;
(6) Is habitually negligent in the performance of his or her duties;
(7) Has willfully or repeatedly violated any of the ethical principles governing mental health counselors and marriage and family therapists and the practice of mental health counseling and marriage and family therapy, as adopted by the department board, and in force at the time a charge is made and determined by the division board, regardless of whether or not the person is a member of any national, regional or state professional association; provided, that the ethical principles are of a nationally-recognized standard of the respective national professional organization.

5-63.2-22. Procedure for discipline. – When a sworn complaint is filed with the division
board charging a person with having been guilty of any of the actions specified in § 5-63.2-20,
the division of professional regulation shall immediately investigates the charges, and or, the
board, after investigation, may institute charges. In the event the investigation reveals reasonable
grounds for believing that the applicant or person licensed under this chapter is guilty of the
charges, the division shall fix a time and place for a hearing and shall cause a copy of
the charges, together with a notice of the time and the place fixed for a hearing before the board,
to be personally served upon the accused at least twenty (20) days prior to the time fixed for the
hearing. When personal service cannot be effected and the fact is certified by oath by any person
authorized to make service, the division board shall cause to be published once in each of two (2)
successive weeks, a notice of the hearing in a newspaper published in the county where the
accused last resided according to the records of the division board and shall mail a copy of the
charges and the notice to the accused at his or her last known address. When publication of notice
is necessary, the date of the hearing shall not be less than twenty (20) days after the last date of
publication of the notice. At the hearing the accused has the right to appear personally or by
counsel or both, to produce witnesses and evidence on his or her behalf, to cross-examine
witnesses and to have subpoenas issued by the administrator of professional regulation. The
attendance of witnesses and the production of books, documents and papers at the hearing may be
compelled by subpoenas issued by the administrator, which is served in accordance with law. At
the hearing the board administrator shall administer oaths that are necessary for the proper
conduct of the hearing. The board shall not be bound by the strict rules of procedure or by the
laws of evidence in the conduct of its proceedings, but the determination shall be based upon
sufficient legal evidence to sustain it. If the accused is found guilty of the charges, the board may
refuse to issue a registration to the applicant or may revoke or suspend his or her license or
discipline the person. Upon the revocation or suspension of any license the holder shall surrender
the license to the administrator of professional regulation who shall strike the name of the holder
from the register of licensed clinical mental health counselors and/or licensed marriage and
family therapists. A revocation or suspension of a license may be reviewed at the discretion of the
board or at the initiative of the administrator of professional regulation who may order a
rehearing of the issue if he or she finds cause.

5-63.2-24. Injunction of violations. – When it appears to the division board that any
person is violating any of the provisions of this chapter, the director of the department of health
may cause an action to be instituted, commenced in the name of the department board, to enjoin
the violation in a court of competent jurisdiction and the court may enjoin any person from
violating any of the provisions of this chapter without regard to whether proceedings have been or
may be instituted before the board or whether criminal proceedings have been or may be
instituted.

5-63.2-26. Appeals from director and board. — Any person aggrieved by a decision or
ruling of the director of the department of health or the board may appeal to the superior court in
the manner provided in the Administrative Procedures Act, chapter 35 of title 42. The term
“person” shall include the department.

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
Laws in Chapter 5-63.2 entitled “Mental Health Counselors and Marriage and Family Therapists”
are hereby repealed:

5-63.2-3. Board of mental health counselors and marriage and family therapists.
Within the division of professional regulation in the state department of health, there is a board of
mental health counselors and marriage and family therapists consisting of nine (9) members.

5-63.2-4. Composition of board – Appointment, terms and removal of members. The
director of the department of health, with the approval of the governor, shall appoint nine (9)
electors as members of the board. Three (3) shall be clinical mental health counselors, at least two
(2) of whom shall meet the qualifications of § 5-63.2-9 and have at least five (5) years of private
practice experience in mental health counseling; three (3) shall be marriage and family therapists,
who shall be clinical marriage and family therapists who meet the qualifications of § 5-63.2-10
and have at least five (5) years of private practice experience in marriage and family therapy;
three (3) shall be members of the public. Commencing September 1996, the director of the
department of health shall appoint one clinical mental health counselor for one year, one clinical
mental health counselor for two (2) years, one clinical mental health counselor for three (3) years;
one marriage and family therapist for one year, one marriage and family therapist for two (2)
years, and one marriage and family therapist for three (3) years, and one public member for two
(2) years, and two (2) public members for three (3) years. After this all terms of appointments
shall be for three (3) years. In no instance shall a person serve more than six (6) consecutive years
on the board.

5-63.2-5. Organization and meeting of board. — The board shall organize immediately
after the appointment and qualification of its members. The board shall annually elect a
chairperson and secretary. Meetings may be called by the chairperson or the director of the
department of health or by written request of four (4) members of the board. Five (5) members of
the board shall constitute a quorum; provided, that a clinical mental health counselor and a
marriage and family therapist must be present. The board shall meet as often as necessary.

5-63.2-6. General powers of board. — The board is authorized to recommend to the
director of the department of health for his or her approval the adoption, and from time to time, the revision of the rules and regulations not inconsistent with law that may be necessary to enable it to carry into effect the provisions of this chapter. The board shall recommend for licensure at least twice a year. It shall determine the tests which applicants for licensure take. The division of professional regulation shall adopt policies to be followed in the examination, licensure and renewal of licenses of qualified applicants. The board shall conduct hearings upon charges calling for the discipline of a licensed clinical mental health counselor or licensed marriage and family therapist or for revocation of a license. The administrator of professional regulation has the power to issue subpoenas and compel the attendance of witnesses and administer oaths to persons giving testimony at hearings. The board or the director of the department of health shall cause the prosecution of all persons violating this chapter and has the power to incur the necessary expenses for the prosecution. The board shall make provisions for continuing educational requirements for licensure. The board shall keep a record of all its proceedings.

5-63-2-7. Reimbursement of board members. – Members of the board shall serve without compensation.

SECTION 32. Sections 5-64-3, 5-64-10, 5-64-12, 5-64-13 and 5-64-14 of the General Laws in Chapter 5-64 entitled “Licensed Dietitian” are hereby amended to read as follows:

5-64-3. Definitions. – As used in this chapter:

(1) "Board" means the health professions board of review established in accordance with § 5-26.1-3. Rhode Island state board of dietetics.

(2) "Commission of dietetic registration" (CDR) means a commission on dietetic registration that is a member of the National Commission for Health Certifying Agencies.

(3) "Degree" means a degree received from or validated by a college or university that was regionally accredited through the council on postsecondary accreditation and the U.S. Department of Education at the time the degree was conferred.

(4) "Dietetics" means the professional discipline of applying principles derived from the sciences of nutrition, biochemistry, physiology, management, and behavioral and social sciences in the provision of dietetic services.

(5) "Dietitian and/or nutritionist" means a person engaged in the practice of dietetics.

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

(7) “Division” means the division of professional regulation and licensing in the department of health.

(8)a "Examination" means the registration examination for dietitians or other exam as determined by and approved by the board.
"Licensed dietitian/nutritionist" means a person licensed under this chapter.

"Registered dietitian" means a person registered by the commission of dietetic registration.

5-64-10. Procedure for discipline. — (a) When a sworn complaint is filed with the division board charging a person with having been guilty of any of the actions specified in § 5-64-9, the division of professional regulation shall immediately investigate the charges, or, the board, after investigation, may institute charges. In the event the investigation reveals reasonable grounds for believing that the applicant or person certified under this chapter is guilty of the charges, the division board shall fix a time and place for a hearing, and shall cause a copy of the charges together with a notice of the time and place fixed for the hearing before the board to be served personally upon the accused at least twenty (20) days prior to the time fixed for the hearing. When personal service cannot be affected and the fact is certified by oath by any person authorized to make service, the division board shall cause to be published once in each of two (2) successive weeks, a notice of the hearing in a newspaper published in the county where the accused last resided according to the records of the division board and shall mail a copy of the charges and the notice to the accused at his or her last known address. When publication of notice is necessary, the date of the hearing shall not be less than twenty (20) days after the last date of publication of the notice. At the hearing the accused has the right to appear personally or by counsel or both, to produce witnesses and evidence on his or her behalf and to cross-examine witnesses. The attendance of witnesses and the production of books, documents, and papers at the hearing may be compelled by subpoenas issued by the administrator of the division which shall be served in accordance with law. At the hearing the board administrator shall administer oaths that may be necessary for the proper conduct of the hearing. The board division of professional regulation shall not be bound by the strict rules of procedure or by the laws of evidence in the conduct of its proceedings but the determination shall be based upon sufficient legal evidence to sustain it. If the accused is found guilty of the charges, the division of professional regulation may refuse to issue a license or otherwise discipline the person.

(b) Upon the revocation or suspension of any license the holder shall surrender the license to the division administrator of professional regulation who shall strike the name of the holder from the register.

(c) A revocation or suspension of license may be reviewed at the discretion of the division of professional regulation or at the initiative of the administrator of professional regulation who may order a rehearing of the issue if he or she finds cause.

5-64-12. Exemptions. — This chapter shall not be construed as preventing or restricting
the practice, services, or activities of:

(1) Any person who does not call himself or herself a dietitian/nutritionist from furnishing nutritional information to customers or any consumer as to the use of foods, food products, or dietary supplements in connection with the marketing and distribution of those products; or to the general public for educational purposes and any person who provides a weight loss program and/or health maintenance counseling as long as the persons do not engage in nutrition counseling for the management of disease, and do not hold themselves out to be dietitians/nutritionists.

(2) A person licensed or certified in this state under any other law from engaging in the profession or occupation for which the person is licensed or certified and any person holding a doctoral degree from an accredited institution in nutrition or a related field as determined by the division board; and any person with a bachelor's degree in home economics from furnishing nutrition information incidental to the practice of his or her profession.

(3) A person employed as a dietitian/nutritionist by the government of the United States or the state or by a participating local agency of the special supplemental food program for women, infants and children, if the person practices solely under direction or control of the organization by which the person is employed.

(4) A student enrolled in a division board approved academic program in dietetics/nutrition.

(5) Family members, friends, or acquaintances who provide gratuitous nutrition advice as long as the advisor does not hold himself or herself out to be a dietitian/nutritionist.

(6) Not-for-profit health-related agencies, as described in 26 U.S.C. § 501(c)(3), which provide nutrition information in the normal course of doing business.

5-64-13. License expiration, renewal. – All licenses under this chapter shall be renewed biennially and shall be accompanied by a fee of one hundred twenty-five dollars ($125). The application shall be accompanied or supported by evidence of the completion of a minimum of twenty (20) continuing nutrition education credits as approved by the division board, reported biennially every second year after the 1993 recertification period. Failure to file an application for a renewal license to practice and to furnish the evidence shall constitute grounds for revocation, suspension, or refusal to renew the license, unless the division board of dietetics in its discretion determines the failure to be due to reasonable cause or excusable neglect. This applicant shall be given six (6) months to make up the appropriate amount of credits required to bring him or her into compliance. The candidate shall be subject to immediate suspension or revocation of license.

5-64-14. Licensing without examination. – (a) The division board shall recommend for
licensure any person:

(1) Who meets the qualifications of § 5-64-6(a)(1) and who submits the required application and fee together with satisfactory evidence to the division board that he or she has been practicing dietetics for at least one year since 1983; or

(2) Who provides evidence of current registration as a registered dietitian by the commission of dietetic registration.

(b) Licensure under the provisions of subdivision (a)(1) of this section cannot be granted after two (2) years following promulgation of rules and regulations.

SECTION 33. Section 5-64-5 of the General Laws in Chapter 5-64 entitled “Licensed Dietitian” is hereby repealed.

5-64.5. Rhode Island state board of dietetics practice. (a) Within the division of professional regulation in the Rhode Island department of health there is a board of dietetics practice.

