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**ARTICLE 20 AS AMENDED**

RELATING TO PROFESSIONAL LICENSES

SECTION 1. Section 3-7-25 of the General Laws in Chapter 3-7 entitled "Retail Licenses" is hereby amended to read as follows:

**3-7-25. Sanitary conditions for dispensing of malt beverages or wine.** -- (a) Beer or wine pipe lines, faucets and barrel-tapping devices used for the dispensing of malt beverages or wine in places where the dispensing is carried on by licensees under this chapter shall be cleaned at least once every four (4) weeks by the use of a hydraulic pressure mechanism, hand-pump suction or a force cleaner or other system approved by the department or shall be permanently kept clean by a device approved by the department. After cleaning, the lines shall be rinsed with clear water until all chemicals, if any have been used, are removed. The cleaning equipment must be operated in conformance with the manufacturer's recommendations.

(b) A record, the form of which shall be approved by the department, shall be used to record the dates and the methods used in cleaning of beer or wine pipe lines, coils, tubes and appurtenances. This record shall be signed by the person who performs the cleaning operation and countersigned by the licensee. The records shall be kept on the licensed premises for a period of one year from the date of the last entry and made available at all times for inspection by health enforcement and law enforcement officers.

~~(c) Line cleaners may be certified by the department and the department shall issue a license and charge a fee not to exceed fifty dollars (\$50.00) for each license.~~

SECTION 2. Sections 5-10-1, 5-10-7, 5-10-8, and 5-10-9 of the General Laws in Chapter 5-10 entitled "Barbers, Hairdressers, Cosmeticians, Manicurists and Estheticians" are hereby amended to read as follows:

**5-10-1. Definitions.** – The following words and phrases, when used in this chapter, are construed as follows:

~~(1) "Apprentice barber" means an employee whose principal occupation is service with a barber or hairdresser who has held a current license as a barber or hairdresser for at least three (3) years with a view to learning the art of barbering, as defined in subdivision (15) of this section.~~

(1)(2) "Barber" means any person who shaves or trims the beard, waves, dresses, singses, shampoos, or dyes the hair or applies hair tonics, cosmetic preparations, antiseptics, powders, oil

1 clays, or lotions to scalp, face, or neck of any person; or cuts the hair of any person, gives facial  
2 and scalp massages, or treatments with oils, creams, lotions, or other preparations.

3 ~~(2)(3)~~ "Board" means the state board of barbering and hairdressing as provided for in this  
4 chapter.

5 ~~(3)(4)~~ "Department" means the Rhode Island department of health.

6 ~~(4)(5)~~ "Division" means the division of professional regulation within the department of  
7 health.

8 ~~(5)(6)~~ "Esthetician" means a person who engages in the practice of esthetics, and is  
9 licensed as an esthetician.

10 ~~(6)(7)~~ "Esthetician shop" means a shop licensed under this chapter to do esthetics of any  
11 person.

12 ~~(7)(8)~~ "Esthetics" means the practice of cleansing, stimulating, manipulating, and  
13 beautifying skin, including, but not limited to, the treatment of such skin problems as  
14 dehydration, temporary capillary dilation, excessive oiliness, and clogged pores.

15 ~~(8)(9)~~ "Hair design shop" means a shop licensed under this chapter to do barbering or  
16 hairdressing/cosmetology, or both, to any person.

17 ~~(9)(10)~~ "Hairdresser and cosmetician" means any person who arranges, dresses, curls,  
18 cuts, waves, sings, bleaches, or colors the hair or treats the scalp, or manicures the nails of any  
19 person either with or without compensation or who, by the use of the hands or appliances, or of  
20 cosmetic preparations, antiseptics, tonics, lotions, creams, powders, oils or clays, engages, with or  
21 without compensation, in massaging, cleansing, stimulating, manipulating, exercising, or  
22 beautifying or in doing similar work upon the neck, face, or arms or who removes superfluous  
23 hair from the body of any person.

24 ~~(11) "Instructor" means any person licensed as an instructor under the provisions of this~~  
25 ~~chapter.~~

26 ~~(10)(12)~~ "Manicuring shop" means a shop licensed under this chapter to do manicuring  
27 only on the nails of any person.

28 ~~(11)(13)~~ "Manicurist" means any person who engages in manicuring for compensation  
29 and is duly licensed as a manicurist.

30 ~~(12)(14)~~ "School" means a school approved under chapter 40 of title 16, as amended,  
31 devoted to the instruction in and study of the theory and practice of barbering, hairdressing and  
32 cosmetic therapy, esthetics and/or manicuring.

33 ~~(13)(15)~~ "The practice of barbering" means the engaging by any licensed barber in all or  
34 any combination of the following practices: shaving or trimming the beard or cutting the hair;

1 giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations  
2 either by hand or mechanical appliances; singeing, shampooing, arranging, dressing, curling,  
3 waving, chemical waving, hair relaxing, or dyeing the hair or applying hair tonics; or applying  
4 cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, or neck.

5 ~~(14)(16)~~ "The practice of hairdressing and cosmetic therapy" means the engaging by any  
6 licensed hairdresser and cosmetician in any one or more of the following practices: the  
7 application of the hands or of mechanical or electrical apparatus, with or without cosmetic  
8 preparations, tonics, lotions, creams, antiseptics, or clays, to massage, cleanse, stimulate,  
9 manipulate, exercise, or otherwise to improve or to beautify the scalp, face, neck, shoulders,  
10 arms, bust, or upper part of the body or the manicuring of the nails of any person; or the removing  
11 of superfluous hair from the body of any person; or the arranging, dressing, curling, waving,  
12 weaving, cleansing, cutting, singeing, bleaching, coloring, or similarly treating the hair of any  
13 person.

14 ~~(15)(17)~~ "The practice of manicuring" means the cutting, trimming, polishing, tinting,  
15 coloring, or cleansing the nails of any person.

16 **5-10-7. License required for practice.** – No person shall practice barbering,  
17 hairdressing, and cosmetic therapy, esthetics, or manicuring in this state, unless the person has  
18 first obtained a [any license for that practice required by this chapter](#), as provided by this chapter;  
19 provided, that nothing in this chapter prohibits students enrolled in programs of hairdressing,  
20 barbering, and/or cosmetology from entering into work-study arrangements after they have  
21 completed at least one thousand (1,000) hours of classroom instruction. Students participating in  
22 those work-study arrangements shall be under the direct supervision of a licensed hairdresser,  
23 barber, or cosmetologist, and shall be clearly identified as students. No course credit shall be  
24 granted for this students' participation in a work-study arrangement and in no event shall it  
25 continue beyond the students' graduation from school or completion of course work.

26 **5-10-8. Issuance of licenses – Qualifications of applicants.** – (a) The division shall  
27 issue licenses to persons engaged in or desiring to engage in the practice of barbering,  
28 hairdressing, and cosmetic therapy and/or manicuring, or esthetics ~~and for instructing in any~~  
29 ~~approved school of barbering or hairdressing and cosmetic therapy, and/or manicuring, or~~  
30 ~~esthetics~~; provided, that no license shall be issued to any person under this chapter unless the  
31 applicant for the license:

- 32 (1) Is at least eighteen (18) years of age;
- 33 (2) Is a citizen of the United States of America or has legal entry into the country;
- 34 (3) Is of good moral character;

- 1 (4) Is a high school graduate or holds the equivalent;
- 2 (5) Has satisfactorily completed the course of instruction in an approved school of
- 3 barbering, hairdressing and cosmetic therapy, and/or manicuring or esthetics;
- 4 (6) Has satisfactorily passed a written and a practical examination approved by the
- 5 division to determine the fitness of the applicant to receive a license; and
- 6 (7) Has complied with § 5-10-10 and any other qualifications that the division prescribes
- 7 by regulation.

8 (b) Notwithstanding the provision of subdivision (a)(4) of this section, on and after July

9 1, 1997, an applicant seeking licensure as a barber must be a high school graduate or hold the

10 equivalent.

11 **5-10-9. Classes of licenses.** – Licenses shall be divided into the following classes and

12 shall be issued by the division to applicants for the licenses who have qualified for each class of

13 license:

14 (1) A "hairdresser's and cosmetician's license" shall be issued by the division to every

15 applicant for the license who meets the requirements of § 5-10-8 and has completed a course of

16 instruction in hairdressing and cosmetology consisting of not less than fifteen hundred (1,500)

17 hours of continuous study and practice.

18 ~~(2) An "instructor's license" shall be granted by the division to any applicant for the~~

19 ~~license who has held a licensed hairdresser's and cosmetician's license, a barber's license, a~~

20 ~~manicurist's license, or an esthetician's license issued under the laws of this state or another state,~~

21 ~~for at least the three (3) years preceding the date of application for an instructor's license and:~~

22 ~~(i) Meets the requirements of § 5-10-8;~~

23 ~~(ii) Has satisfactorily completed three hundred (300) hours of instruction in hairdressing~~

24 ~~and cosmetology, barber, manicurist, or esthetician teacher training approved by the division as~~

25 ~~prescribed by regulation;~~

26 ~~(iii) Has satisfactorily passed a written and a practical examination approved by the~~

27 ~~division to determine the fitness of the applicant to receive an instructor's license;~~

28 ~~(iv) Has complied with § 5-10-10; and~~

29 ~~(v) Has complied with any other qualifications that the division prescribes by regulation.~~

30 (2)(3) A "manicurist license" shall be granted to any applicant for the license who meets

31 the following qualifications:

32 (i) Meets the requirements of § 5-10-8; and

33 (ii) Has completed a course of instruction consisting of not less than three hundred (300)

34 hours of professional training in manicuring, in an approved school.

1           (3)(4) An "esthetician license" shall be granted to any applicant for the license who meets  
2 the following qualifications:

3           (i) Meets the requirements of § 5-10-8;

4           (ii) Has completed a course of instruction in esthetics consisting of not less than six  
5 hundred (600) hours of continuous study and practice over a period of not less than four (4)  
6 months in an approved school of hairdressing and cosmetology; and

7           (iii) Any applicant who holds a diploma or certificate from a skin care school that is  
8 recognized as a skin care school by the state or nation in which it is located, and meets the  
9 requirements of paragraph (i) of this subdivision, shall be granted a license to practice esthetics;  
10 provided, that the skin care school has a requirement that in order to graduate from the school a  
11 student must have completed a number of hours of instruction in the practice of skin care, which  
12 number is at least equal to the number of hours of instruction required by the division.

13           (4)(5) A "barber" license shall be issued by the division to every applicant for the license  
14 who meets the requirements of § 5-10-8 and:

15           (i) Has completed a course of instruction in barbering consisting of not less than one  
16 thousand five hundred (1,500) hours of continuous study and practice in an approved school;

17           (ii) Has ~~possessed for at least two (2) years prior to the filing of the application a~~  
18 ~~certificate of registration in full force and effect from the department of health of the state~~  
19 ~~specifying that person as a registered apprentice barber, and the application of that applicant is~~  
20 ~~accompanied by~~ an affidavit or affidavits ~~of~~ from his or her employer or former employers or  
21 other reasonably satisfactory evidence showing that the applicant has, in order to learn the art of  
22 barbering, been actually engaged in barbering as an apprentice barber in the state during those  
23 two (2) years worked for a minimum of two (2) years under the supervision of a barber who has  
24 been licensed in the state for at least three (3) years; or

25           (iii) ~~A combination of barber school training and apprenticeship~~ Any training as  
26 determined by the rules and regulations prescribed by the division.

27           SECTION 3. Section 5-10-13 of the General Laws in Chapter 5-10 entitled "Barbers,  
28 Hairdressers, Cosmeticians, Manicurists and Estheticians" is hereby repealed.

29           ~~5-10-13. Demonstrator's permit. The division may in its discretion issue to any~~  
30 ~~person recognized by the division as an authority on, or an expert in the theory or practice of,~~  
31 ~~barbering, hairdressing, and cosmetic therapy and/or manicuring or esthetics and is the holder of a~~  
32 ~~current esthetician's, manicurist's or a barber's, hairdresser's, and cosmetician's license in this~~  
33 ~~state, another state or the District of Columbia, a demonstrator's permit for not more than six (6)~~  
34 ~~days' duration for educational and instructive demonstrations; provided, that the permit shall not~~

1 ~~be used in the sense of a license to practice barbering, manicuring, esthetics or hairdressing and~~  
2 ~~cosmetic therapy. The fee for the permit is as set forth in § 23-1-54.~~

3 SECTION 4. Sections 5-32-2 and 5-32-4 of the General Laws in Chapter 5-32 entitled  
4 “Electrolysis” are hereby amended to read as follows:

5 **5-32-2. Penalty for unlicensed practice.** – Every person who subsequently engages in  
6 the practice of electrolysis in this state without being licensed, if a license is required under this  
7 chapter, by the board of examiners in electrolysis is practicing illegally and, upon conviction,  
8 shall be fined not more than twenty-five dollars (\$25.00) and every day of the continuation of  
9 illegal practice is a separate offense.

