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LC00131

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO HUMAN SERVICES -- ENCOURAGING VOLUNTEER EFFORTS OF
PHYSICIANS AND DENTISTS AT FREE HEALTH CLINICS

Introduced By: Representatives McNamara, Ferri, Lima, Bennett, and Hull

Date Introduced: January 27, 2011

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 40 of the General Laws entitled "HUMAN SERVICES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 23

4 VOLUNTEER EFFORTS OF PHYSICIANS AND DENTISTS AT FREE HEALTH CLINICS

5 **40-23-1. Pilot grant program – Providing liability malpractice insurance for retired**
6 **physicians, nurse practitioners and dentists. -- (a) Contingent upon the appropriation of funds**
7 **for this purpose, the director of the department of human services shall, by rule and regulation,**
8 **establish a pilot grant program to provide grants to organized ambulatory care facilities that**
9 **exclusively provide health care for free or for a nominal fee. The following conditions shall apply**
10 **to the grant program:**

11 (1) Only organized ambulatory care facilities that are private nonprofit tax-exempt
12 organizations providing primary health care services are eligible;

13 (2) Primary health care services provided at eligible organized ambulatory care facilities
14 shall be offered for free or a nominal fee;

15 (3) Eligible retired physicians, nurse practitioners and dentists shall provide a minimum
16 of one hundred (100) hours of volunteer health services during a year, and shall not receive
17 compensation for their services; and

18 (4) The participating organized ambulatory care facility shall contract only with a liability

1 insurer authorized to offer liability malpractice insurance in the state.

2 (b) This section and section 40-23-2 shall not be interpreted to require a liability insurer
3 to provide coverage to a physician, nurse practitioner or dentist should the insurer determine that
4 coverage should not be offered to a physician or dentist because of past claims experience or for
5 other appropriate reasons.

6 (c) The state and its employees who operate this program shall be immune from any civil
7 or criminal action involving claims against organized ambulatory care facilities under this section
8 and section 40-23-2. This protection of liability shall be strictly construed and shall not extend to
9 any organized ambulatory care facility or physician or dentist participating in this program.

10 **40-23-2. Eligibility or grants for malpractice insurance for retired physicians, nurse**
11 **practitioners and dentists.** – The director of the department of human services shall establish by
12 rule and regulation, the eligibility requirements for participation in the liability insurance pilot
13 program by retired physicians, nurse practitioners and dentists at organized ambulatory care
14 facilities utilizing physicians, nurse practitioners and dentists for the purposes of this section and
15 section 40-23-1. These eligibility requirements shall include, but not be limited to, the following:

16 (1) The participating physicians, nurse practitioners and dentists associated with the clinic
17 under section 40-23-1, shall hold a valid license to practice as physicians, under chapter 5-37, as
18 certified registered nurse practitioners under sections 534-35 through 534-39 or as dentists
19 under chapter 5-31.1. All physicians, nurse practitioners and dentists must be in conformity with
20 current requirements for licensure, including any continuing education requirements;

21 (2) The participating physician, nurse practitioner and dentist shall limit the scope of
22 practice in the organized ambulatory care facility to primary care. Primary care shall be limited to
23 noninvasive procedures and shall not include surgical procedures and obstetrical deliveries.
24 Noninvasive procedures shall include injections, suturing of minor lacerations, and incisions of
25 boils or superficial abscesses;

26 (3) The policy of liability insurance coverage, to be purchased by the organized
27 ambulatory care facility, shall not extend to acts outside the scope of rendering medical services
28 pursuant to this section and section 40-23-1;

29 (4) The participating physician, nurse practitioner or dentist shall limit the provision of
30 health care services to organizations in which over forty percent (40%) of the patients fall under
31 the federal poverty guidelines or are homeless, and which charge no fee, a minimal fee, or utilize
32 sliding fee payment schedules based on ability to pay;

33 (5) The participating physician, nurse practitioner or dentist shall not accept
34 compensation for providing health care services from patients served pursuant to this section and