(1) The board shall consist of nine (9) members appointed for terms of three (3) years each with no member serving more than two (2) consecutive terms. One shall be the director of the department of health or designee. Five (5) shall be licensed dietitians/nutritionists appointed by the director of the department of health, with the approval of the governor, except that the appointments made initially need not be licensed under this chapter. (In his or her initial appointment the director shall designate the licensed dietitian/nutritionist members of the board as follows: one member to serve for a term of one year; two (2) members to serve for a term of two (2) years; and two (2) members to serve for a term of three (3) years). One member shall be a physician licensed to practice medicine in this state appointed by the governor. Two (2) shall be consumers appointed by the governor.

(2) The director of the department of health may remove any member of the board for cause.

(3) Vacancies shall be filled for the unexpired portion of any term in the same manner as the original appointment.

(b) The duties of the board shall be to:

(1) Recommend to the director rules and regulations necessary to implement this chapter.

(2) Determine the qualification and fitness of applicants and to issue and/or reinstate licenses.

(3) Recommend to the director revocation, suspension and/or denial of a license.

SECTION 34. Sections 5-64.1-3, 5-64-5, 5-64.1-7, and 5-64.1-10 of the General Laws in Chapter 5-64.1 entitled “Dietary Manager” are hereby amended to read as follows:
5-64.1-3. Definitions. – As used in this chapter:

(1) "Board" means the health professions board of review established in accordance with § 5-26.1-3, certifying board for dietary managers. The board has authority over the rules and regulations of the certification program for dietary managers.

(2) "Certified dietary manager" (C.D.M.) means to have entry level competency to perform the duties and responsibilities of a dietary manager; that a person has training and experience, and has passed an entry level credentialing exam to document his or her competency after which participation in continuing education to maintain competency.

(3) "Dietary manager" means a person who:

(i) Integrates and applies principles with education and training at an accredited school, college, or university in purchasing, personnel practices, supervision of people, budgeting and finance, menu planning, and nutrition;

(ii) Directs and coordinates food service activities of a hospital, nursing home, or a related facility;

(iii) Confers with dieticians to ensure that menus and department policies conform to nutritional standards and government and established regulations and procedures;

(iv) Reviews patient diet information and discusses requests, changes, and inconsistencies with patient, professional staff, and/or resident food committee or council;

(v) Plans and coordinates through subordinate supervisors, standards and procedures of food storage, preparation, and service, department and equipment sanitation, employee safety, and personnel policies and procedures;

(vi) Inspects food and food preparation and storage areas with knowledge of health and sanitation regulations;

(vii) Tastes, smells, and observes food to ensure conformance with recipes and appearance standards;

(viii) Attends meetings with employees, department heads, administration, and dieticians to discuss regulations, procedures, grievances, and recommendations for improving food service;

(ix) Computes operating costs for own information and for information of administration;

(x) In the absence of the dietician, a certified dietary manager is responsible for the department; and

(xi) Oversees all therapeutic diets to be planned in writing, reviewed, approved, and dated by the qualified dietician.

(4) “Division” means the division of professional regulation and licensing in the department of health.
"Facility" or "institution" means an organization or corporation such as hospitals, nursing homes, commercial and/or community feeding.

"Managerial/supervisory experience" means that eighty percent (80%) of the individual's time is spent in a full-time managerial/supervisory capacity.

"Person" or "individual" means an individual person whether a resident of this state or not.

"Registered dietician" means any person registered to practice dietetics as specified by the commission of registration of the American Dietetic Association.

5-64.1-5. Restriction on use of titles. — Only a person certified by the division board as a certified dietary manager shall use the words "Certified Dietary Manager" (C.D.M.) in connection with his or her name or place of business, or may use the words, letters, abbreviations, or insignia indicating or implying that he or she is a certified dietary manager.

5-64.1-7. Eligibility of dietary managers. — (a) A person shall present satisfactory evidence to the division board of having successfully completed the academic requirements of an educational program in dietary management recognized by the division board at an accredited college or university as determined by the division board.

(b) All persons shall meet the qualifications established by the commission of registration of the American Dietetic Association for registered dieticians.

(c) An applicant for certification shall have successfully completed the written examination of the Dietary Manager's Association. The title of C.D.M. must be earned by successfully completing the examination.

(d) Applicants shall be responsible for applying to take the certifying board for dietary manager's examination which is offered at a predetermined time and place. The application shall be accompanied by a fee as prescribed by the division board, and this fee shall not be refundable.

(e) An applicant shall only be required to take the examination on one occasion; provided, that he or she shall be required to maintain certified status by earning sufficient work time hours as prescribed by the D.M.A., and shall pay annual certification fees when they are due.

(f) Failure to comply with requirements of this section shall result in the loss of certified status, and the person shall be required to successfully complete the exam again.

(g) To maintain certified status, forty-five (45) hours of continuing education must still be earned in each three (3) year certifying period. If this requirement is not met, certified status shall be lost.

(h) The exam may be taken three (3) times. If an applicant fails all three (3) times, he or she has to take some board certified specific refresher courses before being eligible to take the
exam again. Application and fees must be submitted each time he or she applies.

(i) Neither D.M.A. nor the division certifying board for dietary managers shall administer the examination. It shall be administered by a recognized testing firm.

(j) Simply graduating from a dietary manager training program only does not constitute certification. The graduate must meet all eligibility requirements for membership in D.M.A. as established in this chapter.

5-64.1-10. Fees. – The division board shall prescribe reasonable fees for, but not limited to:

(1) Initial fees;

(2) Renewal fees;

(3) Late fees;

(4) Certification fees; and

(5) Membership fees.

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 5-68.1-13 of the General Laws in Chapter 5-68.1 entitled “Radiologic Technologists” are hereby amended to read as follows:

5-68.1-2 Definitions. – As used in this chapter:

(1) "Authorized user" means a licensed practitioner who meets the training and experience requirements defined in rules and regulations promulgated pursuant to chapter 23-1.3.

(2) "Board" means the health professions board of review established in accordance with § 5-26.1-3 board of radiologic technology.

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

(ii) “Division” means the division of professional regulation and licensing in the department of health.

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

(5) "Financial interest" means being:

(i) A licensed practitioner of radiologic technology; or

(ii) A person who deals in goods and services that are uniquely related to the practice of radiologic technology; or

(iii) A person who has invested anything of value in a business that provides radiologic technology services.

(6) "License" means a license issued by the director to practice radiologic technology.

(7) "Licensed practitioner" means an individual licensed to practice medicine, chiropractic, or podiatry, or an individual licensed as a registered nurse practitioner or physician...
assistant in this state.

(8) “Medical physicist” means an individual, other than a licensed practitioner, who
practices independently one or more of the subfields of medical physics, and is registered or
licensed under rules and regulations promulgated pursuant to section 23-1.3

(9) “National organization” means a professional association or registry, approved by the
director, that examines, registers, certifies or approves individuals and education programs
relating to operators of sources of radiation.

(10) “Nuclear medicine technologist” means an individual, other than a licensed
practitioner, who compouds, calibrates, dispenses and administers radiopharmaceuticals,
pharmaceuticals, and radionuclides under the general supervision of an authorized user for benefit
of performing a comprehensive scope of nuclear medicine procedures, and who has met and
continues to meet the licensure standards of this chapter.

(11) “Person” means any individual, corporation, partnership, firm, association, trust,
estate, public or private institution, group, agency, political subdivision of this state or any other
state, or political subdivision of any agency thereof and any legal successor, representative, agent
or agency of the foregoing.

(12) “Radiation therapist” means an individual, other than a licensed practitioner, who
utilizes ionizing radiation under the general supervision of an authorized user for the planning and
delivery of therapeutic procedures, and who has met and continues to meet the licensure
standards of this chapter.

(13) “Radiology technologist” also known as a “radiographer” means an individual, other
than a licensed practitioner, who performs a comprehensive scope of diagnostic radiologic
procedures under the general supervision of a licensed practitioner using external ionizing
radiation, resulting in radiographic or digital images, and who has met and continues to meet the
licensure standard of this chapter.

(14) “Radiologist” means a licensed practitioner specializing in radiology who is certified
by or eligible for certification by the American Board of Radiology or the American Osteopathic
Board of Radiology, the British Royal College of Radiology, or the Canadian College of
Physicians and Surgeons.

(15) “Radiologist assistant” means an individual, other than a licensed practitioner, who
performs as an advanced level radiologic technologist and works under the general supervision of
a radiologist to enhance patient care by assisting the radiologist in the medical imaging
environment, and who has met and continues to meet the licensure standards of this chapter.

(16) “Source of radiation” means any substance or device emitting or capable of
producing ionizing radiation, for the purpose of performing therapeutic or diagnostic radiologic procedures on human beings.

(17) "Student" means an individual enrolled in a course of study for medicine or radiologic technology.

(18) "Supervision" means and includes:

(i) "Direct supervision" means supervision and control by a licensed practitioner who assumes legal liability for the services rendered by the radiologic technologist, which supervision requires the physical presence of the licensed practitioner for consultation and direction of the actions of the radiologic technologist.

(ii) "General supervision" means supervision whereby a licensed practitioner, who assumes legal liability for the services rendered, authorizes the services to be performed by the radiologic technologist, which supervision, except in cases of emergency, requires the easy availability or physical presence of the licensed practitioner for consultation and direction of the actions of the radiologic technologist.

5.68.1-4 License required. — (a) No individual shall practice radiologic technology or shall represent themselves as practicing radiologic technology, unless they are licensed under this chapter. The provisions of this section do not apply to:

(1) A licensed practitioner when practicing within his or her field of expertise.

(2) A student of medicine, when under the general supervision of an instructor who is a radiologist and when acting within the scope of practice.

(3) A dentist, licensed dental hygienist or certified dental assistant when practicing within his or her field of expertise.

(4) A podiatry assistant who has received a "certificate of completion" from the Community College of Rhode Island or other equivalent training approved by the division board, after having taken and passed the course on "radiography for podiatry assistance" and when acting within the practice of podiatry.

(5) A medical physicist when practicing within his or her field of expertise.

(6) A licensed healthcare provider at a licensed ambulatory care facility on Block Island and where the director of health determines a waiver of the licensure requirements to be in the interest of public health.

(b) Nothing in this chapter is intended to limit, preclude or interfere with the practice of persons and health care providers licensed by appropriate agencies of Rhode Island.

(c) This chapter does not prohibit an individual enrolled in an approved school of radiologic technology, under the direct supervision of a radiologist or a licensed radiologic
technologist, from performing those duties essential for completion of a student's clinical service.

(d) This chapter is not intended to supersede the mammography rules and regulations promulgated pursuant to § 23-17-32.

5-68.1-6 Licensing by training and examination. – (a) Any individual desiring to become a licensed radiologic technologist shall make application to the division board on a written form and in the manner that the division board prescribes, shall pay all the required application fees and shall furnish evidence to the board that the applicant:

(1) Has successfully completed a training program approved by the division board;

(2) Has passed the appropriate examination(s) given by the American Registry of Radiologic Technologists, the Nuclear Medicine Technology Certification Board or other national organization specified in rules and regulations adopted pursuant to this chapter; and

(b) Graduate practice. Any graduate of a training program approved by the division board who has filed a completed application (including all documents except for examination scores) for licensing shall be recognized, upon receiving a receipt from the director, as a graduate technologist for a period not to exceed ninety (90) days from the date on the application fee receipt.

(1) This receipt shall authorize the applicant to practice that branch of radiologic technology specified on the application until the results of the exam are distributed and acted upon by the division board, but in no case shall the authorized period exceed ninety (90) days. During this authorized period, the applicant shall identify him or herself only as a "graduate technologist."

(2) If the applicant fails to take the examination and receive a license, as specified in subsection 5-68.1-6(a), during this authorized ninety (90) day period or fails to pass the examination, all authorization to practice as a graduate technologist shall immediately become null and void.

(3) Authorization to practice as a graduate technologist shall only be granted by the division board to an individual for a single period not to exceed ninety (90) days, and shall not be extended or renewed.

5-68.1-7 Licensing by endorsement. – Any individual desiring to become a licensed radiologic technologist by endorsement shall make application to the division board on a written form and in a manner that the division board prescribes and shall pay all the required application fees. The applicant shall also furnish evidence to the division board that he or she holds a current certificate, license or registration to practice radiologic technology in another state, and the requirements for such certificate, license or registration, as determined by the division board, are
substantially equivalent to those established under this chapter, and rules and regulations promulgated pursuant to this chapter.