10 **5-32-4. Qualifications of applicants.** – Licenses to engage in the practice of electrolysis  
11 shall be issued to the applicants who comply with the following requirements:

12 (1) Are citizens or legal residents of the United States.

13 (2) Have attained the age of eighteen (18) years.

14 (3) Have graduated from a high school or whose education is the equivalent of a high  
15 school education.

16 (4) Have satisfactorily completed a course of training and study in electrolysis, as  
17 prescribed by rules and regulations promulgated by the department of health authorized by  
18 section § 5-32-18 of this chapter, ~~as a registered apprentice under the supervision of a licensed~~  
19 ~~Rhode Island electrologist who is qualified to teach electrolysis to apprentices as prescribed in §~~  
20 ~~5-32-17 or has graduated from a school of electrolysis after having satisfactorily completed a~~  
21 ~~program consisting of not less than six hundred fifty (650) hours of study and practice in the~~  
22 ~~theory and practical application of electrolysis. That apprenticeship includes at least six hundred~~  
23 ~~and fifty (650) hours of study and practice in the theory and practical application of electrolysis~~  
24 ~~within a term of nine (9) months; provided, that the apprentice registers with the division of~~  
25 ~~professional regulation of the department of health upon beginning his or her course of~~  
26 ~~instruction, and the licensed person with whom he or she serves that apprenticeship keeps a~~  
27 ~~record of the hours of that instruction, and upon the completion of that apprenticeship certifies~~  
28 ~~that fact to the board of examiners in electrolysis.~~

29 (5) Is of good moral character.

30 (6) Passes an examination approved by the department of health.

31 SECTION 5. Sections 5-32-8 and 5-32-17 of the General Laws in Chapter 5-32 entitled  
32 “Electrolysis” are hereby repealed.

33 ~~**5-32-8. Apprenticeship register.** The division of professional regulation of the~~  
34 ~~department of health shall keep a register in which the names of all persons serving~~

1 ~~apprenticeships licensed under this chapter shall be recorded. This register is open to public~~  
2 ~~inspection.~~

3 ~~**5-32-17. Qualifications for teaching electrolysis.** (a) A person in order to qualify as~~  
4 ~~an instructor or teacher of electrolysis to apprentices must:~~

5 ~~(1) Have been actively engaged as a licensed practitioner of electrolysis for at least five~~  
6 ~~(5) years.~~

7 ~~(2) Pass a state board examination specifically designed to evaluate his or her~~  
8 ~~qualifications to teach electrolysis.~~

9 ~~(3) Be a high school graduate or the equivalent.~~

10 ~~(b) Upon satisfactorily passing this examination, the division of professional regulation of~~  
11 ~~the department of health shall issue a license to the person upon the payment of a fee as set forth~~  
12 ~~in § 23-1-54.~~

13 ~~(c) A qualified licensed electrologist shall not register more than one apprentice for each~~  
14 ~~nine (9) month training period.~~

15 SECTION 6. Chapter 5-32 of the General Laws entitled "Electrolysis" is hereby amended  
16 by adding thereto the following section:

17 **5-32-18. Training and study.** – [The department of health may promulgate rules and](#)  
18 [regulations applying to training and study in electrolysis.](#)

19 SECTION 7. Sections 5-37.2-2, 5-37.2-14, and 5-37.2-15 of the General Laws in Chapter  
20 5-37.2 entitled "The Healing Art of Acupuncture" are hereby amended to read as follows:

21 **5-37.2-2. Definitions.** – Unless the context otherwise requires, the words, phrases, and  
22 derivatives employed in this chapter have the meanings ascribed to them in this section:

23 (1) "Acupuncture" means the insertion of needles into the human body by piercing the  
24 skin of the body, for the purpose of controlling and regulating the flow and balance of energy in  
25 the body.

26 (2) "Department" means the state department of health.

27 (3) "Doctor of acupuncture" means a person licensed under the provisions of this chapter  
28 to practice the art of healing known as acupuncture.

29 ~~(4) "Licensed acupuncture assistant" means a person who assists in the practice of~~  
30 ~~acupuncture under the direct supervision of a person licensed under the provisions of this chapter~~  
31 ~~to practice acupuncture.~~

32 **5-37.2-14. Recordation and display of licenses – Annual registration fee – Penalties**  
33 **for failure to pay fee.** – (a) Every person holding a license authorizing him or her to practice  
34 acupuncture ~~or to serve as an acupuncture assistant~~ in this state shall record his or her license with

1 the city or town hall in the city or town where his or her office and residence are located. Every  
2 licensee upon a change of residence or office shall have his or her certificate recorded in the same  
3 manner in the municipality to which he or she has changed.

4 (b) Every license shall be displayed in the office, place of business, or place of  
5 employment of the license holder.

6 (c) Every person holding a license shall pay to the department on or before February 1 of  
7 each year, the annual registration fee required pursuant to department rules and regulation. If the  
8 holder of a license fails to pay the registration fee his or her license shall be suspended. The  
9 license may be reinstated by payment of the required fee within ninety (90) days after February 1.

10 (d) A license which is suspended for more than three (3) months under the provisions of  
11 subsection (c) of this section may be canceled by the board after thirty (30) days notice to the  
12 holder of the license.

13 **5-37.2-15. Suspension, revocation, or refusal of license – Grounds.** – The department  
14 may either refuse to issue or may suspend or revoke any license for any one or any combination  
15 of the following causes:

16 (1) Conviction of a felony, conviction of any offense involving moral turpitude, or  
17 conviction of a violation of any state or federal law regulating the possession, distribution or use  
18 of any controlled substance as defined in § 21-28-1.02, as shown by a certified copy of record of  
19 the court;

20 (2) The obtaining of, or any attempt to obtain, a license, or practice in the profession for  
21 money or any other thing of value, by fraudulent misrepresentations;

22 (3) Gross malpractice;

23 (4) Advertising by means of knowingly false or deceptive statement;

24 (5) Advertising, practicing, or attempting to practice under a name other than one's own;

25 (6) Habitual drunkenness or habitual addiction to the use of a controlled substance as  
26 defined in § 21-28-1.02;

27 (7) Using any false, fraudulent, or forged statement or document, or engaging in any  
28 fraudulent, deceitful, dishonest, immoral practice in connection with the licensing requirement of  
29 this chapter;

30 (8) Sustaining a physical or mental disability which renders further practice dangerous;

31 (9) Engaging in any dishonorable, unethical, or unprofessional conduct which may  
32 deceive, defraud, or harm the public, or which is unbecoming a person licensed to practice under  
33 this chapter;

34 (10) Using any false or fraudulent statement in connection with the practice of



1 acupuncture or any branch of acupuncture;

2 (11) Violating or attempting to violate, or assisting or abetting the violation of, or  
3 conspiring to violate, any provision of this chapter;

4 (12) Being adjudicated incompetent or insane;

5 (13) Advertising in an unethical or unprofessional manner;

6 (14) Obtaining a fee or financial benefit for any person by the use of fraudulent diagnosis,  
7 therapy, or treatment;

8 (15) Willfully disclosing a privileged communication;

9 (16) Failure of a licensee to designate his or her school of practice in the professional use  
10 of his or her name by the term "doctor of acupuncture" ~~or "acupuncture assistant", as the case~~  
11 ~~may be;~~

12 (17) Willful violation of the law relating to the health, safety, or welfare of the public, or  
13 of the rules and regulations promulgated by the state board of health;

14 (18) Administering, dispensing, or prescribing any controlled substance as defined in §  
15 21-28-1.02, except for the prevention, alleviation, or cure of disease or for relief from suffering;  
16 and

17 (19) Performing, assisting, or advising in the injection of any liquid silicone substance  
18 into the human body.

19 SECTION 8. Section 5-37.2-13 of the General Laws in Chapter 5-37.2 entitled "The  
20 Healing Art of Acupuncture" is hereby repealed.

21 ~~**5-37.2-13. Issuance of license for acupuncture assistant.** — An applicant for a license  
22 for acupuncture assistant shall be issued a license by the department if he or she:~~

23 ~~(1) Has successfully completed a course of study in acupuncture in any college or school  
24 in any country, territory, province, or state requiring any attendance to thirty-six (36) months;~~

25 ~~(2) Practiced acupuncture for not less than three (3) years;~~

26 ~~(3) Passes the examination of the department for acupuncture assistant; and~~

27 ~~(4) Pays any fees as set forth in § 23-1-54.~~

28 SECTION 9. Sections 5-48-1 and 5-48-9 of the General Laws in Chapter 5-48 entitled  
29 "Speech Pathology and Audiology" are hereby amended to read as follows:

30 ~~**5-48-1. Purpose and legislative intent – Definitions.** – (a) It is declared to be a policy of  
31 this state that the practice of speech language pathology and audiology is a privilege granted to  
32 qualified persons and that, in order to safeguard the public health, safety, and welfare, protect the  
33 public from being misled by incompetent, unscrupulous, and unauthorized persons, and protect  
34 the public from unprofessional conduct by qualified speech language pathologists and~~

1 audiologists, it is necessary to provide regulatory authority over persons offering speech language  
2 pathology and audiology services to the public.

3 (b) The following words and terms when used in this chapter have the following meaning  
4 unless otherwise indicated within the context:

5 (1) "Audiologist" means an individual licensed by the board to practice audiology.

6 (2) "Audiology" means the application of principles, methods, and procedures related to  
7 hearing and the disorders of the hearing and balance systems, to related language and speech  
8 disorders, and to aberrant behavior related to hearing loss. A hearing disorder in an individual is  
9 defined as altered sensitivity, acuity, function, processing, and/or damage to the integrity of the  
10 physiological auditory/vestibular systems.

11 ~~(3) "Audiology support personnel" means individuals who meets minimum~~  
12 ~~qualifications, established by the board, which are less than those established by this chapter as~~  
13 ~~necessary for licensing as an audiologist, who do not act independently, and who work under the~~  
14 ~~direction and supervision of an audiologist licensed under this chapter who has been actively~~  
15 ~~working in the field for twenty four (24) months after completion of the postgraduate~~  
16 ~~professional experience and who accepts the responsibility for the acts and performances of the~~  
17 ~~audiology assistant while working under this chapter.~~

18 (3)(4) "Board" means the state board of examiners for speech language pathology and  
19 audiology.

20 (4)(5) "Clinical fellow" means the person who is practicing speech language pathology  
21 under the supervision of a licensed speech language pathologist while completing the  
22 postgraduate professional experience as required by this chapter.

23 (5)(6) "Department" means the Rhode Island department of health.

24 (6)(7) "Director" means the director of the Rhode Island department of health.

25 (7)(8) "Person" means an individual, partnership, organization, or corporation, except that  
26 only individuals can be licensed under this chapter.

27 (8)(9)(i) "Practice of audiology" means rendering or offering to render any service in  
28 audiology, including prevention, screening, and identification, evaluation, habilitation,  
29 rehabilitation; participating in environmental and occupational hearing conservation programs,  
30 and habilitation and rehabilitation programs including hearing aid and assistive listening device  
31 evaluation, prescription, preparation, dispensing, and/or selling and orientation; auditory training  
32 and speech reading; conducting and interpreting tests of vestibular function and nystagmus;  
33 conducting and interpreting electrophysiological measures of the auditory pathway; cerumen  
34 management; evaluating sound environment and equipment; calibrating instruments used in

1 testing and supplementing auditory function; and planning, directing, conducting or supervising  
2 programs that render or offer to render any service in audiology.

3 (ii) The practice of audiology may include speech and/or language screening to a pass or  
4 fail determination, for the purpose of initial identification of individuals with other disorders of  
5 communication.

6 (iii) A practice is deemed to be the "practice of audiology" if services are offered under  
7 any title incorporating such word as "audiology", "audiologist", "audiometry", "audiometrist",  
8 "audiological", "audiometrics", "hearing therapy", "hearing therapist", "hearing clinic", "hearing  
9 clinician", "hearing conservation", "hearing conservationist", "hearing center", "hearing aid  
10 audiologist", or any similar title or description of services.

11 ~~(9)(40)~~(i) "Practice of speech language pathology" means rendering or offering to render  
12 any service in speech language pathology including prevention, identification, evaluation,  
13 consultation, habilitation, rehabilitation; determining the need for augmentative communication  
14 systems, dispensing and selling these systems, and providing training in the use of these systems;  
15 and planning, directing, conducting, or supervising programs that render or offer to render any  
16 service in speech language pathology.

17 (ii) The practice of speech language pathology may include nondiagnostic pure tone air  
18 conduction screening, screening tympanometry, and acoustic reflex screening, limited to a pass or  
19 fail determination, for the purpose of performing a speech and language evaluation or for the  
20 initial identification of individuals with other disorders of communication.

