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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- NURSES

Introduced By: Senators Valverde, Lauria, and Thompson

Date Introduced: March 07, 2025

Referred To: Senate Health & Human Services

(Dept. of Health)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-34-4, 5-34-7, 5-34-9, 5-34-14, 5-34-19, 5-34-24, 5-34-24.1, 5-34-
2 25, 5-34-26 and 5-34-31 of the General Laws in Chapter 5-34 entitled "Nurses" are hereby amended
3 to read as follows:

4 **5-34-4. Board of nursing — Establishment — Composition — Appointment, terms,**
5 **and removal of members — Director of nurse registration and nursing education.**

6 (a) Within the division of professional regulation, pursuant to chapter 26 of this title, there
7 is a board of nurse registration and nursing education, sometimes referred to herein as the “board
8 of nursing.” The board shall be composed of fifteen (15) members. The term of office shall be for
9 ~~three (3)~~ four (4) years. No member shall serve more than two (2) consecutive terms. The member
10 shall serve until a qualified successor is appointed to serve. In making those appointments, the
11 director of the department of health shall consider persons suggested by professional nurse
12 organizations and the practical nurse’s association.

13 (b) Present members of the board holding office under the provisions of this chapter shall
14 serve as members of the board until the expiration of their terms or until qualified successors are
15 appointed. The fifteen-member (15) board shall include: ~~eleven (11)~~ twelve (12) professional
16 nurses, ~~two (2) practical nurses~~ one practical nurse appointed by the director of health and approved
17 by the governor, and two (2) members of the general public appointed by the governor. Three (3)
18 professional nurses shall be from different basic education programs preparing students to become
19 nurses; one professional nurse shall be from a nursing service administration; ~~four (4)~~ five (5)

1 professional non-administrative, clinical nurses not licensed as advanced practice nurses; and three
2 (3) professional advanced practice nurses, one who holds a license as a certified registered nurse
3 anesthetist, one who holds a license as a certified registered nurse practitioner, and one who holds
4 a license as a certified clinical nurse specialist. No educational program or cooperating agency shall
5 have more than one representative on the board.

6 (c) The director of health may remove any member from the board for cause including, but
7 not limited to, neglect of any duty required by law, incompetence, unprofessional conduct, or
8 willful misconduct. A member subject to disciplinary proceedings shall be disqualified from board
9 business until the charge is adjudicated. There shall also be a director of nurse registration and
10 nursing education appointed by the director of health in accordance with the provisions of chapter
11 4 of title 36.

12 **5-34-7. Board of nursing — General powers.**

13 The board of nurse registration and nursing education is authorized, subject to the approval
14 of the director of the department of health, to:

15 (1) Adopt, review, or revise rules and regulations consistent with the law that may be
16 necessary to effect provisions of the chapter;

17 (2) Approve nursing education programs according to the rules established by the board;

18 (3) Require standards for nursing practice within organized nursing services and the
19 individual practice of licensees;

20 (4) Approve the examinations for licensure;

21 (5) Establish requirements to validate competence for reinstatement to the active list;

22 (6) Conduct hearings upon charges calling for discipline of a licensee or revocation of a
23 license;

24 (7) Issue subpoenas to compel the attendance of witnesses and administer oaths to persons
25 giving testimony at hearings;

26 (8) Cause the prosecution or enjoinder of all persons violating this chapter;

27 (9) Maintain a record of all its proceedings;

28 (10) Submit an annual report to the director of the department of health;

29 (11) Utilize other persons who may be necessary to carry on the work of the board;

30 (12) Conduct public hearings, investigations, and studies of nursing practice, nursing
31 education, and related matters and prepare and issue publications that, in the judgment of the board,
32 allow the nursing profession to provide safe, effective nursing services to the public;

33 (13) Determine qualifications necessary for prescriptive privileges for advanced practice
34 registered nurses;

- 1 (14) Grant prescriptive privileges to advanced practice registered nurses; and
2 (15) [Deleted by P.L. 2013, ch. 83, § 1 and P.L. 2013, ch. 93, § 1];
3 (16) [Deleted by P.L. 2013, ch. 83, § 1 and P.L. 2013, ch. 93, § 1];
4 (17) Adopt criteria for recognizing national certifying bodies for APRN roles and
5 population foci;

6 (18) Require a licensee to undergo a physical or psychiatric examination by a provider
7 acceptable to the board, from a list provided to the licensee by the board, if probable cause exists
8 to believe that allegations of misconduct against a licensee are caused by an impairment that has
9 directly affected the ability of the licensee to conduct the licensee’s practice professionally;

10 (19) To advise the licensee of the availability of the non-disciplinary alternative program,
11 and in appropriate instances, to refer licensees for evaluation by appropriate medical professionals.

