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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: Senators DiMario, Urso, Murray, Lauria, Ujifusa, Valverde, Appollonio,  
and Thompson

Date Introduced: March 06, 2025

Referred To: Senate 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.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND  
HOSPITALS -- MENTAL HEALTH LAW

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- 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.

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