

2018 -- S 2408

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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 -- BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

Introduced By: Senators Sheehan, Nesselbush, Euer, and Calkin

Date Introduced: February 15, 2018

Referred To: Senate Health & Human Services

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 5-37 of the General Laws entitled "Board of Medical Licensure and
2 Discipline" is hereby amended by adding thereto the following section:

3 **5-37-2.2. Right to treat.**

4 (a) Definitions:

5 (1) "Maintenance of certification" is a continuous professional development program
6 through which physicians certified by one or more of the medical specialty boards of the
7 American Board of Medical Specialties maintain specialty certification.

8 (2) "Osteopathic continuous certification" is a continuous professional development
9 program through which physicians certified by one or more of the medical specialty boards of the
10 American Osteopathic Association maintain specialty certification.

11 (b) Relationship between licensure and maintenance of certification/osteopathic
12 continuous certification:

13 Notwithstanding any provision of this chapter to the contrary, the board of medical
14 licensing and discipline shall, not by order, rule, or other method require a physician applicant or
15 physician licensee under its jurisdiction to maintain a national or regional certification that is not
16 otherwise specifically required in this chapter before it issues a license or license renewal to that
17 physician applicant or physician licensee under this chapter.

18 SECTION 2. Chapter 23-17 of the General Laws entitled "Licensing of Health-Care

1 Facilities" is hereby amended by adding thereto the following section:

2 **23-17-53.1. Relationship between hospital staff or admitting privileges and**
3 **maintenance of certification/osteopathic continuous certification.**

4 (a) No facility licensed under this chapter shall deny a physician a hospital's staff or
5 admitting privileges based solely on the physician's decision not to participate in maintenance of
6 certification. This section does not prevent a facility's credentials committee from requiring
7 physicians licensed pursuant to chapter 37 of title 5, to meet continuing medical education
8 requirements, as outlined in the rules of the appropriate state licensing board.

9 (b) A facility licensed under this chapter shall not deny physician hospital staff or
10 admitting privileges or employment based solely on the absence of maintenance of certification.
11 This section does not prohibit a facility from requiring a physician to undergo remedial or
12 corrective courses or training as required by a quality improvement committee.

13 SECTION 3. Chapter 27-20.6 of the General Laws entitled "Health Care Insurers -
14 Coordination of Benefits" is hereby amended by adding thereto the following section:

15 **27-20.6-3.1. Relationship between insurance panel participation and maintenance of**
16 **certification osteopathic continuous certification.**

17 (a) A health care insurer shall not deny reimbursement to, or prevent a physician from,
18 participating in any of the insurer's provider networks based solely on a physician's decision not
19 to participate in maintenance of certification.

20 (b) A health care insurer shall not discriminate with respect to reimbursement levels
21 based solely on a physician's decision not to participate in maintenance of certification.

22 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would prohibit the board of medical licensure and discipline, hospitals and health
2 care insurers from denying a license, hospital privileges and network provider/equal
3 reimbursement status to osteopathic physicians based on the absence of maintenance certification.

4 This act would take effect upon passage.

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