12 **5-34-9. Register of nurses — Records — Issuance of licenses.**

13 The department shall license and renew licenses upon the recommendation of the board of
14 nurse registration and nursing education and shall maintain a roster of all applicants for licensure
15 and all nurses licensed under this chapter, which shall be open at all reasonable times to public
16 inspection; and shall be custodian of all records pertaining to the roster and licensing of all nurses;
17 and shall have the custody of the official seal. Denial of renewals shall be in accordance with § 5-
18 34-24. The department shall issue all licenses to practice nursing only upon recommendation of the
19 board of nurse registration and nursing education except as otherwise provided by law.

20 **5-34-14. Qualifications of practical nurse applicants.**

21 An applicant for a license to practice as a licensed practical nurse shall submit to the board
22 of nurse registration and nursing education written evidence on forms furnished by the department,
23 verified by oath, that the applicant:

- 24 (1) Has completed the preliminary educational requirements prescribed by the board;
25 (2) Has furnished satisfactory proof that he or she successfully completed the prescribed
26 curriculum in ~~an~~ a board approved program of practical nursing and holds a diploma or certificate
27 from the program or is a graduate of ~~an~~ a board approved school of professional nursing or was a
28 student in good standing at ~~an~~ a board approved school of professional nursing before completing
29 the program of studies and, at the time of withdrawal, had completed a program of study, theory,
30 and clinical practice equivalent to that required for graduation from ~~an~~ a board approved school of
31 practical nursing; and
32 (3) Is of good moral character.

33 **5-34-19. Expiration and renewal of licenses.**

34 (a) The license of every person licensed under this chapter shall expire on the first day of

1 March of every other year following the date of license. On or before the first day of January of
2 every year, the director shall [electronically](#) mail ~~an application for renewal of license to persons~~
3 ~~scheduled to be licensed that year~~ [a notice for renewal of their license prior to the expiration date.](#)

4 Every person who wishes to renew ~~his or her~~ [their](#) license shall file with the department a duly
5 executed renewal application together with the renewal fee as set forth in § 23-1-54.

6 (b) Upon receipt of ~~an~~ [the](#) application accompanied by payment of fees, the department
7 shall grant a renewal license effective March second and expiring two (2) years later on March
8 first, and that renewal license shall render the holder a legal practitioner of nursing for the period
9 stated on the certificate of renewal. Every person seeking renewal of a license pursuant to this
10 section shall provide satisfactory evidence to the department that in the preceding two (2) years the
11 practitioner has completed the ten (10) required continuing education hours as established by the
12 department through rules and regulations. The department may extend for only one six-month (6)
13 period these educational requirements if the department is satisfied that the applicant has suffered
14 hardship that prevented meeting the educational requirement. [A renewal application may be denied](#)
15 [pursuant to § 5-34-24.](#)

16 (c) Any person practicing nursing during the time his or her license has lapsed shall be
17 considered an illegal practitioner and is subject to the penalties provided for violation of this
18 chapter.

19 (d) A licensee whose license has expired by failure to renew may apply for reinstatement
20 according to the rules established by the board. Upon satisfaction of the requirements for
21 reinstatement, the board shall issue a renewal of license.

22 **5-34-24. Grounds for discipline of licensees.**

23 The board of nurse registration and nursing education has the power to deny [a renewal](#)
24 [application](#), revoke, or suspend any license to practice nursing; to provide for a ~~nondisciplinary non~~
25 [disciplinary](#) alternative [program](#) only in situations involving ~~alcohol or drug abuse~~ [drug or alcohol](#)
26 [use disorder or mental illness](#); or to discipline a licensee upon proof that the person is:

27 (1) Guilty of fraud or deceit in procuring or attempting to procure a license to practice
28 nursing;

29 (2) Guilty of a crime of gross immorality;

30 (3) Unfit or incompetent by reason of negligence or habits;

31 (4) Habitually intemperate or is addicted to the use of habit-forming drugs;

32 (5) Mentally incompetent;

33 (6) Guilty of unprofessional conduct that includes, but is not limited to, all of the above
34 and also:

- 1 (i) Abandonment of a patient;
- 2 (ii) Willfully making and filing false reports or records in the practice of nursing;
- 3 (iii) Willful omission to file or record nursing records and reports required by law;
- 4 (iv) Failure to furnish appropriate details of a client's nursing needs to succeeding nurses
- 5 legally qualified to provide continuing nursing services to a client;
- 6 (v) Willful disregard of standards of nursing practice and failure to maintain standards
- 7 established by the nursing profession; ~~or~~
- 8 (vi) Failing to furnish the board, its investigator, or representatives, information requested
- 9 by the board;
- 10 (vii) Failing to appear, upon written request, in front of the board or an investigative
- 11 committee thereof;
- 12 (viii) Failing to keep an up-to-date residential address on file with the licensing division of
- 13 the department of health;
- 14 (ix) Being subject to any disciplinary sanction from this or any other jurisdiction against
- 15 any professional license, including any license related to the practice of nursing; or
- 16 (x) Practicing nursing as an illegal practitioner pursuant to § 5-34-19(c).
- 17 (7) Guilty of and willfully or repeatedly violating any of the provisions of this chapter
- 18 and/or rule or regulation adopted pursuant to this chapter.

19 **5-34-24.1. ~~Nondisciplinary alternative~~ Non disciplinary alternative program.**

20 (a) The board of nurse registration and nursing education may provide for a ~~nondisciplinary~~

21 non disciplinary alternative program in situations involving alcohol and drug ~~abuse~~ use disorder,

22 or any mental illness as listed in the most recent revised publication or the most updated volume of

23 either the Diagnostic and Statistical Manual of Mental Disorders (DSM) published by the American

24 Psychiatric Association or the International Classification of Disease Manual (ICO) published by

25 the World Health Organization and that substantially limits the life activities of the person with the

26 illness; provided, that the nurse agrees to voluntarily participate in a program of treatment and

27 rehabilitation.

28 (b) All records pertaining to a nurse's participation in the ~~nondisciplinary~~ non disciplinary

29 alternative program are confidential and not subject to discovery, subpoena, or public disclosure;

30 however, participation in the non disciplinary alternative program is indicated in the nurse licensing

31 database for the National Council of State Boards of Nursing (NURSYS). Information related to

32 the ~~nondisciplinary~~ non disciplinary alternative program shall be provided to the nurse's employer

33 to ensure adequate worksite monitoring and compliance.

34 **5-34-25. Procedure for discipline of licensees.**

1 (a) ~~Upon filing a timely sworn complaint within a time period the board considers~~
2 ~~reasonable with the board charging a person with having been guilty of any of the actions specified~~
3 ~~in § 5-34-24, two (2) or more members of the board of nurse registration and nursing education~~
4 ~~immediately shall investigate those charges, or the board, after investigation, may institute charges.~~
5 Any person, firm, corporation, or public officer may submit a written complaint to the department
6 of health alleging that the holder of a license has violated § 5-34-24 or any other requirement in
7 this chapter, specifying the grounds for the complaint. The department of health shall review all
8 complaints. If the department of health determines that the complaint merits consideration, or if the
9 board, on its own initiative without a formal complaint, has reason to believe that any holder of a
10 license may be guilty of any of the actions specified in § 5-34-24 or other violations of this chapter,
11 an investigative committee of two (2) or more members of the board of nurse registration and
12 nursing education shall investigate those allegations.

13 (b) In the event that investigation, in the opinion of the board or the investigative
14 committee, reveals reasonable grounds for believing the applicant or licensee is guilty of the
15 charges, the board shall notify the licensee of the ~~charges~~ allegations and ~~the time and place for a~~
16 ~~hearing at least twenty (20) days prior to the time fixed for the hearing. At the hearing, the accused~~
17 ~~has the right to appear personally, or by counsel, or both, to produce witnesses, and to have~~
18 ~~subpoenas issued by the board. The attendance of witnesses and the production of books,~~
19 ~~documents, and papers at the hearing may be compelled by subpoenas issued by the board, which~~
20 ~~shall be served in accordance with the law. At the hearing, the board shall administer oaths that~~
21 ~~may be necessary for the proper conduct of the hearing. The board is not bound by the strict rules~~
22 ~~of procedure or by the laws of evidence in the conduct of its proceedings, but the determination~~
23 ~~shall be based upon sufficient legal evidence to sustain it. The board shall complete the~~
24 ~~investigation of each complaint and issue a decision within six (6) months of the receipt of the~~
25 ~~complaint. The board may extend the time for issuing its decision beyond the initial six month (6)~~
26 ~~period in documented cases in which delays in the process are the direct result of requests or actions~~
27 ~~by the accused and/or his or her representative(s) or other good cause. The board, on a case-by-~~
28 ~~case basis, for good cause shown in writing, may extend the time for issuing its decision. If the~~
29 ~~accused is found guilty of the charges, the board may revoke, suspend, or otherwise discipline a~~
30 ~~licensee. provide an opportunity for the licensee to request a hearing in writing within twenty (20)~~
31 days of the issuance of the specification of charges. If no hearing is requested, the specification of
32 charges shall become a final decision of the board.