5-68.1-10 Fees. — (a) The director, in consultation with the board, shall establish an initial application fee as set forth in § 23-1-54 and a license renewal fee that shall be prescribed in rules and regulations promulgated pursuant to § 5-68.1-15.

(b) The proceeds of any fees collected pursuant to the provisions of this chapter shall be deposited in the general fund as general revenues.

5-68.1-11 Denial, suspension, revocation and reinstatement of licenses. — (a) The division board may recommend refusal, suspension or revocation of any license, in accordance with the provisions of section 42-35, for any of the following causes:

(1) Having a certificate, license or registration to practice radiologic technology revoked, suspended, or otherwise acted against, including being denied certification by a national organization, by a specialty board recognized by the director, or by a certification authority of another state, territory or country;

(2) Fraud in the procurement of any license under this chapter, including, but not limited to, impersonating or acting a proxy for an applicant in an examination for licensure in the field of radiologic technology;

(3) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime that directly relates to the practice of radiologic technology or to the ability to practice radiologic technology. Pleading nolo contendere shall be considered a conviction for the purpose of this provision.

(4) Incompetence or engaging in negligent or unprofessional conduct, which includes, but is not limited to, any departure from, or the failure to conform to, the standards of practice of radiologic technology as established by the director, in which case actual injury need not be established;

(5) Being unable to practice radiologic technology with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or other materials or as a result of any mental or physical condition. A licensee affected under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume the competent practice of radiologic technology with reasonable skill and safety.

(6) Making or filing a false report or record that the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another to so. Such reports or records include only those reports or records which are signed in the capacity of the licensee.
(7) (a) Violating, or aiding or abetting any person to violate, any provision of this chapter, any rule or regulation promulgated pursuant to this chapter, or any lawful order of the director previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the director.

(b) Any person aggrieved by any determination of the division in regard to any of the provisions of this chapter, may appeal to the health professions board of review in accordance with § 5-26.1-5.

(c)(b) Five (5) years from the date of revocation of a license under this chapter, application may be made for reinstatement, restoration or modification of probation. The division board has the discretion to accept or reject any application for the reinstatement.

5-68.1-13 Appeals from board or director. Appeals from board. – An appeal from any decision or order of the board or director may be taken in accordance with the provisions of section 42-35-15.

SECTION 36. Section 5-68.1-3 of the General Laws in Chapter 5-68 entitled “Radiologic Technologists” is hereby repealed.

5-68.1-3. Board. – Composition. – Appointment and terms of members. – (a) Within the Rhode Island department of health there shall be a board of radiologic technology consisting of seven (7) members as follows:

(1) One member shall be a member of the public who has no financial interest in radiologic technology other than as a consumer or possible consumer of its services. They shall have no financial interest personally or through a spouse.

(2) Two (2) members of the board shall be licensed practitioners, one of whom shall be a radiologist who utilizes ionizing radiation in the normal course of his or her practice. Nominations for the licensed practitioner board members shall be submitted by the Rhode Island Medical Society and the Rhode Island Radiological Society to the director for approval.

(3)(i) Three (3) members of the board shall be licensed under this chapter. One shall be from radiography, one shall be from nuclear medicine, and one shall be from radiation therapy.

(ii) The director shall appoint as radiologic technologist members of the board, individuals currently practicing as registered radiologic technologists in Rhode Island.

(4) One member shall be a representative of the hospital association who shall be nominated by the Hospital Association of Rhode Island and submitted to the director for approval.

(5)(i) The director, with the approval of the governor, shall make appointments for a three (3) year term, but no individual shall serve more than two (2) consecutive terms. Members of the
mind the effective date of this chapter, who were previously appointed pursuant to § 5-68-4, shall continue to serve for the remainder of their appointed term.

(ii) In the event of a vacancy in one of the positions, the director, with the approval of the governor, may appoint an individual who shall fill the unexpired term.

(6) The board shall meet during the first month of each calendar year to select a chairperson and for other purposes. At least one additional meeting shall be held during each calendar year. Meetings may also be called at any time by the chairperson, the director or by written request of two (2) members of the board. A majority of the fully authorized board constitutes a quorum.

(b) The duties of the board shall be as follows:

(1) To evaluate the qualifications of applicants and review the required examination results administered by a testing agency approved by the board;

(2) To recommend to the director the issuance of licenses to applicants who meet the requirements of this chapter;

(3) To administer, coordinate and enforce the provisions of this chapter and investigate persons engaging in practices that may violate the provisions of the chapter;

(4) To recommend to the director the denial or revocation of licenses to practice radiologic technology as provided in this chapter; and

(5) To recommend to the director adoption of rules and regulations pursuant to this chapter.

SECTION 37. Sections 5-69-2, 5-69-5, 5-69-8, 5-69-10, 5-69-11, and 5-69-12 of the General Laws in Chapter 5-69 entitled “License Procedure for Chemical Dependency Professionals” are hereby amended to read as follows:

5-69-2 Definitions.— As used in this chapter:

(1) "ACDP" means an advanced chemical dependency professional certification as per the Rhode Island board for certification of chemical dependency professionals requirements.

(2) "ACDP II" means an advanced chemical dependency professional II certification as per the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse. "ICRC/AODA".

(3) "Advertise" includes, but is not limited to, the issuing or causing to be distributed any card, sign, or device to any person; or the causing, permitting, or allowing any sign or marking on or in any building or structure, or in any newspaper or magazine or in any directory, or on radio or television, or by the use of any other means designed to secure public attention.

(4) "Approved continuing education" means research and training programs, college and
university courses, in-service training programs, seminars and conferences designed to maintain
and enhance the skills of substance abuse counselors or clinical supervisors and which are
recognized by the ICRC/AODA member board.

(5) "CDCS" means chemical dependency clinical supervisor.

(6) "Clergy" includes any minister, priest, rabbi, Christian Science practitioner, or any
other similar religious counselor.

(7) "Continuum of care network" means public and private substance abuse care agencies
such as detoxification centers, emergency rooms, hospitals, treatment centers, outpatient and day
treatment clinics, and community residences for substance abusers. The services employs or
refers to medical, psychological, health, and counseling professions that treat substance abuse and
related concerns.

(8) "Department" means the Rhode Island department of health and "division" means the
division of professional regulation and licensing in the department.

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

(10) "Documented professional work experience" means the ICRC/AODA member board
approved form completed by employer or approved supervisor verifying dates of employment
and responsibilities.

(11) "Experience" means six thousand (6,000) hours of supervised practice of chemical
dependency counseling in a department of mental health, retardation, and hospitals licensed or
division approved facility during a sixty (60) month period of time immediately preceding the
date of application for licensure.

(12) "ICRC/AODA" means International Certification and Reciprocity
Consortium/Alcohol and Other Drug Abuse.

(13) "Licensed chemical dependency clinical supervisor" means an individual licensed by
the department of health to practice and supervise substance abuse counseling and who meets the
qualification established in this section.

(14) "Licensed chemical dependency professional" means an individual licensed by the
department of health to practice substance abuse counseling and who meets the qualifications
established in this section.

(15) "Licensing board" or "Board" means the health professions board of review
established in accordance with § 5-26.1-3 the board of licensing for chemical dependency
professionals.

(16) "Member Board" means the Rhode Island Board for Certification of Chemical
Dependency Professionals.
(17) “Practice of substance abuse counseling” means rendering or offering to render professional service for any fee, monetary or otherwise, documented to individuals, families or groups. Those professional services include the application of the ICRC/AODA specific knowledge, skills, counseling theory, and application of techniques to define goals and develop a treatment plan of action aimed toward the prevention, education, or treatment in the recovery process of substance abuse within the continuum of care service network. The practice further includes, but is not limited to, networking and making referrals to medical, social services, psychological, psychiatric, and/or legal resources when indicated.

(18) "Recognized education institution" means any educational institution, which grants an associate, bachelor, masters, or doctoral degree and which is recognized by the division board, or by a nationally or regionally recognized educational or professional accrediting organization.

(19) "Substance abuse" means addictive (chronic or habitual) consumption, injection, inhalation, or behavior of/with substance (such as alcohol and drugs), progressively injuring and afflicting the user's psychological, physical, social, economical, and/or spiritual functioning.

(20) "Supervision" means no less than one hour per week and consists of individual or group supervision with a clinician licensed or certified in substance abuse counseling with education, supervisory experience, and ethics approved by the ICRC/AODA member. 5-69-5 Agency powers. — The department shall promulgate rules and regulations that are reasonably necessary for the administration of this chapter and to further its purposes. The department shall, on recommendation of the licensing board, issue licenses to those qualified under this chapter. The director of the department of health may issue additional levels of licensing that may be developed, approved, or adopted by both the licensing board division and the ICRC/AODA member board.

5-69-8 Licenses. — (a) The department shall issue the appropriate license to applicants who meet the qualifications for the license as specified:

(1) "Licensed chemical dependency professional". Any individual desiring to obtain a license as a licensed chemical dependency professional shall be currently certified as an advanced chemical dependency professional or advanced chemical dependency professional II in accord with the ICRC/AODA member board standards, as a prerequisite for submitting the application to the division. licensing board.

(2) "Licensed chemical dependency clinical supervisor". Any individual desiring to obtain a license as a licensed chemical dependency clinical supervisor shall be currently certified as an advanced chemical dependency professional or advanced chemical dependency professional II, shall have completed the ICRC/AODA member board standards for chemical dependency
clinical supervisor, and shall submit an application to the division, licensing board.

(3) Other. An applicant having a comparable license, certification, or reciprocity within Rhode Island or from another state or territory of the United States that imposes qualifications substantially similar to those of this chapter, as determined by the division, licensing board.

(b) In addition to the qualifications listed in this section, an applicant for any of these titles must prove to the division's licensing board's satisfaction:

(1) Good moral character that is a continuing requirement for licensure;

(2) United States citizenship or status as a legal resident alien;

(3) Absence of a sanction from the National Association of Alcohol and Drug Abuse Counselors, or ICRC/AODA member board sanction for violation of the code of ethics, or other related state board which shall be waived by the division board upon presentation of satisfactory evidence that the sanction does not impair the ability of the person to conduct with safety to the public the practice authorized by this license. The applicant shall bear the burden of proving that his or her sanction does not impair his or her ability to conduct with safety to the public the practice authorized by this license;

(4) Absence of conviction of a felony, which shall be waived by the division board upon presentation of satisfactory evidence that the conviction does not impair the ability of the person to conduct with safety to the public the practice authorized by this license. The applicant shall bear the burden of proving that his or her conviction does not impair his or her ability to conduct with safety to the public the practice authorized by this license;

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

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

5-69-10 Licensed professionals discipline. – Licensees subject to this chapter shall conduct their activities, services, and practice in accordance with this chapter and with any rules promulgated pursuant to this chapter. The division, licensing board may recommend to the director refusal to grant a license to, or to suspend, revoke, condition, limit, qualify, or restrict the license of any individual who the division, licensing board or its designee, after a hearing by the board, determines:
(1) Is incompetent to practice under the provisions of this chapter, or is found to engage in the practice of chemical dependency counseling and/or supervision in a manner harmful or dangerous to a client or to the public;

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

(3) Has knowingly made a false statement on a form required by the division licensing board;

(4) Has failed to obtain the continuing education credits necessary for re-licensing;

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

(6) Has failed to remain free from the use of any controlled substance or any alcoholic beverages to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by this license. The applicant shall bear the burden of proving that he or she is free from use of any controlled substance or any alcoholic beverages that impair his or her ability to conduct with safety to the public the practice authorized by this license;

(7) Has been convicted of a felony, which shall be waived by the board upon presentation of satisfactory evidence that the conviction does not impair the ability of the person to conduct with safety to the public the practice authorized by this license. The applicant shall bear the burden of proving that his or her conviction does not impair his or her ability to conduct with safety to the public the practice authorized by this license;

(8) Has disciplinary action pending or has revocation, suspension, or probation taken against the licensee in Rhode Island or another state or territory of these United States;

(9) Has failed to maintain confidentiality per federal regulation 42 CFR part 2;

(10) Has engaged in false or misleading advertising;

(11) Has a mental disability which significantly impairs the ability or judgment (the order of a court that the licensee is in need of mental treatment for incompetency shall continue the mental disability); and

(12) Has violated any of the provisions of this chapter, or the provisions of any code of ethics adopted by the department licensing board.

