

2013 -- H 5725

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

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

Introduced By: Representatives Kennedy, Corvese, Williams, Naughton, and McNamara

Date Introduced: February 28, 2013

Referred To: House Corporations

(Health)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-37-14 of the General Laws in Chapter 5-37 entitled "Board of
2 Medical Licensure and Discipline" is hereby amended to read as follows:

3 ~~5-37-14. Discrimination against particular schools --- Persons exempt from~~
4 ~~requirements --- Immunity from liability.~~ **Exceptions to licensure requirement – Immunity**
5 **from liability.** – (a) A physician who is licensed to practice medicine in another state or states,
6 but not in this state, and who is in good standing in such state or states, may exercise the privilege
7 to practice medicine for a patient located in this state under the following circumstances only:

8 (1) The physician is employed by a branch of the United States military, Department of
9 Defense, Department of Veterans' Affairs Division of Veterans' Health Administration or similar
10 federal entity.

11 (2) The physician is present in the state on a singular occasion as a member of an air
12 ambulance treatment team or organ harvesting team.

13 (3) The physician, whether or not physically present in this state, is being consulted on a
14 singular occasion by a physician licensed in this state, or is providing teaching assistance in a
15 medical capacity, for a period not to exceed seven (7) days. Under no circumstance may a
16 physician who is not present in this state practice medicine for a patient who is present in this
17 state unless the consultation occurs while the patient is in the physical presence of a physician
18 licensed in this state; provided, however, that a physician not licensed in this state who has an

1 ongoing physician-patient relationship with a patient residing in this state may provide
2 consultation to such patient by telephonic, internet or other form of communication means if
3 doing so meets the minimum standards of acceptable practice in the physician's specialty.

4 (4) The physician is present in the state for a period not to exceed seven (7) days as a
5 volunteer physician serving in a non-compensated role for a charitable function.

6 (5) The physician is present in this state while providing medical services to a sports
7 team incorporated in the United States or another country provided that:

8 (i) The physician has a written agreement with that sports team to provide care to team
9 members, coaching staff, and families traveling with the team for a specific sporting event or pre-
10 season training camp occurring in this state.

11 (ii) The physician may not provide care or consultation to any person residing in this
12 state other than those enumerated in subsection (a) or under the conditions permitted in
13 subsection (b).

14 (iii) The physician shall be permitted to provide care and consultation to those in
15 subsection (a) for no longer than seven (7) consecutive days per sporting event.

16 (iv) The physician is not authorized to practice at a health care facility or clinic, acute
17 care facility or urgent care center; but nothing herein shall prevent the physician from
18 accompanying a person enumerated in subsection (a) to such a facility or from providing
19 consultation to a physician licensed in Rhode Island in regard to such person.

20 (v) If the physician is licensed in another country, he or she must obtain prior written
21 permission from the director or his or her designee to be permitted to provide care and
22 consultation to those in subsection (a).

23 (6) If a physician licensed in this state obtains prior written permission from the director
24 or his or her designee, the physician who is not licensed in this state but is practicing under
25 subdivisions (3), (4) or (5) of this subsection may be permitted to extend his or her authorization
26 to practice medicine for more than seven (7) consecutive days if the requesting physician shows
27 good cause for the extension but for no more than a total of thirty (30) days in any one year.

28 (7) A physician practicing under subdivisions (3) or (4) of this subsection shall inform the
29 board in writing of his or her intent to practice prior to or as soon as practicable, but no later than
30 seven (7) days, after the consultation. Such physician shall include in the written notice the name
31 of the physician licensed in this state with whom he or she is in consultation. The physician
32 licensed in this state shall assume reasonably prudent responsibility for ensuring that the
33 physician licensed in another state adheres to the minimum standards of acceptable medical
34 practice in this state, and shall acknowledge in such writing that he or she assumes such

1 responsibility.

2 (7) The director shall send by certified mail to a physician not licensed in this state a
3 written order that revokes the privilege to practice medicine under this section if the Director
4 finds good cause to do so. If no current address can be determined, such order may be sent by
5 regular mail to the physician's last known address.

6 (8) Any person who is found to have violated any provisions of this subsection shall be
7 subject to section 12 of this chapter regarding the unauthorized practice of medicine. ~~Nothing in~~
8 ~~this chapter or chapter 30 of this title shall be construed to discriminate against any particular~~
9 ~~school or system of medicine, or to prohibit gratuitous services in case of emergency; nor shall~~
10 ~~these chapters apply to commissioned surgeons of the United States army, navy, air force, or~~
11 ~~marine hospital service, or to legally qualified physicians of another state called to see a particular~~
12 ~~case in consultation with a registered physician of this state, but who do not open an office or~~
13 ~~appoint any place in this state where they may meet patients or receive calls.~~

14 (b) No person licensed under this chapter, or members of the same professions licensed to
15 practice in other states of the United States, who voluntarily and gratuitously and other than in the
16 ordinary course of his or her employment or practice renders emergency medical assistance to a
17 person in need of it, shall be liable for civil damages for any personal injuries which result from
18 acts or omissions by these persons in rendering emergency care, which may constitute ordinary
19 negligence. This immunity does not apply to acts or omissions constituting gross, willful, or
20 wanton negligence, or when rendered at any hospital, doctors' offices, or clinic where these
21 services are normally rendered.

22 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 update a law initially enacted in 1896 and last amended in 1990 to address
2 advances in medicine, technology, and how health care is delivered. The amendment would
3 clarify when a physician who has a license in good standing to practice medicine in another state
4 could practice in Rhode Island, addresses issues such as one time consultations over telemedicine,
5 organ transplant teams, air ambulance teams, academic scenarios where a visiting physician is
6 needed for a short time, humanitarian efforts, and team physicians for sports events. Furthermore,
7 it would streamline hospital access to training on new technologies that require highly technical
8 assistance as well as highly technical one-time consultations, high profile sporting events, and
9 humanitarian activities.

10 This act would take effect upon passage.

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