33 (c) ~~All hearings held under this section shall be conducted in accordance with the~~
34 ~~provisions of chapter 35 of title 42, "administrative procedures act."~~ Upon a request for a hearing,

1 the hearing committee shall be designated by the board consisting of three (3) other members of
2 the board. The hearing shall be conducted by a hearing officer appointed by the director of the
3 department of health. The hearing officer shall be responsible for conducting the hearing. At the
4 hearing, the accused has the right to appear personally, or by counsel, or both, to produce witnesses,
5 and to have subpoenas issued by the board. The attendance of witnesses and the production of
6 books, documents, and papers at the hearing may be compelled by subpoenas issued by the board,
7 which shall be served in accordance with the law. At the hearing, the hearing officer shall
8 administer oaths that may be necessary for the proper conduct of the hearing. The hearing is not
9 bound by the strict rules of procedure or by the laws of evidence in the conduct of its proceedings,
10 but the determination shall be based upon sufficient legal evidence to sustain it.

11 After the conclusion of the hearing, the hearing committee shall read the transcript, review
12 the evidence, and deliberate. If a majority of the members of the hearing committee vote in favor
13 of finding the accused guilty of the violations as specified in the charges, the hearing committee
14 shall meet with the hearing officer to communicate its findings and the hearing officer shall prepare
15 a proposed decision with written findings of fact and law in support of that conclusion and a
16 proposed sanction. The hearing committee shall review the proposed decision and accept or make
17 changes prior to signing the decision. The board shall immediately transmit its findings, together
18 with an order stating the sanction to be imposed upon the accused, to the director who shall, as soon
19 as practicable, order that appropriate action be taken in accordance with the order of the board. If
20 the accused is found not guilty, the board shall immediately issue an order dismissing the charges.

21 The board shall make public all decisions, including all conclusions against a license holder
22 as listed. The hearing committee shall issue a decision within six (6) months of charges. The board
23 may extend the time for issuing its decision beyond the initial six (6) month period in documented
24 cases in which delays in the process are the direct result of requests or actions by the accused and/or
25 the accused representative(s) or other good cause. The board, on a case-by-case basis, for good
26 cause shown in writing, may extend the time for issuing its decision. If the accused is found guilty
27 of the charges, the board may revoke, suspend, deny or otherwise discipline a licensee.

28 (d) No member of the board who participated in the investigation of a complaint may
29 participate in any subsequent hearing on that complaint.

30 **5-34-26. Grounds for discipline without a hearing.**

31 The director may temporarily suspend the license of a nurse without a hearing if the director
32 finds that evidence in ~~his or her~~ their possession indicates that a nurse's continuation in practice
33 would constitute an immediate danger to the public. In the event that the director temporarily
34 suspends the license of a nurse without a hearing, a hearing by ~~the board~~ a hearing committee must

1 be held within ~~ten (10)~~ thirty (30) days after the suspension has occurred. The hearing shall be held
2 in accordance with § 5-34-25(c) and a decision shall be issued in a timely manner. The hearing may
3 only be delayed by agreement of the licensee and the hearing committee.

4 **5-34-31. Practices and persons exempt.**

5 No provisions of this chapter shall be construed as prohibiting:

6 (1) Gratuitous nursing by friends or members of the family or as prohibiting the care of the
7 sick by domestic servants, housekeepers, nursemaids, companions, or household aides of any type,
8 whether employed regularly or because of an emergency of illness, provided that person is
9 employed primarily in a domestic capacity and does not hold themselves out or accept employment
10 as a person licensed to practice nursing for hire under the provisions of this chapter or as prohibiting
11 nursing assistants in the case of any emergency;

12 (2) The practice of nursing by students enrolled in approved educational programs of
13 professional nursing or practical-nursing educational programs ~~nor by graduates of those schools~~
14 ~~or courses before taking and receiving results of the National Council Licensure Examination~~
15 ~~(NCLEX), provided that they are licensed in this state within ninety (90) days from the date on the~~
16 ~~department's licensing application fee receipt, in accordance with regulations prescribed by the~~
17 ~~board;~~

18 (3) The supervised practice of nursing by graduates of approved educational programs of
19 professional nursing or practical-nursing educational programs before taking and receiving results
20 of the National Council Licensure Examination (NCLEX); provided that, they are licensed in this
21 state within ninety (90) days of graduation. This temporary privilege shall not be renewed and shall
22 automatically cease upon notification that the graduate nurse has failed the NCLEX;

