

2023 -- H 5163 SUBSTITUTE A

LC000611/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- RYAN'S LAW

Introduced By: Representatives Fellela, Cardillo, Serpa, and Baginski

Date Introduced: January 19, 2023

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-90-1 of the General Laws in Chapter 5-90 entitled "Ryan's Law"
2 is hereby amended to read as follows:

3 **5-90-1. Authority to fine healthcare professionals and assess administrative costs.**

4 (a)(1) Any licensing board responsible for governing the professional conduct of
5 individuals with the authority to prescribe controlled substances shall have the authority to assess
6 a fine against a licensee who has been found guilty of unprofessional conduct and/or violating any
7 provision of the general laws, any rule, any regulation, any order, any license, or any approval
8 issued by the director.

9 (2)(i) No such fine shall be assessed for the first charge or count against a licensee.

10 (ii) Any fine assessed against a licensee for the second charge or count, regardless if the
11 charge or count appears on the first complaint or a subsequent complaint, shall not exceed one
12 thousand dollars (\$1,000).

13 (iii) Any fine assessed against a licensee for each charge or count subsequent to the second
14 charge or count, regardless if the charge or count appears on the first complaint or a subsequent
15 complaint, shall not exceed five thousand dollars (\$5,000).

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

18 (c) When an individual licensed by a board described in subsection (a):

19 (1) Concurrently holds at least one other license issued by a regulatory entity subject to the

1 jurisdiction of the department; and

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

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

9 (e) Any licensing board responsible for governing the professional conduct of individuals
10 with the authority to prescribe controlled substances shall have the authority to assess against the
11 individual the administrative costs of the proceedings instituted against the licensee under this
12 chapter; provided that, this assessment shall not exceed five thousand dollars (\$5,000), except for
13 those individuals licensed under chapter 37 of this title.

14 (f) In addition to any other penalty authorized by law, the board shall impose a probationary
15 period on any licensee found guilty of over prescribing death resulting for a minimum period of
16 three (3) years. Any subsequent violation, if substantially related to the conduct or violation for
17 which the licensee is on probation, occurring during a licensee's probationary period may result in
18 a suspension or revocation of licensure.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO BUSINESSES AND PROFESSIONS -- RYAN'S LAW

1 This act would require any licensing board responsible for governing professional conduct
2 to impose in addition to any other penalty authorized by law, a probationary period of three (3)
3 years for any licensee found guilty of overprescribing death resulting. A subsequent violation
4 during the probationary period may result in a suspension or revocation of licensure.

5 This act would take effect upon passage.

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