5-69-11 Complaints. — All complaints concerning a licensee's business or professional practice shall be received by either the division, licensing board or the department of health. Each complaint received shall be logged, recording at a minimum the following information:

(1) Licensee's name;

(2) Name of the complaining party;
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(3) Date of complaint;

(4) Brief statement of complaint; and

(5) Disposition.

5-69-12 Disciplinary process. — (a) Disciplinary procedures under this chapter shall be conducted in accordance with the Administrative Procedures Act, chapter 35 of title 42.

(b) In accordance with § 5-26.1-5, the licensing board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the licensing board shall make a determination regarding the charges, recommendations to the director who shall issue an order.

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

5-69-13 Disciplinary sanctions. — (a) The division licensing board may recommend that the director impose any of the following sanctions, singly or in combination, when it finds that a licensee is guilty of any offenses described in this section:

(1) Revocation of the license;

(2) Suspension of the license for any period of time;

(3) Censure of the licensee;

(4) Issue a letter or reprimand;

(5) Place a licensee on probationary status and require the licensee to submit to any of the following:

(i) Report regularly to the licensing board upon matters that are the basis of probation;

(ii) Continue to renew professional education until a satisfactory degree of skill has been attached in those areas that are the basis of probation;

(iii) Attend employee assistance counseling services.

(6) Refuse to renew a license;

(7) Revoke probation which was granted and impose any other discipline provided in this section when the requirements of probation are not fulfilled or have been violated.

(b) The director may reinstate any licensee to good standing under this chapter, if after a hearing the department of health is satisfied that the applicant's renewed practice is in the public interest.

(c) Upon the suspension or revocation of a license issued under this chapter, a licensee shall be required to surrender the license to the director and upon failure to do so, the director shall have the right to seize the license.

(d) The director may make available annually a list of the names and addresses of all
licensees under the provisions of this chapter, and of all persons who have been disciplined within
the preceding twelve (12) months.

(e) Any persons convicted of violating the provisions of this chapter shall be guilty of a
misdemeanor, punishable by a fine of not more than five hundred dollars ($500), imprisonment
for not more than one year, or both.

SECTION 38. Sections 5-69-6 and 5-69-7 of the General Laws in Chapter 5-69 entitled,
“License Procedure for Chemical Dependency Professionals” are hereby repealed.

§ 5-69-6. Licensing board.—(a) Within the department there shall be established a board
of licensing for chemical dependency professionals. The governor shall appoint a licensing board
consisting of seven (7) members.

(b) Of the seven (7) licensing board members, three (3) shall be licensed under this
chapter:

(2) Licensing board members shall be:

(i) Two (2) members appointed by the governor shall be representatives of groups that
reflect demographics of person(s) served;

(ii) Three (3) members shall represent the licensed professionals appointed by the director
of health:

(iii) One member shall be an active member or administrator of the Rhode Island board
for certification of chemical dependency professionals appointed by the director of health;

(iv) One member shall be a consumer advocate from an established substance abuse
recovery consumer advocacy group appointed by the director of health.

(3) Licensing board members shall serve without compensation.

(4) Each licensing board member shall take and subscribe to the oath of affirmation
prescribed by law and shall file this oath in the office of the secretary of state.

(5) The term of office shall be three (3) years, except that of the members of the first
licensing board. Three (3) shall be appointed for a term of one year, three (3) for a term of two (2)
years, three (3) for a term of three (3) years. At least one member representing the general public,
and one member representing a minority group, as defined by the federal Department of Health,
Education, and Welfare, shall be appointed for the initial term of three (3) full years. Successors
to these licensing board positions shall be appointed for a term of three (3) years each, except that
any person appointed to fill a vacancy shall be for the unexpired term of office. Upon expiration
of the term of office, a member shall continue to serve until a successor is appointed and qualified.

No person shall be appointed for more than two (2) consecutive three (3) year terms.

(6) The governor may remove any member of the licensing board for neglect of duty,
malfeasance, conviction of a felony or a crime of moral turpitude while in office or for lack of attendance/participation in board meetings. No licensing board member shall participate in any matter before the licensing board in which pecuniary interest, personal bias, or other similar conflicts of interests is established.

§ 5-69.7. Powers and duties of the licensing board. (a) The organization, meeting, and management of the licensing board shall be established by regulations promulgated by the department of health.

(b) In addition to duties set forth in this chapter, the licensing board shall:

(1) Examine and pass on the qualifications of all applicants identified by the ICRC/AODA member board that all standards have been successfully completed for licensure under this chapter, and recommend to the director that a license shall be issued to each qualified successful applicant, attesting to the applicant’s professional qualification to practice as a “licensed chemical dependency professional” or a “licensed chemical dependency clinical supervisor”;

(2) Recommend that the director adopt rules and regulations that set ICRC/AODA professional practice standards for licensed chemical dependency professionals and licensed chemical dependency clinical supervisors;

(3) Recommend modifications or amendments deemed necessary to effectuate its purpose;

(4) Be responsible for making recommendations to the director concerning all disciplinary functions carried out regarding all licenses under this chapter;

(5) Have any other powers required to carry out the provisions of this chapter.

SECTION 39. Sections 5-71-3, 5-71-7, 5-71-8, 5-71-10, and 5-71-13 of the General Laws in Chapter 5-71 entitled “Interpreters for the Deaf” are hereby amended to read as follows:

5-71-3 Definitions. — (1) “Board” means the health professions board of review established in accordance with § 5-26.1-3, state board of examiners for interpreters for the deaf.

(2) “Certified” means any person who is a certified member of the Registry of Interpreters for the Deaf, Inc. (RID), its successor agency or other agencies as approved by the department, in consultation with the board.

(3) “Consumer” is an individual who is deaf, hard of hearing or other individual with disabilities whose primary language is sign language (e.g., American Sign Language, manually coded sign systems).

(4) “Department” means the Rhode Island department of health and “division” shall mean
(5) "Director" means the director of the department of health.

(6) "Educational Interpreter for the Deaf" means an individual who has specialized licensure in the provision of sign language interpreting to students who are deaf, hard-of-hearing or deaf-blind in grades preschool through twelve (12).

(7) "Emergency" means an urgent circumstance that demands immediate action in order for a consumer to avoid imminent harm or loss. In the event of an emergency, the consumer may elect to use the services of a nonlicensed interpreter or transliterator as set forth in regulations promulgated by the department.

(8) "Interpreter for the deaf" means any person who engages in the practice of interpreting for the deaf as defined in subsection (9) below.

(9) "Interpreter trainee" and "interpreter student" means any person, meeting the minimum requirements established by the department in consultation with the board who is currently enrolled in a nationally accredited interpreter training program and participating in the practicum portion of their studies.

(10) "Interpreting for the deaf" means conveying spoken English into American Sign Language (ASL) (voice-to-sign) or conveying American Sign Language into English (sign-to-voice), or interpreting English to and/or from a visual gestural system. Such practice shall not include transliterating for the deaf.

(11) "Screened interpreter or transliterator for the deaf" means any person who presents proof of an active state screening or its equivalent and presents proof of successful completion of an examination as approved by the department in consultation with the board.

(12) "Transliterator for the deaf" means any person who engages in the practice of transliterating for the deaf as defined in subsection (13) below.

(13) "Transliterating for the deaf" means conveying spoken English into Manually coded English (voice-to-sign), or conveying manually coded English into spoken English (sign-to-voice), or conveying English on the lips so that it is accessible to speech reading (i.e. oral transliterating). Such practice shall not include interpreting for the deaf.

5-71-7 Disposition of moneys received. — All moneys received by the division board shall be deposited in the treasury of the state.

5-71-8 Qualifications of applicants for licenses. — (a) To be eligible for licensure by the division board as an interpreter for the deaf or transliterator for the deaf, or educational interpreter for the deaf, the applicant must submit written evidence on forms furnished by the department, verified by oath, that the applicant meets all of the following requirements:
(1) Is of good moral character;
(2) Meets the certification or screened requirements as defined in regulations promulgated by the department; and
(3) Pays the department a license fee as set forth in § 23-1-54.

(b) To be eligible for licensure by the board as an educational interpreter for the deaf, the applicant must meet all of the requirements as described in subsection (a) and must further present proof of successful completion of the educational interpreter performance assessment (EIPA), written and performance tests, or a similar test as approved by the division board, at a performance level established by the division board.

5-71-10 Endorsement. – The department in consultation with the division board shall promulgate regulations providing for a procedure for waiver of the requirements of § 5-71-9 for applicants who hold a valid license, certificate, or equivalent issued within another state; provided, that the requirements under which that license, certificate, or equivalent was issued, meet or exceed the standards required by this chapter.

5-71-13 Grounds for suspension or revocation of licenses. – (a) The division board may recommend to the director of the department of health the issuance, renewal, or revocation of a license, or suspension, placement on probation, censure or reprimand a licensee, or any other disciplinary action that the division board may deem appropriate, for conduct that may result from, but not necessarily be limited to:
(1) Obtaining his or her license by means of fraud, misrepresentation, or concealment of material facts;
(2) Being guilty of fraud, misrepresentation, concealment or material misstatement of facts or deceit in connection with his or her services rendered as an interpreter for the deaf, transliterator for the deaf, or educational interpreter for the deaf;
(3) Being guilty of unprofessional conduct as defined by the rules established by the department in consultation with the board, and/or has violated any standard of professional or ethical conduct adopted by the National Registry of Interpreters for the Deaf;
(4) Violating the continuing education requirements of this chapter as defined in subsection 5-71-9(d), and rules and regulations as promulgated by the department;
(5) Violating any lawful order, or any provision of this chapter or of the rules or regulations promulgated in this chapter;
(6) Aiding or assisting another person in violating any provision of this chapter or any rule or regulation adopted under this chapter;
(7) Departure from or failure to conform to the current standards of acceptable and
prevailing practice of interpreting for the deaf.

(b) Working under a license that is expired or on inactive status, working under a license when certification is expired or on inactive status, and practicing interpreting without being exempt under chapter 5-71 shall be considered to be practicing without a license.

(c) The department shall respond to all recommendations from the board under this section within thirty (30) calendar days. Disciplinary procedures under this chapter shall be conducted in accordance with the Administrative Procedures Act, chapter 35 of title 42.

(d) In accordance with § 5-26.1-5, the board shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the board shall make a determination regarding the charges.

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

SECTION 40. Sections 5-71-4, 5-71-5 and 5-71-6 of the General Laws in Chapter 5-71 entitled “Interpreters for the Deaf” are hereby repealed.

§ 5-71-4 Board of examiners—Creation—Compensation—Appointment, terms and qualifications of members—(a) There shall exist within the state department of health a board of examiners of interpreters for the deaf. The board shall consist of five (5) persons who shall be residents of the state of Rhode Island for at least two (2) years prior to their appointments: three (3) nationally certified interpreters, and two (2) consumers.

(b) All appointments made under this section shall be made by the governor with the advice and consent of the senate. In making appointments to the board, the governor shall give consideration to recommendations made by the commission on the deaf and hard of hearing established pursuant to § 23-1.8-1. All members shall serve terms of three (3) years. Members shall serve until the expiration of the term for which they have been appointed or until their successor is appointed. No person shall be appointed to serve more than two (2) consecutive terms. When a vacancy upon the board occurs, a replacement shall be appointed for the remainder of that term as prescribed in this section.

(c) The board shall reorganize annually during the month of December and shall elect a chairperson and vice chairperson for the subsequent calendar year. The board may elect from among its members such other officers as it deems necessary.

(d) Three (3) members of the board shall constitute a quorum to do business. A majority vote of those present shall be required for action.

