

1 and scalp massages, or treatments with oils, creams, lotions, or other preparations.

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

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

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

7 (56) "Esthetician" means a person who engages in the practice of esthetics, and is
8 licensed as an esthetician.

9 (67) "Esthetician shop" means a shop licensed under this chapter to do esthetics of any
10 person.

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

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

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

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

25 (1012) "Manicuring shop" means a shop licensed under this chapter to do manicuring
26 only on the nails of any person.

27 (1113) "Manicurist" means any person who engages in manicuring for compensation and
28 is duly licensed as a manicurist.

29 (1214) "School" means a school approved under chapter 40 of title 16, as amended,
30 devoted to the instruction in and study of the theory and practice of barbering, hairdressing and
31 cosmetic therapy, esthetics and/or manicuring.

32 (1315) "The practice of barbering" means the engaging by any licensed barber in all or
33 any combination of the following practices: shaving or trimming the beard or cutting the hair;
34 giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations

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

4 (14+6) "The practice of hairdressing and cosmetic therapy" means the engaging by any
5 licensed hairdresser and cosmetician in any one or more of the following practices: the
6 application of the hands or of mechanical or electrical apparatus, with or without cosmetic
7 preparations, tonics, lotions, creams, antiseptics, or clays, to massage, cleanse, stimulate,
8 manipulate, exercise, or otherwise to improve or to beautify the scalp, face, neck, shoulders,
9 arms, bust, or upper part of the body or the manicuring of the nails of any person; or the removing
10 of superfluous hair from the body of any person; or the arranging, dressing, curling, waving,
11 weaving, cleansing, cutting, singeing, bleaching, coloring, or similarly treating the hair of any
12 person.

13 (15+7) "The practice of manicuring" means the cutting, trimming, polishing, tinting,
14 coloring, or cleansing the nails of any person.

15 **5-10-9. Classes of licenses.** -- Licenses shall be divided into the following classes and

16 shall be issued by the division to applicants for the licenses who have qualified for each class of
17 license:

18 (1) A "hairdresser's and cosmetician's license" shall be issued by the division to every
19 applicant for the license who meets the requirements of § 5-10-8 and has completed a course of
20 instruction in hairdressing and cosmetology consisting of not less than fifteen hundred (1,500)
21 hours of continuous study and practice.

22 ~~(2) An "instructor's license" shall be granted by the division to any applicant for the~~
23 ~~license who has held a licensed hairdresser's and cosmetician's license, a barber's license, a~~
24 ~~manicurist's license, or an esthetician's license issued under the laws of this state or another state,~~
25 ~~for at least the three (3) years preceding the date of application for an instructor's license and:~~

- 26 ~~(i) Meets the requirements of § 5-10-8;~~
- 27 ~~(ii) Has satisfactorily completed three hundred (300) hours of instruction in hairdressing~~
28 ~~and cosmetology, barber, manicurist, or esthetician teacher training approved by the division as~~
29 ~~prescribed by regulation;~~
- 30 ~~(iii) Has satisfactorily passed a written and a practical examination approved by the~~
31 ~~division to determine the fitness of the applicant to receive an instructor's license;~~
- 32 ~~(iv) Has complied with § 5-10-10; and~~
- 33 ~~(v) Has complied with any other qualifications that the division prescribes by regulation.~~

34 (23) A "manicurist license" shall be granted to any applicant for the license who meets

1 the following qualifications:

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

3 (ii) Has completed a course of instruction consisting of not less than three hundred (300)
4 hours of professional training in manicuring, in an approved school.

5 (34) An "esthetician license" shall be granted to any applicant for the license who meets
6 the following qualifications:

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

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

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

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

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

21 (ii) ~~Has possessed for at least two (2) years prior to the filing of the application a~~
22 ~~certificate of registration in full force and effect from the department of health of the state~~
23 ~~specifying that person as a registered apprentice barber, and the application of that applicant is~~
24 ~~accompanied by a~~ An affidavit or affidavits of his or her employer or former employers or other
25 reasonably satisfactory evidence showing that the applicant has been actually engaged in
26 barbering as an apprentice barber in the state during those two (2) years; or

27 (iii) A combination of barber school training and apprenticeship training as determined
28 by the rules and regulations prescribed by the division.

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

31 ~~5-10-13. Demonstrator's permit. --- The division may in its discretion issue to any~~
32 ~~person recognized by the division as an authority on, or an expert in the theory or practice of,~~
33 ~~barbering, hairdressing, and cosmetic therapy and/or manicuring or esthetics and is the holder of a~~
34 ~~current esthetician's, manicurist's or a barber's, hairdresser's, and cosmetician's license in this~~

1 ~~state, another state or the District of Columbia, a demonstrator's permit for not more than six (6)~~
2 ~~days' duration for educational and instructive demonstrations; provided, that the permit shall not~~
3 ~~be used in the sense of a license to practice barbering, manicuring, esthetics or hairdressing and~~
4 ~~cosmetic therapy. The fee for the permit is as set forth in § 23-1-54.~~

5 SECTION 4. Section 5-32-4 of the General Laws in Chapter 5-37 entitled "Electrolysis"
6 is hereby amended to read as follows:

7 **5-32-4. Qualifications of applicants.** -- Licenses to engage in the practice of electrolysis
8 shall be issued to the applicants who comply with the following requirements:

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

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

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

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

26 (5) Is of good moral character.

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

28 SECTION 5. Sections 5-32-8 and 5-32-17 of the General Laws in Chapter 5-37 entitled
29 "Electrolysis" are hereby repealed.

30 ~~**5-32-8. Apprenticeship register.** -- The division of professional regulation of the~~
31 ~~department of health shall keep a register in which the names of all persons serving~~
32 ~~apprenticeships licensed under this chapter shall be recorded. This register is open to public~~
33 ~~inspection.~~

34 ~~**5-32-17. Qualifications for teaching electrolysis.** -- (a) A person in order to qualify as an~~

1 ~~instructor or teacher of electrolysis to apprentices must:~~

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

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

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

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

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

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

14 **5-32-18. Training and study.** -- The department of health may promulgate rules and
15 regulations applying to training and study in electrolysis.

16 SECTION 7. Sections 5-37.2-2, 5-37.2-14, and 5-37.2-15 of the General Laws in Chapter
17 5-37.2 entitled "The Healing Art of Acupuncture" are hereby amended to read as follows:

18 **5-37.2-2. Definitions.** -- Unless the context otherwise requires, the words, phrases, and
19 derivatives employed in this chapter have the meanings ascribed to them in this section:

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

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

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

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

29 **5-37.2-14. Recordation and display of licenses – Annual registration fee – Penalties**
30 **for failure to pay fee.** -- (a) Every person holding a license authorizing him or her to practice
31 acupuncture ~~or to serve as an acupuncture assistant~~ in this state shall record his or her license with
32 the city or town hall in the city or town where his or her office and residence are located. Every
33 licensee upon a change of residence or office shall have his or her certificate recorded in the same
34 manner in the municipality to which he or she has changed.

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

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

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

10 **5-37.2-15. Suspension, revocation, or refusal of license - Grounds. --** The department
11 may either refuse to issue or may suspend or revoke any license for any one or any combination
12 of the following causes:

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

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

19 (3) Gross malpractice;

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

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

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

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

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

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

31 (10) Using any false or fraudulent statement in connection with the practice of
32 acupuncture or any branch of acupuncture;

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

- 1 (12) Being adjudicated incompetent or insane;
- 2 (13) Advertising in an unethical or unprofessional manner;
- 3 (14) Obtaining a fee or financial benefit for any person by the use of fraudulent diagnosis,
4 therapy, or treatment;
- 5 (15) Willfully disclosing a privileged communication;
- 6 (16) Failure of a licensee to designate his or her school of practice in the professional use
7 of his or her name by the term "doctor of acupuncture" ~~or "acupuncture assistant", as the case~~
8 ~~may be;~~
- 9 (17) Willful violation of the law relating to the health, safety, or welfare of the public, or
10 of the rules and regulations promulgated by the state board of health;
- 11 (18) Administering, dispensing, or prescribing any controlled substance as defined in §
12 21-28-1.02, except for the prevention, alleviation, or cure of disease or for relief from suffering;
13 and
- 14 (19) Performing, assisting, or advising in the injection of any liquid silicone substance
15 into the human body.

16 SECTION 8. Section 5-37.2-13 of the General Laws in Chapter 5-37.2 entitled "Issuance
17 of license for acupuncture assistant" is hereby repealed.

18 ~~**5-37.2-13. Qualifications of applicants.** -- An applicant for a license for acupuncture
19 assistant shall be issued a license by the department if he or she:~~

- 20 ~~(1) Has successfully completed a course of study in acupuncture in any college or school
21 in any country, territory, province, or state requiring any attendance to thirty-six (36) months;~~
- 22 ~~(2) Practiced acupuncture for not less than three (3) years;~~
- 23 ~~(3) Passes the examination of the department for acupuncture assistant; and~~
- 24 ~~(4) Pays any fees as set forth in § 23-1-54.~~

25 SECTION 9. Sections 5-40-1, 5-40-3, 5-40-9, 5-40-10, 5-40-11, 5-40-13, and 5-40-17 of
26 the General Laws in Chapter 5-40 entitled "Physical Therapists" are hereby amended to read as
27 follows:

28 **5-40-1. Definitions.** -- As used in this chapter:

- 29 (1) "Board" means the board of physical therapy established by § 5-40-2.
- 30 (2) "Department" means the department of health.
- 31 (3) "Examination" means an examination approved by the department in consultation
32 with the board.
- 33 (4) "License" means a license issued by the department to practice physical therapy.
- 34 (5) "Physical therapist" means an individual who is licensed by the department to practice

1 physical therapy.

2 ~~(6) "Physical therapist assistant" means an individual who is licensed by the department~~
3 ~~to assist in the practice of physical therapy under the supervision of a physical therapist.~~

4 (67)(i) "Practice physical therapy" means the examination, treatment, and instruction of
5 human beings to detect, assess, prevent, correct, alleviate and limit physical disability, physical
6 dysfunction, and pain from injury, disease and any other bodily conditions, and includes the
7 administration, interpretation, and evaluation of tests and measurements of bodily functions and
8 structures; the planning, administration, evaluation, and modification of treatment and instruction,
9 including the use of physical measures, activities, and devices, for preventive and therapeutic
10 purposes; and the provision of consultative, educational, and other advisory services for the
11 purpose of reducing the incidence and severity of physical disability, physical dysfunction and
12 pain.

13 (ii) The practice of physical therapy does not include the practice of medicine as defined
14 in chapter 37 of this title.

15 (78) "Supervision" means that a licensed physical therapist is at all times responsible for
16 supportive personnel and students.

17 **5-40-3. Board of physical therapy – Composition – Appointment, terms, oath and**
18 **removal of members.** -- (a) In the month of June, 1983, and annually thereafter, the director of
19 health, with the approval of the governor, appoints the appropriate number of persons to serve on
20 the board for terms of three (3) years and until his or her successor has been appointed and
21 qualified. The board shall consist of seven (7) members appointed by the director of the
22 department of health with the approval of the governor. ~~Four (4)~~Five (5) members shall be
23 licensed physical therapists; ~~one member shall be a licensed physical therapist assistant;~~ one
24 member shall be a physician licensed to practice medicine in this state; and one member shall be
25 a consumer.

26 (b) No member shall serve for more than two (2) successive terms. The director of health
27 may remove any member from the board for neglect of any duty required by law or for any
28 incompetency, unprofessional or dishonorable conduct. Vacancies created by voluntary
29 resignation or removal by the director of health shall be filled in the same manner as the original
30 appointment is made for the remainder of the term not exceeding the original two (2) term
31 limitation.

32 (c) Before beginning a term, each member of the board shall takes the oath prescribed by
33 law for state officers which shall be filed with the secretary of state.

34 **5-40-9. Right of use of the title of physical therapist.** -- (a) To safeguard the welfare

1 and health of the people of the state, it is unlawful for any person to represent himself or herself
2 as a physical therapist ~~or physical therapist assistant~~ in this state or to use any title, abbreviation,
3 sign, or device to indicate that the person is a physical therapist ~~or physical therapist assistant~~
4 unless this person has been licensed pursuant to the provisions of this chapter.