23 ~~(3)~~(4) The practice of nursing in this state by any legally qualified nurse of another state
24 whose engagement requires him or her to accompany and care for a patient temporarily residing in
25 this state during the period of this engagement not to exceed six (6) months in length, provided that
26 person does not represent or hold themselves out as a nurse licensed to practice in this state;

27 ~~(4)~~(5) The practice of any legally qualified nurse of another state who is employed by the
28 United States government or any bureau, division, or agency of the government while in the
29 discharge of their official duties;

30 ~~(5)~~(6) Persons employed in state and licensed healthcare facilities, licensed homes for the
31 aged and/or convalescent persons, and recognized public-health agencies from assisting in the
32 nursing care of patients if adequate medical or nursing supervision is provided;

33 ~~(6)~~(7) Nursing care of the sick with or without compensation or personal profit when done
34 in connection with the practice of the religious tenets of any recognized or established church by

1 adherents as long as they do not engage in the practice of nursing as defined in this chapter;

2 ~~(7)~~(8) Persons who provide acceptable evidence of being currently licensed by examination
3 or endorsement under the laws of other states of the United States and the District of Columbia
4 from practicing nursing in this state for a period of ninety (90) days from the date on the application
5 fee receipt, provided that they are licensed in this state within ninety (90) days from the date on the
6 application fee receipt. The original privilege to work ninety (90) days from the date on the
7 application fee receipt shall not be extended or renewed.

8 SECTION 2. Section 5-34-31.1 of the General Laws in Chapter 5-34 entitled "Nurses" is
9 hereby repealed.

10 ~~**5-34-31.1. Practices and persons exempt — COVID-19. [Expires June 30, 2022.]**~~

11 ~~(a) Notwithstanding the provisions of § 5-34-31, or any general law, rule, or regulation to~~
12 ~~the contrary, upon the effective date of this section, March 28, 2022, due to the public health crisis~~
13 ~~caused by COVID-19, the exemption in § 5-34-31(2) relating to the practice of nursing “pending~~
14 ~~the results of the licensing examinations following that graduation” is hereby suspended for~~
15 ~~registered nurse graduates; provided that, the registered nurse graduates shall:~~

16 ~~(1) Apply and receive a temporary graduate nursing license that is valid for a period not~~
17 ~~exceeding ninety (90) days;~~

18 ~~(2) Work under the supervision of licensed registered nurses; and~~

19 ~~(3) Comply with other applicable requirements.~~

20 ~~(b) The Rhode Island department of health shall promulgate and enforce any rules and~~
21 ~~regulations necessary to implement this section.~~

22 ~~(c) Unless extended by the general assembly, this section shall sunset on June 30, 2022.~~

23 SECTION 3. Chapter 5-34 of the General Laws entitled "Nurses" is hereby amended by
24 adding thereto the following section:

25 **5-34-51. Closure of practice -- Preservation of records.**

26 (a) An APRN shall, at least ninety (90) days before closing their medical practice, give
27 public notice as to the disposition of patients’ medical records in a newspaper with a statewide
28 circulation, and shall notify the Rhode Island board of nursing registration and nursing education
29 of the location of the records. The public notice shall include the date of the APRN’s retirement,
30 and where and how patients may obtain their records both prior to and after closure of the practice.

31 (b) The heirs or estate of a deceased APRN who had been practicing at the time of their
32 death shall, within ninety (90) days of the APRN’s death, give public notice as to the disposition
33 of patients’ medical records in a newspaper with a statewide circulation, and shall notify the Rhode
34 Island board of nursing registration and nursing education of the location of the records.

1 (c) Any APRN closing their medical practice, or the heirs or estate of a deceased APRN
2 who had been practicing at the time of their death, shall dispose of the APRN’s patient records in
3 a location and manner so that the records are maintained and accessible to patients.

4 (d) Any person or corporation or other legal entity receiving medical records of any retired
5 APRN or deceased APRN who had been practicing at the time of their death shall comply with and
6 be subject to the provisions of chapter 37.3 of this title, (“confidentiality of health care
7 communications and information act”), and shall be subject to the rules and regulations
8 promulgated in accordance with § 23-1-48 and with the provisions of § 5-37-22(c) and (d), even
9 though this person, corporation, or other legal entity is not an APRN or a physician.

10 (e) In the event of an APRN leaving a practice, the APRN must provide written notice to
11 their patients.

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

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LC001412
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO BUSINESSES AND PROFESSIONS -- NURSES

1 This act would make several changes to the licensing and disciplinary process of the board
2 of nursing.

3 This act would take effect upon passage.

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