

LC002266

## IN GENERAL ASSEMBLY

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RELATING TO HEALTH AND SAFETY -- THE RHODE ISLAND CLINICIAN WELLNESS  
AND SUPPORT ACT

Referred To: Senate Health & Human Services

18 (2) “Nurse practitioner health program (NPHP)” means a confidential resource program

1 that promotes and supports the physical and mental well-being of nurse practitioners who may  
2 benefit from help to address physical and/or behavioral health concerns that may be affecting their  
3 personal and professional quality of life.

4 (3) “Physician health program (PHP) ”means the Rhode Island physician health program,  
5 a confidential resource program established and administered by the Rhode Island Medical Society  
6 to promote and support the physical and mental well-being of physicians, physician assistants,  
7 dentists, and podiatrists who may benefit from help to address physical and/or behavioral health  
8 concerns that may be affecting their personal and professional quality of life.

9 **23-104-5. Recognition and expansion of confidential clinician wellness programs.**

10 Physicians, physician assistants, podiatrists, and dentists.

11 (1) The physician health program (PHP) shall continue to be recognized as the designated  
12 entity to provide confidential, non-disciplinary assistance to physicians, physician assistants,  
13 dentists, and podiatrists experiencing burnout, mental health challenges, or substance use disorders.

14 (2) The PHP shall continue working with professional medical, dental, podiatric, and  
15 physician assistant associations, private healthcare organizations, and insurers to support physician,  
16 physician assistant, dentist, and podiatrist wellness resources without reliance on state funding.

17 (3) The PHP shall maintain its early intervention and peer support programs to help  
18 clinicians seek care before health conditions impact patient safety.

19 (b) Nurse practitioners.

20 (1) A nurse practitioner health program (NPHP) shall be established to provide  
21 confidential, non-disciplinary assistance to nurse practitioners experiencing burnout, mental health  
22 challenges, or substance use disorders.

23 (2) The NPHP shall be administered by an organization with experience in health  
24 professional wellness programs and shall operate under similar confidentiality protections as the  
25 PHP.

26 (3) The NPHP shall collaborate with the board of nursing, the Rhode Island Nurses  
27 Association, and private stakeholders to ensure access to wellness resources without reliance on  
28 state funding.

29 **23-104-6. Confidentiality protections for clinicians seeking assistance.**

30 (a) Clinicians who voluntarily seek help through the PHP or NPHP shall be protected from  
31 automatic reporting to their respective licensing boards, provided the clinician complies with  
32 treatment recommendations and does not pose a risk to patient safety.

33 (b) Communications between clinicians and personnel of the PHP and NPHP shall be  
34 confidential and privileged under Rhode Island law, similar to attorney-client and peer support

1 protections.

2 (c) The PHP and NPHP may act as intermediaries between clinicians and the relevant

3 licensing board to ensure that clinicians can obtain care without unnecessary professional

4 repercussions.

5 **23-104-7. Licensing and reporting reforms.**

6 Mental health disclosure reform.

7 (1) The board of examiners in podiatry (chapter 29 of title 5), the board of examiners in

8 dentistry (chapter 31.1 of title 5), the board of nursing (chapter 34 of title 5), the board of medical

9 licensure and discipline (chapter 37 of title 5), and the board for physician assistants (chapter 54 of

10 title 5) shall revise licensing and renewal applications to:

11 (i) Eliminate broad questions regarding past mental health diagnoses.

12 (ii) Limit inquiries to current impairments affecting safe practice that are not being

13 appropriately managed.

14 (iii) Emphasize that seeking mental health or substance abuse treatment will not

15 automatically result in disciplinary action.

16 (2) The boards shall conform licensing requirements to those of the Federation of State

17 Medical Boards and national best practices to ensure that mental health questions focus on

18 functional ability and not diagnosis history.

19 **23-104-8. Safe haven.**

20 (a) A safe haven is established whereby a clinician who self-refers to the PHP or NPHP

21 shall be protected from mandatory reporting to the professional licensing board.

22 (b) A PHP or NPHP shall serve as a confidential liaison between the clinician and the

23 professional licensing board when the clinician:

24 (1) Is actively engaged in a PHP or NPHP; and

25 (2) Is compliant with treatment.

26 (c) Licensing boards shall not penalize clinicians solely for seeking assistance unless there

27 is an imminent risk to patient safety.

28 **23-104-9. Controlling law.**

29 Insofar as the provisions of this chapter are inconsistent with the provision of any other law

30 of this state, the provisions of this chapter shall be controlling.

31 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 HEALTH AND SAFETY -- THE RHODE ISLAND CLINICIAN WELLNESS  
AND SUPPORT ACT

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- 1           This act would require the establishment of a health program for nurse practitioners, similar  
2 to that which is run by the Rhode Island Medical Society for physicians, physician assistants,  
3 dentists, and podiatrists, to address burnout, substance abuse, and mental and physical health issues  
4 impacting the clinician’s personal and professional life. This act would further require reforms by  
5 respective licensing boards to limit inquiries regarding a clinician’s mental health diagnoses. This  
6 act would create a privilege for communications between the clinician seeking support and the  
7 personnel of the health program providing support services. Additionally, this act would protect  
8 clinicians who seek support and adhere to their treatment plan from mandatory reporting and  
9 licensing repercussions from their respective licensing board.
- 10           This act would take effect upon passage.

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