

2025 -- H 5537

=====
LC001338
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

—————
A N A C T

RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND
HOSPITALS -- MENTAL HEALTH LAW

Introduced By: Representatives Bennett, Hopkins, Donovan, Chippendale, Fogarty,
Ajello, Casimiro, Kazarian, Caldwell, and Baginski

Date Introduced: February 13, 2025

Referred To: House Judiciary

(Dept. of BHDDH)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40.1-5-41 of the General Laws in Chapter 40.1-5 entitled "Mental
2 Health Law" is hereby amended to read as follows:

3 **40.1-5-41. ~~Immunity of physicians and surgeons from liability~~ Immunity from**
4 **liability.**

5 Nothing contained herein shall be deemed to contravene the provisions of § 5-37-14, and
6 no physician or ~~surgeon~~ advanced practice registered nurse (APRN) licensed to practice in this
7 state, or having a privilege to practice in this state, and having met the requirements either of the
8 statute or of this chapter, shall be made to answer in any court for his or her participation in any
9 proceeding under this chapter except upon a showing of actual fraud; ~~provided further, that no~~
10 ~~physician or surgeon shall be made to answer in any court for any damage or injury to any person~~
11 ~~or thing arising out of a patient's enjoyment and/or exercise of rights protected by this chapter~~
12 ~~including, without limitation, discharge, where the enjoyment and/or exercise of the rights, or any~~
13 ~~of them, are in contravention of either the written orders or prescription or advice of a physician or~~
14 ~~surgeon~~ or gross, willful or wanton negligence.

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

=====
LC001338
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND
HOSPITALS -- MENTAL HEALTH LAW

- 1 This act would provide that advanced practice registered nurses have the same immunity
- 2 from liability as physicians and surgeons.
- 3 This act would take effect upon passage.

=====
LC001338
=====