21 (iii) The practice of speech language pathology also may include aural rehabilitation,  
22 which is defined as services and procedures for facilitating adequate receptive and expressive  
23 communication in individuals with hearing impairment.

24 (iv) A practice is deemed to be the "practice of speech language pathology" if services are  
25 offered under any title incorporating such words as "speech pathology", "speech pathologist",  
26 "speech therapy", "speech therapist", "speech correction", "speech correctionist", "speech clinic",  
27 "speech clinician", "language pathology", "language pathologist", "voice therapy", "voice  
28 therapist", "voice pathology", "voice pathologist", "logopedics", "logopedist", "communicology",  
29 "communicologist", "aphasiology", "aphasiologist", "phoniatriest", or any similar title or  
30 description of services.

31 ~~(10)(41)~~ "Regionally accredited" means the official guarantee that a college or university  
32 or other educational institution is in conformity with the standards of education prescribed by a  
33 regional accrediting commission recognized by the United States Secretary of Education.

34 ~~(11)(42)~~ "Speech language pathologist" means an individual who is licensed by the board

1 to practice speech language pathology.

2 ~~(12)(13)~~ "Speech language pathology" means the application of principles, methods, and  
3 procedures for prevention, identification, evaluation, consultation, habilitation, rehabilitation,  
4 instruction, and research related to the development and disorders of human communication.  
5 Disorders are defined to include any and all conditions, whether of organic or non-organic origin,  
6 that impede the normal process of human communication in individuals or groups of individuals  
7 who have or are suspected of having these conditions, including, but not limited to, disorders and  
8 related disorders of:

- 9 (i) Speech: articulation, fluency, voice, (including respiration, phonation and resonance);  
10 (ii) Language (involving the parameters of phonology, morphology, syntax, semantics  
11 and pragmatics; and including disorders of receptive and expressive communication in oral,  
12 written, graphic, and manual modalities);  
13 (iii) Oral, pharyngeal, laryngeal, cervical esophageal, and related functions (e.g.,  
14 dysphasia, including disorders of swallowing and oral function for feeding; oro-facial  
15 myofunctional disorders);  
16 (iv) Cognitive aspects of communication (including communication disability and other  
17 functional disabilities associated with cognitive impairment); and  
18 (v) Social aspects of communication (including challenging behavior, ineffective social  
19 skills, lack of communication opportunities).

20 ~~(14) "Speech language support personnel" means individuals who meet minimum~~  
21 ~~qualifications established by the board, which are less than those established by this chapter as~~  
22 ~~necessary for licensing as a speech language pathologist, who do not act independently, and who~~  
23 ~~work under the direction and supervision of a speech language pathologist licensed under this~~  
24 ~~chapter who has been actively working in the field for twenty four (24) months after completion~~  
25 ~~of the postgraduate professional experience and who accepts the responsibility for the acts and~~  
26 ~~performances of the speech language pathology assistant while working under this chapter.~~  
27 ~~Speech language support personnel shall be registered with the board within thirty (30) days of~~  
28 ~~beginning work, or the supervising speech language pathologist will be assessed a late filing fee~~  
29 ~~as set forth in § 23-1-54.~~

30 ~~**5-48-9. Fees — Late filing — Inactive status — Filing fees for support personnel**~~  
31 ~~**registration. — Fees — Late filing — Inactive status.**~~ (a) The board may charge an application  
32 fee; a biennial license renewal fee payable before July 1 of even years (biennially); or a  
33 provisional license renewal fee as set forth in § 23-1-54 payable annually from the date of issue.

34 (b) Any person who allows his or her license to lapse by failing to renew it on or before

1 the thirtieth (30th) day of June of even years (biennially), may be reinstated by the board on  
2 payment of the current renewal fee plus an additional late filing fee as set forth in § 23-1-54.

3 (c) An individual licensed as a speech language pathologist and/or audiologist in this  
4 state, not in the active practice of speech-language pathology or audiology within this state during  
5 any year, may upon request to the board, have his or her name transferred to an inactive status  
6 and shall not be required to register biennially or pay any fee as long as he or she remains  
7 inactive. Inactive status may be maintained for no longer than two (2) consecutive licensing  
8 periods, after which period licensure shall be terminated and reapplication to the board shall be  
9 required to resume practice.

10 (d) Any individual whose name has been transferred to an inactive status may be restored  
11 to active status within two (2) licensing periods without a penalty fee, upon the filing of:

12 (1) An application for licensure renewal, with a licensure renewal fee as set forth in § 23-  
13 1-54 made payable by check to the general treasurer of the state of Rhode Island; and

14 (2) Any other information that the board may request.

15 ~~(e) Audiology and speech language pathology support personnel shall be registered with~~  
16 ~~the board within thirty (30) days of beginning work, or the supervising audiologist or speech~~  
17 ~~language pathologist shall be assessed a late filing fee as set forth in § 23-1-54.~~

18 SECTION 10. Chapter 5-58 of the General Laws entitled "Auctioneers" is hereby  
19 repealed in its entirety.

20 ~~**5-58-1. Licensing of auctioneers and apprentices.** (a) Any person desiring to hold an~~  
21 ~~auctioneer's license or apprentice auctioneer's permit shall make written application for that~~  
22 ~~license or permit on appropriate forms provided by the director of the department of business~~  
23 ~~regulations. Each applicant shall be a person who has a good reputation for honesty, truthfulness,~~  
24 ~~and fair dealing; good moral character, and is competent and financially qualified to conduct the~~  
25 ~~business of an auctioneer or apprentice all of which may be considered by the director along with~~  
26 ~~any other information the director deems appropriate in determining whether the granting of the~~  
27 ~~application is in the public interest. Other information deemed appropriate includes, but is not~~  
28 ~~limited to, a criminal records check. The director shall process the criminal records check for all~~  
29 ~~resident applicants for an auctioneer's license. Non-resident applicants for an auctioneer's license~~  
30 ~~shall apply to the bureau of criminal identification of the state police for a nationwide criminal~~  
31 ~~records check. The bureau of criminal identification of the state police shall forward the results of~~  
32 ~~the criminal records check to the director. The director may deny any application for a license if~~  
33 ~~the director finds, based upon the results of the criminal records check, that the applicant has been~~  
34 ~~convicted of a felony. Each application for an auctioneer, apprentice auctioneer, or nonresident~~

1 ~~auctioneer's license shall be accompanied by an application fee of ten dollars (\$10.00).~~

2 ~~(b) Prior to the taking of the examination, each applicant shall pay an examination fee in~~  
3 ~~an amount to be established by the director of business regulation. Each applicant granted an~~  
4 ~~auctioneer's license shall pay a licensing fee of two hundred dollars (\$200) per annum. Each~~  
5 ~~nonresident auctioneer applicant granted a license shall pay a licensing fee of three hundred~~  
6 ~~dollars (\$300) per annum. Each applicant granted an apprentice auctioneer permit shall pay a~~  
7 ~~permit fee of twenty dollars (\$20.00) per annum. There is a five dollar (\$5.00) charge for issuance~~  
8 ~~of a duplicate license or permit to replace a lost, damaged, or destroyed original or renewal~~  
9 ~~license or permit. Fees for the replacement and for an original or renewal license or permit shall~~  
10 ~~be paid into the general fund. The director shall promulgate rules and regulations mandating the~~  
11 ~~term of the license or permit for each category of license or permit issued pursuant to this chapter.~~  
12 ~~No license or permit shall remain in force for a period in excess of three (3) years. The fee for the~~  
13 ~~initial license or renewal shall be determined by multiplying the per annum fee by the number of~~  
14 ~~years in the term of license or renewal. The entire fee for the full term of licensure must be paid~~  
15 ~~in full prior to issuing the renewal or initial license.~~

16 ~~**5-58-2. Auctioneer's and apprentice's bond.** Every auctioneer, upon approval of~~  
17 ~~application and prior to issuance of a license or an apprentice permit, shall deliver and file with~~  
18 ~~the department of business regulation a surety company bond in favor of the people of the state of~~  
19 ~~Rhode Island in the principle amount not exceeding ten thousand dollars (\$10,000) nor less than~~  
20 ~~two thousand dollars (\$2,000), at the discretion of the director; and payable to any party injured~~  
21 ~~under the terms of the bond. The bond does not limit or impact any right of recovery available~~  
22 ~~pursuant to law nor is the amount of the bond relevant in determining the amount of damage or~~  
23 ~~other relief to which any claimant shall be entitled.~~

24 ~~**5-58-6. Announcement of conditions of sale.** Every auctioneer before exposing any~~  
25 ~~real or personal estate to public sale shall make out, in writing, and sign and publicly read the~~  
26 ~~conditions of sale.~~

27 ~~**5-58-7. Auctioneer's commission and apprentice's wage.** Whenever the whole~~  
28 ~~amount of sales at any public auction does not exceed four hundred dollars (\$400), the auctioneer~~  
29 ~~has for making that sale two and one half percent (2 1/2%) commission; if the amount of the sale~~  
30 ~~exceeds that sum and does not exceed twenty thousand dollars (\$20,000), he or she shall have~~  
31 ~~only one percent (1%) on the excess; and if the amount of the sale does not exceed thirty~~  
32 ~~thousand dollars (\$30,000), he or she shall have three fourths percent ( 3/4%) on the excess; and~~  
33 ~~if the amount of the sale exceeds thirty thousand dollars (\$30,000), he or she has one fourth~~  
34 ~~percent ( 1/4%) on the excess. Nothing contained in this section shall be construed to prevent any~~

1 ~~person interested in selling any property by auction from making a special contract with the~~  
2 ~~auctioneer for selling the property. Notwithstanding the preceding, agreement to change the~~  
3 ~~previously stated fee schedule may be made between auctioneers and either owners or consignees~~  
4 ~~of owners, only if those changes are specifically agreed to, in writing, by the parties. Auctioneers~~  
5 ~~shall enter into a written contract with owners or consignees of property sold at auction which~~  
6 ~~contract shall establish terms for any remuneration paid to the auctioneer for his or her services.~~  
7 ~~A copy of the contract shall be kept in the possession of the auctioneer for a period of three (3)~~  
8 ~~years and shall be made available for inspection by the director at his or her discretion.~~  
9 ~~Apprentices employed by licensed auctioneers in accordance with standards prescribed in~~  
10 ~~regulations promulgated under this chapter shall be paid for their services at a rate not less than~~  
11 ~~the minimum wage established by law. No apprentice shall enter into a verbal or written contract~~  
12 ~~or agreement for remuneration for services rendered when remuneration is separate, apart from,~~  
13 ~~or in addition to wages paid to the apprentice by the employing auctioneer.~~

14 ~~**5-58-8. Regulation of sales.** The director of business regulation has the authority to~~  
15 ~~promulgate rules and regulations which are reasonable, proper, and necessary to enforce the~~  
16 ~~provisions of this chapter, to establish procedures for the preparation and processing of~~  
17 ~~examinations, applications, licenses, and permits for the conduct of auction sales; to deny,~~  
18 ~~suspend, or revoke licenses, or permits, to issue cease and desist orders, to assess administrative~~  
19 ~~penalties of up to one thousand dollars (\$1,000) and to establish procedures for renewals, appeals,~~  
20 ~~hearings, and rulemaking proceedings.~~

21 ~~**5-58-9. Officers of mortgagee forbidden to act as auctioneer in foreclosure.** No~~  
22 ~~officer of any corporation shall act as an auctioneer in the foreclosure of any mortgage held by~~  
23 ~~that corporation.~~

24 ~~**5-58-10 Penalty for violations.** Any person acting as auctioneer or apprentice~~  
25 ~~auctioneer without a license is guilty of a misdemeanor. Anyone who is convicted shall be~~  
26 ~~punished by a fine not to exceed five hundred dollars (\$500), or by imprisonment for a term not~~  
27 ~~to exceed ninety (90) days, or both the fine and imprisonment for each violation.~~

28 ~~**5-58-11. Severability.** If any provision of this chapter or any rule or regulation made,~~  
29 ~~or the application under this chapter to any person or circumstances, is held invalid by a court of~~  
30 ~~competent jurisdiction, the remainder of the chapter, rule, or regulation, and the application of~~  
31 ~~that provision to other persons or circumstances, shall not be affected.~~

32 SECTION 11. Chapter 5-59.1 of the General Laws entitled "Rhode Island Orthotics and  
33 Prosthetics Practices" is hereby repealed in its entirety.

