

2026 -- S 2978

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LC004967
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

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

Introduced By: Senators Lauria, DiMario, Felag, Urso, Pearson, Vargas, LaMountain,
DiPalma, and Murray

Date Introduced: March 04, 2026

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 or gross, willful or wanton
10 negligence; provided further, that no physician or ~~surgeon~~ APRN shall be made to answer in any
11 court for any damage or injury to any person or thing arising out of a patient's enjoyment and/or
12 exercise of rights protected by this chapter including, without limitation, discharge, where the
13 enjoyment and/or exercise of the rights, or any of them, are in contravention of either the written
14 orders or prescription or advice of a physician or ~~surgeon~~ APRN.

15 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 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 under the mental health law.
- 3 This act would take effect upon passage.

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