

2014 -- H 7137 SUBSTITUTE A

LC003322/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

Introduced By: Representatives Kennedy, San Bento, Corvese, McNamara, and
Naughton

Date Introduced: January 21, 2014

Referred To: House Corporations

(Health)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-37-14 and 5-37-16.2 of the General Laws in Chapter 5-37
2 entitled "Board of Medical Licensure and Discipline" are hereby amended to read as follows:
3 ~~5-37-14. Discrimination against particular schools -- Persons exempt from~~
4 ~~requirements -- Immunity from liability. -- Exceptions to licensure requirement -- Immunity~~
5 ~~from liability. -- Nothing in this chapter or chapter 30 of this title shall be construed to~~
6 ~~discriminate against any particular school or system of medicine, or to prohibit gratuitous services~~
7 ~~in case of emergency; nor shall these chapters apply to commissioned surgeons of the United~~
8 ~~States army, navy, air force, or marine hospital service, or to legally qualified physicians of~~
9 ~~another state called to see a particular case in consultation with a registered physician of this~~
10 ~~state, but who do not open an office or appoint any place in this state where they may meet~~
11 ~~patients or receive calls.~~ No person licensed under this chapter, or members of the same
12 professions licensed to practice in other states of the United States, who voluntarily and
13 gratuitously and other than in the ordinary course of his or her employment or practice renders
14 emergency medical assistance to a person in need of it, shall be liable for civil damages for any
15 personal injuries ~~which~~ that result from acts or omissions by these persons in rendering
16 emergency care, ~~which~~ that may constitute ordinary negligence. This immunity does not apply to
17 acts or omissions constituting gross, willful, or wanton negligence, or when rendered at any
18 hospital, doctors' offices, or clinic where these services are normally rendered.

1 **5-37-16.2 . – Exceptions to licensure requirement. --** (a) A physician who is licensed to
2 practice medicine in another state or states, but not in this state, and who is in good standing in
3 such state or states, may exercise the privilege to practice medicine for a patient located in this
4 state under the following circumstances only:

5 (1) The physician is employed by a branch of the United States military, Department of
6 Defense, Department of Veterans' Affairs Division of Veterans' Health Administration, or similar
7 federal entity.

8 (2) The physician is present in the state on a singular occasion as a member of an air
9 ambulance treatment team or organ harvesting team.

10 (3) The physician, whether or not physically present in this state, is being consulted on a
11 singular occasion by a physician licensed in this state, or is providing teaching assistance in a
12 medical capacity, for a period not to exceed seven (7) days. Under no circumstance may a
13 physician who is not present in this state provide consultation to a patient in this state who does
14 not have a physician patient relationship with that physician unless that patient is in the physical
15 presence of a physician licensed in this state.

16 (4) The physician is present in the state for a period not to exceed seven (7) days as a
17 volunteer physician serving in a non-compensated role for a charitable function.

18 (5) The physician is present in this state while providing medical services to a sports team
19 incorporated in the United States or another country provided that:

20 (i) The physician has a written agreement with that sports team to provide care to team
21 members, coaching staff, and families traveling with the team for a specific sporting event or
22 preseason training camp occurring in this state.

23 (ii) The physician may not provide care or consultation to any person residing in this state
24 other than those enumerated in subsection (a) or under the conditions permitted in subsection (b).

25 (iii) The physician shall be permitted to provide care and consultation to those in
26 subsection (a) for no longer than seven (7) consecutive days per sporting event.

27 (iv) The physician is not authorized to practice at a health care facility or clinic, acute
28 care facility, or urgent care center; but nothing herein shall prevent the physician from
29 accompanying a person enumerated in subsection (a) to such a facility or from providing
30 consultation to a physician licensed in Rhode Island in regard to such person.

31 (v) If the physician is licensed in another country, he or she must obtain prior written
32 permission from the director, or his or her designee, to be permitted to provide care and
33 consultation to those in subsection (a).

34 (b) If a physician licensed in this state obtains prior written permission from the director,

1 or his or her designee, the physician who is not licensed in this state but is practicing under
2 subdivisions (3), (4), or (5) of subsection (a), may be permitted to extend his or her authorization
3 to practice medicine for more than seven (7) consecutive days if the requesting physician shows
4 good cause for the extension, but for no more than a total of thirty (30) days in any one year.

5 (c) A physician practicing under subdivisions (3) or (4) of subsection (a) shall inform the
6 board in writing of his or her intent to practice prior to, or as soon as practicable, but no later than
7 seven (7) days after, the consultation.

8 (d) The director shall send by certified mail to a physician not licensed in this state a
9 written order that revokes the privilege to practice medicine under this section if the director finds
10 good cause to do so. If no current address can be determined, such order may be sent by regular
11 mail to the physician's last known address.

12 (e) Any person who is found to have violated any provisions of this section shall be
13 subject to § 5-37-12 regarding the unauthorized practice of medicine.

14 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would clarify when a physician who has a license in good standing to practice
2 medicine in another state may practice in Rhode Island, address issues such as one time
3 consultations over telemedicine, organ transplant teams, air ambulance teams, academic scenarios
4 where a visiting physician is needed for a short time, humanitarian efforts, and team physicians
5 for sports events. This act would additionally streamline hospital access to training on new
6 technologies that require highly technical assistance as well as highly technical one-time
7 consultations, high profile sporting events, and humanitarian activities.

8 This act would take effect upon passage.

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