34 ~~**5-59.1-1. Legislative Intent.** The purpose of this chapter is to safeguard the public~~

1 ~~health to regulate the practice of orthotics and prosthetics by untrained and unethical persons.~~

2 ~~**5-59.1-2. Short title.**— This act shall be known and may be cited as "The Rhode Island~~  
3 ~~Orthotics and Prosthetics Practices Act".~~

4 ~~**5-59.1-3. Definitions.**— As used in this chapter:~~

5 ~~(1) "ABC" means the American Board for Certification in Orthotics and Prosthetics or its~~  
6 ~~successor agency.~~

7 ~~(2) "BOC" means the Board for Orthotist/Prosthetist Certification or its successor agency.~~

8 ~~(3) "Custom fabricated orthotics" or "custom made orthotics" means devices designed~~  
9 ~~and fabricated, in turn, from raw materials for a specific patient and require the generation of an~~  
10 ~~image, form, or mold that replicates the patient's body or body segment and, in turn, involves the~~  
11 ~~rectification of an image.~~

12 ~~(4) "Department" means the Rhode Island department of health.~~

13 ~~(5) "Director" means the director of the department of health.~~

14 ~~(6) "Direct formed orthoses" means devices formed or shaped during the molding~~  
15 ~~process directly on the patient's body or body segment.~~

16 ~~(7) "Licensed Orthotist" means a person licensed under this chapter to practice orthotics.~~

17 ~~(8) "Licensed Prosthetist" means a person licensed under this chapter to practice~~  
18 ~~prosthetics.~~

19 ~~(9) "Off the shelf orthosis" means devices manufactured by companies registered with~~  
20 ~~the Federal Food and Drug Administration other than devices designed for a particular person~~  
21 ~~based on that particular person's condition.~~

22 ~~(10) "Orthosis" means a custom fabricated brace or support that is designed based on~~  
23 ~~medical necessity. Orthosis does not include prefabricated or direct formed orthotic devices, as~~  
24 ~~defined in this section, or any of the following assistive technology devices: commercially~~  
25 ~~available knee orthoses used following injury or surgery; spastic muscle tone inhibiting orthoses;~~  
26 ~~upper extremity adaptive equipment; finger splints; hand splints; wrist gauntlets; face masks used~~  
27 ~~following burns; wheelchair seating that is an integral part of the wheelchair and not worn by the~~  
28 ~~patient independent of the wheelchair; fabric or elastic supports; corsets; low temperature formed~~  
29 ~~plastic splints; trusses; elastic hose; canes; crutches; cervical collars; dental appliances; and other~~  
30 ~~similar devices as determined by the director, such as those commonly carried in stock by a~~  
31 ~~pharmacy, department store, corset shop, or surgical supply facility.~~

32 ~~(11) "Orthotics" means the science and practice of evaluating, measuring, designing,~~  
33 ~~fabricating, assembling, fitting, adjusting or, servicing, as well as providing the initial training~~  
34 ~~necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of~~



1 ~~neuromuscular or musculoskeletal dysfunction, disease, injury or deformity. The practice of~~  
2 ~~orthotics encompasses evaluation, treatment, and consultation; with basic observational gait and~~  
3 ~~postural analysis, orthotists assess and design orthoses to maximize function and provide not only~~  
4 ~~the support but the alignment necessary to either prevent or correct deformity or to improve the~~  
5 ~~safety and efficiency of mobility or locomotion, or both. Orthotic practice includes providing~~  
6 ~~continuing patient care in order to assess its effect on the patient's tissues and to assure proper fit~~  
7 ~~and function of the orthotic device by periodic evaluation.~~

8 ~~(12) "Orthotist" means an allied health professional who is specifically trained and~~  
9 ~~educated to provide or manage the provision of a custom designed, fabricated, modified and~~  
10 ~~fitted external orthosis to an orthotic patient, based on a clinical assessment and a physician's~~  
11 ~~prescription, to restore physiological function and/or cosmesis, and certified by ABC or BOC.~~

12 ~~(13) "Physician" means a doctor of allopathic medicine (M.D.), osteopathic medicine~~  
13 ~~(D.O.), podiatric medicine (D.P.M.), and chiropractic medicine (D.C.).~~

14 ~~(14) "Prefabricated orthoses" or "off shelf orthoses" means devices that are manufactured~~  
15 ~~as commercially available stock items for no specific patient.~~

16 ~~(15) "Prosthesis" means an artificial limb that is alignable or, in lower extremity~~  
17 ~~applications, capable of weight bearing. Prosthesis also means an artificial medical device that is~~  
18 ~~not surgically implanted and that is used to replace a missing limb, appendage, or other external~~  
19 ~~human body part including an artificial limb, hand, or foot. The term does not include artificial~~  
20 ~~eyes, ears, noses, dental appliances, osotmy products, or devices such as eyelashes or wigs or~~  
21 ~~artificial breasts.~~

22 ~~(16) "Prosthetics" means the science and practice of evaluation, measuring, designing,~~  
23 ~~fabricating, assembling, fitting, aligning, adjusting or servicing, as well as providing the initial~~  
24 ~~training necessary to accomplish the fitting of, a prosthesis through the replacement of external~~  
25 ~~parts of a human body, lost due to amputation or congenital deformities or absences. The practice~~  
26 ~~of prosthetics also includes the generation of an image, form, or mold that replicates the patient's~~  
27 ~~body or body segment and that requires rectification of dimensions, contours and volumes for use~~  
28 ~~in the design and fabrication of a socket to accept a residual anatomic limb to, in turn, create an~~  
29 ~~artificial appendage that is designed either to support body weight or to improve or restore~~  
30 ~~function or cosmesis, or both. Involved in the practice of prosthetics is observational gait analysis~~  
31 ~~and clinical assessment of the requirements necessary to refine and mechanically fix the relative~~  
32 ~~position of various parts of the prosthesis to maximize function, stability, and safety of the~~  
33 ~~patient. The practice of prosthetics includes providing and continuing patient care in order to~~  
34 ~~assess the prosthetic device's effect on the patient's tissues and to assure proper fit and function of~~

1 ~~the prosthetic device by periodic evaluation.~~

2 ~~(17) "Prosthetist" means a practitioner, certified by the ABC or BOC, who provides care~~  
3 ~~to patients with partial or total absence of a limb by designing, fabricating, and fitting devices,~~  
4 ~~known as prostheses. At the request of and in consultation with physicians, the prosthetist assists~~  
5 ~~in formulation of prescriptions for prostheses, and examines and evaluates patients' prosthetic~~  
6 ~~needs in relation to their disease entity and functional loss. In providing the prostheses, he or she~~  
7 ~~is responsible for formulating its design, including selection of materials and components;~~  
8 ~~making all necessary casts, measurements and model modifications; performing fittings including~~  
9 ~~static and dynamic alignments; evaluating the prosthesis on the patient; instructing the patient in~~  
10 ~~its use, and maintaining adequate patient records; all in conformity with the prescription.~~

11 ~~**5-59.1-4. Licensing of practitioners.**— The department shall issue to those persons~~  
12 ~~eligible under the provisions of this chapter certificate licenses attesting to their qualifications to~~  
13 ~~practice as certified licensed orthotists or prosthetists.~~

14 ~~**5-59.1-5. Application for orthotic or prosthetic license.**— Any person who desires to be~~  
15 ~~licensed as set forth in § 5-59.1-4 shall in writing submit an application on forms provided by the~~  
16 ~~department for a license accompanied by a fee as set forth in § 23-1-54 with all other credentials~~  
17 ~~that the department requires and as required by this chapter. All the proceeds of any fees collected~~  
18 ~~pursuant to the provisions of this chapter shall be deposited as general revenues.~~

19 ~~**5-59.1-6. Qualifications for license.**— (a) Qualification for licensing under this chapter~~  
20 ~~shall be the possession of the title "certified prosthetist" or "certified orthotist", as issued by and~~  
21 ~~under the rules of the American Board for Certification in Orthotics and Prosthetics, Inc. or the~~  
22 ~~Board for Orthotist/Prosthetist certification. Evidence of the possession of that title shall be~~  
23 ~~presented to the department.~~

24 ~~(b) In order to qualify for a license to practice orthotics or prosthetics a person shall~~  
25 ~~provide proof of:~~

- 26 ~~(1) Possession of a baccalaureate degree from an accredited college or university;~~  
27 ~~(2) Completion of an orthotic, or prosthetic education program that meets or exceeds the~~  
28 ~~requirements of the National Commission on Orthotic and Prosthetic Education;~~  
29 ~~(3) Completion of a clinical residency in orthotics and/or prosthetics that meets or~~  
30 ~~exceeds the standards of the National Commission on Orthotic and Prosthetic Education; and~~  
31 ~~(4) Current certification by ABC or BOC in the discipline for which the application~~  
32 ~~corresponds.~~

33 ~~**5-59.1-7. Use of "licensed prosthetist" or "licensed orthotist" title.**— No person~~  
34 ~~offering service to the public shall use the title licensed prosthetist or licensed orthotist or shall~~

1 use the abbreviation "L.P." or "L.O", or in any other way represent themselves as licensed  
2 practitioners unless they hold a current license as provided in this chapter.

3 **5-59.1-8. Exceptions.**— This chapter shall not be construed to prohibit:

4 (a) A physician licensed in this state from engaging in the practice for which he or she is  
5 licensed;

6 (b) The practice of orthotics or prosthetics by a person who is employed by the federal  
7 government while in the discharge of the employee's official duties;

8 (c) The practice of orthotics or prosthetics by a resident continuing his or her clinical  
9 education in a residency accredited by the National Commission on Orthotic and Prosthetic  
10 Education;

11 (d) Consistent with his or her license, a licensed pharmacist, physical or occupational  
12 therapist, or certified athletic trainer from engaging in his or her profession; or

13 (e) Measuring, fitting, or adjusting an off the shelf orthosis by employees or authorized  
14 representatives of an orthosis manufacturer, which is registered with the Federal Food and Drug  
15 Administration when such employee or representative is supervised by a physician.

16 **5-59.1-9. License and biannual renewal required.**— No person may practice orthotics  
17 or prosthetics without a license issued under authority of this chapter, which license has not been  
18 suspended or revoked as provided under this chapter, without renewal biannually, as provided in  
19 § 5-59.1-12.

20 **5-59.1-10. Grandfather clause.**— Any person currently practicing full-time in the state  
21 of Rhode Island on January 1, 2007 in an orthotist and/or prosthetic facility as a certified BOC or  
22 ABC orthotist and/or prosthetist must file an application for licensure prior to sixty (60) days  
23 after January 1, 2007 to continue practice at his or her identified level of practice. The applicant  
24 must provide verifiable proof of active certification in orthotics and/or prosthetics by the ABC or  
25 BOC. This section shall not be construed to grant licensing to a person who is a certified or  
26 registered orthotic or prosthetic "fitter" or orthotic or prosthetic "assistant."

27 **5-59.1-11. Limitation on provisions of care and services.**— A licensed orthotist and/or  
28 prosthetist may provide care and services only if care and services are provided pursuant to an  
29 order from a licensed physician, unless the item which may be purchased without a prescription.

30 **5-59.1-12. Relicensing—Renewal.**— Every holder of a license issued under this chapter  
31 shall biannually attest to the department as to current certification issued by the American Board  
32 of Certification in Orthotics and Prosthetics or the Board for Orthotists/Prosthetist Certification.  
33 All licenses issued under this chapter shall expire biannually on the last day of September of  
34 every odd-numbered year. A biennial renewal fee as set forth in § 23-1-54 shall be required.