(e) Members of the board shall be removable by the governor pursuant to the provisions of § 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal
reasons unrelated to capacity or fitness for the office shall be unlawful.

§ 57-1.5 Board of examiners—Duties and powers—Meetings—Compensation of members.

(a) The department with the assistance of the board shall administer, coordinate and enforce the provisions of this chapter, evaluate the qualifications of applicants, and may issue subpoenas, examine witnesses, and administer oaths, and investigate persons engaging in practices which violate the provisions of this chapter.

(b) The department shall conduct hearings and shall keep records and minutes that are necessary for the orderly dispatch of business.

(c) The department shall hold public hearings regarding rules and regulations.

(d) The department in consultation with the board, in accordance with the rule-making provisions of the Administrative Procedures Act, chapter 35 of title 42, shall adopt responsible rules and regulations, and may amend or repeal those rules and regulations. Following their adoption, the rules and regulations shall govern and control the professional conduct of every person who holds a license to practice interpreting or transliterating for the deaf in the state of Rhode Island.

(e) Regular meetings of the board shall be held, and special meetings may be held upon the call of the chairperson as necessary to deal with such issues as violations of this chapter; provided, that at least one regular meeting is held each calendar year.

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

(g) Board members shall serve on an honorable basis without compensation.

(h) The board may request legal advice and assistance from the appropriate legal officer.

(i) The board shall conduct a training course for newly appointed and qualified members within six (6) months of their appointment. The course shall be developed and conducted by the chair of the commission, approved by the commission, and shall include instruction in the subject areas of this chapter, and chapters 42-46, 36-14, and 38-2, and the commission's rules and regulations. The director of the department of administration shall, within ninety (90) days of March 29, 2006, prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14, and 38-2.

(j) Within ninety (90) days after the end of each fiscal year, the board shall approve and submit an annual report to the governor, the speaker of the house of representatives, the president...
of the senate, and the secretary of state of its activities during that fiscal year. The report shall
provide: an operating statement summarizing meetings or hearings held, including meeting
minutes, subjects addressed, decisions rendered, licenses considered and their dispositions, rules
or regulations promulgated, studies conducted, policies and plans developed, approved or
modified, and programs administered or initiated; a consolidated financial statement of all funds
received and expended including the source of the funds; a listing of any staff supported by these
funds; and a summary of any clerical, administrative or technical support received; a summary of
performance during the previous fiscal year including accomplishments, shortcomings and
remedies; a synopsis of hearings, complaints, suspensions or other legal matters related to the
authority of the board; a summary of any training courses held pursuant to the provisions of
paragraph 5-71-5(i); a briefing on anticipated activities in the upcoming fiscal year; and findings
and recommendations for improvements. The report shall be posted electronically on the general
assembly and the secretary of state’s websites as prescribed in § 42-20-8.2. The director of the
department of administration shall be responsible for the enforcement of this provision.

§ 5-71-6. Board of examiners—Seal—Authentication of records. The board shall adopt
the state seal by which it shall authenticate its proceedings. Copies of the proceedings, records,
and acts of the board, and certificates purporting to relate the facts concerning those proceedings,
records, and acts, signed by the secretary and authenticated by that seal, shall be evidence in all
courts of this state.

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
5-86-20 of the General Laws in Chapter 5-86 entitled “Licensing of Applied Behavior Analysts”
are hereby amended to read as follows:

5-86-2 Definitions. As used in this chapter, the following terms shall be construed as
follows:

(1) "Applied behavior analyst" means a person licensed to practice applied behavior
analysis under the provisions of this chapter and the rules and regulations authorized by this
chapter.

(2) "Applied behavior analyst aide" means a person not licensed pursuant to the laws and
rules applicable to the practice of applied behavior analysis, who works under the supervision of a
licensed applied behavior analyst, who assists in the practice of applied behavior analysis and
whose activities require an understanding of applied behavior analysis, but do not require
professional or advanced training in the basic anatomical, psychological, and social sciences
involved in the practice of applied behavior analysis.

(3) "Applied behavior assistant analyst" means a person licensed who practices applied
behavior analysis under the provisions of this chapter and the rules and regulations authorized by
this chapter.

(4) "Board" means the health professions board of review established in accordance with
§ 5-26.1-3, licensing board of applied behavior analysts within the Rhode Island department of
health, established pursuant to the provisions of § 5-86.3 of the chapter.

(5) "Department" means the Rhode Island department of health and “division” means the
division of professional regulation and licensing with the department.

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

(7) "Education" means the academic program pursued by the person in obtaining the
bachelor's, master's or doctorate degree, that the programs to include formal course work,
seminars and practica.

(8) "Psychologist with equivalent experience" means a person deemed to hold equivalent
licensure as an applied behavior analyst upon satisfying equivalency requirements through
submission and satisfaction of written evidence of education and relevant experience to the
department pursuant to subsection 5-86-9(c) of this chapter.

(9) "Practice of applied behavior analysis" means the design, implementation and
evaluation of environmental modifications by a behavior analyst to produce socially significant
improvements in human behavior. It includes the empirical identification of functional relations
between environment and behavior, known as functional assessment and analysis. Applied
behavior analysis interventions are based on scientific research and the direct observation and
measurement of behavior and environment. They utilize contextual factors, establishing
operations, antecedent stimuli, positive reinforcement and other consequences to help people
develop new behaviors, increase or decrease existing behaviors, and emit behaviors under
specific environmental conditions. The practice of applied behavior analysis expressly excludes
psychological testing, neuropsychology, psychotherapy, cognitive therapy, sex therapy,
psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities. Such services
are provided by a person licensed under this chapter only when applied behavior analysis services
are prescribed by a child psychiatrist, a behavioral developmental pediatrician, a child neurologist
or a licensed psychologist with training in child psychology pursuant to § 27-20.11-4.

(10) "Supervised experience" means the practical application of principles, methods and
procedures of the science of applied behavioral analysis in accordance with the requirements of §
5-86-9 of this chapter.

(11) "Supervision" means that a licensed applied behavior analyst is at all times
responsible for supportive personnel and clients.
(12) “These regulations” mean all parts of Rhode Island rules and regulations for Licensing applied behavior analysts, applied behavior assistant analysts, and psychologists with equivalent experience.

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

5-86-9 Qualifications and examinations for licensing. – (a) An applicant for licensure as a licensed applied behavior analyst shall submit to the division board written evidence on forms furnished by the department verified under oath (i.e. notarized) that said applicant:

(1) Be of good moral character;

(2) Has obtained a graduate degree in applied behavior analysis or a related field, as approved by the division board, from a college or university accredited by the New England association of schools and colleges, or an equivalent regional accrediting agency, and which has the approval by a national or regional certifying authority, including but not limited to the division applied behavior analyst licensing board;

(3) Has successfully completed the amount of coursework in applied behavior analysis acceptable to the division board;

(4) Has appropriate supervised experience to include either: (i) One year, including one thousand five hundred (1500) hours of supervised independent fieldwork in applied behavior analysis. The distribution of supervised independent fieldwork hours must be at least ten (10) hours per week, but not more than thirty (30) hours per week, for a minimum of three (3) weeks per month; (ii) One thousand (1000) hours of practicum in behavior analysis within a university experience program approved by the national or regional certifying authority. The distribution of practicum hours must be at least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per month; or (iii) Seven hundred fifty (750) hours of intensive practicum in behavior analysis within a university experience program approved by the national or regional certifying authority. The distribution of intensive practicum hours must be at least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per month;

(5) Has passed the relevant examination administered by an appropriate nationally recognized accrediting organization as approved by the department of health for this function;

(6) Maintain active status and fulfill all relevant requirements for renewal and relicensing with the nationally recognized and accredited organization(s) as approved by the department of health licensing;
(7) Conducts his or her professional activities in accordance with accepted standards for responsible professional conduct, as approved by the division Rhode Island applied behavior analyst licensing board; and

(8) Meets the criteria as established in § 5-86-12.

(b) An applicant for licensure as a licensed applied behavior assistant analyst shall submit to the division board written evidence on forms furnished by the department verified under oath (i.e., notarized) that said applicant:

(1) Be of good moral character;

(2) Has obtained a bachelor's degree in behavior analysis or a related field, as approved by the division board, from a college or university accredited by the New England Association of Schools and Colleges, or an equivalent regional accrediting agency, and which has the approval by a national or regional certifying authority, including, but not limited to, the division: applied behavior analyst licensing board;

(3) Has successfully completed the amount of coursework in applied behavior analysis acceptable to the division: board;

(4) Has appropriate supervised experience to include either: (i) One thousand (1000) hours of supervised independent fieldwork in applied behavior analysis. The distribution of supervised independent fieldwork hours must be at least ten (10) hours per week, but not more than thirty (30) hours per week, for a minimum of three (3) weeks per month; (ii) Six hundred seventy (670) hours of practicum in behavior analysis within a university experience program approved by the national or regional certifying board. The distribution of practicum hours must be at least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per month; or (iii) Five hundred (500) hours of intensive practicum in behavior analysis within a university experience program approved by the national or regional certifying board. The distribution of intensive practicum hours must be at least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per month.

(5) Is supervised by a licensed applied behavior analyst in a manner consistent with the division’s board's requirements for supervision of licensed applied behavior assistant analysts;

(6) Has passed the examination administered by an appropriate nationally recognized accrediting organization as approved by department of health licensing for this function;

(7) Maintain active status and fulfill all relevant requirements for renewal and relicensing with the nationally recognized and accredited organization(s) as approved by the department of health licensing;
(8) Conduct his or her professional activities in accordance with accepted standards for responsible professional conduct, as required by the division Rhode Island applied behavior analyst licensure board; and

(9) Meet the criteria as established in § 5-86-11.

(c) applicant shall be judged to hold the equivalent requirement of a licensure as an applied behavior analyst upon submission to the division board, written evidence on forms furnished by the department verified under oath (i.e., notarized), if the following equivalency requirements are met to the satisfaction of the division licensing board:

(1) Has received a doctoral degree in psychology from a college or university accredited by the New England association of schools and colleges, or an equivalent regional accrediting agency, and which has the approval by a national or regional certifying authority;

(2) individually licensed by the department of health as a psychologist subject to chapter 5-44;

(3) Be of good moral character;

(4) Has completed coursework in applied behavior analysis supervised by the department within the college or university granting the requisite degree or by an accredited postgraduate clinical training program recognized by the United States department of education, or education and/or experience which is deemed equivalent by the division board;

(5) Has completed one thousand five hundred (1,500) hours of direct client contact offering applied behavior analysis services subsequent to being awarded a doctoral degree in psychology;

(6) Conducts his or her professional activities in accordance with accepted standards for responsible professional conduct, as required by the division Rhode Island applied behavior analyst licensure board; and

(7) Meets the criteria as established in § 5-86-12.

5-86-10 Licensure. – A license may be issued to:

(1) An applicant who meets the requirements for licensure as approved by the department of health and licensed as a licensed applied behavior analyst, licensed applied behavior assistant analyst or psychologist with equivalent experience as stated in this chapter; and

(2) An applicant who has been certified by an appropriate nationally recognized and accredited organization, as approved by the department of health, licensing and licensed as a licensed applied behavior analyst, licensed applied behavior assistant analyst or psychologist with equivalent experience under the laws of another state, United States territory, or foreign country where the division board determines that the requirements are substantially equivalent to those of
5-86-12 Limitation of practice. — The division board shall ensure through regulations and enforcement that licensees limit their practice to demonstrated areas of competence as documented by relevant professional education, training, and experience.

