

2018 -- H 7572

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - PATIENT ACCESS EXPANSION ACT

Introduced By: Representatives Morgan, Filippi, Roberts, Giarrusso, and Nardolillo

Date Introduced: February 09, 2018

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"  
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 37.8

4 PATIENT ACCESS EXPANSION ACT

5 **5-37.8-1. Title.**

6 This chapter shall be known and may be cited as the "patient access expansion act."

7 **5-37.8-2. Definitions.**

8 As used in this chapter:

9 (1) "Continuous medical education" means continued postgraduate medical education  
10 intended to provide medical professionals with knowledge of new developments in their field.

11 (2) "Maintenance of certification" means any process requiring periodic recertification  
12 examinations to maintain specialty medical board certification.

13 (3) "Maintenance of licensure" means the Federation of State Medical Boards';  
14 proprietary framework for physician license renewal, including additional periodic testing other  
15 than continuous medical education.

16 (4) "Specialty medical board certification" means certification by a board that specializes  
17 in one particular area of medicine and typically requires additional and more strenuous exams  
18 than state boards of medicine requirements to practice medicine.

19 **5-37.8-3. Prohibition of maintenance of licensure.**

1           The state and its instrumentalities are prohibited from requiring any form of maintenance  
2 of licensure as a condition of physician licensure, including requiring any form of maintenance of  
3 licensure tied to maintenance of certification. Current requirements, including continuous medical  
4 education, shall suffice to demonstrate professional competency.

5           **5-37.8-4. Prohibition of maintenance of certification to practice medicine.**

6           The state and its instrumentalities are prohibited from requiring any form of specialty  
7 medical board certification and any maintenance of certification to practice medicine within the  
8 state. Within the state, there shall be no discrimination by the board of medical licensure and  
9 discipline, or any other agency or facility which accepts state funds, against physicians who do  
10 not maintain specialty medical board certification, including re-certification.

11           **5-37.8-5. Severability.**

12           If any provision of this chapter or the application thereof to any person or circumstances  
13 is held invalid, such invalidity shall not affect other provisions or applications of the chapter,  
14 which can be given effect without the invalid provision or application, and to this end the  
15 provisions of this chapter are declared to be severable.

16           **5-37.8-6. Repealer.**

17           All statutes and regulations in conflict with or inconsistent with the provisions of this  
18 chapter are hereby repealed.

19           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - PATIENT ACCESS EXPANSION ACT

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1           This act would prohibit the state from requiring any form of the Federation of State  
2 Medical Boards' proprietary maintenance of licensure program, including any maintenance of  
3 licensure program tied to maintenance of certification, as a condition of licensure, and from  
4 requiring specialty medical board certification and maintenance of certification in order to  
5 practice medicine within the state.

6           This act would take effect upon passage.

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