1 ~~Every orthotist and prosthetist shall conform to the standards of the American Board for~~  
2 ~~Certification in Orthotics and Prosthetics or Board for Orthotists/Prosthetists Certification.~~

3 ~~**5-59.1-13. Rules and regulations.**— The department is authorized to promulgate such~~  
4 ~~regulations as it deems necessary to implement the provisions of this chapter.~~

5 ~~**5-59.1-14. Responsibilities of the department.**— In addition to other authority provided~~  
6 ~~by law, the department has the authority to:~~

7 ~~(1) Register applicants, issue licenses to applicants who have met the education, training~~  
8 ~~and requirements for licensure, and deny licenses to applicants who do not meet the minimum~~  
9 ~~qualifications;~~

10 ~~(2) Maintain the official department records of all applicants and licensees;~~

11 ~~(3) Establish requirements and procedures for an inactive license; and~~

12 ~~(4) Seek the advice and knowledge of the prosthetic and orthotic associations in this state~~  
13 ~~on any matter relating to the enforcement of this chapter.~~

14 ~~**5-59.1-15. Penalty for violations.**— Any person, firm, corporation or association~~  
15 ~~violating any of the provisions of this chapter is deemed to have committed a misdemeanor and~~  
16 ~~upon conviction shall be punished by a fine not to exceed two hundred dollars (\$200), or~~  
17 ~~imprisonment for a period not to exceed three (3) months, or both, and for a second or subsequent~~  
18 ~~violation by a fine of not less than three hundred dollars (\$300) nor more than five hundred~~  
19 ~~dollars (\$500), or imprisonment for one year, or both the fine and imprisonment.~~

20 ~~**5-59.1-16. Severability.**— If any provision of this chapter or of any rule or regulation~~  
21 ~~made under this chapter, or the application of this chapter to any person or circumstances, is held~~  
22 ~~invalid by a court of competent jurisdiction, the remainder of the chapter, rule or regulation, and~~  
23 ~~the application of that provision to other persons or circumstances shall not be affected.~~

24 ~~**5-59.1-17. Advisory Board of orthotics and prosthetics practice—Composition—**~~  
25 ~~**Appointment and terms—Powers and duties.**— (a) There is hereby created an advisory~~  
26 ~~licensing board to review applications for licensure to obtain a license as an orthotist or~~  
27 ~~prosthetist pursuant to this chapter of the general laws. The review of each applicant's licensing~~  
28 ~~shall require that the applicant have completed an NCOPE (National Commission on Orthotic and~~  
29 ~~Prosthetic Education); accredited residency under a board certified practitioner in the respective~~  
30 ~~discipline; and meet all of the requirements of the chapter. The board shall conduct its interviews~~  
31 ~~and/or investigation and shall report its findings to the director of the department of health.~~

32 ~~(b) The licensing board shall be composed of three (3) persons: the director of the~~  
33 ~~department of health, or his or her designee; one board certified Rhode Island state licensed~~  
34 ~~prosthetist; and one board certified Rhode Island state licensed orthotist. The board certified~~

~~1 orthotist and the board certified prosthetist shall be certified by the American Board of  
2 Certification in orthotics and prosthetics and licensed by the State of Rhode Island, shall serve for  
3 three (3) year terms and shall be selected by the board of directors of the Rhode Island Society of  
4 Orthotists and Prosthetists, Inc. The members of the board shall serve without compensation.~~

5 SECTION 12. Sections 5-68.1-2, 5-68.1-4, 5-68.1-5, and 5-68.1-8 of the General Laws in  
6 Chapter 5-68.1 entitled "Radiologic Technologists" are hereby amended to read as follows:

7 **5-68.1-2. Definitions.** – As used in this chapter:

8 (1) "Authorized user" means a licensed practitioner who meets the training and  
9 experience requirements defined in rules and regulations promulgated pursuant to chapter 23-1.3.

10 (2) "Board" means the board of radiologic technology.

11 (3) "Department" means the Rhode Island department of health.

12 (4) "Director" means the director of the Rhode Island department of health.

13 (5) "Financial interest" means being:

14 (i) A licensed practitioner of radiologic technology; or

15 (ii) A person who deals in goods and services that are uniquely related to the practice of  
16 radiologic technology; or

17 (iii) A person who has invested anything of value in a business that provides radiologic  
18 technology services.

19 (6) "License" means a license issued by the director to practice radiologic technology.

20 (7) "Licensed practitioner" means an individual licensed to practice medicine,  
21 chiropractic, or podiatry, or an individual licensed as a registered nurse practitioner or physician  
22 assistant in this state.

23 (8) "Medical physicist" means an individual, other than a licensed practitioner, who  
24 practices independently one or more of the subfields of medical physics, and is registered or  
25 licensed under rules and regulations promulgated pursuant to section 23-1.3

26 (9) "National organization" means a professional association or registry, approved by the  
27 director, that examines, registers, certifies or approves individuals and education programs  
28 relating to operators of sources of radiation.

29 (10) "Nuclear medicine technologist" means an individual, other than a licensed  
30 practitioner, who compounds, calibrates, dispenses and administers radiopharmaceuticals,  
31 pharmaceuticals, and radionuclides under the general supervision of an authorized user for benefit  
32 of performing a comprehensive scope of nuclear medicine procedures, and who has met and  
33 continues to meet the licensure standards of this chapter.

34 (11) "Person" means any individual, corporation, partnership, firm, association, trust,

1 estate, public or private institution, group, agency, political subdivision of this state or any other  
2 state, or political subdivision of any agency thereof and any legal successor, representative, agent  
3 or agency of the foregoing.

4 (12) "Radiation therapist" means an individual, other than a licensed practitioner, who  
5 utilizes ionizing radiation under the general supervision of an authorized user for the planning and  
6 delivery of therapeutic procedures, and who has met and continues to meet the licensure  
7 standards of this chapter.

8 (13) "Radiology technologist" also known as a "radiographer" means an individual, other  
9 than a licensed practitioner, who performs a comprehensive scope of diagnostic radiologic  
10 procedures under the general supervision of a licensed practitioner using external ionizing  
11 radiation, resulting in radiographic or digital images, and who has met and continues to meet the  
12 licensure standard of this chapter.

13 (14) "Radiologist" means a licensed practitioner specializing in radiology who is certified  
14 by or eligible for certification by the American Board of Radiology or the American Osteopathic  
15 Board of Radiology, the British Royal College of Radiology, or the Canadian College of  
16 Physicians and Surgeons.

17 (15) "Radiologist assistant" means an unlicensed individual, other than a licensed  
18 practitioner, who performs as an advanced level radiologic technologist and works under the  
19 general supervision of a radiologist to enhance patient care by assisting the radiologist in the  
20 medical imaging environment, and who ~~has met and continues to meet the licensure standards of~~  
21 ~~this chapter~~ is certified by the American Registry of Radiologic Technologists, or by a  
22 comparable national certifying board as approved by the director.

23 ~~(1516)~~(16) "Source of radiation" means any substance or device emitting or capable of  
24 producing ionizing radiation, for the purpose of performing therapeutic or diagnostic radiologic  
25 procedures on human beings.

26 ~~(1617)~~(17) "Student" means an individual enrolled in a course of study for medicine or  
27 radiologic technology.

28 ~~(1718)~~(18) "Supervision" means and includes:

29 (i) "Direct supervision" means supervision and control by a licensed practitioner who  
30 assumes legal liability for the services rendered by the radiologic technologist, which supervision  
31 requires the physical presence of the licensed practitioner for consultation and direction of the  
32 actions of the radiologic technologist.

33 (ii) "General supervision" means supervision whereby a licensed practitioner, who  
34 assumes legal liability for the services rendered, authorizes the services to be performed by the

1 radiologic technologist, which supervision, except in cases of emergency, requires the easy  
2 availability or physical presence of the licensed practitioner for consultation and direction of the  
3 actions of the radiologic technologist.

4 **5-68.1-4. License required.** – (a) No individual shall practice radiologic technology or  
5 shall represent themselves as practicing radiologic technology, unless they are licensed under this  
6 chapter. The provisions of this section do not apply to:

7 (1) A licensed practitioner when practicing within his or her field of expertise.

8 (2) A student of medicine, when under the general supervision of an instructor who is a  
9 radiologist and when acting within the scope of practice.

10 (3) A dentist, licensed dental hygienist or certified dental assistant when practicing within  
11 his or her field of expertise.

12 (4) A podiatry assistant who has received a "certificate of completion" from the  
13 Community College of Rhode Island or other equivalent training approved by the board, after  
14 having taken and passed the course on "radiography for podiatry assistance" and when acting  
15 within the practice of podiatry.

16 (5) A medical physicist when practicing within his or her field of expertise.

17 (6) A licensed healthcare provider at a licensed ambulatory care facility on Block Island  
18 and where the director of health determines a waiver of the licensure requirements to be in the  
19 interest of public health.

20 [\(7\) A radiologist assistant who is certified by the American Registry of Radiologic](#)  
21 [Technologists, or by a comparable national certifying board as approved by the director.](#)

22 (b) Nothing in this chapter is intended to limit, preclude or interfere with the practice of  
23 persons and health care providers licensed by appropriate agencies of Rhode Island.

24 (c) This chapter does not prohibit an individual enrolled in an approved school of  
25 radiologic technology, under the direct supervision of a radiologist or a licensed radiologic  
26 technologist, from performing those duties essential for completion of a student's clinical service.

27 (d) This chapter is not intended to supersede the mammography rules and regulations  
28 promulgated pursuant to § 23-17-32.

29 **5-68.1-5. Licensure standards.** – (a) The director shall develop standards for licensure  
30 of the following categories of radiologic technology:

31 (1) Radiographer;

32 (2) Nuclear medicine technologist;

33 (3) Radiation therapist; and

34 ~~(4) Radiologist assistant.~~

1 (b) The director may promulgate rules and regulations which authorize additional  
2 categories of licensure, consistent with a radiologic technology certification established by the  
3 American Registry of Radiologic Technologists, the Nuclear Medicine Technology Certification  
4 Board or other national organization.

5 (c) The director may promulgate rules and regulations that establish requirements for  
6 radiologic technologist authorization to operate hybrid imaging modalities, including, but not  
7 limited to, a combination nuclear medicine-computed tomography device.

8 **5-68.1-8. Other licensing provisions.** – (a) Each radiologic technologist license issued  
9 by the director shall only specify one category of radiologic technology. An individual qualified  
10 to practice more than one category of radiologic technology shall submit a separate application  
11 for each category to be licensed. Each radiologic technologist license issued by the director shall  
12 indicate, as appropriate, that the individual is a licensed radiographer, a licensed nuclear medicine  
13 technologist, a licensed radiation therapist, ~~a licensed radiologist assistant~~ or other category of  
14 radiologic technology license established by the director pursuant to subsection 5-68.1-5(c).

15 (b) Unless licensed as a radiologic technologist pursuant to this chapter, no individual  
16 shall use any title or abbreviation to indicate that the individual is a licensed radiologic  
17 technologist.

18 (1) An individual holding a license as a radiographer may use the title "Licensed  
19 Radiologic Technologist-Radiographer" or the letters "LRT-R" after his or her name.

20 (2) An individual holding a license as a radiation therapy technologist may use the title  
21 "Licensed Radiologic Technologist-Therapy" or the letters "LRT-T" after his or her name.

22 (3) An individual holding a license as a nuclear medicine technologist may use the title  
23 "Licensed Radiologic Technologist-Nuclear Medicine" or the letters "LRT-N" after his or her  
24 name.

25 ~~(4) An individual holding a license as a radiologist assistant may use the title "Licensed  
26 Radiologist Assistant" or the letters "LRA" after his or her name.~~

27 (c) A valid license issued pursuant to this chapter shall be carried on the person of the  
28 radiologic technologist while performing the duties for which the license is required.

29 (d) Licenses, with the exception of initial licenses, shall be issued for a period of two (2)  
30 years.

31 (e) The director shall promulgate rules and regulations which specify a renewal date for  
32 all licenses issued pursuant to this chapter.

33 (f) The director shall promulgate rules and regulations which specify the minimum  
34 continuing education credits required for renewal of a radiologic technologist license. Failure to



1 attest to completion of the minimum continuing education credits shall constitute grounds for  
2 revocation, suspension or refusal to renew the license.

3 SECTION 13. Section 5-68.1-9 of the General Laws in Chapter 5-68.1 entitled  
4 “Radiologic Technologists” is hereby repealed.

5 ~~**5-68.1-9. Special requirements pertaining to licensure of radiologist assistants.**— (a)~~  
6 ~~The director shall promulgate rules and regulations that delineate the specific duties allowed for a~~  
7 ~~licensed radiologist assistant. These duties shall be consistent with guidelines adopted by the~~  
8 ~~American College of Radiology, the American Society of Radiologic Technologists and the~~  
9 ~~American Registry of Radiologic Technologists, with the level of supervision required by such~~  
10 ~~guidelines.~~

- 11 ~~(b) A licensed radiologist assistant is specifically not authorized to:~~
- 12 ~~(1) Perform nuclear medicine or radiation therapy procedures unless currently licensed~~
  - 13 ~~and trained to perform those duties under the individual's nuclear medicine technologist or~~
  - 14 ~~radiation therapy technologist license;~~
  - 15 ~~(2) Interpret images;~~
  - 16 ~~(3) Make diagnoses; and~~
  - 17 ~~(4) Prescribe medications or therapies.~~

18 SECTION 14. The title of Chapter 16-11.1 of the General Laws entitled "Certification of  
19 Athletic Coaches" is hereby amended to read as follows:

20 ~~CHAPTER 16-11.1~~  
21 ~~Certification of Athletic Coaches~~  
22 CHAPTER 16-11.1  
23 ATHLETIC COACHES

24 SECTION 15. Section 16-11.1-1 of the General Laws in Chapter 16-11.1 entitled  
25 “Certification of Athletic Coaches” is hereby amended to read as follows:

26 ~~**16-11.1-1. Certification of athletic coaches—Athletic coaches—Red cross first aid**~~  
27 ~~**course required.**— **Athletic coaches - First aid course required.** – The department of~~  
28 ~~elementary and secondary education shall promulgate rules and regulations concerning the~~  
29 ~~necessary requirements for first aid certification for any person who coaches in any athletic~~  
30 ~~program in any school supported wholly or in part by public money. No person shall coach in any~~  
31 ~~athletic program in any school supported wholly or in part by public money unless the person~~  
32 ~~shall have acquired a certificate of qualification issued by or under the authority of the~~  
33 ~~department of elementary and secondary education which indicates that the person has, no more~~  
34 ~~than three (3) years prior to the application for certification, successfully completed the minimum~~

1 ~~of a red cross first aid course or a comparable course approved by the department of elementary~~  
2 ~~and secondary education. Participating schools shall require annual proof of current and valid first~~  
3 ~~aid training from all coaches in their athletic programs.~~

4 SECTION 16. Section 20-2-30 of the General Laws in Chapter 20-2 entitled "Licensing"  
5 is hereby amended to read as follows:

6 ~~**20-2-30. Fur trapping and buying licenses**~~ **Fur trapping and licenses.** – (a)(1) Fur  
7 trapper – Resident: ten dollars (\$10.00);

8 (2) Fur trapper – Non-resident: thirty dollars (\$30.00);

9 ~~(3) Fur buyer – Resident: ten dollars (\$10.00);~~

10 ~~(4) Fur buyer – Non resident: thirty dollars (\$30.00).~~

11 (b) Fur trapper and fur ~~buyer~~ licenses expire on the last day of March of each year.