5 (b) Any person who holds a license to practice physical therapy in this state has the right
6 to use the title "physical therapist" and abbreviation "P.T." No other person may assume the title
7 or use the abbreviation P.T. or other words, or letters, signs, figures, or devices to indicate that the
8 person using the title is a physical therapist.

9 (c) The abbreviation "G.P.T." shall be used to identify a "graduate physical therapist".

10 ~~(d) Any person who holds a license as a physical therapist assistant in this state has the~~
11 ~~right to use the title "physical therapist assistant". No other person may assume the title or other~~
12 ~~words, or letters, signs, figures, or devices to indicate that the person using the title is a physical~~
13 ~~therapist assistant.~~

14 **5-40-10. Continuing education requirements and expiration and renewal of licenses.**

15 == (a) The certificate of every person licensed under the provisions of this chapter shall expire on
16 the first day of May of the next even year following the date of original licensure. On or before
17 the first day of March of each year, the department shall mail an application for renewal of
18 license to every person to whom a license has been issued or renewed during the current licensure
19 period. Every licensed person who desires to renew his or her license shall provide satisfactory
20 evidence to the department that in the preceding two (2) years the practitioner has completed the
21 twenty-four (24) required continuing education hours as established by the department through
22 rules and regulations and shall file with department a renewal application executed together with
23 a renewal fee as set forth in § 23-1-54 on or before the thirty-first day of March of each even
24 year. The department may extend for only one six (6) month period these educational
25 requirements if the department is satisfied that the applicant has suffered hardship, which
26 prevented meeting the educational requirement.

27 (b) Upon receipt of the renewal application, and payment of the renewal fee, the accuracy
28 of the application shall be verified and the department shall grant a renewal license effective the
29 second day of May, and expiring on the first day of May of the next even year.

30 (c) Any person who allows his or her license to lapse by failing to renew it on or before
31 the thirty-first day of March of the next even year, as provided in this section, may be reinstated
32 by the department on payment of the current renewal fee plus an additional fee as set forth in §
33 23-1-54.

34 (d) Any person using the title "physical therapist" ~~or "physical therapist assistant"~~ during

1 the time that his or her license has lapsed is subject to the penalties provided for violations in this
2 chapter.

3 **5-40-11. Register of physical therapists – Records – Issuance of licenses.** -- (a) The
4 department shall maintain a register of all persons licensed under this chapter which shall be open
5 at all reasonable times to public inspection and the department shall be the custodian of all
6 records pertaining to the licensure of physical therapists, ~~or physical therapist assistants.~~

7 (b) The director of the department of health shall issue licenses only to applicants who
8 meet the requirements of this chapter.

9 **5-40-13. Grounds for discipline of licensees.** -- (a) The board has power to deny,
10 revoke, or suspend any license issued by the department or applied for in accordance with this
11 chapter, or to discipline a person licensed under this chapter upon proof that said person has
12 engaged in unprofessional conduct including, but not limited to:

13 (1) Fraud or deceit in procuring or attempting to procure a license or in the practice of
14 physical therapy;

15 (2) Is habitually intemperate or is addicted to the use of habit forming drugs;

16 (3) Is mentally and/or professionally incompetent;

17 (4) Has repeatedly violated any of the provisions of this chapter;

18 (5) Providing services to a person who is making a claim as a result of a personal injury,
19 who charges or collects from the person any amount in excess of the reimbursement to the
20 physical therapist by the insurer as a condition of providing or continuing to provide services or
21 treatment;

22 (6) Conviction, including a plea of nolo contendere, of one or more of the offenses listed
23 in § 23-17-37;

24 (7) Abandonment of a patient;

25 (8) Promotion by a physical therapist ~~or physical therapist assistant~~ of the sale of drugs,
26 devices, appliances, or goods or services provided for a patient in a manner as to exploit the
27 patient for the financial gain of the physical therapist ~~or physical therapist assistant~~;

28 (9) Making or filing false reports or records in the practice of physical therapy;

29 (10) Repeated failure to file or record, or impede or obstruct a filing or recording, or
30 inducing another person to fail to file or record physical therapy reports;

31 (11) Failure to furnish patient records upon proper request;

32 ~~(12) Practice as a physical therapist assistant without supervision by a physical therapist
33 licensed in the state of Rhode Island;~~

34 (13) Incompetent or negligent misconduct in the practice of physical therapy;

1 (14) Revocation, suspension, surrender, or limitation of privilege based on quality of care
2 provided or disciplinary action against a license to practice as a physical therapist ~~or physical~~
3 ~~therapist assistant~~ in another state, jurisdiction, or country;

4 (15) Failure to furnish the board, administrator, investigator, or representatives
5 information legally requested by the board;

6 (16) Violation of this chapter or any of the rules and regulations or departure from or
7 failure to conform to the current standards of acceptable and prevailing practice and code of
8 ethics of physical therapy.

9 (b) Whenever a patient seeks or receives treatment from a physical therapist without
10 referral from a doctor of medicine, osteopathy, dentistry, podiatry, chiropractic, physician
11 assistant, or certified registered nurse practitioner, the physical therapist shall:

12 (1) Disclose to the patient, in writing, the scope and limitations of the practice of physical
13 therapy and obtain their consent in writing; and

14 (2) Refer the patient to a doctor of medicine, osteopathy, dentistry, podiatry, or
15 chiropractic within ninety (90) days after the date treatment commenced; provided, that a physical
16 therapist is not required to make this a referral after treatment is concluded;

17 (3) No physical therapist who has less than one year clinical experience as a physical
18 therapist shall commence treatment on a patient without a referral from a doctor of medicine,
19 osteopathy, dentistry, podiatry, chiropractic, physician assistant, or certified registered nurse
20 practitioner.

21 (c) For purposes of this chapter and notwithstanding any other provisions of this chapter
22 or any rules or regulations adopted by the board, any person licensed or registered under this
23 chapter who is a bona fide employee or independent contractor of a physician or a physician
24 group entitled to wages and compensation pursuant to such employment or contract, or is a co-
25 owner of a physical therapy practice with a physician group, shall not be deemed to be engaged in
26 conduct unbecoming a person licensed or registered under this chapter, or to be engaged in
27 conduct detrimental to the best interest of the public, or to be in violation of any other provision
28 of this chapter by virtue of any of the above relationships, and shall not be subject to licensure
29 denial, suspension, revocation, or any other disciplinary action or penalty under this chapter:

30 (1) Solely by virtue of such employment or contract; or

31 (2) Solely by virtue of the provision of physical therapy services pursuant to a referral
32 from the employing or contracting physician or physician group.

33 Any such interest referenced in this paragraph shall be in accordance with federal and
34 state law, specifically, including, but not limited to, chapter 5-48.1.

1 **5-40-17. Penalties for violations.** -- (a) It is a misdemeanor for any person, firm,
2 corporation, or association to:

3 (1) Use in connection with his or her name any designation tending to imply that he or
4 she is a physical therapist ~~or physical therapist assistant~~ unless licensed under the provisions of
5 this chapter;

6 (2) Use in connection with his or her name any designation tending to imply that he or
7 she is a physical therapist ~~or physical therapist assistant~~ during the time his or her license issued
8 under the provisions of this chapter is suspended or revoked;

9 (3) Violate any of the provisions of this chapter.

10 (b) All misdemeanors shall be punishable by a fine of not less than three hundred dollars
11 (\$300) for the first offense. Each subsequent offense shall be punishable by a fine of not less than
12 five hundred dollars (\$500), or by imprisonment of not more than one year, or both.

13 SECTION 10. Sections 5-40-6.1, 5-40-7.1 and 5-40-8.1 of the General Laws in Chapter
14 5-40 entitled "Physical Therapists" are hereby repealed.

15 ~~**5-40-6.1. Qualifications of physical therapist assistants.** -- Any applicant for licensure
16 shall submit to the board written evidence on forms furnished by the department of health,
17 verified by oath, that the applicant meets all of the following requirements:~~

18 ~~(1) Is at least eighteen (18) years of age;~~

19 ~~(2) Is of good moral character;~~

20 ~~(3) Has graduated from an educational program in physical therapy accredited by the
21 Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting
22 agency as approved by the department in consultation with the board, in the year of said
23 applicant's graduation; and~~

24 ~~(4) Has passed the National Physical Therapy Examination (NPTE) of the Federation of
25 State Boards of Physical Therapy (FSBPT) or other physical therapy assistant certification
26 examination as approved by the department in consultation with the board to determine the
27 applicant's fitness to engage in the practice of physical therapy.~~

28 ~~**5-40-7.1. Licensing of physical therapist assistants.** -- (a) By Examination. The
29 applicant is required to pass with a grade determined by the board an examination approved by
30 the department in consultation with the board.~~

31 ~~(b) Without Examination by Endorsement. A license may be issued without examination
32 to an applicant who has been licensed by examination as a physical therapist assistant under the
33 laws of another state or territory or District of Columbia, if, in the opinion of the board, the
34 applicant meets the qualifications required of physical therapist assistants in this state.~~

1 ~~(c)(1) Graduate Practice. Every graduate of a board approved physical therapist assistant~~
2 ~~educational program who has filed a physical therapy application may, upon receiving a permit~~
3 ~~from the department of health, perform as a physical therapist assistant under the supervision of a~~
4 ~~physical therapist licensed in this state.~~

5 ~~(2) During this period, the applicant shall identify him or herself only as a "graduate~~
6 ~~physical therapist assistant."~~

7 ~~(3) If the applicant fails to take the examination, as specified in § 5-40-7(a), within ninety~~
8 ~~(90) days from the effective date of graduate status, without cause or fails to pass the examination~~
9 ~~and receive a license, all privileges provided in subdivisions (1) and (2) of this subsection~~
10 ~~automatically cease.~~

11 ~~(d)(1) Foreign Trained Applicants. If the foreign trained applicant has successfully met~~
12 ~~the requirements of the rules and regulations, the applicant's credentials shall be accepted by the~~
13 ~~board.~~

14 ~~(2) Prior to becoming licensed in this state, the foreign trained applicant must also meet~~
15 ~~all of the appropriate requirements described in this section or its equivalent as established in~~
16 ~~rules and regulations.~~

17 ~~**5-40-8.1. Application fee for physical therapists assistants.** -- When an application is~~
18 ~~submitted to the department for a license to practice physical therapy in Rhode Island pursuant to~~
19 ~~this chapter, either by endorsement or by examination, the applicant shall pay a fee as set forth in~~
20 ~~§ 23-1-54 to the general treasurer of the state of Rhode Island.~~

21 SECTION 11. Sections 5-40.1-3, 5-40.1-6, 5-40.1-7, 5-40.1-8, 5-40.1-9, 5-40.1-12, 5-
22 40.1-14, and 5-40.1-21 of the General Laws in Chapter 5-40.1 entitled "Occupational Therapy"
23 are hereby amended to read as follows:

24 **5-40.1-3. Definitions.** -- (a) "Administrator" means the administrator of the division of
25 professional regulation.

26 (b) "Board" means the board of occupational therapy within the division of professional
27 regulation established pursuant to the provisions of § 5-40.1-4.

28 (c) "Chapter" refers to chapter 40.1 of this title, entitled "Occupational Therapy", of the
29 general laws of Rhode Island.

30 (d) "Director" means the director of the Rhode Island department of health.

31 (e) "Division" means the division of professional regulation.

32 (f)(1) "Occupational therapy" (OT) is the use of purposeful activity or interventions
33 designed to achieve functional outcomes which promote health, prevent injury or disability, and
34 develop, improve, sustain, or restore the highest possible level of independence of any individual

1 who has an injury, illness, cognitive impairment, sensory impairment, psychosocial dysfunction,
2 mental illness, developmental or learning disability, physical disability, or other disorder or
3 condition.

4 (2) Occupational therapy includes evaluation by means of skilled observation of
5 functional performance and/or assessment through the administration and interpretation of
6 standardized or non-standardized tests and measurements.

