

2012 -- S 2247

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LC00908
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO THE BOARD OF MEDICAL LICENSURE AND DISCIPLINE

Introduced By: Senators Ottiano, Perry, Bates, Tassoni, and DiPalma

Date Introduced: January 26, 2012

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

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

3 **5-37-1. Definitions.** -- As used in this chapter:

- 4 (1) "Board" means the Rhode Island board of medical licensure and discipline or any
5 committee or subcommittee thereof.
- 6 (2) "Chief administrative officer" means the administrator of the Rhode Island board of
7 medical licensure and discipline.
- 8 (3) "Department" means the Rhode Island department of health.
- 9 (4) "Director" means director of the Rhode Island department of health.
- 10 (5) "Health care facility" means any institutional health service provider licensed
11 pursuant to the provisions of chapter 17 of title 23.
- 12 (6) "Health maintenance organization" means a public or private organization licensed
13 pursuant to the provisions of chapter 17 of title 23 or chapter 41 of title 27.
- 14 (7) "Limited registrant" means a person holding a limited registration certificate pursuant
15 to the provisions of this chapter.
- 16 (8) "Medical malpractice" or "malpractice" means any tort, or breach of contract based
17 on health care or professional services rendered, or which should have been rendered, by a
18 physician, dentist, hospital, clinic, health maintenance organization or professional service
19 corporation providing health care services and organized under chapter 5.1 of title 7, to a patient

1 or the rendering of medically unnecessary services except at the informed request of the patient.

2 (9) "Medical practice group" means a single legal entity formed primarily for the
3 purpose of being a physician group practice in any organizational form recognized by the state in
4 which the group practice achieves its legal status, including, but not limited to, a partnership,
5 professional corporation, limited liability company, limited liability partnership, foundation, not-
6 for-profit corporation, faculty practice plan, or similar association.

7 (10) "Medical record" means a record of a patient's medical information and treatment
8 history maintained by physicians and other medical personnel, which includes, but is not limited
9 to, information related to medical diagnosis, immunizations, allergies, x-rays, copies of laboratory
10 reports, records of prescriptions, and other technical information used in assessing the patient's
11 health condition, whether such information is maintained in a paper or electronic format.

12 ~~(10)~~(11) "Nonprofit medical services corporation" or "nonprofit hospital service
13 corporation" means any corporation organized pursuant to chapter 19 or chapter 20 of title 27 for
14 the purpose of establishing, maintaining, and operating a nonprofit medical service plan.

15 ~~(11)~~(12) (i) "Peer review board" means any committee of a state or local professional
16 association or society including a hospital association, or a committee of any licensed health care
17 facility, or the medical staff thereof, or any committee of a medical care foundation or health
18 maintenance organization, or any committee of a professional service corporation or nonprofit
19 corporation employing twenty (20) or more practicing professionals, organized for the purpose of
20 furnishing medical service, or any staff committee or consultant of a hospital service or medical
21 service corporation, the function of which, or one of the functions of which is to evaluate and
22 improve the quality of health care rendered by providers of health care service or to determine
23 that health care services rendered were professionally indicated or were performed in compliance
24 with the applicable standard of care or that the cost of health care rendered was considered
25 reasonable by the providers of professional health care services in the area and shall include a
26 committee functioning as a utilization review committee under the provisions of 42 U.S.C.
27 section 1395 et seq.(Medicare law) or as a professional standards review organization or
28 statewide professional standards review council under the provisions of 42 U.S.C. section 1301 et
29 seq. (professional standards review organizations) or a similar committee or a committee of
30 similar purpose, to evaluate or review the diagnosis or treatment of the performance or rendition
31 of medical or hospital services which are performed under public medical programs of either state
32 or federal design.

33 (ii) "Peer review board" also means the board of trustees or board of directors of a state
34 or local professional association or society, a licensed health care facility, a medical care

1 foundation, a health maintenance organization, and a hospital service or medical service
2 corporation only when such board of trustees or board of directors is reviewing the proceedings,
3 records, or recommendations of a peer review board of the above enumerated organizations.

4 ~~(12)~~(13) "Person" means any individual, partnership, firm, corporation, association, trust
5 or estate, state or political subdivision, or instrumentality of a state.

6 ~~(13)~~(14) "Physician" means a person with a license to practice allopathic or osteopathic
7 medicine in this state under the provisions of this chapter.

8 ~~(14)~~(15) "Practice of medicine" includes the practice of allopathic and osteopathic
9 medicine. Any person is regarded as practicing medicine within the meaning of this chapter who
10 holds himself or herself out as being able to diagnose, treat, operate, or prescribe for any person
11 ill or alleged to be ill with disease, pain, injury, deformity or abnormal physical or mental
12 condition, or who either professes to heal, offer or undertake, by any means or method to
13 diagnose, treat, operate, or prescribe for any person for disease, pain, injury, deformity or
14 physical or mental condition. In addition, one who attaches the title, M.D., physician, surgeon,
15 D.O., osteopathic physician and surgeon, or any other similar word or words or abbreviation to
16 his or her name indicating that he or she is engaged in the treatment or diagnosis of the diseases,
17 injuries or conditions of persons shall be held to be engaged in the practice of medicine.

18 SECTION 2. 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 add a definition for medical records to the current statute.
- 2 This act would take effect upon passage.

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