12 ~~SECTION 17. Sections 20-16-14 and 20-16-15 of the General Laws in Chapters 20-16~~  
13 ~~entitled "Fur bearing Animals" are hereby repealed.~~

14 ~~**20-16-14. Fur buyer's license.** – No person, firm, or corporation shall purchase raw furs~~  
15 ~~within this state unless the person, firm or corporation has a valid fur buyer's license. Raw fur~~  
16 ~~buyer's licenses shall be issued by the department upon application and payment of license fees as~~  
17 ~~provided in chapter 2 of this title.~~

18 ~~**20-16-15. Fur buyers – Records and reports.** – All licensed fur buyers shall keep~~  
19 ~~records of purchase of furs within the state, which shall be open to the inspection by personnel of~~  
20 ~~the department of environmental management at all times. A complete and accurate record of~~  
21 ~~purchases within the state shall be furnished to the department upon request. Failure to do so~~  
22 ~~within fourteen (14) days may be punishable by forfeiture of license and no future license shall be~~  
23 ~~granted if, in the opinion of the director, information is being deliberately withheld.~~

24 SECTION 18. Sections 23-16.2-2, 23-16.2-6 and 23-16.2-7 of the General Laws in  
25 Chapter 23-16.2 entitled "Laboratories" are hereby amended to read as follows:

26 ~~**23-16.2-2. Definitions.**~~ –When used in this chapter:

27 (1) "Analytical laboratory" means a facility for the biological, microbiological, chemical,  
28 physical, and radiochemical examination of potable water, nonpotable water or other  
29 environmental matrices.

30 (2) "Clinical laboratory" means a facility for the biological, microbiological, serological,  
31 chemical, immunohematological, hematological, radiobioassay, cytological, pathological, or  
32 other examination of materials derived from the human body for the purposes of providing  
33 information for the diagnosis, prevention, or treatment of any disease or impairment of or the  
34 assessment of the health of human beings.

1 (3) "Director" means the director of the department of health.

2 (4) "Persons" means any individual, firm, partnership, corporation, company, association,  
3 or joint stock association.

4 (5) "Station" means a facility for the collection, processing, and transmission of the  
5 materials described in subdivisions (1) and (2) for the purposes described in subdivisions (1) and  
6 (2).

7 (6) "Certification" means the determination by the department of health that an analytical  
8 laboratory is capable of performing specific tests or analyses of environmental samples in  
9 accordance with the requirements of the regulations promulgated pursuant to this chapter.

10 (7) "Clinical laboratory test" or "laboratory test" means a microbiological, serological,  
11 chemical, hematological, radiobioassay, cytological, immunological, or other pathological  
12 examination which is performed on material derived from the human body, the test or procedure  
13 conducted by a clinical laboratory which provides information for the diagnosis, prevention, or  
14 treatment of a disease or assessment of a medical condition.

15 (8) "Nationally recognized certification examination" means an appropriate examination,  
16 as determined by the director, covering both academic and practical knowledge, including, but  
17 not limited to, those offered by the American Society of Clinical Pathologists (ASCP), American  
18 Medical Technologists (AMT), National Credentialing Agency (NCA), or the American  
19 Association of Bioanalysts Board of Registry (AAB), and including any appropriate categorical  
20 or specialty examinations.

21 **23-16.2-6. Issuance or denial of license.** – Not less than thirty (30) days from the time  
22 any application for the license is received, the director shall grant the application and issue a  
23 license to maintain a laboratory or station if the director shall be satisfied that the applicant  
24 complies with the rules and regulations promulgated in accordance with this chapter, establishing  
25 standards for the qualifications of personnel and adequacy of equipment and facilities. The  
26 standards for qualification of personnel who perform clinical laboratory tests shall require, as a  
27 minimum, successful completion of a nationally recognized certification examination.  
28 Notwithstanding this requirement, the director may establish, by regulation, alternative criteria for  
29 individuals who previously qualified under federal regulatory requirements, such as 42 CFR §  
30 493.1433 of the March 14, 1990 federal register, or other criteria which may be established to  
31 have met the requirements of this chapter. ~~shall include provision for minimum standards of~~  
32 professional education or experience, as determined by the director. The director may provide for  
33 the examination of applicants to determine their qualifications. Notwithstanding the preceding  
34 statements in this section, upon payment of any applicable license fees, the director may grant

1 immediate licensure to any clinical laboratory licensed as a clinical laboratory in another state and  
2 certified under the Clinical Laboratory Improvement Act of 1988, when the clinical laboratory  
3 has been asked to perform a clinical laboratory service which is not offered by any other clinical  
4 laboratory then licensed in this state.

5 **23-16.2-7. Suspension and revocation of license.** – (a) The department of health may  
6 revoke or suspend the license or specific certification of any laboratory or station for conduct by  
7 or chargeable to the laboratory or stations as follows:

8 (1) Failure to observe any term of the license or specific certification issued under  
9 authority of this chapter by the department of health;

10 (2) Failure to observe any order made under authority of this chapter or under the  
11 statutory authority vested in the department of health;

12 (3) Engaging in, aiding, abetting, causing, or permitting any action prohibited under this  
13 chapter;

14 (4) Failing to observe any regulations promulgated by the department of health.

15 (b) Whenever the director shall have reason to believe that any laboratory or station, for  
16 the maintenance of which the director has issued a license or specific certification as provided for  
17 in § 23-16.2-4, is being maintained in violation of the rules and regulations provided in § 23-16.2-  
18 5, the director may, pending an investigation and hearing, suspend for a period not exceeding  
19 thirty (30) days, any license or specific certification issued under authority of this chapter and  
20 may, after due notice and hearing, revoke the license or specific certification if the director finds  
21 that the laboratory or station is being maintained in violation of the rules and regulations. The  
22 holder of a license shall upon its revocation promptly surrender the license or specific  
23 certification to the director.

24 (c) The director may revoke or suspend the license, or may impose appropriate fines as  
25 promulgated in regulation, of any laboratory or station that does not ensure that all personnel  
26 meet the requirements of this chapter.

27 SECTION 19. Chapter 23-16.3 of the General Laws entitled "Clinical Laboratory Science  
28 Practice" is hereby repealed in its entirety.

29 ~~CHAPTER 23-16.3~~

30 ~~Clinical Laboratory Science Practice~~

31 ~~**23-16.3-1. Short title.**--- This chapter shall be known and may be cited as the "Clinical~~  
32 ~~Laboratory Science Practice Act".~~

33 ~~**23-16.3-2. Declaration of policy and statement of purpose.**--- It is declared to be a~~  
34 ~~policy of the state that the practice of clinical laboratory science by health care professionals~~

1 affects the public health, safety, and welfare and is subject to control and regulation in the public  
2 interest. It is further declared that clinical laboratories and clinical laboratory science practitioners  
3 provide essential services to practitioners of the healing arts by furnishing vital information which  
4 may be used in the diagnosis, prevention, and treatment of disease or impairment and the  
5 assessment of the health of humans. The purpose of this chapter is to provide for the better  
6 protection of public health by providing minimum qualifications for clinical laboratory science  
7 practitioners, and by ensuring that clinical laboratory tests are performed with the highest degree  
8 of professional competency by those engaged in providing clinical laboratory science services in  
9 the state.

10 **23-16.3 3. Definitions.** -- The following words and terms when used in this chapter have  
11 the following meaning unless otherwise indicated within the context:

12 (1) "~~Accredited clinical laboratory program~~" means a program planned to provide a  
13 predetermined amount of instruction and experience in clinical laboratory science that has been  
14 accredited by one of the accrediting agencies recognized by the United States Department of  
15 Education.

16 (2) "~~Board~~" means the clinical laboratory science board appointed by the director of  
17 health.

18 (3) "~~Clinical laboratory~~" or "~~laboratory~~" means any facility or office in which clinical  
19 laboratory tests are performed.

20 (4) "~~Clinical laboratory science practitioner~~" or "~~one who engages in the practice of~~  
21 ~~clinical laboratory science~~" means a health care professional who performs clinical laboratory  
22 tests or who is engaged in management, education, consulting, or research in clinical laboratory  
23 science, and includes laboratory directors, supervisors, clinical laboratory scientists  
24 (technologists), specialists, and technicians working in a laboratory, but does not include persons  
25 employed by a clinical laboratory to perform supportive functions not related to direct  
26 performance of laboratory tests and does not include clinical laboratory trainees. Provided,  
27 however, nothing contained in this chapter shall apply to a clinical perfusionist engaged in the  
28 testing of human laboratory specimens for extracorporeal functions, which shall include those  
29 functions necessary for the support, treatment, measurement, or supplementation of the  
30 cardiopulmonary or circulatory system of a patient.

31 (5) "~~Clinical laboratory scientist~~" and/or "~~technologist~~" means a person who performs  
32 clinical laboratory tests pursuant to established and approved protocols requiring the exercise of  
33 independent judgment and responsibility, maintains equipment and records, performs quality  
34 assurance activities related to test performance, and may supervise and teach within a clinical

1 ~~laboratory setting.~~

2 ~~(6) "Clinical laboratory technician" means a person who performs laboratory tests~~  
3 ~~pursuant to established and approved protocols which require limited exercise of independent~~  
4 ~~judgment and which are performed under the personal and direct supervision of a clinical~~  
5 ~~laboratory scientist (technologist), laboratory supervisor, or laboratory director.~~

6 ~~(7) "Clinical laboratory test" or "laboratory test" means a microbiological, serological,~~  
7 ~~chemical, hematological, radiobioassay, cytological, immunological, or other pathological~~  
8 ~~examination which is performed on material derived from the human body, the test or procedure~~  
9 ~~conducted by a clinical laboratory which provides information for the diagnosis, prevention, or~~  
10 ~~treatment of a disease or assessment of a medical condition.~~

11 ~~(8) "Department" means the Rhode Island department of health.~~

12 ~~(9) "Director" means the director of the Rhode Island department of health.~~

13 ~~(10) "Limited function test" means a test conducted using procedures which as~~  
14 ~~determined by the director have an insignificant risk of an erroneous result, including those~~  
15 ~~which:~~

16 ~~(i) Have been approved by the United States Food and Drug Administration for home~~  
17 ~~use;~~

18 ~~(ii) Employ methodologies that are so simple and accurate as to render the likelihood of~~  
19 ~~erroneous results negligible; or~~

20 ~~(iii) The director has determined pose no reasonable risk of harm to the patient if~~  
21 ~~performed incorrectly.~~

22 ~~**23-16.3-4. Exceptions.** This chapter shall not apply to:~~

23 ~~(1) Any person performing clinical laboratory tests within the scope of his or her practice~~  
24 ~~and for which he or she is licensed pursuant to any other provisions of the general laws.~~

25 ~~(2) Clinical laboratory science practitioners employed by the United States government~~  
26 ~~or any bureau, division, or agency of the United States government while in the discharge of the~~  
27 ~~employee's official duties.~~

28 ~~(3) Clinical laboratory science practitioners engaged in teaching or research, provided~~  
29 ~~that the results of any examination performed are not used in health maintenance, diagnosis, or~~  
30 ~~treatment of disease.~~

31 ~~(4) Students or trainees enrolled in a clinical laboratory science education program~~  
32 ~~provided that these activities constitute a part of a planned course in the program, that the persons~~  
33 ~~are designated by title such as intern, trainee, or student, and the persons work directly under the~~  
34 ~~supervision of an individual licensed by this state to practice laboratory science.~~

1 ~~(5) Individuals performing limited function tests.~~

2 ~~**23-16.3-5. License required.** (a) No person shall practice clinical laboratory science or~~  
3 ~~hold himself or herself out as a clinical laboratory science practitioner in this state unless he or~~  
4 ~~she is licensed pursuant to this chapter.~~

5 ~~(b) All persons who were engaged in the practice of clinical laboratory science on July 1,~~  
6 ~~1992, who are certified by or eligible for certification by an agency approved by the department~~  
7 ~~of health, and who have applied to the department of health on or before July 1, 1994, and have~~  
8 ~~complied with all necessary requirements for the application, may continue to perform clinical~~  
9 ~~laboratory tests until July 1, 1995 unless the application is denied by the department of health, or~~  
10 ~~the withdrawal of the application, whichever occurs first.~~