7 (g)(1) "Occupational therapy services" includes, but is not limited to:

8 (i) Evaluating and providing treatment in consultation with the individual, family, or
9 other appropriate persons;

10 (ii) Interventions directed toward developing, improving, sustaining, or restoring daily
11 living skills, including self-care skills and activities that involve interactions with others and the
12 environment, work readiness or work performance, play skills or leisure capacities or educational
13 performance skills;

14 (iii) Developing, improving, sustaining, or restoring sensory-motor, oral-motor,
15 perceptual, or neuromuscular functioning; or emotional, motivational, cognitive, or psychosocial
16 components of performance; and

17 (iv) Educating the individual, family, or other appropriate persons in carrying out
18 appropriate interventions.

19 (2) These services may encompass evaluating need; and designing, developing, adapting,
20 applying, or training in the use of assistive technology devices; designing, fabricating or applying
21 rehabilitative technology, such as selected orthotic devices; training in the functional use of
22 orthotic or prosthetic devices; applying therapeutic activities, modalities, or exercise as an adjunct
23 to or in preparation for functional performance; applying ergonomic principles; adapting
24 environments and processes to enhance daily living skills; or promoting health and wellness.

25 (h) "Occupational therapist" means a person licensed to practice occupational therapy
26 under the provisions of this chapter and the rules and regulations authorized by this chapter.

27 ~~(i) "Occupational therapy aide" means a person not licensed pursuant to the statutes and~~
28 ~~rules applicable to the practice of occupational therapy, who works under the supervision of a~~
29 ~~licensed occupational therapist or occupational therapy assistant, who assists in the practice of~~
30 ~~occupational therapy and whose activities require an understanding of occupational therapy, but~~
31 ~~do not require professional or advanced training in the basic anatomical, psychological, and social~~
32 ~~sciences involved in the practice of occupational therapy.~~

33 ~~(j) "Occupational therapy assistant" means a person licensed to practice occupational~~
34 ~~therapy under the provisions of this chapter and the rules and regulations authorized by this~~

1 ~~chapter.~~

2 (k) "Supervision" means that a licensed occupational therapist or occupational therapy
3 assistant is at all times responsible for supportive personnel and students.

4 **5-40.1-6. Licenses required.** -- (a) Pursuant to this section, no person may practice
5 occupational therapy, or hold himself or herself out as an occupational therapist ~~or occupational~~
6 ~~therapy assistant,~~ or as being able to practice as an occupational therapist ~~or occupational therapy~~
7 ~~assistant,~~ or as being able to practice occupational therapy, or to render occupational therapy
8 services, in this state unless he or she is licensed under the provisions of this chapter and the rules
9 and regulations authorized by this chapter.

10 (b) Only an individual may be licensed under this chapter.

11 (c) Only an individual licensed in this state as an occupational therapist may use the
12 words "occupational therapist", "licensed occupational therapist", or "occupational therapist
13 registered" in connection with his or her name or place of business; or may use other words,
14 letters, abbreviations, or insignia indicating or implying that he or she is an occupational
15 therapist.

16 ~~(d) Only an individual licensed in this state as an occupational therapy assistant may use~~
17 ~~the words "certified occupational therapy assistant", "occupational therapy assistant", or "licensed~~
18 ~~occupational therapy assistant" in connection with his or her name or place of business; or may~~
19 ~~use other words, letters, abbreviations, or insignia indicating or implying that he or she is an~~
20 ~~occupational therapy assistant.~~

21 **5-40.1-7. Persons and practices not affected.** -- Nothing in this chapter shall be
22 construed as preventing or restricting the practice, services, or activities of:

23 (1) Any person licensed in this state by any other law from engaging in the profession or
24 occupation for which he or she is licensed;

25 (2) Any person employed as an occupational therapist ~~or occupational therapy assistant~~
26 by the government of the United States or any agency of it, if that person provides occupational
27 therapy solely under the direction or control of the organization by which he or she is employed;

28 (3) Any person pursuing a supervised course of study leading to a degree or certificate in
29 occupational therapy at an accredited or approved educational program, if the person is
30 designated by a title which clearly indicates his or her status as a student or trainee; or

31 (4) Any person fulfilling the supervised fieldwork experience requirements of § 5-40.1-
32 8(a)(3), if the experience constitutes a part of the experience necessary to meet the requirement of
33 that section.

34 **5-40.1-8. Requirements for licensure.** -- (a) Any applicant seeking licensure as an

1 occupational therapist ~~or occupational therapy assistant~~ in this state must:

2 (1) Be at least eighteen (18) years of age;

3 (2) Be of good moral character;

4 (3) Have successfully completed the academic requirements of an education program in
5 occupational therapy accredited by the American Occupational Therapy Association's
6 Accreditation Council for Occupational Therapy Education or other therapy accrediting agency
7 that may be approved by the board;

8 (4) Have successfully completed a period of supervised fieldwork experience arranged by
9 the recognized educational institution where he or she met the academic requirements:

10 (i) For an occupational therapist, a minimum of twenty-four (24) weeks of supervised
11 fieldwork experience shall be required;

12 ~~(ii) For an occupational therapy assistant, a minimum of twelve (12) weeks shall be~~
13 ~~required;~~

14 (5) Have successfully passed the National Certification Examination for Occupational
15 Therapists, Registered, ~~or National Certification Examination for Occupational Therapy~~
16 ~~Assistants~~, of the National Board for Certification in Occupational Therapy (NBCOT) or other
17 occupational therapy certification examination as approved by the board.

18 (b) Application for licensure to practice occupational therapy in this state either by
19 endorsement or by examination shall be made on forms provided by the division, which shall be
20 completed, notarized, and submitted to the board thirty (30) days prior to the scheduled date of
21 the board meeting. The application shall be accompanied by the following documents:

22 (1) Three (3) affidavits from responsible persons attesting to the applicant's good moral
23 character;

24 (2) For U.S. citizens: a certified copy of birth record or naturalization papers;

25 (3) For non-U.S. citizens: documented evidence of alien status, such as immigration
26 papers or resident alien card or any other verifying papers acceptable to the administrator;

27 (4) Documented evidence and supporting transcripts of qualifying credentials as
28 prescribed in this section;

29 (5) One unmounted passport photograph of the applicant (head and shoulder view)
30 approximately 2x3 inches in size;

31 (6) A statement from the board of occupational therapy in each state in which the
32 applicant has held or holds licensure, or is otherwise subject to state regulation, to be submitted to
33 the board of this state attesting to the licensure status of the applicant during the time period the
34 applicant held licensure in that state; and

1 (7) The results of the written national examination of the National Board for Certification
2 in Occupational Therapy (NBCOT).

3 (c)(1) Applicants seeking licensure as occupational therapists ~~or occupational therapy~~
4 ~~assistants~~ are required to pass the national written examination of the National Board for
5 Certification in Occupational Therapy (NBCOT) approved by the board to test the applicant's
6 fitness to engage in the practice of occupational therapy pursuant to the provisions of this chapter.

7 (2) The date, time, and place of examinations shall be available from the National Board
8 for Certification in Occupational Therapy (NBCOT).

9 (d) In case any applicant fails to satisfactorily pass an examination, the applicant shall be
10 entitled to re-examination.

11 (e) Occupational therapists ~~and occupational therapy assistants~~ who are licensed or
12 regulated to practice under laws of another state or territory or the District of Columbia may,
13 upon receiving a receipt from the division, perform as an occupational therapist ~~or occupational~~
14 ~~therapy assistant~~ under the supervision of a qualified and licensed occupational therapist ~~or~~
15 ~~occupational therapy assistant~~. If this applicant fails to receive licensure when the board reviews
16 the application, all previously mentioned privileges automatically cease.

17 (f) Applicants from foreign occupational therapy schools must meet the requirements of
18 the National Board for Certification in Occupational Therapy (NBCOT) and present evidence of
19 passage of the National Certification Examination for Occupational Therapists ~~or the National~~
20 ~~Certification Examination for Occupational Therapy Assistants~~ of the NBCOT. Applicants must
21 meet all of the appropriate requirements for licensure to the satisfaction of the board and in
22 accordance with the statutory and regulatory provisions of this chapter.

23 **5-40.1-9. Graduate practice.** -- (a) Any individual who graduates from an approved
24 occupational therapy school who has filed a completed application for licensure, may upon
25 receiving a receipt from the division, perform as an occupational therapist ~~or occupational therapy~~
26 ~~assistant~~ under the supervision of an occupational therapist licensed in this state, until the next
27 scheduled examination.

28 (b) If this applicant fails to take the next succeeding examination without cause, or fails
29 to pass the examination and received a license, all privileges provided in subsection (a) of this
30 section automatically cease. This applicant shall, during the interim period (between time of
31 application and examination) identify himself or herself only as a "graduate occupational
32 therapist" ~~or "graduate occupational therapy assistant"~~.

33 **5-40.1-12. Renewal of licenses – Inactive status.** -- (a) Upon the recommendation of the
34 board, the director shall issue to applicants who have satisfactorily met the licensure requirements

1 of this chapter, a license to practice occupational therapy in this state. The license, unless sooner
2 suspended or revoked, shall expire on the thirty-first (31st) day of March, of each even year
3 (biennially).

4 (1) On or before the first (1st) day of March of each even year, the administrator of the
5 division shall mail an application for renewal of license to every individual to whom a license has
6 been issued or renewed during the current licensure period.

7 (2) Every licensed individual who desires to renew his or her license shall file with the
8 division a renewal application executed together with the evidence of continuing education
9 requirements as delineated in subdivision (3) of this subsection and the renewal fee as set forth in
10 § 23-1-54 made payable by check to the general treasurer, state of Rhode Island, on or before the
11 thirty-first (31st) day of March of each even year.

12 (3) On application for renewal of license, occupational therapists ~~and occupational~~
13 ~~therapy assistants~~ must show proof of participation in twenty (20) hours biennially in
14 presentations, clinical instruction, publications, research, in-service programs, American
15 Occupational Therapy Association-recognized conferences, university course, and/or self-study
16 courses.

17 (4) Upon receipt of a renewal application and payment of fee, the director shall, upon the
18 recommendation of the board, grant a renewal license effective the thirty-first (31st) day of
19 March for a period of two (2) years, unless sooner suspended or revoked.

20 (5) Any individual who allows his or her license to lapse by failing to renew it on or
21 before the thirty-first (31st) day of March of the next even year as provided in subdivisions (1),
22 (2) and (3) of this subsection, may be reinstated by the director upon receiving a receipt from the
23 division for payment of the current renewal fee plus an additional fee as set forth in § 23-1-54
24 made payable by check to the general treasurer, state of Rhode Island.

25 (6) An individual using the title "occupational therapist" ~~or "occupational therapy~~
26 ~~assistant"~~ during the time his or her license has lapsed is subject to the penalties provided for
27 violation of those regulations and this chapter.

28 (b) An individual licensed as an occupational therapist ~~or occupational therapy assistant~~
29 in this state who does not intend to engage in the practice of occupational therapy within this state
30 during any year, may upon request to the division, have his or her name transferred to an inactive
31 status and shall not be required to register biennially or pay any fee as long as he or she remains
32 inactive. Any individual whose name has been transferred to an inactive status pursuant to this
33 section, may be restored to active status to practice occupational therapy without a penalty fee,
34 upon the filing of an application for licensure renewal, the licensure renewal fee as set forth in §

1 23-1-54 made payable by check to the general treasurer of the state of Rhode Island, and any
2 other information that may be requested by the division.

3 **5-40.1-14. Grounds for refusal to renew, suspension, or revocation of license. --** (a)

4 The board may deny a license or refuse to renew a license or may suspend or revoke a license or
5 may impose probationary conditions if the licensee has been found guilty of unprofessional
6 conduct which has endangered or is likely to endanger the health, welfare, or safety of the public.

7 Unprofessional conduct includes:

8 (1) Obtaining a license by means of fraud, misrepresentation, or concealment of material
9 facts;

10 (2) Being found guilty of fraud or deceit in connection with his or her services rendered
11 as an occupational therapist ~~or occupational therapy assistant~~;

12 (3) Committing a felony, whether or not involving moral turpitude, or a misdemeanor
13 involving moral turpitude. In either case, conviction by a court of competent jurisdiction or a plea
14 of "no contest" shall be conclusive evidence that a felony or misdemeanor was committed.