5-86-16 Grounds for discipline. — The division board has the power to deny, revoke, or suspend any license issued by the department in accordance with this chapter, or to discipline a licensee upon proof that the person:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license or temporary license;
2. Is guilty of a felony or of a crime of immorality;
3. Is habitually intemperate or is addicted to the use of habit-forming drugs;
4. Is mentally incompetent;
5. Is incompetent or negligent in the practice of applied behavior analysis as determined by the division: Rhode Island applied behavior analyst licensing board;
6. Has not fulfilled the required continuing education requirements as determined by the division: Rhode Island applied behavior analysis licensing board;
7. Has violated the ethical principles governing applied behavior analysts and the practice of applied behavior analysis, as adopted by the board and in force at the time a charge is made, provided that those ethical principles are a nationally recognized standard;
8. Has practiced as a licensed applied behavior assistant analyst or has performed the duties of a licensed applied behavior assistant analyst without proper supervision by a licensed applied behavior analyst pursuant to § 5-86-26;
9. Has had their license revoked, suspended, privileges limited or other disciplinary action in another state or jurisdiction, including the voluntary surrender of a license; or
10. Has failed to furnish the department or its legal representative information requested by the division board as part of a disciplinary action.

5-86-17 Procedure for discipline. — (a) When a sworn complaint is filed with the division board charging a person with being guilty of any of the actions specified in section 5-86-16, the department shall immediately investigates those charges, or the board, after investigation, may institute charges. The department may coordinate investigations of alleged violations of the Rhode Island applied behavior analyst licensing board with an appropriate nationally recognized accrediting organization.

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

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

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

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

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

(g) The board department shall administer oaths as necessary for the proper conduct of the hearing.

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

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

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

(k) A revocation or suspension of license may be reviewed at the discretion of the division board, or at the initiative of the department which may order a rehearing of the issue if it finds cause.

5-86-18 Grounds for discipline without a hearing. – With the approval of the director, the division board may temporarily suspend the license of a licensed applied behavior analyst, licensed applied behavior assistant analyst or psychologist with equivalent experience without a hearing if the division board finds that evidence in its possession indicates that a licensed applied behavior analyst, licensed applied behavior assistant analyst or psychologist with equivalent experience continuing in practice would constitute an immediate danger to the public. In the
event that the division board temporarily suspends the license of a licensed applied behavior analyst, licensed applied behavior assistant analyst or psychologist with equivalent experience without a hearing by the board, a hearing must be held within ten (10) days after the suspension has occurred.

5-86-20 Injunction of violations. – When it appears to the division board that any person is violating any of the provisions of this chapter, the director may institute an action, commenced in the name of the department board, to enjoin that violation in a court of competent jurisdiction. That court may enjoin any person from violating any of the provisions of this chapter, without regard to whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

SECTION 42. Sections 5-86-4, 5-86-5, 5-86-6 and 5-86-7 of the General Laws in Chapter 5-86 entitled “Licensing of Applied Behavior Analysts” are hereby repealed.

§ 5-86-4 Board of applied behavior analysts — Creation — Composition. — Within the department of professional regulation in the department of health there shall be a Rhode Island applied behavior analyst licensing board consisting of five (5) members as provided by § 5-86-5.

§ 5-86-5 Board of applied behavior analysts — Appointment, terms, and removal of members. — (a) The director of the department of health shall, with the approval of the governor, appoint five (5) electors as members of the board. Three (3) members of the board shall be licensed applied behavior analysts, one member shall be a licensed applied behavior assistant analyst, and one shall be a consumer representative holding neither license. The licensed applied behavior analysts and licensed applied behavior assistant analyst shall have at least three (3) years professional experience with credentials comparable as those established in this chapter, be certified for a minimum of five (5) years by an appropriate nationally recognized accrediting organization as approved by the department of health.

(b) The director shall, with the approval of the governor, appoint persons to serve on the board. Two (2) of those members first appointed by the director of the department of health shall serve initial terms of three (3) years; two (2) of those members first appointed by the director of the department of health shall serve an initial term of two (2) years; and one of those members appointed by the director of the department of health shall serve an initial term of one year thereafter, all appointed members of the board shall be appointed to serve for terms of three (3) years.

(c) The board members are eligible to succeed themselves.

(d) The director may remove any member from the board for neglect of any duty required by law, or for incompetence, or unprofessional or dishonorable conduct. Vacancies shall be filled...
§ 5-86.6 Board of applied behavior analysts — Organization and meetings. (a) The board shall organize immediately after the appointment and qualification of its members. 

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

§ 5-86.7 Board of applied behavior analysts — General powers. The Rhode Island applied behavior analyst licensing board shall:

1. Recommend to the director for his or her approval the adoption and revision of rules and regulations not inconsistent with law as necessary to enable it to carry into effect the provisions of this chapter;

2. Adopt policies to be followed in the licensure and renewal of licenses of qualified applicants in accordance with chapter 42-35, of the administrative procedures act;

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

4. The board or the director shall prosecute all persons violating this chapter and has the power to incur the necessary expenses of prosecution. The board shall keep a record of all its proceedings, including, but not limited to, meeting minutes.

SECTION 43. Sections 23-16.3-3, 23-16.3-8, 23-16.3-9, 23-16.3-10, 23-16.3-11, 23-16.3-12, and 23-16.3-13 of the General Laws in Chapter 23-16.3 entitled “Clinical Laboratory Science Practice” are hereby amended to read as follows:

23-16.3-3 Definitions. — The following words and terms when used in this chapter have the following meaning unless otherwise indicated within the context:

1. ”Accredited clinical laboratory program” means a program planned to provide a predetermined amount of instruction and experience in clinical laboratory science that has been accredited by one of the accrediting agencies recognized by the United States Department of Education.

2. ”Board” means the health professions board of review established in accordance with § 5-26.1-3, clinical laboratory science board appointed by the director of health.

3. ”Clinical laboratory” or ”laboratory” means any facility or office in which clinical laboratory tests are performed.

4. ”Clinical laboratory science practitioner” or ”one who engages in the practice of
clinical laboratory science” means a health care professional who performs clinical laboratory
tests or who is engaged in management, education, consulting, or research in clinical laboratory
science, and includes laboratory directors, supervisors, clinical laboratory scientists
(technologists), specialists, and technicians working in a laboratory, but does not include persons
employed by a clinical laboratory to perform supportive functions not related to direct
performance of laboratory tests and does not include clinical laboratory trainees. Provided,
however, nothing contained in this chapter shall apply to a clinical perfusionist engaged in the
testing of human laboratory specimens for extracorporeal functions, which shall include those
functions necessary for the support, treatment, measurement, or supplementation of the
cardiopulmonary or circulatory system of a patient.

(5) "Clinical laboratory scientist” and/or "technologist" means a person who performs
clinical laboratory tests pursuant to established and approved protocols requiring the exercise of
independent judgment and responsibility, maintains equipment and records, performs quality
assurance activities related to test performance, and may supervise and teach within a clinical
laboratory setting.

(6) "Clinical laboratory technician” means a person who performs laboratory tests
pursuant to established and approved protocols which require limited exercise of independent
judgment and which are performed under the personal and direct supervision of a clinical
laboratory scientist (technologist), laboratory supervisor, or laboratory director.

(7) "Clinical laboratory test” or "laboratory test” means a microbiological, serological,
chemical, hematological, radiobioassay, cytological, immunological, or other pathological
examination which is performed on material derived from the human body, the test or procedure
conducted by a clinical laboratory which provides information for the diagnosis, prevention, or
treatment of a disease or assessment of a medical condition.

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

(9) “Director” means the director of the Rhode Island department of health.

(10) “Division” means the division of professional regulation and licensing with the
department.

(11) "Limited function test” means a test conducted using procedures which as
determined by the director have an insignificant risk of an erroneous result, including those
which:

(i) Have been approved by the United States Food and Drug Administration for home
use;

(ii) Employ methodologies that are so simple and accurate as to render the likelihood of
erroneous results negligible; or

(iii) The director has determined pose no reasonable risk of harm to the patient if performed incorrectly.

23-16.3-8 Standards for licensure. – (a) Clinical laboratory scientist (technologist). The department of health shall issue a clinical laboratory scientist's license to an individual who meets the qualifications developed by the division board, including at least one of the following qualifications:

(1) A baccalaureate degree in clinical laboratory science (medical technology) from an accredited college or university whose curriculum included appropriate clinical education;

(2) A baccalaureate degree in biological, chemical, or physical science from an accredited college or university, and subsequent to graduation has at least twelve (12) months of appropriate clinical education in an accredited clinical laboratory science program;

(3) A baccalaureate degree which includes a minimum of thirty-six (36) semester (or equivalent) hours in the biological, chemical, and physical sciences from an accredited college or university plus two (2) years of full-time work experience including a minimum of four (4) months in each of the four (4) major disciplines of laboratory practice (clinical chemistry, clinical microbiology, hematology, immunology/immunohematology); or

(4) A baccalaureate degree consisting of ninety (90) semester (or equivalent) hours, thirty-six (36) of which must be in the biological, chemical, or physical sciences, from an accredited university, and appropriate clinical education in an accredited clinical laboratory science program.

(5) A clinical laboratory scientist (technologist) who previously qualified under federal regulatory requirements such as 42 CFR § 493.1433 of the March 14, 1990 federal register or other regulations or criteria which may be established by the division board.

(b) Clinical laboratory technician. The department of health shall issue a clinical laboratory technician's license to an individual who meets the qualifications promulgated by the division board, including at least one of the following qualifications:

(1) An associate degree or completion of sixty (60) semester (or equivalent) hours from a clinical laboratory technician program (MLT or equivalent) accredited by an agency recognized by the United States Department of Education that included a structured curriculum in clinical laboratory techniques;

(2) A high school diploma (or equivalent) and (i) completion of twelve (12) months in a technician training program in an accredited school such as CLA (ASCP) clinical laboratory assistant (American Society of Clinical Pathologists), and MLT-C medical laboratory technician-
certificate programs approved by the division board; or (ii) successful completion of an official military medical laboratory procedure course of at least fifty (50) weeks duration and has held the military enlisted occupational specialty of medical laboratory specialist (laboratory technician); or

(3) A clinical laboratory technician who previously qualified under federal regulatory requirements such as 42 CFR § 493.1441 of the March 14, 1990 federal register which meet or exceed the requirements for licensure set forth by the division board.

(c) Clinical histologic technician. The department of health shall issue a clinical histologic technician license to an individual who meets the qualifications promulgated by the division board, including at least one of the following:

(1) Associate degree or at least sixty (60) semester hours (or equivalent) from an accredited college/university to include a combination of mathematics and at least twelve (12) semester hours of biology and chemistry, and successfully complete an accredited program in histologic technique or one full year of training in histologic technique under the supervision of a certified histotechnologist or an appropriately certified histopathology supervisor with at least three (3) years experience.

(2) High school graduation (or equivalent) and two (2) years full time acceptable experience under the supervision of a certified/licensed clinical histologic technician at a licensed clinical laboratory in histologic technique.

(d) Cytotechnologist. The department of health shall issue a cytotechnologist license to an individual who meets the qualifications promulgated by the division board including at least one of the following:

(1) A baccalaureate degree from an accredited college or university with twenty (20) semester hours (30 quarter hours) of biological science, eight (8) semester hours (12 quarter hours) of chemistry, and three (3) semester hours (4 quarter hours) of mathematics and successful completion of a twelve (12) month cytotechnology program.

(2) A baccalaureate degree from an accredited college or university with twenty (20) semester hours (30 quarter hours) of biological science, eight (8) semester hours (12 quarter hours) of chemistry, and three (3) semester hours (4 quarter hours) of mathematics and five (5) years full time acceptable clinical laboratory experience including cytopreparatory techniques, microscopic analysis, and evaluation of the body systems within the last ten (10) years. At least two (2) of these years must be subsequent to the completion of the academic component and at least two (2) years must be under the supervision of a licensed physician who is a pathologist, certified, or eligible for certification, by the American Board of Pathology in anatomic pathology or has other suitable qualifications acceptable to the division board.
(3) A cytotechnologist who previously qualified under federal regulatory requirements such as 42 CFR § 493.1437 of the March 14, 1990 federal register.

(e) The board shall recommend standards for any other clinical laboratory science practitioners specializing in areas such as nuclear medical technology, radioimmunoassay, electron microscopy, forensic science, molecular biology, or similar recognized academic and scientific disciplines with approval of the director of health.