11 ~~(c) Persons not meeting the education, training, and experience qualifications for any~~  
12 ~~license described in this chapter may be considered to have met the qualifications providing they~~  
13 ~~have:~~

14 ~~(1) Three (3) years acceptable experience between January 1, 1986 and January 1, 1996~~  
15 ~~and submits to the department of health the job description of the position which the applicant has~~  
16 ~~most recently performed attested to by his or her employer and notarized; or~~

17 ~~(2) No less than twelve (12) years acceptable experience prior to 1993 and submits to the~~  
18 ~~department of health the job description of the position which the applicant has most recently~~  
19 ~~performed attested to by his or her employer and notarized on or before December 1, 2001.~~

20 ~~(d) After December 1, 2001, no initial license shall be issued until an applicant meets all~~  
21 ~~of the requirements under this chapter, and successfully completes a nationally recognized~~  
22 ~~certification examination, such as NCA, DHHS, ASCP, state civil service examination, or others~~  
23 ~~including appropriate categorical and specialty exams. Provided, however, that the provisions of~~  
24 ~~this subsection shall not be available to any individual who has been previously denied a license~~  
25 ~~as a clinical laboratory science practitioner by the department of health.~~

26 ~~**23-16.3-6. Administration.** (a) There is created within the division of professional~~  
27 ~~regulation of the department of health a clinical laboratory advisory board which shall consist of~~  
28 ~~seven (7) persons who have been residents of the state for at least two (2) years prior to their~~  
29 ~~appointment, and who are actively engaged in their areas of practice. The director of the~~  
30 ~~department of health, with the approval of the governor, shall make appointments to the board~~  
31 ~~from lists submitted by organizations of clinical laboratory science practitioners and~~  
32 ~~organizations of physicians and pathologists.~~

33 ~~(b) The board shall be composed of:~~

34 ~~(1) One physician certified by the American Board of Pathology or American Board of~~

1 Osteopathic Pathology;

2 ~~(2) One physician who is not a laboratory director and is not a pathologist;~~

3 ~~(3) Four (4) clinical laboratory science practitioners, at least one of whom is a non-~~  
4 ~~physician laboratory director, one of whom is a clinical laboratory scientist (technologist), and~~  
5 ~~one of whom is a clinical laboratory technician, and who, except for the initial appointments, hold~~  
6 ~~active and valid licenses as clinical laboratory science practitioners in this state and one of whom~~  
7 ~~is a clinical laboratory science practitioner not falling in one of the first three (3) categories; and~~

8 ~~(4) One public member who is not associated with or financially interested in the~~  
9 ~~practice of clinical laboratory science.~~

10 ~~(c) Board members shall serve for a term of three (3) years, and until their successors are~~  
11 ~~appointed and qualified, except that the initial appointments, which shall be made within sixty~~  
12 ~~(60) days after July 1, 1992, shall be as follows:~~

13 ~~(1) One pathologist, one non-physician laboratory director, and one clinical laboratory~~  
14 ~~scientist, shall be appointed to serve for three (3) years;~~

15 ~~(2) One public representative and one non-pathologist physician, shall be appointed to~~  
16 ~~serve for two (2) years; and~~

17 ~~(3) The remaining members shall be appointed to serve for one year.~~

18 ~~(d) The membership of the board shall receive no compensation for their services.~~

19 ~~(e) Whenever a vacancy shall occur on the board by reason other than the expiration of a~~  
20 ~~term of office, the director of the department of health with the approval of the governor shall~~  
21 ~~appoint a successor of like qualifications for the remainder of the unexpired term. No person shall~~  
22 ~~be appointed to serve more than two (2) successive three (3) year terms.~~

23 **23-16.3-7. Duties and powers of the clinical laboratory advisory board.** ~~---~~ In addition  
24 to any other power conferred upon the board pursuant to this chapter, the board shall recommend  
25 to the director:

26 ~~(1) Rules and regulations for the implementation of this chapter including, but not~~  
27 ~~limited to, regulations that delineate qualifications for licensure of clinical laboratory science~~  
28 ~~practitioners as defined in this chapter, specify requirements for the renewal of licensure,~~  
29 ~~establish standards of professional conduct, and recommend on the amendment or on the repeal~~  
30 ~~of the rules and regulations. Following their adoption, the rules and regulations shall govern and~~  
31 ~~control the professional conduct of every person who holds a license to perform clinical~~  
32 ~~laboratory tests or otherwise engages in the profession of clinical laboratory science;~~

33 ~~(2) Standard written, oral, or practical examinations for purposes of licensure of clinical~~  
34 ~~laboratory science practitioners as provided for in § 23-16.3-5;~~



1 ~~(3) Rules and regulations governing qualifications for licensure of specialists in those~~  
2 ~~clinical laboratory science specialties that the board may determine in accordance with § 23-16.3-~~  
3 ~~8(e);~~

4 ~~(4) Rules and regulations governing personnel performing tests in limited-function~~  
5 ~~laboratories;~~

6 ~~(5) A schedule of fees for applications and renewals;~~

7 ~~(6) Establish criteria for the continuing education of clinical laboratory science~~  
8 ~~practitioners as required for license renewal;~~

9 ~~(7) Any other rules and regulations necessary to implement and further the purpose of~~  
10 ~~this chapter.~~

11 ~~**23-16.3-8. Standards for licensure.** (a) Clinical laboratory scientist (technologist).—~~

12 ~~The department of health shall issue a clinical laboratory scientist's license to an individual who~~  
13 ~~meets the qualifications developed by the board, including at least one of the following~~  
14 ~~qualifications:~~

15 ~~(1) A baccalaureate degree in clinical laboratory science (medical technology) from an~~  
16 ~~accredited college or university whose curriculum included appropriate clinical education;~~

17 ~~(2) A baccalaureate degree in biological, chemical, or physical science from an~~  
18 ~~accredited college or university, and subsequent to graduation has at least twelve (12) months of~~  
19 ~~appropriate clinical education in an accredited clinical laboratory science program;~~

20 ~~(3) A baccalaureate degree which includes a minimum of thirty-six (36) semester (or~~  
21 ~~equivalent) hours in the biological, chemical, and physical sciences from an accredited college or~~  
22 ~~university plus two (2) years of full-time work experience including a minimum of four (4)~~  
23 ~~months in each of the four (4) major disciplines of laboratory practice (clinical chemistry, clinical~~  
24 ~~microbiology, hematology, immunology/immunohematology); or~~

25 ~~(4) A baccalaureate degree consisting of ninety (90) semester (or equivalent) hours,~~  
26 ~~thirty-six (36) of which must be in the biological, chemical, or physical sciences, from an~~  
27 ~~accredited university, and appropriate clinical education in an accredited clinical laboratory~~  
28 ~~science program.~~

29 ~~(5) A clinical laboratory scientist (technologist) who previously qualified under federal~~  
30 ~~regulatory requirements such as 42 CFR § 493.1433 of the March 14, 1990 federal register or~~  
31 ~~other regulations or criteria which may be established by the board.~~

32 ~~(b) Clinical laboratory technician. — The department of health shall issue a clinical~~  
33 ~~laboratory technician's license to an individual who meets the qualifications promulgated by the~~  
34 ~~board, including at least one of the following qualifications:~~

1 ~~(1) An associate degree or completion of sixty (60) semester (or equivalent) hours from a~~  
2 ~~clinical laboratory technician program (MLT or equivalent) accredited by an agency recognized~~  
3 ~~by the United States Department of Education that included a structured curriculum in clinical~~  
4 ~~laboratory techniques;~~

5 ~~(2) A high school diploma (or equivalent) and (i) completion of twelve (12) months in a~~  
6 ~~technician training program in an accredited school such as CLA (ASCP) clinical laboratory~~  
7 ~~assistant (American Society of Clinical Pathologists), and MLT-C medical laboratory technician-~~  
8 ~~certificate programs approved by the board; or (ii) successful completion of an official military~~  
9 ~~medical laboratory procedure course of at least fifty (50) weeks duration and has held the military~~  
10 ~~enlisted occupational specialty of medical laboratory specialist (laboratory technician); or~~

11 ~~(3) A clinical laboratory technician who previously qualified under federal regulatory~~  
12 ~~requirements such as 42 CFR § 493.1441 of the March 14, 1990 federal register which meet or~~  
13 ~~exceed the requirements for licensure set forth by the board.~~

14 ~~(c) Clinical histologic technician.—The department of health shall issue a clinical~~  
15 ~~histologic technician license to an individual who meets the qualifications promulgated by the~~  
16 ~~board, including at least one of the following:~~

17 ~~(1) Associate degree or at least sixty (60) semester hours (or equivalent) from an~~  
18 ~~accredited college/university to include a combination of mathematics and at least twelve (12)~~  
19 ~~semester hours of biology and chemistry, and successfully complete an accredited program in~~  
20 ~~histologic technique or one full year of training in histologic technique under the supervision of a~~  
21 ~~certified histotechnologist or an appropriately certified histopathology supervisor with at least~~  
22 ~~three (3) years experience.~~

23 ~~(2) High school graduation (or equivalent) and two (2) years full-time acceptable~~  
24 ~~experience under the supervision of a certified/licensed clinical histologic technician at a licensed~~  
25 ~~clinical laboratory in histologic technique.~~

26 ~~(d) Cytotechnologist.—The department of health shall issue a cytotechnologist license to~~  
27 ~~an individual who meets the qualifications promulgated by the board including at least one of the~~  
28 ~~following:~~

29 ~~(1) A baccalaureate degree from an accredited college or university with twenty (20)~~  
30 ~~semester hours (30 quarter hours) of biological science, eight (8) semester hours (12 quarter~~  
31 ~~hours) of chemistry, and three (3) semester hours (4 quarter hours) of mathematics and successful~~  
32 ~~completion of a twelve (12) month cytotechnology program.~~

33 ~~(2) A baccalaureate degree from an accredited college or university with twenty (20)~~  
34 ~~semester hours (30 quarter hours) of biological science, eight (8) semester hours (12 quarter~~

1 hours) of chemistry, and three (3) semester hours (4 quarter hours) of mathematics and five (5)  
2 years full-time acceptable clinical laboratory experience including cytopreparatory techniques,  
3 microscopic analysis, and evaluation of the body systems within the last ten (10) years. At least  
4 two (2) of these years must be subsequent to the completion of the academic component and at  
5 least two (2) years must be under the supervision of a licensed physician who is a pathologist,  
6 certified, or eligible for certification, by the American Board of Pathology in anatomic pathology  
7 or has other suitable qualifications acceptable to the board.

8 ~~(3) A cytotechnologist who previously qualified under federal regulatory requirements~~  
9 ~~such as 42 CFR § 493.1437 of the March 14, 1990 federal register.~~

10 ~~(e) The board shall recommend standards for any other clinical laboratory science~~  
11 ~~practitioners specializing in areas such as nuclear medical technology, radioimmunoassay,~~  
12 ~~electron microscopy, forensic science, molecular biology, or similar recognized academic and~~  
13 ~~scientific disciplines with approval of the director of health.~~

14 ~~**23-16.3-9. Waiver of requirements.** -- The board shall recommend regulations~~  
15 ~~providing procedures for waiver of the requirements of § 23-16.3-8 for all applicants who hold a~~  
16 ~~valid license or its equivalent issued by another state; provided that the requirements under which~~  
17 ~~that license or its equivalent was issued to meet or exceed the standards required by this chapter~~  
18 ~~with the approval of the director. The board may also recommend regulations it deems~~  
19 ~~appropriate with respect to individuals who hold valid licenses or their equivalent in other~~  
20 ~~countries.~~

21 ~~**23-16.3-10. Licensure application procedures.** -- (a) Licensure applicants shall submit~~  
22 ~~their application for licensure to the department of health upon the forms prescribed and furnished~~  
23 ~~by the department of health, and shall pay the designated application or examination fee.~~

24 ~~(b) Upon receipt of application and payment of a fee, the department of health shall issue~~  
25 ~~a license for a clinical laboratory scientist or technologist, a clinical laboratory technician, or an~~  
26 ~~appropriate specialty license to any person who meets the qualifications specified in this chapter~~  
27 ~~and the regulations promulgated under this chapter.~~

28 ~~(c) The board may recommend a procedure for issuance of temporary permits to~~  
29 ~~individuals otherwise qualified under this chapter who intend to engage in clinical laboratory~~  
30 ~~science practice in this state for a limited period of time not to exceed eighteen (18) months.~~

31 ~~(d) The board may recommend a procedure for issuance of provisional licenses to~~  
32 ~~individuals who otherwise qualify under this chapter but are awaiting the results of certification~~  
33 ~~examinations. A provisional license so issued shall be converted to a license under the provisions~~  
34 ~~of § 23-16.3-8 or expire not more than twelve (12) months after issuance. At the discretion of the~~