15 (4) Violating any lawful order, rule or regulation rendered or adopted by the board;

16 (5) Failing to report, in writing, to the board any disciplinary decision issued against the
17 licensee or the applicant in another jurisdiction within thirty (30) days of the disciplinary
18 decisions;

19 (6) Violating any provision of this chapter; and

20 (7) Providing services to a person who is making a claim as a result of a personal injury,
21 who charges or collects from the person any amount in excess of the reimbursement to the
22 occupational therapist by the insurer as a condition of providing or continuing to provide services
23 or treatment.

24 (b) A denial, refusal to renew, suspension, revocation, or imposition of probationary
25 conditions upon the license may be ordered by the board or the director of the department of
26 health after a hearing in the manner provided by the Administrative Procedures Act, chapter 35 of
27 title 42.

28 (c) The American Occupational Therapy Association's "Occupational Therapy Code of
29 Ethics" is adopted as a public statement of the values and principles used in promoting and
30 maintaining high standards of behavior in occupational therapy. These state:

31 (1) Occupational therapy personnel shall demonstrate a concern for the well-being of the
32 recipients of their services;

33 (2) Occupational therapy personnel shall respect the rights of the recipients of their
34 services;

1 (3) Occupational therapy personnel shall achieve and continually maintain high standards
2 of competence;

3 (4) Occupational therapy personnel shall comply with laws and association policies
4 guiding the profession of occupational therapy;

5 (5) Occupational therapy personnel shall provide accurate information about occupational
6 therapy services; and

7 (6) Occupational therapy personnel shall treat colleagues and other professionals with
8 fairness, discretion, and integrity.

9 **5-40.1-21. Supervision.** -- (a) A licensed occupational therapist shall exercise sound
10 judgment and shall provide adequate care in the performance of duties. A licensed occupational
11 therapist shall be permitted to supervise the following: occupational therapists, ~~occupational~~
12 ~~therapy assistants, occupational therapy aides,~~ care extenders, occupational therapy students, and
13 volunteers, and any other staff as permitted by the director of health.

14 ~~(b) A licensed occupational therapy assistant shall exercise sound judgment and shall~~
15 ~~provides adequate care in the performance of duties. A licensed occupational therapy assistant~~
16 ~~shall be permitted to supervise the following: occupational therapy aides, care extenders,~~
17 ~~students, and volunteers.~~

18 ~~(c) Subject to the requirements of this section, a licensed occupational therapy assistant~~
19 ~~may practice limited occupational therapy only under the supervision of a licensed occupational~~
20 ~~therapist. Supervision requires at a minimum that the supervising licensed occupational therapist~~
21 ~~meet in person with the licensed occupational therapy assistant to provide initial direction and~~
22 ~~periodic on-site supervision. The supervising licensed occupational therapist working with the~~
23 ~~licensed occupational therapy assistant shall determine the amount and type of supervision~~
24 ~~necessary in response to the experience and competence of the licensed occupational therapy~~
25 ~~assistant and the complexity of the treatment program. The supervisor and the licensed~~
26 ~~occupational therapy assistant shall be jointly responsible for maintaining records, including~~
27 ~~patient records, to document compliance with this regulation.~~

28 ~~(d) A licensed occupational therapy assistant:~~

29 ~~(1) May not initiate a treatment program until the patient has been evaluated and the~~
30 ~~treatment planned by the licensed occupational therapist;~~

31 ~~(2) May not perform an evaluation, but may assist in the data gathering process and~~
32 ~~administer specific assessments where clinical competency has been demonstrated, under the~~
33 ~~direction of the licensed occupational therapist;~~

34 ~~(3) May not analyze or interpret evaluation data;~~

1 ~~(4) May participate in the screening process by collecting data and communicate the~~
2 ~~information gathered to the licensed occupational therapist;~~

3 ~~(5) Monitors the need for reassessment and report changes in status that might warrant~~
4 ~~reassessment or referral under the supervision of the licensed occupational therapist; and~~

5 ~~(6) Immediately discontinues any treatment procedure, which appears harmful to the~~
6 ~~patient and immediately notifies the supervising occupational therapist.~~

7 ~~(e)(1) An occupational therapy aide shall be a worker trained on the job. A licensed~~
8 ~~occupational therapist or licensed occupational therapy assistant using occupational therapy aide~~
9 ~~personnel to assist with the provision of occupational therapy services must provide close~~
10 ~~supervision in order to protect the health and welfare of the consumer.~~

11 ~~(2) The primary function of an occupational therapy aide functioning in an occupational~~
12 ~~therapy setting shall be to perform designated routine tasks related to the operation of an~~
13 ~~occupational therapy service. These tasks may include, but are not limited to, routine department~~
14 ~~maintenance, transporting patients/clients, preparing or setting up treatment equipment and work~~
15 ~~area, assisting patients/clients with their personal needs during treatment, assisting in the~~
16 ~~construction of adaptive equipment, and carrying out a predetermined segment or task in the~~
17 ~~patient's care.~~

18 ~~(f) The licensed occupational therapist or occupational therapy assistant shall not delegate~~
19 ~~to an occupational therapy aide:~~

20 ~~(1) Performance of occupational therapy evaluation procedures;~~

21 ~~(2) Initiation, planning, adjustment, modification, or performance of occupational therapy~~
22 ~~procedures requiring the skills or judgment of a licensed occupational therapist or licensed~~
23 ~~occupational therapy assistant;~~

24 ~~(3) Making occupational therapy entries directly in patients' or clients' official records;~~
25 ~~and~~

26 ~~(4) Acting on behalf of the occupational therapist in any matter related to occupational~~
27 ~~therapy, which requires decision making or professional judgment.~~

28 SECTION 12. Chapter 5-40.1 of the General Laws entitled "Occupational Therapy" is
29 hereby amended by adding thereto the following section:

30 **5-40.1-22. Other personnel. --** The director may promulgate rules and regulations
31 concerning other personnel in the occupational therapy field, including, but not limited to, roles
32 such as "occupational therapist assistant" and "occupational therapy aide."

33 SECTION 13. Sections 5-48-1 and 5-48-9 of the General Laws in Chapter 5-48 entitled
34 "Speech Pathology and Audiology" are hereby amended to read as follows:

1 **5-48-1. Purpose and legislative intent - Definitions.** -- (a) It is declared to be a policy of
2 this state that the practice of speech language pathology and audiology is a privilege granted to
3 qualified persons and that, in order to safeguard the public health, safety, and welfare, protect the
4 public from being misled by incompetent, unscrupulous, and unauthorized persons, and protect
5 the public from unprofessional conduct by qualified speech language pathologists and
6 audiologists, it is necessary to provide regulatory authority over persons offering speech language
7 pathology and audiology services to the public.

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

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

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

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

23 (34) "Board" means the state board of examiners for speech language pathology and
24 audiology.

25 (45) "Clinical fellow" means the person who is practicing speech language pathology
26 under the supervision of a licensed speech language pathologist while completing the
27 postgraduate professional experience as required by this chapter.

28 (56) "Department" means the Rhode Island department of health.

29 (67) "Director" means the director of the Rhode Island department of health.

30 (78) "Person" means an individual, partnership, organization, or corporation, except that
31 only individuals can be licensed under this chapter.

32 (89)(i) "Practice of audiology" means rendering or offering to render any service in
33 audiology, including prevention, screening, and identification, evaluation, habilitation,
34 rehabilitation; participating in environmental and occupational hearing conservation programs,

1 and habilitation and rehabilitation programs including hearing aid and assistive listening device
2 evaluation, prescription, preparation, dispensing, and/or selling and orientation; auditory training
3 and speech reading; conducting and interpreting tests of vestibular function and nystagmus;
4 conducting and interpreting electrophysiological measures of the auditory pathway; cerumen
5 management; evaluating sound environment and equipment; calibrating instruments used in
6 testing and supplementing auditory function; and planning, directing, conducting or supervising
7 programs that render or offer to render any service in audiology.

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

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

16 ~~(910)~~(i) "Practice of speech language pathology" means rendering or offering to render
17 any service in speech language pathology including prevention, identification, evaluation,
18 consultation, habilitation, rehabilitation; determining the need for augmentative communication
19 systems, dispensing and selling these systems, and providing training in the use of these systems;
20 and planning, directing, conducting, or supervising programs that render or offer to render any
21 service in speech language pathology.

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

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

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

1 description of services.

2 (10~~11~~) "Regionally accredited" means the official guarantee that a college or university
3 or other educational institution is in conformity with the standards of education prescribed by a
4 regional accrediting commission recognized by the United States Secretary of Education.

5 (11~~12~~) "Speech language pathologist" means an individual who is licensed by the board
6 to practice speech language pathology.

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

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

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

1 **5-48-9. Fees – Late filing – Inactive status.** -- ~~Filing fees for support personnel~~
2 ~~registration.~~ (a) The board may charge an application fee; a biennial license renewal fee payable
3 before July 1 of even years (biennially); or a provisional license renewal fee as set forth in § 23-1-
4 54 payable annually from the date of issue.

5 (b) Any person who allows his or her license to lapse by failing to renew it on or before
6 the thirtieth (30th) day of June of even years (biennially), may be reinstated by the board on
7 payment of the current renewal fee plus an additional late filing fee as set forth in § 23-1-54.

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

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

17 (1) An application for licensure renewal, with a licensure renewal fee as set forth in § 23-
18 1-54 made payable by check to the general treasurer of the state of Rhode Island; and

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

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

23 SECTION 14. Chapter 5-58 of the General Laws entitled “Auctioneers” is hereby
24 repealed in its entirety.

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

1 ~~shall apply to the bureau of criminal identification of the state police for a nationwide criminal~~
2 ~~records check. The bureau of criminal identification of the state police shall forward the results of~~
3 ~~the criminal records check to the director. The director may deny any application for a license if~~
4 ~~the director finds, based upon the results of the criminal records check, that the applicant has been~~
5 ~~convicted of a felony. Each application for an auctioneer, apprentice auctioneer, or nonresident~~
6 ~~auctioneer's license shall be accompanied by an application fee of ten dollars (\$10.00).~~

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

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

29 ~~**5-58-6. Announcement of conditions of sale.** -- Every auctioneer before exposing any~~
30 ~~real or personal estate to public sale shall make out, in writing, and sign and publicly read the~~
31 ~~conditions of sale.~~

32 ~~**5-58-7. Auctioneer's commission and apprentice's wage.** -- Whenever the whole~~
33 ~~amount of sales at any public auction does not exceed four hundred dollars (\$400), the auctioneer~~
34 ~~has for making that sale two and one half percent (2 1/2%) commission; if the amount of the sale~~

1 ~~exceeds that sum and does not exceed twenty thousand dollars (\$20,000), he or she shall have~~
2 ~~only one percent (1%) on the excess; and if the amount of the sale does not exceed thirty~~
3 ~~thousand dollars (\$30,000), he or she shall have three fourths percent ($\frac{3}{4}\%$) on the excess; and~~
4 ~~if the amount of the sale exceeds thirty thousand dollars (\$30,000), he or she has one fourth~~
5 ~~percent ($\frac{1}{4}\%$) on the excess. Nothing contained in this section shall be construed to prevent any~~
6 ~~person interested in selling any property by auction from making a special contract with the~~
7 ~~auctioneer for selling the property. Notwithstanding the preceding, agreement to change the~~
8 ~~previously stated fee schedule may be made between auctioneers and either owners or consignees~~
9 ~~of owners, only if those changes are specifically agreed to, in writing, by the parties. Auctioneers~~
10 ~~shall enter into a written contract with owners or consignees of property sold at auction which~~
11 ~~contract shall establish terms for any remuneration paid to the auctioneer for his or her services.~~
12 ~~A copy of the contract shall be kept in the possession of the auctioneer for a period of three (3)~~
13 ~~years and shall be made available for inspection by the director at his or her discretion.~~
14 ~~Apprentices employed by licensed auctioneers in accordance with standards prescribed in~~
15 ~~regulations promulgated under this chapter shall be paid for their services at a rate not less than~~
16 ~~the minimum wage established by law. No apprentice shall enter into a verbal or written contract~~
17 ~~or agreement for remuneration for services rendered when remuneration is separate, apart from,~~
18 ~~or in addition to wages paid to the apprentice by the employing auctioneer.~~

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

26 ~~**5-58-9. Officers of mortgagee forbidden to act as auctioneer in foreclosure.** ---~~
27 ~~Officers of mortgagee forbidden to act as auctioneer in foreclosure. --- No officer of any~~
28 ~~corporation shall act as an auctioneer in the foreclosure of any mortgage held by that corporation.~~

29 ~~**5-58-10. Penalty for violations.** --- Any person acting as auctioneer or apprentice~~
30 ~~auctioneer without a license is guilty of a misdemeanor. Anyone who is convicted shall be~~
31 ~~punished by a fine not to exceed five hundred dollars (\$500), or by imprisonment for a term not~~
32 ~~to exceed ninety (90) days, or both the fine and imprisonment for each violation.~~

33 ~~**5-58-11. Severability.** --- If any provision of this chapter or any rule or regulation made,~~
34 ~~or the application under this chapter to any person or circumstances, is held invalid by a court of~~

1 ~~competent jurisdiction, the remainder of the chapter, rule, or regulation, and the application of~~
2 ~~that provision to other persons or circumstances, shall not be affected.~~

3 SECTION 15. Chapter 5-59.1 of the General Laws entitled "Rhode Island Orthotics and
4 Prosthetics Practices" is hereby repealed in its entirety.