23-16.3-9 Waiver of requirements. — The division board shall recommend regulations providing procedures for waiver of the requirements of § 23-16.3-8 for all applicants who hold a valid license or its equivalent issued by another state; provided that the requirements under which that license or its equivalent was issued to meet or exceed the standards required by this chapter with the approval of the director. The division board may also recommend regulations it deems appropriate with respect to individuals who hold valid licenses or their equivalent in other countries.

23-16.3-10 Licensure application procedures. — (a) Licensure applicants shall submit their application for licensure to the department of health upon the forms prescribed and furnished by the department of health, and shall pay the designated application or examination fee.

(b) Upon receipt of application and payment of a fee, the department of health shall issue a license for a clinical laboratory scientist or technologist, a clinical laboratory technician, or an appropriate specialty license to any person who meets the qualifications specified in this chapter and the regulations promulgated under this chapter.

(c) The division board may recommend a procedure for issuance of temporary permits to individuals otherwise qualified under this chapter who intend to engage in clinical laboratory science practice in this state for a limited period of time not to exceed eighteen (18) months.

(d) The division board may recommend a procedure for issuance of provisional licenses to individuals who otherwise qualify under this chapter but are awaiting the results of certification examinations. A provisional license so issued shall be converted to a license under the provisions of § 23-16.3-8 or expire not more than twelve (12) months after issuance. At the discretion of the division board, the provisional license may be reissued at least one time with the director's approval.

23-16.3-11 Licensure renewal. — (a) Licenses issued pursuant to this chapter shall expire on a date and time specified by the department of health.

(b) Every person licensed pursuant to this chapter shall be issued a renewal license every two (2) years upon:

(1) Submission of an application for renewal on a form prescribed by the department of
health and payment of an appropriate fee determined by the division recommended by the board; and

(2) Proof of completion, in the period since the license was first issued or last renewed, of at least thirty (30) hours of continuing education courses, clinics, lectures, training programs, seminars, or other programs related to clinical laboratory practice which are approved or accepted by the division board; or proof of re-certification by a national certification organization that mandates an annual minimum of fifteen (15) hours of continuing education, such as the National Certification Agency for Medical Laboratory Personnel.

(c) The division board may recommend any other evidence of competency it shall deem reasonably appropriate as a prerequisite to the renewal of any license provided for by this chapter, as long as these requirements are uniform as to application, are reasonably related to the measurement of qualification, performance, or competence, and are desirable and necessary for the protection of the public health.

23-163-12 Disciplinary requirements. – The division board may recommend to the director of health issuance, renewal, or revocation of a license, or suspension, placement on probation, censure, or reprimand of a licensee, or any other disciplinary action that the board may deem appropriate, including the imposition of a civil penalty, for conduct that may result from, but not necessarily be limited to:

(1) A material misstatement in furnishing information to the department of health;
(2) A violation or negligent or intentional disregard of this chapter, or of the rules or regulations promulgated under this chapter;
(3) A conviction of any crime under the laws of the United States or any state or territory of the United States which is a felony or which is a misdemeanor, an essential element of which is dishonesty, or of any crime which is directly related to the practice of the profession;
(4) Making any misrepresentation for the purpose of obtaining registration or violating any provision of this chapter;
(5) Violating any standard of professional conduct adopted by the department board;
(6) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;
(7) Providing professional services while mentally incompetent, under the influence of alcohol or narcotic or controlled dangerous substance that is in excess of therapeutic amounts or without valid medical indication;
(8) Directly or indirectly contracting to perform clinical laboratory tests in a manner which offers or implies an offer of rebate, fee-splitting inducements or arrangements, or other
unlawful remuneration; or

(9) Aiding or assisting another person in violating any provision of this chapter or any rule adopted under this chapter.

23-16.3-13 Hearing requirements – Procedure. – (a) The proceedings for the revocation, suspension or limiting of any license may be initiated by any person, corporation, association, or public officer or by the division board by the filing of written charges, but no license shall be revoked, suspended, or limited without a hearing before the board within sixty (60) days after the filing of written charges in accordance with the procedures established by the board. A license may be temporarily suspended without a hearing for the period not to exceed thirty (30) days upon notice to the licensee following a finding by the division board that there exists a significant threat to the public health and approved by the director. In the event of a temporary suspension the board will hear the matter within thirty (30) days and take appropriate action as necessary.

SECTION 44. Sections 23-16.3-6 and 23-16.3-7 of the General Laws in Chapter 23-16.3 entitled “Clinical Laboratory Science Practice” are hereby repealed.

§ 23-16.3-6 Administration. – (a) There is created within the division of professional regulation of the department of health a clinical laboratory advisory board which shall consist of seven (7) persons who have been residents of the state for at least two (2) years prior to their appointment, and who are actively engaged in their areas of practice. The director of the department of health, with the approval of the governor, shall make appointments to the board from lists submitted by organizations of clinical laboratory science practitioners and organizations of physicians and pathologists.

(b) The board shall be composed of:

(1) One physician certified by the American Board of Pathology or American Board of Osteopathic Pathology;

(2) One physician who is not a laboratory director and is not a pathologist;

(3) Four (4) clinical laboratory science practitioners, at least one of whom is a non-physician laboratory director, one of whom is a clinical laboratory scientist (technologist), and one of whom is a clinical laboratory technician, and who, except for the initial appointments, hold active and valid licenses as clinical laboratory science practitioners in this state and one of whom is a clinical laboratory science practitioner not falling in one of the first three (3) categories; and

(4) One public member who is not associated with or financially interested in the practice of clinical laboratory science.

(c) Board members shall serve for a term of three (3) years, and until their successors are
appointed and qualified, except that the initial appointments, which shall be made within sixty (60) days after July 1, 1992, shall be as follows:

(1) One pathologist, one non-physician laboratory director, and one clinical laboratory scientist, shall be appointed to serve for three (3) years;

(2) One public representative and one non-pathologist physician, shall be appointed to serve for two (2) years; and

(3) The remaining members shall be appointed to serve for one year.

The membership of the board shall receive no compensation for their services.

Whenever a vacancy shall occur on the board by reason other than the expiration of a term of office, the director of the department of health with the approval of the governor shall appoint a successor of like qualifications for the remainder of the unexpired term. No person shall be appointed to serve more than two (2) successive three (3) year terms.

§ 23-16.3-7. Duties and powers of the clinical laboratory advisory board. — In addition to any other power conferred upon the board pursuant to this chapter, the board shall recommend to the director:

(1) Rules and regulations for the implementation of this chapter including, but not limited to, regulations that delineate qualifications for licensure of clinical laboratory science practitioners as defined in this chapter, specify requirements for the renewal of licensure, establish standards of professional conduct, and recommend on the amendment or on the repeal of the rules and regulations. Following their adoption, the rules and regulations shall govern and control the professional conduct of every person who holds a license to perform clinical laboratory tests or otherwise engages in the profession of clinical laboratory science;

(2) Standard written, oral, or practical examinations for purposes of licensure of clinical laboratory science practitioners as provided for in § 23-16.3-5;

(3) Rules and regulations governing qualifications for licensure of specialists in those clinical laboratory science specialties that the board may determine in accordance with § 23-16.3-8(c);

(4) Rules and regulations governing personnel performing tests in limited function laboratories;

(5) A schedule of fees for applications and renewals;

(6) Establish criteria for the continuing education of clinical laboratory science practitioners as required for license renewal;

(7) Any other rules and regulations necessary to implement and further the purpose of this chapter.
SECTION 45. Sections 23-17.4-21.1 and 23-17.4-21.3 of the General Laws in Chapter 23-17.4 entitled “Assisted Living Residence Licensing Act” are hereby repealed.

§ 23-17.4-21.1 Assisted living administrator certification board. — (a) Within the department there is established an assisted living administrator certification board to be appointed by the director of health with the approval of the governor consisting of seven (7) members as follows: two (2) members of the board are persons with at least five (5) years experience in operating an assisted living residence; one member of the board is an active assisted living administrator who is not an assisted living owner; two (2) members are persons representing assisted living consumers or family members; and two (2) members are representatives of the assisted living industry or are assisted living employees.

(b) Members shall be appointed to three (3) year terms. No member shall serve for more than two (2) terms. The director, with the approval of the governor, shall appoint all vacancies as they occur for the remainder of a term or until a successor is appointed.

(c) The director may remove, after a hearing and with the approval of the governor, any member of the board for neglect of any duty required by law or for any incompetency, unprofessional or dishonorable conduct. Before beginning a term, a member shall take an oath prescribed by law for state officers, a record of which shall be filed with the secretary of state.

(d) The director shall appoint a chairperson.

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

(f) The board shall serve without compensation.

(g) Meetings of the board shall be called by the director or the director's designee, or a majority of the board members.

(h) The director shall provide for a staff person of the department to serve as an administrative agent for the board.

§ 23-17.4-21.3 Functions of assisted living certification board. — It is the function of the board to:

(1) Conduct examinations as required by the department and to act in an advisory capacity to the department in all matters pertaining to the certification of assisted living administrators;

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

(3) Recommend to the department the issuance of licenses and registrations to individuals determined, after application of those techniques, to meet those standards; and to recommend to
the director the revocation or suspension of licenses or registrations previously issued in any case where the individual holding that license or registration is determined substantially to have failed to conform to the requirements of those standards; and

(1) Adopt, with the approval of the director of health, rules and regulations governing a mandatory program of continuing education for assisted living administrators.

SECTION 46. Sections 23-20.8-1, 23-20.8-3, 23-20.8-5 and 23-20.8-6 of the General Laws in Chapter 23-20 entitled “Licensing of Massage Therapists” are hereby amended to read as follows:

23-20.8-1 Definitions. – As used in this chapter:

(1) “Massage therapist” means a person engaged in the practice of massage and is licensed in accordance with this chapter of the general laws of the state of Rhode Island.

(2) “Practice of massage” means the manual manipulation of the soft tissues of the human body through the systematic application of massage techniques including: effleurage, petrissage, compression, friction, vibration, percussion, pressure, positional holding, movement, range of motion for purposes of demonstrating muscle excursion or muscle flexibility and nonspecific stretching. The term massage includes the external application of lubricants or other topical preparations such as water, heat and cold via the use of the hand, foot, arm or elbow with or without the aid of massage devices for the purpose of aiding muscle relaxation, reducing stress, improving circulation increasing range of motion, relieving muscular pain and the overall enhancement of health. Massage shall not include the touch of genitalia, diagnosis of illness or disease, the prescribing of drugs, medicines or exercise, high-velocity thrust applied to the joints or spine, electrical stimulation, application of ultrasound or any services or procedures for which a license to practice medicine, chiropractic, occupational therapy, physical therapy or podiatry as required by law.

(3) “Board” means the health professions board of review established in accordance with § 5-26.1-3. Rhode Island State Board of Licensed Massage Therapists as established within this chapter.

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

23-20.8-3 Practice of massage – Licensed required – Use of title limited – Qualifications for licenses continuing education – Fees. – (a) A person shall not practice or hold himself or herself out to others as practicing massage therapy, or as a massage therapist without first receiving from the division board a license to engage in that practice.

(b) A person shall hold himself or herself out to others as a massage therapist when the
person adopts or uses any title or description including "massage therapist," "masseur," "masseuse," "massagist," "massotherapist," "myotherapist," "body therapist," "massage technician," "massage practitioner," or any derivation of those terms that implies this practice.

(c) It shall be unlawful to advertise the practice of massage using the term massage or any other term that implies a massage technique or method in any public or private publication or communication by a person not licensed by the state of Rhode Island department of health as a massage therapist. Any person who holds a license to practice as a massage therapist in this state may use the title "licensed massage therapist" and the abbreviation "LMT." No other persons may assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate that the person using the title is a licensed massage therapist. A massage therapist's name and license number must conspicuously appear on all of the massage therapist's advertisements. A massage therapist licensed under this chapter must conspicuously display his or her license in his or her principal place of business. If the massage therapists does not have a principal place of business or conducts business in any other location, he or she must have a copy of his or her license available for inspection while performing any activities related to massage therapy.

(d)(1) The division board shall, by rule, establish requirements for continued education. The division board may establish such requirements to be completed and verified biennially or annually. The board shall require no more than twelve (12) hours biennially or six (6) hours annually.

