

2025 -- S 0621

=====  
LC001363  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

—————  
A N A C T

RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND  
HOSPITALS -- MENTAL HEALTH LAW

Introduced By: Senators DiMario, Urso, Murray, Lauria, Ujifusa, Valverde, Appollonio,  
and Thompson

Date Introduced: March 06, 2025

Referred To: Senate Judiciary

(Dept. of BHDDH)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40.1-5-41 of the General Laws in Chapter 40.1-5 entitled "Mental  
2 Health Law" is hereby amended to read as follows:

3 ~~40.1-5-41. Immunity of physicians and surgeons from liability~~ Immunity from  
4 liability.

5 Nothing contained herein shall be deemed to contravene the provisions of § 5-37-14, and  
6 no physician or ~~surgeon~~ advanced practice registered nurse (APRN) licensed to practice in this  
7 state, or having a privilege to practice in this state, and having met the requirements either of the  
8 statute or of this chapter, shall be made to answer in any court for his or her participation in any  
9 proceeding under this chapter except upon a showing of actual fraud; ~~provided further, that no~~  
10 ~~physician or surgeon shall be made to answer in any court for any damage or injury to any person~~  
11 ~~or thing arising out of a patient's enjoyment and/or exercise of rights protected by this chapter~~  
12 ~~including, without limitation, discharge, where the enjoyment and/or exercise of the rights, or any~~  
13 ~~of them, are in contravention of either the written orders or prescription or advice of a physician or~~  
14 ~~surgeon~~ or gross, willful or wanton negligence.

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

=====  
LC001363  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND  
HOSPITALS -- MENTAL HEALTH LAW

\*\*\*

- 1           This act would provide that advanced practice registered nurses have the same immunity
- 2           from liability as physicians and surgeons.
- 3           This act would take effect upon passage.

=====  
LC001363  
=====