5 ~~**5-59.1-1. Legislative intent.** -- The purpose of this chapter is to safeguard the public~~
6 ~~health to regulate the practice of orthotics and prosthetics by untrained and unethical persons.~~

7 ~~**5-59.1-2. Short title.** -- This act shall be known and may be cited as "The Rhode Island~~
8 ~~Orthotics and Prosthetics Practices Act".~~

9 ~~**5-59.1-3. Definitions.** -- As used in this chapter:~~

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

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

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

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

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

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

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

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

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

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

1 ~~similar devices as determined by the director, such as those commonly carried in stock by a~~
2 ~~pharmacy, department store, corset shop, or surgical supply facility.~~

3 ~~(11) "Orthotics" means the science and practice of evaluating, measuring, designing,~~
4 ~~fabricating, assembling, fitting, adjusting or, servicing, as well as providing the initial training~~
5 ~~necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of~~
6 ~~neuromuscular or musculoskeletal dysfunction, disease, injury or deformity. The practice of~~
7 ~~orthotics encompasses evaluation, treatment, and consultation; with basic observational gait and~~
8 ~~postural analysis, orthotists assess and design orthoses to maximize function and provide not only~~
9 ~~the support but the alignment necessary to either prevent or correct deformity or to improve the~~
10 ~~safety and efficiency of mobility or locomotion, or both. Orthotic practice includes providing~~
11 ~~continuing patient care in order to assess its effect on the patient's tissues and to assure proper fit~~
12 ~~and function of the orthotic device by periodic evaluation.~~

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

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

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

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

27 ~~(16) "Prosthetics" means the science and practice of evaluation, measuring, designing,~~
28 ~~fabricating, assembling, fitting, aligning, adjusting or servicing, as well as providing the initial~~
29 ~~training necessary to accomplish the fitting of, a prosthesis through the replacement of external~~
30 ~~parts of a human body, lost due to amputation or congenital deformities or absences. The practice~~
31 ~~of prosthetics also includes the generation of an image, form, or mold that replicates the patient's~~
32 ~~body or body segment and that requires rectification of dimensions, contours and volumes for use~~
33 ~~in the design and fabrication of a socket to accept a residual anatomic limb to, in turn, create an~~
34 ~~artificial appendage that is designed either to support body weight or to improve or restore~~

1 ~~function or cosmesis, or both. Involved in the practice of prosthetics is observational gait analysis~~
2 ~~and clinical assessment of the requirements necessary to refine and mechanically fix the relative~~
3 ~~position of various parts of the prosthesis to maximize function, stability, and safety of the~~
4 ~~patient. The practice of prosthetics includes providing and continuing patient care in order to~~
5 ~~assess the prosthetic device's effect on the patient's tissues and to assure proper fit and function of~~
6 ~~the prosthetic device by periodic evaluation.~~

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

16 ~~**5-59.1-4. Licensing of practitioners.** --- The department shall issue to those persons~~
17 ~~eligible under the provisions of this chapter certificate licenses attesting to their qualifications to~~
18 ~~practice as certified licensed orthotists or prosthetists.~~

19 ~~**5-59.1-5. Application for orthotic or prosthetic license.** --- Any person who desires to~~
20 ~~be licensed as set forth in § 5-59.1-4 shall in writing submit an application on forms provided by~~
21 ~~the department for a license accompanied by a fee as set forth in § 23-1-54 with all other~~
22 ~~credentials that the department requires and as required by this chapter. All the proceeds of any~~
23 ~~fees collected pursuant to the provisions of this chapter shall be deposited as general revenues.~~

24 ~~**5-59.1-6. Qualifications for license.** --- (a) Qualification for licensing under this chapter~~
25 ~~shall be the possession of the title "certified prosthetist" or "certified orthotist", as issued by and~~
26 ~~under the rules of the American Board for Certification in Orthotics and Prosthetics, Inc. or the~~
27 ~~Board for Orthotist/Prosthetist certification. Evidence of the possession of that title shall be~~
28 ~~presented to the department.~~

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

31 ~~(1) Possession of a baccalaureate degree from an accredited college or university;~~

32 ~~(2) Completion of an orthotic, or prosthetic education program that meets or exceeds the~~
33 ~~requirements of the National Commission on Orthotic and Prosthetic Education;~~

34 ~~(3) Completion of a clinical residency in orthotics and/or prosthetics that meets or~~

1 exceeds the standards of the National Commission on Orthotic and Prosthetic Education; and

2 (4) ~~Current certification by ABC or BOC in the discipline for which the application~~
3 ~~corresponds.~~

4 ~~**5-59.1-7. Use of "licensed prosthetist" or "licensed orthotist" title.** -- No person~~
5 ~~offering service to the public shall use the title licensed prosthetist or licensed orthotist or shall~~
6 ~~use the abbreviation "L.P." or "L.O", or in any other way represent themselves as licensed~~
7 ~~practitioners unless they hold a current license as provided in this chapter.~~

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

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

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

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

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

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

21 ~~**5-59.1-9. License and biannual renewal required.** -- No person may practice orthotics~~
22 ~~or prosthetics without a license issued under authority of this chapter, which license has not been~~
23 ~~suspended or revoked as provided under this chapter, without renewal biannually, as provided in~~
24 ~~§ 5-59.1-12.~~

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

32 ~~**5-59.1-11. Limitation on provisions of care and services.** -- A licensed orthotist and/or~~
33 ~~prosthetist may provide care and services only if care and services are provided pursuant to an~~
34 ~~order from a licensed physician, unless the item which may be purchased without a prescription.~~

1 ~~**5-59.1-12. Relicensing – Renewal.** – Every holder of a license issued under this chapter~~
2 ~~shall biannually attest to the department as to current certification issued by the American Board~~
3 ~~of Certification in Orthotics and Prosthetics or the Board for Orthotists/Prosthetist Certification.~~
4 ~~All licenses issued under this chapter shall expire biannually on the last day of September of~~
5 ~~every odd-numbered year. A biennial renewal fee as set forth in § 23-1-54 shall be required.~~
6 ~~Every orthotist and prosthetist shall conform to the standards of the American Board for~~
7 ~~Certification in Orthotics and Prosthetics or Board for Orthotists/Prosthetists Certification.~~

8 ~~**5-59.1-13. Rules and regulations.** – The department is authorized to promulgate such~~
9 ~~regulations as it deems necessary to implement the provisions of this chapter.~~

10 ~~**5-59.1-14. Responsibilities of the department.** – In addition to other authority provided~~
11 ~~by law, the department has the authority to:~~

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

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

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

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

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

25 ~~**5-59.1-16. Severability.** – If any provision of this chapter or of any rule or regulation~~
26 ~~made under this chapter, or the application of this chapter to any person or circumstances, is held~~
27 ~~invalid by a court of competent jurisdiction, the remainder of the chapter, rule or regulation, and~~
28 ~~the application of that provision to other persons or circumstances shall not be affected.~~

29 ~~**5-59.1-17. Advisory Board of orthotics and prosthetics practice – Composition –**~~
30 ~~**Appointment and terms – Powers and duties.** – (a) There is hereby created an advisory~~
31 ~~licensing board to review applications for licensure to obtain a license as an orthotist or~~
32 ~~prosthetist pursuant to this chapter of the general laws. The review of each applicant's licensing~~
33 ~~shall require that the applicant have completed an NCOPE (National Commission on Orthotic and~~
34 ~~Prosthetic Education); accredited residency under a board-certified practitioner in the respective~~

1 discipline; and meet all of the requirements of the chapter. The board shall conduct its interviews
2 and/or investigation and shall report its findings to the director of the department of health.

3 (b) ~~The licensing board shall be composed of three (3) persons: the director of the~~
4 ~~department of health, or his or her designee; one board certified Rhode Island state licensed~~
5 ~~prosthetist; and one board certified Rhode Island state licensed orthotist. The board certified~~
6 ~~orthotist and the board certified prosthetist shall be certified by the American Board of~~
7 ~~Certification in orthotics and prosthetics and licensed by the State of Rhode Island, shall serve for~~
8 ~~three (3) year terms and shall be selected by the board of directors of the Rhode Island Society of~~
9 ~~Orthotists and Prosthetists, Inc. The members of the board shall serve without compensation.~~

10 SECTION 16. Chapter 5-60 of the General Laws entitled "Athletic Trainers" is hereby
11 repealed in its entirety.

12 ~~**5-60-1. Short title.** --- This chapter shall be known and may be cited as the "Rhode Island~~
13 ~~Athletic Trainers Chapter".~~

14 ~~**5-60-2. Definitions.** --- As used in this chapter:~~

15 (1) ~~"Athletic trainer" means a person with the specific qualifications established in § 5-~~
16 ~~60-10 who, upon the direction of his or her team physician and/or consulting physician, carries~~
17 ~~out the practice of athletic training to athletic injuries incurred by athletes in preparation of or~~
18 ~~participation in an athletic program being conducted by an educational institution under the~~
19 ~~jurisdiction of an interscholastic or intercollegiate governing body, a professional athletic~~
20 ~~organization, or a board sanctioned amateur athletic organization; provided, that no athlete shall~~
21 ~~receive athletic training services if classified as geriatric by the consulting physician. No athlete~~
22 ~~shall receive athletic training services if non-athletic or age-related conditions exist or develop~~
23 ~~that render the individual debilitated or non-athletic. To carry out these functions, the athletic~~
24 ~~trainer is authorized to utilize modalities such as heat, light, sound, cold, electricity, exercise, or~~
25 ~~mechanical devices related to care and reconditioning. The athletic trainer, as defined in this~~
26 ~~chapter, shall not represent himself or herself or allow an employer to represent him or her to be,~~
27 ~~any other classification of healthcare professional governed by a separate and distinct practice act.~~
28 ~~This includes billing for services outside of the athletic trainer's scope of practice, including, but~~
29 ~~not limited to services labeled as physical therapy.~~

30 (2) ~~"Board" means the Rhode Island board of athletic trainers established under § 5-60-4.~~

31 (3) ~~"Department of health" means the department of state under which the board of~~
32 ~~athletic trainers is listed.~~

33 (4) ~~"Director" means the director or state official in charge of the department of health.~~

34 ~~**5-60-3. Practices not authorized.** --- Nothing in this chapter shall be construed to~~

1 authorize the practice of medicine, or any of its branches, by any person not licensed by the
2 department of health.