(2) Applicants for biennial licensure renewal shall meet continuing education requirements as prescribed by the division board. On application for renewal of license, massage therapists shall attest to completion of six (6) hours annually in scope of practice-specific offerings that may include, but not be limited to:

(i) Formal presentations;
(ii) Conferences;
(iii) Coursework from a regionally accredited college/university; and/or
(iv) Self-study course, such as online courses awarding one education hour for each hour completed.

Such programs or offerings shall be approved or sponsored by a division board-approved organization. The board shall require no more than two (2) hours of ethics or standards of practice biennially.

(3) A licensee who fails to complete the continuing education requirements described herein may be subject to disciplinary action pursuant to § 5-40-13 of this chapter.

(4) A license may be denied to any applicant who fails to provide satisfactory evidence of
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standards.

(b) The department may grant a license to any applicant satisfying the requirements of subdivisions 23-20.8-5(a)(1) and (2), has completed all appropriate forms, paid all appropriate fees and has met substantially equivalent standards in obtaining a valid license, permit, certificate or registration issued by any other state or territory of the United States or by a foreign country.

(c) The department shall, within sixty (60) days from the time any application for a license is received, grant the applications and issue a license to practice massage for a year from that date if the department is satisfied that the applicant complies with the rules and regulations promulgated in accordance with this chapter. An applicant, whose criminal records check reveals a conviction for any sexual offense, including, but not limited to, those offenses defined in chapters 34 and 37 of title 11, shall be denied a license under this chapter.

(d) The fee for original application for licensure as a massage therapist and the fee for annual license renewal shall be determined by the division board and shall not exceed one hundred dollars ($100).

23-20.8-6 Suspension and revocation of licenses. — Whenever the division board, or board designee has reason to believe or that any person licensed under this chapter to practice massage therapy has been convicted of any sexual offense, or that any person is practicing massage in violation of this chapter or regulations promulgated under this chapter, the division board, or board designee, may, pending an investigation and hearing by the board in accordance with § 5-26.1-5, suspend for a period not exceeding ninety (90) days any license issued under authority of this chapter and may, after due notice and hearing, revoke the license if he or she finds that the person practicing massage is in violation of those rules and regulations or any provision of this chapter. The holder of a license shall upon its revocation promptly surrender it to the division board, or board designee.

SECTION 47. Sections 23-20.8-2.1 and 23-20.8-4 of the General Laws in Chapter 23-20.8 entitled “Licensing of Massage Therapists” are hereby repealed.

§ 23-20.8-2.1 Board of massage therapists. — (a) Within the division of professional regulation of the department of health, there shall be a state board of massage therapy examiners to be appointed by the director of the department of health with the approval of the governor. The board shall consist of seven (7) members who reside in the state of Rhode Island, four (4) of whom shall be licensed pursuant to this chapter and one of whom shall be a member of the general public, and who does not have financial interest in the profession, or is married to someone in the profession. At no time shall more than one board member be an owner of, an instructor of, or otherwise affiliated with a board-approved massage therapy school or course of
instruction. The four (4) members who are licensed pursuant to this chapter shall represent both
solo practitioners as well as members of a group practice.

(b) The initial board shall be appointed for staggered terms, the longest of which shall not
exceed three (3) years. After the initial appointments, all terms shall be for two (2) years and a
member may be reappointed for a second (2nd) term. No member shall serve more than three (3)
consecutive terms. Upon the death, resignation or removal of any member, the director of the
department of health, with the approval of the governor, shall appoint to fill vacancies, as they
occur, a qualified person to serve on the board for the remainder of his or her term or until his or
her successor is appointed and qualified.

c) The board shall meet at least quarterly thereafter, shall hold a meeting and elect a
chairman. The board may hold additional meetings at the call of the chair or at the written request
of any three (3) members of the board. The board may appoint such committees as it considers
necessary to carry out its duties. A majority of the sitting members of the board shall constitute a
quorum.

d) The director of the department of health may remove any member of the board for the
neglect of any duty required by law or for any incompetent, unprofessional, or dishonorable
conduct. Before beginning his or her term of office, each member shall take the oath prescribed
by law, a record of which shall be filed with the secretary of state.

§ 23-20.8-4 Establishment — Board of massage therapists — Powers and duties.—

Subject to the provisions of this chapter, the board shall have the following powers and duties:

(1) Adopt rules and regulations governing the licensure of massage therapists in a manner
consistent with the provisions of this chapter and in accordance with the procedures outlined in
the Administrative Procedures Act;

(2) Establish standards of professional and ethical conduct;

(3) Adopt rules that endorse equivalent licensure examinations of another state or
territory of the United States, the District of Columbia, or a foreign country and that may include
licensure by reciprocity; hold hearing, as necessary, in accordance with the Administrative
Procedures Act.

(4) Maintain a complete record of all licensed massage therapists, ensure licensee
compliance with all established requirements. The board will make an annual report to the
governor which shall contain duties performed, actions taken and appropriate recommendations.
Consult and advise other regulatory entities as necessary regarding issues pertaining to massage
therapy practice, education and/or issues related to the regulation of massage therapists.

General Laws in Chapter 23-39 entitled “Respiratory Care Act” are hereby amended to read as follows:

**23-39-2 Definitions.** – As used in this chapter:

1. "Board" means the health professions board of review established in accordance with § 5-26.1-3, administrative board of respiratory care;
2. "Department" means the Rhode Island department of health;
3. "Director" means the director of the Rhode Island health department;
4. "Division" means the division of professional regulation and licensing within the department;
5. "Respiratory care" (including respiratory therapy and inhalation therapy) means a health professional, under qualified medical direction, employed in the therapy, management, rehabilitation, diagnostic evaluation, and care of patients with deficiencies and abnormalities which affect the cardiopulmonary system and associated aspects of other system function;
6. "Respiratory care practitioner" means a person who is licensed to practice respiratory care in Rhode Island. The respiratory care practitioner may transcribe and implement a physician's written and verbal orders pertaining to the practice of respiratory care as defined in this chapter; and
7. "Respiratory care training program" means a program accredited or recognized by the commission on accreditation of allied health education programs in collaboration with the committee on accreditation for respiratory care or any other accrediting agency that may be approved by the division board.

**23-39-7 Licensing by training and examination.** – (a) Any person desiring to become licensed as a respiratory care practitioner shall make application to the division board on a written form in the manner that the division board prescribes, pay all required application fees, and certify and furnish evidence to the division board that the applicant:
1. Has successfully completed a training program as defined in this chapter;
2. Has passed the examination approved by the division board, as specified by rules and regulations of the department, for respiratory care practitioners administered by a nationally recognized organization for respiratory care; and
3. Is of good moral character.
(b) Respiratory care providers who are licensed or otherwise regulated to practice under laws of another state or territory or the District of Columbia may, upon receiving an authorization from the division, perform as a respiratory care practitioner under the supervision of a qualified and licensed respiratory care practitioner. If the applicant fails to receive licensure when the
division board reviews the application, all mentioned privileges shall automatically cease.

23-39-9 Other licensing provisions. – (a)(1) Graduate Practice. Every graduate of a

division board approved respiratory care school who has filed a respiratory care practitioner
application may, upon receiving a receipt from the division of professional regulation, perform as
a respiratory care practitioner under the supervision of a respiratory care practitioner licensed in
this state.

(2) During this period the applicant shall identify himself or herself only as a "graduate
respiratory care practitioner."

(3) If the applicant shall fail to take the examination within ninety (90) days from
effective date of graduate status, without due cause or fail to pass the examination and receive a
license, all privileges described in subsection (a)(1) shall automatically cease.

(b) Unless licensed as a respiratory care practitioner under the respiratory care act, no
person shall use any title or abbreviation to indicate that the person is a licensed respiratory care
practitioner.

(c) Verification of a valid license issued pursuant to this chapter shall be available at the
respiratory care practitioner's place of employment.

(d) Licenses, including initial licenses, shall be issued for a period of two (2) years.

(e) License renewal dates will be set by the division.

(f) Applicants and biennial licensure shall meet the continuing education requirements as
prescribed by the director of health.

23-39-11 Fees. – (a) The director, in consultation with the board, shall establish a
schedule of reasonable fees for licenses, and for renewal of licenses for respiratory care
practitioners.

(b) The initial application fee shall be as set forth in § 23-1-54.

(c) A biennial license renewal fee shall be established in an amount as set forth in § 23-1-
54.

23-39-12 Denial, suspension, revocation, and reinstatement of licenses. – (a) The
division board may refuse to issue or may suspend or revoke any license in accordance with the
procedures set forth in the Administrative Procedures Act, chapter 35 of title 42, for any of the
following causes:

(1) Fraud in the procurement of any license under this chapter;

(2) Imposition of any disciplinary action upon a person by any agency of another state
which regulates respiratory care but not to exceed the period or extent of that action;

(3) Conviction of a crime which substantially relates to the qualifications, functions or
duties of a respiratory care practitioner. The record of conviction or a certified copy thereof shall be conclusive evidence of the conviction;

(4) Impersonating or acting as a proxy for an applicant in any examination given under this chapter;

(5) Habitual or excessive use of intoxicants or drugs;

(6) Gross negligence in his or her practice as a respiratory care practitioner;

(7) Violating any of the provisions of this chapter or any rules or regulations duly adopted under this chapter or aiding or abetting any person to violate the provisions of or any rules or regulations adopted under this chapter;

(8) Engaging in acts of unprofessional conduct as defined by rule and regulation; or

(9) (a) Committing any fraudulent, dishonest or corrupt act which is substantially related to the qualifications, functions, or duties of a respiratory care practitioner.

(b) The proceedings for the denial, revocation, suspension or limiting of any license may be initiated by any person, corporation, association, or public officer or by the division board by the filing of written charges, but no license shall be revoked, suspended, or limited without a hearing before the board within sixty (60) days after the filing of written charges in accordance with the procedures established by the board. A license may be temporarily suspended without a hearing for the period not to exceed thirty (30) days upon notice to the licensee following a finding by the division that there exists a significant threat to the public health and approved by the director. In the event of a temporary suspension, the board shall hear the matter within 30 days and may take appropriate action as necessary.


23-39-5. Board created. (a) Within the division of professional regulation of the health department shall be a board of respiratory care consisting of five (5) members as follows:

(1) One physician licensed in the state who is knowledgeable in respiratory care;

(2) Three (3) licensed respiratory care practitioners;

(3) One public member who is a resident of Rhode Island. The public member shall not have been licensed as a respiratory care practitioner nor shall he or she have any financial interest, direct or indirect, in the occupation regulated.

(b) The director of the department of health, with the approval of the governor, within sixty (60) days following November 1, 1986, shall appoint one board member for a term of one year; two (2) for a term of two (2) years; and two (2) for a term of three (3) years. Appointments made thereafter shall be for three-year terms but no person shall be appointed to serve more than
two (2) consecutive terms.

(c) The director, in his or her initial appointment, shall appoint as the respiratory care practitioner one of the members of the board or a person currently practicing as respiratory care practitioners in Rhode Island.

(d) The board shall meet during the first month of each calendar year to select a chairperson and for other purposes. At least one additional meeting shall be held before the end of each calendar year. Other meetings may be convened at the call of the chairperson, the administrator of professional regulation, or upon the written request of any two (2) board members.

(e) In the event of a vacancy in one of the positions, the director of the department of health, with the approval of the governor, may appoint a person who shall fill the unexpired term.

§ 23-39-6 Board duties. – The duties of the board shall be as follows:

(1) To evaluate the qualifications of applicants and review the required examination results administered by a testing agency approved by the board;

(2) To recommend issue of licenses to applicants who meet the requirements of this chapter;

(3) To administer, coordinate, and enforce the provision of this chapter and investigate persons engaging in practices which may violate the provisions of this chapter;

(4) To deny, or revoke licenses to practice respiratory care as provided in this chapter;

(5) To annually review the exam accepted by the board; and

(6) To recommend to the director adoption of rules and regulations.

SECTION 50. This article shall take effect upon passage.