1 ~~board, the provisional license may be reissued at least one time with the director's approval.~~

2 ~~**23-16.3-11. Licensure renewal.** -- (a) Licenses issued pursuant to this chapter shall~~  
3 ~~expire on a date and time specified by the department of health.~~

4 ~~(b) Every person licensed pursuant to this chapter shall be issued a renewal license every~~  
5 ~~two (2) years upon:~~

6 ~~(1) Submission of an application for renewal on a form prescribed by the department of~~  
7 ~~health and payment of an appropriate fee recommended by the board; and~~

8 ~~(2) Proof of completion, in the period since the license was first issued or last renewed,~~  
9 ~~of at least thirty (30) hours of continuing education courses, clinics, lectures, training programs,~~  
10 ~~seminars, or other programs related to clinical laboratory practice which are approved or accepted~~  
11 ~~by the board; or proof of re-certification by a national certification organization that mandates an~~  
12 ~~annual minimum of fifteen (15) hours of continuing education, such as the National Certification~~  
13 ~~Agency for Medical Laboratory Personnel.~~

14 ~~(c) The board may recommend any other evidence of competency it shall deem~~  
15 ~~reasonably appropriate as a prerequisite to the renewal of any license provided for by this chapter,~~  
16 ~~as long as these requirements are uniform as to application, are reasonably related to the~~  
17 ~~measurement of qualification, performance, or competence, and are desirable and necessary for~~  
18 ~~the protection of the public health.~~

19 ~~**23-16.3-12. Disciplinary requirements.** -- The board may recommend to the director of~~  
20 ~~health issuance, renewal, or revocation of a license, or suspension, placement on probation,~~  
21 ~~censure, or reprimand of a licensee, or any other disciplinary action that the board may deem~~  
22 ~~appropriate, including the imposition of a civil penalty, for conduct that may result from, but not~~  
23 ~~necessarily be limited to:~~

24 ~~(1) A material misstatement in furnishing information to the department of health;~~

25 ~~(2) A violation or negligent or intentional disregard of this chapter, or of the rules or~~  
26 ~~regulations promulgated under this chapter;~~

27 ~~(3) A conviction of any crime under the laws of the United States or any state or territory~~  
28 ~~of the United States which is a felony or which is a misdemeanor, an essential element of which~~  
29 ~~is dishonesty, or of any crime which is directly related to the practice of the profession;~~

30 ~~(4) Making any misrepresentation for the purpose of obtaining registration or violating~~  
31 ~~any provision of this chapter;~~

32 ~~(5) Violating any standard of professional conduct adopted by the board;~~

33 ~~(6) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely~~  
34 ~~to deceive, defraud, or harm the public;~~

1 ~~(7) Providing professional services while mentally incompetent, under the influence of~~  
2 ~~alcohol or narcotic or controlled dangerous substance that is in excess of therapeutic amounts or~~  
3 ~~without valid medical indication;~~

4 ~~(8) Directly or indirectly contracting to perform clinical laboratory tests in a manner~~  
5 ~~which offers or implies an offer of rebate, fee splitting inducements or arrangements, or other~~  
6 ~~unlawful remuneration; or~~

7 ~~(9) Aiding or assisting another person in violating any provision of this chapter or any~~  
8 ~~rule adopted under this chapter.~~

9 ~~**23-16.3-13. Hearing requirements --- Procedure.** (a) The proceedings for the~~  
10 ~~revocation, suspension or limiting of any license may be initiated by any person, corporation,~~  
11 ~~association, or public officer or by the board by the filing of written charges with the board, but~~  
12 ~~no license shall be revoked, suspended, or limited without a hearing before the board within sixty~~  
13 ~~(60) days after the filing of written charges in accordance with the procedures established by the~~  
14 ~~board. A license may be temporarily suspended without a hearing for the period not to exceed~~  
15 ~~thirty (30) days upon notice to the licensee following a finding by the board that there exists a~~  
16 ~~significant threat to the public health and approved by the director.~~

17 ~~(b) Any appeal from the action of the board shall be in accordance with the provisions of~~  
18 ~~chapter 35 of title 42.~~

19 ~~**23-16.3-14. Roster of licenses.** -- The department of health shall maintain a roster of the~~  
20 ~~names and addresses of persons currently licensed and registered under the provision of this~~  
21 ~~chapter, and of all persons whose licenses have been suspended or revoked within the previous~~  
22 ~~year.~~

23 ~~**23-16.3-15. Receipts.** -- The proceeds of any fees collected pursuant to the provisions of~~  
24 ~~this chapter shall be deposited as general revenues.~~

25 ~~**23-16.3-16. Severability.** -- If any provision of this chapter or the application of any~~  
26 ~~provision to any person or circumstance shall be held invalid, that invalidity shall not affect the~~  
27 ~~provisions or application of this chapter which can be given effect without the invalid provision~~  
28 ~~or application, and to this end the provisions of the chapter are declared to be severable.~~

29 SECTION 20. Chapter 23-19.3 of the General Laws entitled "Sanitarians" is hereby  
30 repealed in its entirety.

31 ~~**23-19.3-1. Definitions.** -- The following words as used in this chapter shall, unless the~~  
32 ~~context requires otherwise, have the following meanings:~~

- 33 ~~(1) "Division" means the division of professional regulation in the department of health.~~  
34 ~~(2) "Sanitarian" means a person with broad basic education experience in the field of~~

1 ~~environmental health sciences and technology, and who is qualified to carry out instructional and~~  
2 ~~surveillance duties and enforce the laws in the field of environmental health.~~

3 ~~**23-19.3-2. Division of professional regulation -- Powers and duties.** -- The division of~~  
4 ~~professional regulation shall have the following powers and duties:~~

5 ~~(1) To prepare and establish regulations governing registration of sanitarians.~~

6 ~~(2) To appoint persons to prepare and administer examinations to applicants for~~  
7 ~~registration as sanitarian.~~

8 ~~**23-19.3-3. Qualification for registration.** -- The division of professional regulation shall~~  
9 ~~establish the minimum educational and experience qualifications which applicants must possess~~  
10 ~~before being allowed to take the examinations for registration as sanitarians and may, in a similar~~  
11 ~~manner, provide for the issuance of certificates of registration without examination to persons~~  
12 ~~holding certificates of registration or licenses as sanitarians under the laws of another state, where~~  
13 ~~the requirements are substantially equivalent or exceed the requirements of this state.~~

14 ~~**23-19.3-4. Ad hoc committee.** -- The director of health may establish, as the director~~  
15 ~~deems necessary, an ad hoc committee of three professional environmental health scientists who~~  
16 ~~are registered sanitarians with 10 or more years' experience in the field of environmental health~~  
17 ~~services to assist the division of professional regulation in establishing any standards deemed~~  
18 ~~necessary to carry out the provisions of this chapter.~~

19 ~~**23-19.3-5. Application for registration -- Examination -- Issuance of certificate.** -- (a)~~  
20 ~~A person who desires to be registered as a sanitarian shall file with the division of professional~~  
21 ~~regulation an application upon a form to be prescribed and furnished by the division of~~  
22 ~~professional regulation. He or she shall include in the application, under oath, his or her~~  
23 ~~qualifications as a sanitarian. The application shall be accompanied by a registration fee as set~~  
24 ~~forth in § 23-1-54.~~

25 ~~(b) If the division of professional regulation deems the education qualifications of the~~  
26 ~~applicant are satisfactory and if he or she passes an examination, both written and oral,~~  
27 ~~satisfactory to the division of professional regulation, the division shall issue him or her a~~  
28 ~~certificate of registration. The certificate of registration shall expire at the end of the calendar~~  
29 ~~year, and may be renewed on or before January fifteenth (15th) of the following year. The fee for~~  
30 ~~renewal of a certificate of registration shall be as set forth in § 23-1-54.~~

31 ~~**23-19.3-6. Designation of registered sanitarian.** -- Any person to whom a certificate of~~  
32 ~~registration as a sanitarian has been issued shall have the right to use after his name the title~~  
33 ~~"registered sanitarian" or the letters "R.S." No other person shall assume the title or use the letters~~  
34 ~~or any other words, letters, or writing to indicate that he or she is a registered sanitarian.~~

1 ~~**23-19.3-7. Restricted receipts.** -- From the proceeds of any fees collected pursuant to the~~  
2 ~~provisions of this chapter, there is created a restricted receipts account which shall be used for the~~  
3 ~~general purposes of the division of professional regulation within the Rhode Island department of~~  
4 ~~health.~~

5 ~~(a) No person, firm, corporation, partnership, or association shall engage in the business~~  
6 ~~of pumping, cleaning, and/or transporting septage, industrial wastes, or oil waste unless a license~~  
7 ~~is obtained from the department of environmental management.~~

8 ~~(b) Any person, firm, corporation, partnership or association who desires to engage in~~  
9 ~~this business shall submit in writing in any form as is required by the department, an application~~  
10 ~~for a license to engage in this business.~~

11 ~~**23-19.3-8. Repealed.** --~~

12 ~~**23-19.3-9. Repealed.** --~~

13 SECTION 21. Section 41-5-21 of the General Laws in Chapter 41-5 entitled "Boxing and  
14 Wrestling" is hereby amended to read as follows:

15 ~~**41-5-21. Application of chapter to wrestling and kickboxing matches.** -- **Application**~~  
16 ~~**of chapter to wrestling matches.**~~ – (a) The division of racing and athletics shall have and  
17 exercise the same authority, supervision, and control over wrestling and kickboxing matches and  
18 exhibitions as is conferred upon the division by this chapter over boxing and sparring matches  
19 and exhibitions, and the provisions of this chapter, except those of § 41-5-12, shall apply in all  
20 respects to wrestling ~~and kickboxing~~ matches and exhibitions to the same extent and with the  
21 same force and effect as they apply to boxing and sparring matches.

22 (b) Whenever in this chapter, except in § 41-5-12, the words "boxing or sparring match or  
23 exhibition" or the plural form thereof are used, they shall be construed to include the words  
24 "wrestling ~~or kickboxing~~ match or exhibition" or the plural form thereof, and the word "boxer"  
25 shall be construed to include "wrestler ~~or kickboxer~~," unless the context otherwise requires, and  
26 any person holding, conducting, or participating in a wrestling ~~or kickboxing~~ match or exhibition  
27 shall be subject to the same duties, liabilities, licensing requirements, penalties, and fees as are  
28 imposed by this chapter upon any person holding, conducting, or participating in a boxing or  
29 sparring match or exhibition.

30 (c) For the purpose of this chapter a "professional wrestler" is defined as one who  
31 competes for a money prize or teaches or pursues or assists in the practice of wrestling as a means  
32 of obtaining a livelihood or pecuniary gain; ~~and a "professional kickboxer" is defined as one who~~  
33 ~~competes for a money prize or teaches or pursues or assists in the practice of kickboxing as a~~  
34 ~~means of obtaining a livelihood or pecuniary gain.~~

1 (d) The division of racing and athletics may waive the provisions of this chapter within  
2 its discretion in the case of wrestling as a form of pre-determined entertainment.

3 SECTION 22. Sections 41-5.1-1, 41-5.1-2, and 41-5.1-3 of the General Laws in Chapter  
4 41-5.1 entitled "Commission on Professional Boxing, Wrestling, and Kick Boxing" are hereby  
5 amended to read as follows:

6 **41-5.1-1. Composition of commission – Expenses.** – There shall be a commission on  
7 professional boxing and, wrestling, ~~and kick boxing~~, consisting of five (5) qualified electors,  
8 three (3) of whom shall be appointed by the speaker of the house, not more than two (2) from the  
9 same political party, one by the president of the senate, and one by the governor. All members  
10 shall serve at the pleasure of the appointing authority. The commission shall serve without  
11 compensation, but shall be allowed their travel and necessary expenses in accordance with the  
12 rates from time to time established by the legislative department in its rules and regulations and  
13 may expend such sums of money as may be appropriated from time to time by the general  
14 assembly.

15 **41-5.1-2. Duties of commission.** – It shall be the duty of the commission on boxing and,  
16 wrestling, ~~and kick boxing~~ to study professional boxing and, wrestling, ~~and kick boxing~~ and make  
17 recommendations for the regulation thereof to the division of racing and athletics.

18 **41-5.1-3 Record – Reports.** – The commission on professional boxing and, wrestling,  
19 ~~and kick boxing~~ shall keep a record of all its transactions and shall, at the January session in each  
20 year, and may at any other time make a report of its doings and of its recommendations to the  
21 general assembly. The reports shall state in detail the nature of and extent of the commission's  
22 investigations of the previous year and an outline of its proposed goals and projects for the  
23 forthcoming year.

24 SECTION 23. This article shall take effect upon passage, except for Section 18, which  
25 shall take effect on January 1, 2016.  
26