3 ~~**5-60-4. Board—Composition—Appointment, terms, oaths, and removal of members**~~

4 ~~**—Officers—Meetings.**~~ (a) The director of the department of health, with the approval of the
5 governor, shall appoint the members of the Rhode Island board of athletic trainers, which shall be
6 composed of three (3) licensed athletic trainers and one public member and one physician
7 licensed to practice medicine and with an interest in sports medicine. In making appointments to
8 the board, the director shall give consideration to recommendations made by professional
9 organizations of athletic trainers and physicians. Each appointee shall be licensed and practicing
10 in the state, except that the director in appointing the athletic trainer members of the first board
11 may appoint any practicing athletic trainer who possesses the qualification required by § 5-60-10.
12 To qualify as a member, a person must be a citizen of the United States and a resident of the state
13 for five (5) years immediately preceding appointment.

14 (b) The members of the board shall be appointed for terms of three (3) years which expire
15 on August 1 of even numbered years, except that in making the initial appointments the director
16 shall designate one member to serve one year, two (2) members to serve two (2) years, and two
17 (2) members to serve three (3) years. In the event of death, resignation, or removal of any
18 member, the vacancy shall be filled for the unexpired portion of the term in the same manner as
19 the original appointment. The director may remove any member for cause at any time prior to the
20 expiration of his or her term. No member shall serve for more than two (2) consecutive three (3)
21 year terms.

22 (c) Each appointee to the board shall qualify by taking the constitutional oath of office
23 within thirty (30) days from the date of his or her appointment. On presentation of the oath, the
24 director shall issue commissions to appointees as evidence of their authority to act as members of
25 the board.

26 (d) The board shall elect from its members for a term of one year, a chairperson, vice-
27 chairperson, and secretary treasurer, and may appoint committees that it considers necessary to
28 carry out its duties. The board shall meet at least two (2) times a year. Additional meetings may
29 be held on the call of the chairperson or at the written request of any three (3) members of the
30 board. The quorum required for any meeting of the board shall be three (3) members. No action
31 by the board or its members has any effect unless a quorum of the board is present.

32 ~~**5-60-5. Board—Powers and duties.**~~ -- Subject to the approval of the director, the board

33 has the powers and duties to:

34 (1) ~~Make rules and regulations consistent with this chapter, which are necessary for the~~

1 ~~performance of its duties.~~

2 ~~(2) Prescribe application forms for license applicants.~~

3 ~~(3) Keep a complete record of all licensed athletic trainers and prepare annually a roster~~
4 ~~showing the names and addresses of all licensed athletic trainers, and make available a copy of~~
5 ~~the roster to any person requesting it on payment of a fee established by the department sufficient~~
6 ~~to cover the costs of the roster.~~

7 ~~(4) Keep a permanent record of all proceedings under this chapter.~~

8 ~~(5) Issue licenses to qualified applicants.~~

9 ~~(6) Conduct hearings to deny, revoke, suspend, or refuse renewal of licenses under this~~
10 ~~chapter, and issue subpoenas to compel witnesses to testify or produce evidence at the hearings.~~

11 ~~**5-60-9. License required to use title "athletic trainer".** --- No person may use the title~~
12 ~~"athletic trainer" or perform the duties of an athletic trainer, unless licensed by the state of Rhode~~
13 ~~Island to perform those duties.~~

14 ~~**5-60-10. Qualifications of athletic trainers.** --- (a) An applicant for an athletic trainer~~
15 ~~license must possess one of the following qualifications:~~

16 ~~(1) Give proof of graduation from an accredited college or university and have met the~~
17 ~~following minimum athletic training curriculum requirements established by the board, by~~
18 ~~completing the following specific course requirements:~~

19 ~~(i) Human anatomy;~~

20 ~~(ii) Human physiology;~~

21 ~~(iii) Physiology of exercise;~~

22 ~~(iv) Applied anatomy and kinesiology;~~

23 ~~(v) Psychology (2 courses);~~

24 ~~(vi) First aid and CPR;~~

25 ~~(vii) Nutrition;~~

26 ~~(viii) Remedial exercise;~~

27 ~~(ix) Personal, community, and school health;~~

28 ~~(x) Techniques of athletic training;~~

29 ~~(xi) Advanced techniques of athletic training; and~~

30 ~~(xii) Clinical experience in accordance with national standards and as approved by the~~
31 ~~director.~~

32 ~~(2) Show proof acceptable to the board of education and experience of equal caliber to~~
33 ~~that specified in subdivision (1) of this subsection.~~

34 ~~(3) Have passed the required examination, approved by the department.~~

1 ~~(b) On and after January 1, 2004, an applicant for initial licensure shall be required to~~
2 ~~demonstrate:~~

3 ~~(1) Proof of graduation from an accredited college or university and shall have met~~
4 ~~minimum athletic training requirements as established by department regulation; and~~

5 ~~(2) Proof of having passed the required examination, approved by the department, and~~
6 ~~shall have been certified by the national certifying body recognized by the National Athletic~~
7 ~~Trainers Association (NATA).~~

8 ~~**5-60-11. Fees.** --- Applicants for athletic trainer licenses shall pay a license fee, and, if~~
9 ~~applicable, a biennial license renewal fee as set forth in § 23-1-54. Any person allowing their~~
10 ~~license to lapse shall pay a late fee as set forth in § 23-1-54.~~

11 ~~**5-60-12. Applications for licenses.** --- (a) An applicant for an athletic trainer license shall~~
12 ~~submit an application to the department on the prescribed forms and shall submit the fee listed in~~
13 ~~§ 5-60-11.~~

14 ~~(b) The applicant shall be entitled to an athletic trainer license if he or she possesses the~~
15 ~~qualifications enumerated in § 5-60-10, pays the license fee established in § 5-60-11 and has not~~
16 ~~committed an act which constitutes grounds for denial of a license under § 5-60-14.~~

17 ~~**5-60-13. Expiration and renewal of licenses.** --- A license issued under this chapter shall~~
18 ~~expire on the thirtieth day of June of every odd-numbered year. Licenses shall be renewed~~
19 ~~according to procedures established by the department and upon payment of the renewal fees~~
20 ~~established in § 5-60-11. Beginning with the renewal application due July 1, 2003, and every~~
21 ~~renewal year thereafter, each licensed athletic trainer who wishes to continue licensure as an~~
22 ~~athletic trainer shall present satisfactory evidence to the board that he or she has completed the~~
23 ~~continuing education requirements established by the board through regulation.~~

24 ~~**5-60-14. Grounds for refusal or revocation of licenses.** --- The board may refuse to~~
25 ~~issue a license to an applicant or may suspend, revoke, or refuse to renew the license of any~~
26 ~~licensee if he or she has:~~

27 ~~(1) Been convicted of a felony or misdemeanor involving moral turpitude, the record of~~
28 ~~conviction being conclusive evidence of conviction if the department determines after~~
29 ~~investigation that the person has not been sufficiently rehabilitated to warrant the public trust;~~

30 ~~(2) Secured a license under this chapter by fraud or deceit; or~~

31 ~~(3) Violated or conspired to violate this chapter or rules or regulations issued pursuant to~~
32 ~~this chapter.~~

33 ~~**5-60-15. Appeals.** --- An appeal from any decision or order of the board may be taken by~~
34 ~~any aggrieved party in the manner provided for in the Administrative Procedures Act, chapter 35~~

1 of title 42.

2 ~~**5-60-17. Penalty for violations.** -- Any person who violates a provision of this chapter is~~
3 ~~guilty of a misdemeanor offense and upon conviction shall be punishable by a fine not less than~~
4 ~~twenty five dollars (\$25.00) nor more than five hundred dollars (\$500).~~

5 ~~**5-60-18. Receipts.** -- Any § 5-60-18 Receipts. -- The proceeds of any fees collected~~
6 ~~pursuant to the provisions of this chapter shall be deposited as general revenues.~~

7 ~~**5-60-19. Severability.** -- If any provision of this chapter, or the application of this~~
8 ~~chapter to any person or circumstances, is held invalid, that invalidity shall not affect other~~
9 ~~provisions or application of the chapter which can be given effect without the invalid provision or~~
10 ~~application, and to this end the provisions of this chapter are declared to be severable.~~

11 SECTION 17. Sections 5-68.1-2, 5-68.1-5, 5-68.1-8, and 5-68.1-9 of the General Laws in
12 Chapter 5-68.1 entitled "Radiologic Technologists" are hereby amended to read as follows:

13 ~~**5-68.1-2. Definitions.** -- As used in this chapter:~~

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

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

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

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

19 ~~(5) "Financial interest" means being:~~

20 ~~(i) A licensed practitioner of radiologic technology; or~~

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

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

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

26 ~~(7) "Licensed practitioner" means an individual licensed to practice medicine,~~
27 ~~chiropractic, or podiatry, or an individual licensed as a registered nurse practitioner or physician~~
28 ~~assistant in this state.~~

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

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

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

6 (11) "Person" means any individual, corporation, partnership, firm, association, trust,
7 estate, public or private institution, group, agency, political subdivision of this state or any other
8 state, or political subdivision of any agency thereof and any legal successor, representative, agent
9 or agency of the foregoing.

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

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

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

23 ~~(15) "Radiologist assistant" means an individual, other than a licensed practitioner, who~~
24 ~~performs as an advanced level radiologic technologist and works under the general supervision of~~
25 ~~a radiologist to enhance patient care by assisting the radiologist in the medical imaging~~
26 ~~environment, and who has met and continues to meet the licensure standards of this chapter.~~

27 (15)(16) "Source of radiation" means any substance or device emitting or capable of
28 producing ionizing radiation, for the purpose of performing therapeutic or diagnostic radiologic
29 procedures on human beings.

30 (16)(17) "Student" means an individual enrolled in a course of study for medicine or
31 radiologic technology.

32 (17)(18) "Supervision" means and includes:

33 (i) "Direct supervision" means supervision and control by a licensed practitioner who
34 assumes legal liability for the services rendered by the radiologic technologist, which supervision

1 requires the physical presence of the licensed practitioner for consultation and direction of the
2 actions of the radiologic technologist.

3 (ii) "General supervision" means supervision whereby a licensed practitioner, who
4 assumes legal liability for the services rendered, authorizes the services to be performed by the
5 radiologic technologist, which supervision, except in cases of emergency, requires the easy
6 availability or physical presence of the licensed practitioner for consultation and direction of the
7 actions of the radiologic technologist.

8 **5-68.1-5. Licensure standards.** – (a) The director shall develop standards for licensure
9 of the following categories of radiologic technology:

- 10 (1) Radiographer;
- 11 (2) Nuclear medicine technologist;
- 12 (3) Radiation therapist; and
- 13 ~~(4) Radiologist assistant.~~

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

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

21 **5-68.1-8. Other licensing provisions.** – (a) Each radiologic technologist license issued
22 by the director shall only specify one category of radiologic technology. An individual qualified
23 to practice more than one category of radiologic technology shall submit a separate application
24 for each category to be licensed. Each radiologic technologist license issued by the director shall
25 indicate, as appropriate, that the individual is a licensed radiographer, a licensed nuclear medicine
26 technologist, a licensed radiation therapist, ~~a licensed radiologist assistant~~ or other category of
27 radiologic technology license established by the director pursuant to subsection 5-68.1-5(c).

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

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

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

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

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

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

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

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

12 (f) The director shall promulgate rules and regulations which specify the minimum
13 continuing education credits required for renewal of a radiologic technologist license. Failure to
14 attest to completion of the minimum continuing education credits shall constitute grounds for
15 revocation, suspension or refusal to renew the license.

