

2021 -- H 5098

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- BOARD OF MEDICAL LICENSURE  
AND DISCIPLINE

Introduced By: Representative Deborah A. Fellela

Date Introduced: January 22, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-37-6.3 of the General Laws in Chapter 5-37 entitled "Board of  
2 Medical Licensure and Discipline" is hereby amended to read as follows:

3 **5-37-6.3. Sanctions.**

4 If the accused is found guilty of unprofessional conduct as described in § 5-37-6.2, the  
5 director, at the direction of the board, shall impose one or more of the following conditions:

6 (1) Administer a reprimand;

7 (2) Suspend or limit or restrict his or her license or limited registration to practice medicine;

8 (3) Require him or her to serve a period of probation subject to certain conditions and  
9 requirements including, where appropriate, sanctions or restitution;

10 (4) Revoke indefinitely his or her license or limited registration to practice medicine;

11 (5) Require him or her to submit to the care, counseling, or treatment of a physician or  
12 program acceptable to the board;

13 (6) Require him or her to participate in a program of continuing medical education in the  
14 area or areas in which he or she has been judged deficient;

15 (7) Require him or her to practice under the direction of a physician in a public institution,  
16 public or private healthcare program, or private practice for a period of time specified by the board;

17 (8) Assess against the physician the administrative costs of the proceedings instituted  
18 against the physician under this chapter; provided, that this assessment does not exceed ~~ten~~

1 ~~thousand dollars (\$10,000)~~ thirty thousand dollars (\$30,000);

2 (9) Any other conditions or restrictions deemed appropriate under the circumstances.

3 SECTION 2. Chapter 5-37 of the General Laws entitled "Board of Medical Licensure and  
4 Discipline" is hereby amended by adding thereto the following section:

5 **5-37-34. Authority to fine health care professionals.**

6 (a) The director, at the discretion of the board, shall have the authority to assess a fine  
7 against a licensee who has been found guilty of unprofessional conduct and/or violating any  
8 provision of the general laws, or any rule, regulation, order, license or any approval issued by the  
9 director; provided that:

10 (1) No fine may be assessed for the first charge or count against a licensee.

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

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

17 (b) Any licensee who fails to pay an assessed fine within the time period prescribed by the  
18 relevant licensing board shall be subject to disciplinary action, up to and including revocation of  
19 any professional license provided pursuant to title 5.

20 (c) No licensee shall be subject to discipline by multiple boards with the authority to levy  
21 a fine pursuant to subsection (a) of this section, when an individual licensed by a board described  
22 in subsection (a) of this section concurrently:

23 (1) Holds at least one other license issued by a regulatory entity subject to the jurisdiction  
24 of the department; and

25 (2) Fails to comply with any provision of the general laws, any rule, any regulation, any  
26 order, any license or any approval issued by the director.

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

31 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would increase the maximum fine amount for those found guilty of unprofessional  
2           conduct by the board of medical licensure and discipline from ten thousand dollars (\$10,000) to  
3           thirty thousand dollars (\$30,000), and would establish a new chapter of the general laws which  
4           gives the board of medical licensure and discipline the authority to levy fines.

5           This act would take effect upon passage.

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