16 ~~**5-68.1-9. Special requirements pertaining to licensure of radiologist assistants.** (a)
17 The director shall promulgate rules and regulations that delineate the specific duties allowed for a
18 licensed radiologist assistant. These duties shall be consistent with guidelines adopted by the
19 American College of Radiology, the American Society of Radiologic Technologists and the
20 American Registry of Radiologic Technologists, with the level of supervision required by such
21 guidelines.~~

22 ~~(b) A licensed radiologist assistant is specifically not authorized to:~~

23 ~~(1) Perform nuclear medicine or radiation therapy procedures unless currently licensed
24 and trained to perform those duties under the individual's nuclear medicine technologist or
25 radiation therapy technologist license;~~

26 ~~(2) Interpret images;~~

27 ~~(3) Make diagnoses; and~~

28 ~~(4) Prescribe medications or therapies.~~

29 SECTION 18. Section 16-11.1-1 of the General Laws in Chapter 16-11.1 entitled
30 "Certification of Athletic Coaches" is hereby amended to read as follows:

31 CHAPTER 16-11.1

32 ~~Certification of~~ Athletic Coaches

33 ~~**16-11.1-1. Certification of athletic coaches** – Athletic coaches - ~~Red cross~~ **First aid**~~
34 ~~**course required.** – The department of elementary and secondary education shall promulgate~~

1 rules and regulations concerning the necessary requirements for first aid certification for any
2 person who coaches in any athletic program in any school supported wholly or in part by public
3 money. No person shall coach in any athletic program in any school supported wholly or in part
4 by public money unless the person shall have acquired a certificate of qualification issued by or
5 under the authority of the department of elementary and secondary education which indicates that
6 the person has, no more than three (3) years prior to the application for certification, successfully
7 completed the minimum of a red cross first aid course or a comparable course approved by the
8 department of elementary and secondary education. Participating schools shall require annual
9 proof of current and valid first aid training from all coaches in their athletic programs.

10 SECTION 19. Section 20-2-30 of the General Laws in Chapter 20-2 entitled "Licensing"
11 is hereby amended to read as follows:

12 **20-2-30. Fur trapping and buying licenses.** – (a)(1) Fur trapper – Resident: ten dollars
13 (\$10.00);

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

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

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

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

18 SECTION 20. Chapter 23-16.3 of the General Laws entitled "Clinical Laboratory
19 Science Practice" is hereby repealed in its entirety.

20 ~~**23-16.3-1. Short title.**— This chapter shall be known and may be cited as the "Clinical
21 Laboratory Science Practice Act".~~

22 ~~**23-16.3-2. Declaration of policy and statement of purpose.**— It is declared to be a
23 policy of the state that the practice of clinical laboratory science by health care professionals
24 affects the public health, safety, and welfare and is subject to control and regulation in the public
25 interest. It is further declared that clinical laboratories and clinical laboratory science practitioners
26 provide essential services to practitioners of the healing arts by furnishing vital information which
27 may be used in the diagnosis, prevention, and treatment of disease or impairment and the
28 assessment of the health of humans. The purpose of this chapter is to provide for the better
29 protection of public health by providing minimum qualifications for clinical laboratory science
30 practitioners, and by ensuring that clinical laboratory tests are performed with the highest degree
31 of professional competency by those engaged in providing clinical laboratory science services in
32 the state.~~

33 ~~**23-16.3-3. Definitions.**— The following words and terms when used in this chapter have
34 the following meaning unless otherwise indicated within the context:~~

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

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

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

9 ~~(4) "Clinical laboratory science practitioner" or "one who engages in the practice of~~
10 ~~clinical laboratory science" means a health care professional who performs clinical laboratory~~
11 ~~tests or who is engaged in management, education, consulting, or research in clinical laboratory~~
12 ~~science, and includes laboratory directors, supervisors, clinical laboratory scientists~~
13 ~~(technologists), specialists, and technicians working in a laboratory, but does not include persons~~
14 ~~employed by a clinical laboratory to perform supportive functions not related to direct~~
15 ~~performance of laboratory tests and does not include clinical laboratory trainees. Provided,~~
16 ~~however, nothing contained in this chapter shall apply to a clinical perfusionist engaged in the~~
17 ~~testing of human laboratory specimens for extracorporeal functions, which shall include those~~
18 ~~functions necessary for the support, treatment, measurement, or supplementation of the~~
19 ~~cardiopulmonary or circulatory system of a patient.~~

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

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

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

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

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

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

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

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

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

11 ~~**23-16.3-4. Exceptions.** This chapter shall not apply to:~~

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

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

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

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

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

25 ~~**23-16.3-5. License required.** (a) No person shall practice clinical laboratory science or~~
26 ~~hold himself or herself out as a clinical laboratory science practitioner in this state unless he or~~
27 ~~she is licensed pursuant to this chapter.~~

28 ~~(b) All persons who were engaged in the practice of clinical laboratory science on July 1,~~
29 ~~1992, who are certified by or eligible for certification by an agency approved by the department~~
30 ~~of health, and who have applied to the department of health on or before July 1, 1994, and have~~
31 ~~complied with all necessary requirements for the application, may continue to perform clinical~~
32 ~~laboratory tests until July 1, 1995 unless the application is denied by the department of health, or~~
33 ~~the withdrawal of the application, whichever occurs first.~~

34 ~~(c) Persons not meeting the education, training, and experience qualifications for any~~

1 ~~license described in this chapter may be considered to have met the qualifications providing they~~
2 ~~have:~~

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

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

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

15 ~~**23-16.3-6. Administration.** (a) There is created within the division of professional~~
16 ~~regulation of the department of health a clinical laboratory advisory board which shall consist of~~
17 ~~seven (7) persons who have been residents of the state for at least two (2) years prior to their~~
18 ~~appointment, and who are actively engaged in their areas of practice. The director of the~~
19 ~~department of health, with the approval of the governor, shall make appointments to the board~~
20 ~~from lists submitted by organizations of clinical laboratory science practitioners and~~
21 ~~organizations of physicians and pathologists.~~

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

23 ~~(1) One physician certified by the American Board of Pathology or American Board of~~
24 ~~Osteopathic Pathology;~~

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

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

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

33 ~~(c) Board members shall serve for a term of three (3) years, and until their successors are~~
34 ~~appointed and qualified, except that the initial appointments, which shall be made within sixty~~

1 ~~(60) days after July 1, 1992, shall be as follows:~~

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

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

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

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

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

12 ~~**23-16.3-7. Duties and powers of the clinical laboratory advisory board.**—In addition~~
13 ~~to any other power conferred upon the board pursuant to this chapter, the board shall recommend~~
14 ~~to the director:~~

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

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

24 ~~(3) Rules and regulations governing qualifications for licensure of specialists in those~~
25 ~~clinical laboratory science specialties that the board may determine in accordance with § 23-16.3-~~
26 ~~8(e);~~

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

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

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

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

34 ~~**23-16.3-8. Standards for licensure.**—(a) Clinical laboratory scientist (technologist). The~~

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

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

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

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

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

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

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

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

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

33 ~~(3) A clinical laboratory technician who previously qualified under federal regulatory~~
34 ~~requirements such as 42 CFR § 493.1441 of the March 14, 1990 federal register which meet or~~

1 ~~exceed the requirements for licensure set forth by the board.~~

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

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

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

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

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

21 ~~(2) A baccalaureate degree from an accredited college or university with twenty (20)~~
22 ~~semester hours (30 quarter hours) of biological science, eight (8) semester hours (12 quarter~~
23 ~~hours) of chemistry, and three (3) semester hours (4 quarter hours) of mathematics and five (5)~~
24 ~~years full-time acceptable clinical laboratory experience including cytopreparatory techniques,~~
25 ~~microscopic analysis, and evaluation of the body systems within the last ten (10) years. At least~~
26 ~~two (2) of these years must be subsequent to the completion of the academic component and at~~
27 ~~least two (2) years must be under the supervision of a licensed physician who is a pathologist,~~
28 ~~certified, or eligible for certification, by the American Board of Pathology in anatomic pathology~~
29 ~~or has other suitable qualifications acceptable to the board.~~

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

32 ~~(e) The board shall recommend standards for any other clinical laboratory science~~
33 ~~practitioners specializing in areas such as nuclear medical technology, radioimmunoassay,~~
34 ~~electron microscopy, forensic science, molecular biology, or similar recognized academic and~~

1 ~~scientific disciplines with approval of the director of health.~~

2 ~~**23-16.3-9. Waiver of requirements.**—The board shall recommend regulations providing~~
3 ~~procedures for waiver of the requirements of § 23-16.3-8 for all applicants who hold a valid~~
4 ~~license or its equivalent issued by another state; provided that the requirements under which that~~
5 ~~license or its equivalent was issued to meet or exceed the standards required by this chapter with~~
6 ~~the approval of the director. The board may also recommend regulations it deems appropriate~~
7 ~~with respect to individuals who hold valid licenses or their equivalent in other countries.~~

8 ~~**23-16.3-10. Licensure application procedures.**—(a) Licensure applicants shall submit~~
9 ~~their application for licensure to the department of health upon the forms prescribed and furnished~~
10 ~~by the department of health, and shall pay the designated application or examination fee.~~

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

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

18 ~~(d) The board may recommend a procedure for issuance of provisional licenses to~~
19 ~~individuals who otherwise qualify under this chapter but are awaiting the results of certification~~
20 ~~examinations. A provisional license so issued shall be converted to a license under the provisions~~
21 ~~of § 23-16.3-8 or expire not more than twelve (12) months after issuance. At the discretion of the~~
22 ~~board, the provisional license may be reissued at least one time with the director's approval.~~

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

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

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

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

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

6 ~~**23-16.3-12. Disciplinary requirements.**—The board may recommend to the director of~~
7 ~~health issuance, renewal, or revocation of a license, or suspension, placement on probation,~~
8 ~~censure, or reprimand of a licensee, or any other disciplinary action that the board may deem~~
9 ~~appropriate, including the imposition of a civil penalty, for conduct that may result from, but not~~
10 ~~necessarily be limited to:~~

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

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

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

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

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

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

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

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

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

30 ~~**23-16.3-13. Hearing requirements—Procedure.**—(a) The proceedings for the~~
31 ~~revocation, suspension or limiting of any license may be initiated by any person, corporation,~~
32 ~~association, or public officer or by the board by the filing of written charges with the board, but~~
33 ~~no license shall be revoked, suspended, or limited without a hearing before the board within sixty~~
34 ~~(60) days after the filing of written charges in accordance with the procedures established by the~~

1 ~~board. A license may be temporarily suspended without a hearing for the period not to exceed~~
2 ~~thirty (30) days upon notice to the licensee following a finding by the board that there exists a~~
3 ~~significant threat to the public health and approved by the director.~~

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

6 ~~**23-16.3-14. Roster of licenses.** The department of health shall maintain a roster of the~~
7 ~~names and addresses of persons currently licensed and registered under the provision of this~~
8 ~~chapter, and of all persons whose licenses have been suspended or revoked within the previous~~
9 ~~year.~~

10 ~~**23-16.3-15. Receipts.** The proceeds of any fees collected pursuant to the provisions of~~
11 ~~this chapter shall be deposited as general revenues.~~

12 ~~**23-16.3-16. Severability.** If any provision of this chapter or the application of any~~
13 ~~provision to any person or circumstance shall be held invalid, that invalidity shall not affect the~~
14 ~~provisions or application of this chapter which can be given effect without the invalid provision~~
15 ~~or application, and to this end the provisions of the chapter are declared to be severable.~~

16 SECTION 21. Chapter 23-19.3 of the General Laws entitled "Sanitarians" is hereby
17 repealed in its entirety.

18 ~~**23-19.3-1. Definitions.** The following words as used in this chapter shall, unless the~~
19 ~~context requires otherwise, have the following meanings:~~

20 ~~(1) "Division" means the division of professional regulation in the department of health.~~

21 ~~(2) "Sanitarian" means a person with broad basic education experience in the field of~~
22 ~~environmental health sciences and technology, and who is qualified to carry out instructional and~~
23 ~~surveillance duties and enforce the laws in the field of environmental health.~~

24 ~~**23-19.3-2. Division of professional regulation — Powers and duties.** The division of~~
25 ~~professional regulation shall have the following powers and duties:~~

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

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

29 ~~**23-19.3-3. Qualification for registration.** The division of professional regulation shall~~
30 ~~establish the minimum educational and experience qualifications which applicants must possess~~
31 ~~before being allowed to take the examinations for registration as sanitarians and may, in a similar~~
32 ~~manner, provide for the issuance of certificates of registration without examination to persons~~
33 ~~holding certificates of registration or licenses as sanitarians under the laws of another state, where~~
34 ~~the requirements are substantially equivalent or exceed the requirements of this state.~~

1 ~~**23-19.3-4. Ad hoc committee.**— The director of health may establish, as the director~~
2 ~~deems necessary, an ad hoc committee of three professional environmental health scientists who~~
3 ~~are registered sanitarians with 10 or more years' experience in the field of environmental health~~
4 ~~services to assist the division of professional regulation in establishing any standards deemed~~
5 ~~necessary to carry out the provisions of this chapter.~~

6 ~~**23-19.3-5. Application for registration—Examination—Issuance of certificate.**—(a)~~
7 ~~A person who desires to be registered as a sanitarian shall file with the division of professional~~
8 ~~regulation an application upon a form to be prescribed and furnished by the division of~~
9 ~~professional regulation. He or she shall include in the application, under oath, his or her~~
10 ~~qualifications as a sanitarian. The application shall be accompanied by a registration fee as set~~
11 ~~forth in § 23-1-54.~~

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

18 ~~**23-19.3-6. Designation of registered sanitarian.**— Any person to whom a certificate of~~
19 ~~registration as a sanitarian has been issued shall have the right to use after his name the title~~
20 ~~"registered sanitarian" or the letters "R.S." No other person shall assume the title or use the letters~~
21 ~~or any other words, letters, or writing to indicate that he or she is a registered sanitarian.~~

22 ~~**23-19.3-7. Restricted receipts.**— From the proceeds of any fees collected pursuant to the~~
23 ~~provisions of this chapter, there is created a restricted receipts account which shall be used for the~~
24 ~~general purposes of the division of professional regulation within the Rhode Island department of~~
25 ~~health.~~

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

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

32 SECTION 22. Chapter 23-20.8.1 of the General Laws entitled “Registration of Music
33 Therapists” is hereby repealed in its entirety.

34 ~~**23-20.8.1-1. Definitions.**— As used in this chapter:~~

1 ~~(1) "Board certified music therapist" means an individual who has completed the~~
2 ~~education and clinical training requirements established by the American Music Therapy~~
3 ~~Association; has passed the certification board for music therapists certification examination; or~~
4 ~~transitioned into board certification, and remains actively certified by the certification board for~~
5 ~~music therapists.~~

6 ~~(2) "Music therapist" means a person registered to practice music therapy pursuant to this~~
7 ~~chapter.~~

8 ~~(3) "Music therapy" means the clinical and evidence based use of music interventions to~~
9 ~~accomplish individualized goals within a therapeutic relationship through an individualized music~~
10 ~~therapy treatment plan for the client that identifies the goals, objectives, and potential strategies of~~
11 ~~the music therapy services appropriate for the client using music therapy interventions, which~~
12 ~~may include music improvisation, receptive music listening, song writing, lyric discussion, music~~
13 ~~and imagery, music performance, learning through music, and movement to music. Music therapy~~
14 ~~is a distinct and separate profession from other licensed, certified, or regulated professions,~~
15 ~~including speech language pathology. The practice of music therapy does not include the~~
16 ~~diagnosis of any physical, mental, or communication disorder. This term may include:~~

17 ~~(i) Accepting referrals for music therapy services from medical, developmental, mental~~
18 ~~health, or education professionals; family members; clients; or caregivers. Before providing~~
19 ~~music therapy services to a client for a medical, developmental, or mental health condition, the~~
20 ~~registrant shall collaborate, as applicable, with the client's physician, psychologist, or mental~~
21 ~~health professional to review the client's diagnosis, treatment needs, and treatment plan. During~~
22 ~~the provision of music therapy services to a client, the registrant shall collaborate, as applicable,~~
23 ~~with the client's treatment team;~~

24 ~~(ii) Conducting a music therapy assessment of a client to collect systematic,~~
25 ~~comprehensive, and accurate information necessary to determine the appropriate type of music~~
26 ~~therapy services to provide for the client;~~

27 ~~(iii) Developing an individualized music therapy treatment plan for the client;~~

28 ~~(iv) Carrying out an individualized music therapy treatment plan that is consistent with~~
29 ~~any other medical, developmental, mental health, or educational services being provided to the~~
30 ~~client;~~

31 ~~(v) Evaluating the client's response to music therapy and the individualized music therapy~~
32 ~~treatment plan and suggesting modifications, as appropriate;~~

33 ~~(vi) Developing a plan for determining when the provision of music therapy services is~~
34 ~~no longer needed in collaboration with the client, any physician, or other provider of healthcare or~~

1 ~~education of the client, any appropriate member of the family of the client, and any other~~
2 ~~appropriate person upon whom the client relies for support;~~

3 ~~(vii) Minimizing any barriers so that the client may receive music therapy services in the~~
4 ~~least restrictive environment; and~~

5 ~~(viii) Collaborating with and educating the client and the family or caregiver of the client~~
6 ~~or any other appropriate person about the needs of the client that are being addressed in music~~
7 ~~therapy and the manner in which the music therapy addresses those needs.~~

8 ~~(4) "Office" means the department of health.~~

9 ~~(5) "Director" means the director of the department of health or his or her designee.~~

10 ~~**23-20.8.1-2. Applicability and scope.** After January 1, 2015, a person shall not~~
11 ~~practice music therapy or represent himself or herself as being able to practice music therapy in~~
12 ~~this state unless the person is registered pursuant to this chapter. Nothing in this chapter may be~~
13 ~~construed to prohibit or restrict the practice, services, or activities of the following:~~

14 ~~(1) Any person licensed, certified, or regulated under the laws of this state in another~~
15 ~~profession or occupation or personnel supervised by a licensed professional in this state~~
16 ~~performing work, including the use of music, incidental to the practice of his or her licensed,~~
17 ~~certified, or regulated profession or occupation, if that person does not represent himself or~~
18 ~~herself as a music therapist; or~~

19 ~~(2) Any person whose training and national certification attests to the individual's~~
20 ~~preparation and ability to practice his or her certified profession or occupation if that person does~~
21 ~~not represent himself or herself as a music therapist.~~

22 ~~(3) Any practice of music therapy as an integral part of a program of study for students~~
23 ~~enrolled in an accredited music therapy program if the student does not represent himself or~~
24 ~~herself as a music therapist.~~

25 ~~(4) Any person who practices music therapy under the supervision of a registered music~~
26 ~~therapist if the person does not represent himself or herself as a music therapist.~~

27 ~~**23-20.8.1-3. Issuance of registration - Minimum qualifications.** (a) The director~~
28 ~~shall issue a registration to an applicant for a music therapy registration when such applicant has~~
29 ~~completed and submitted an application, upon a form and in such manner as the director~~
30 ~~prescribes, accompanied by applicable fees, and evidence satisfactory to the director that:~~

31 ~~(1) The applicant is at least eighteen (18) years of age;~~

32 ~~(2) The applicant holds a bachelor's degree or higher in music therapy, or its equivalent,~~
33 ~~from a program approved by the American Music Therapy Association, or any successor~~
34 ~~organization within an accredited college or university;~~

1 ~~(3) The applicant successfully completes a minimum of twelve hundred (1,200) hours of~~
2 ~~clinical training, with at least one hundred eighty (180) hours in pre-internship experiences and at~~
3 ~~least nine hundred (900) hours in internship experiences; provided that the internship is approved~~
4 ~~by an academic institution, the American Music Therapy Association or its successor association,~~
5 ~~or both;~~

6 ~~(4) The applicant is in good standing based on a review of the applicant's music therapy~~
7 ~~practice history in other jurisdictions, including a review of any alleged misconduct or neglect in~~
8 ~~the practice of music therapy on the part of the applicant;~~

9 ~~(5) The applicant provides proof of passing the examination for board certification~~
10 ~~offered by the certification board for music therapists, or any successor organization, or provides~~
11 ~~proof of being transitioned into board certification, and provides proof that the applicant is~~
12 ~~currently a board-certified music therapist.~~

13 ~~(b) The director shall issue a registration to an applicant for a music therapy registration~~
14 ~~when such applicant has completed and submitted an application upon a form, and in such~~
15 ~~manner as the director prescribes, accompanied by applicable fees, and evidence satisfactory to~~
16 ~~the director that the applicant is registered and in good standing as a music therapist in another~~
17 ~~jurisdiction where the qualifications required are equal to, or greater than, those required in this~~
18 ~~chapter at the date of application.~~

19 ~~**23-20.8.1-4. Suspension and revocation of registration.**~~ (a) ~~Every registration issued~~
20 ~~under this chapter shall be renewed biennially. A registration shall be renewed upon payment of a~~
21 ~~renewal fee if the applicant is not in violation of any of the terms of this chapter at the time of~~
22 ~~application for renewal. The following shall also be required for registration renewal: proof of~~
23 ~~maintenance of the applicant's status as a board-certified music therapist.~~

24 ~~(b) A registrant shall inform the director of any changes to his or her address. Each~~
25 ~~registrant shall be responsible for timely renewal of his or her registration.~~

26 ~~(c) Failure to renew a registration shall result in forfeiture of the registration.~~
27 ~~Registrations that have been forfeited may be restored within one year of the expiration date upon~~
28 ~~payment of renewal and restoration fees. Failure to restore a forfeited registration within one year~~
29 ~~of the date of its expiration shall result in the automatic termination of the registration and the~~
30 ~~director may require the individual to reapply for registration as a new applicant.~~

31 ~~**23-20.8.1-5. Waiver of examination.**~~ ~~The director shall waive the examination~~
32 ~~requirement for an applicant until January 1, 2015, who is:~~

33 ~~(1) A board-certified music therapist; or~~

34 ~~(2) Designated as a registered music therapist, certified music therapist, or advanced~~

1 ~~certified music therapist and in good standing with the national music therapy registry.~~

2 ~~**23-20.8.1-6. Rules and regulations.**— The director is authorized to adopt, modify,~~
3 ~~repeal, and promulgate rules and regulations in accordance with the purposes of this chapter, and~~
4 ~~only after procedures in accordance with the administrative procedures act (chapter 35 of title 42)~~
5 ~~have been followed. The director is further authorized to assess fees for registrations issued in~~
6 ~~accordance with rules and regulations promulgated pursuant to the authority conferred by this~~
7 ~~chapter, provided that those fees are assessed only after procedures in accordance with the~~
8 ~~administrative procedures act (chapter 35 of title 42) have been followed. All fees shall be~~
9 ~~deposited into the general fund as general revenue.~~

10 SECTION 23. Section 23-22.5-1 of the General Laws in Chapter 23-22.5 entitled
11 “Drowning Prevention and Lifesaving” is hereby amended to read as follows:

12 ~~**23-22.5-1. Rules, regulations, and orders – Facilities to which applicable.**~~ – (a) The
13 department of environmental management is authorized and empowered to adopt and prescribe
14 rules of procedure and regulations and to amend, change, and/or repeal these rules and regulations
15 and make any orders and perform any actions that it may deem necessary to the proper
16 administration and supervision of drowning prevention, lifesaving, first aid and safety personnel
17 and equipment of all camps, camp grounds, bathhouses, bathing resorts, beachside motels or
18 boarding houses, beachside parking areas, swimming pools, other beach and swimming areas,
19 surfing areas, amusement parks, and skiing areas which serve all and/or any part of the general
20 public by fee, membership, or invitation. The provisions of this chapter shall not apply to
21 facilities maintained by a person without charge or assessment to the general public and which
22 are for the sole use of his or her family, private guests, or tenants.

23 ~~(b) The department shall charge an annual fee of ten dollars (\$10.00) for lifeguard~~
24 ~~certification required by the rules and regulations. The funds shall be appropriated to the "user~~
25 ~~fees at state beaches, parks and recreation areas—development fund" established under § 42-~~
26 ~~17.1-29.~~

27 SECTION 24. Section 41-5-21 of the General Laws in Chapter 41-5 entitled “Boxing and
28 Wrestling” is hereby amended to read as follows:

29 ~~**41-5-21. Application of chapter to wrestling and kickboxing matches.**~~ – (a) The
30 division of racing and athletics shall have and exercise the same authority, supervision, and
31 control over wrestling and kickboxing matches and exhibitions as is conferred upon the division
32 by this chapter over boxing and sparring matches and exhibitions, and the provisions of this
33 chapter, except those of § 41-5-12, shall apply in all respects to wrestling ~~and kickboxing~~ matches
34 and exhibitions to the same extent and with the same force and effect as they apply to boxing and

1 sparring matches.

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

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

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

17 SECTION 25. This article shall take effect upon passage.