1 section 40-23-1, nor from organized ambulatory care facilities serving these patients. For the
2 purposes of this chapter, "compensation" means any remuneration of value to the participating
3 physician for services provided by the physician, but shall not be construed to include any
4 nominal copayments charged by the organized ambulatory care facility, nor reimbursement of
5 related expenses of a participating physician, nurse practitioner or dentist authorized by the
6 facility in advance of being incurred. Organized ambulatory care facilities may bill patients under
7 their sliding fee scale based on ability to pay, and may bill third-parties for services rendered by
8 the volunteer physician, nurse practitioner or dentist;

9 (6) The department may conduct the pilot grant program for a period for three (3) years
10 and all organized ambulatory care facilities may apply for such grants. The department shall
11 review grant applications, and shall make such grant awards to qualifying organized ambulatory
12 care facilities consistent with the provisions of sections 40-23-1 and 40-23-2, and only to the
13 extent of the specific annual appropriation to the department of human services for this purpose.

14 SECTION 2. Section 5-31.1-6 of the General Laws in Chapter 5-31.1 entitled "Dentists
15 and Dental Hygienists" is hereby amended to read as follows:

16 **5-31.1-6. License to practice -- Qualifications of applicants -- Fee -- Reexamination. -**

17 Authority to practice dentistry or dental hygiene under this chapter is by a license issued by the
18 director of health, to any reputable dentist or dental hygienist who intends to practice dentistry or
19 dental hygiene in this state, and who meets the requirements for licensure prescribed in this
20 chapter and regulations established by the board or the director. Applicants for licensure as
21 dentists shall present satisfactory evidence of graduation from a school of dentistry accredited by
22 the American Dental Association Commission on dental accreditation or its designated agency
23 and approved by the board, meet any other requirements that the board or director by regulation
24 establishes, and pass in a satisfactory manner any examinations that the board requires.
25 Applicants for licensure as dental hygienists shall present satisfactory evidence of graduation
26 from a school for dental hygiene accredited by the American Dental Association Commission on
27 dental auxiliary accreditation or its designated agency and approved by the board, meet any other
28 requirements that the board or director by regulation establishes and pass in a satisfactory manner
29 any examination that the board requires. Any dentist applying for licensure pays an application
30 fee of four hundred thirty-seven dollars and fifty cents (\$437.50) and any dental hygienist
31 applying for licensure pays an application fee of ninety-three dollars and seventy-five cents
32 (\$93.75) and application fees shall in no case be returned. Provided, however, that dentists who
33 volunteer a minimum of one hundred (100) hours per year pursuant to the provisions of chapter
34 40-23 shall not be required to pay a licensure fee. Applicants requiring reexamination for

1 dentistry submit a fee of four hundred thirty-seven dollars and fifty cents (\$437.50) for each
2 reexamination. Applicants requiring reexamination for dental hygiene submit a fee of ninety-three
3 dollars and seventy-five cents (\$93.75) for each reexamination.

4 SECTION 3. Section 5-34-37 of the General Laws in Chapter 5-34 entitled "Nurses" is
5 hereby amended to read as follows:

6 **5-34-37. Application fee for certified registered nurse practitioners.** -- The initial
7 application fee for licensure as a certified registered nurse practitioner shall be one hundred and
8 thirty dollars (\$130). The renewal fee for a certified registered nurse practitioner shall be one
9 hundred and thirty dollars (\$130) biennially, ninety dollars (\$90.00) for registered nurse fee plus
10 forty dollars (\$40.00) for the certified registered nurse practitioner. The fee for application for
11 prescriptive privileges shall be fifty dollars (\$50.00). Provided, however, that certified registered
12 nurse practitioners who volunteer a minimum of one hundred (100) hours per year pursuant to the
13 provisions of chapter 40-23 shall not be required to pay a licensure fee.

14 SECTION 4. Section 5-37-2 of the General Laws in Chapter 5-37 entitled "Board of
15 Medical Licensure and Discipline" is hereby amended to read as follows:

16 **5-37-2. License to practice -- Qualifications of applicants -- Fee -- Reexamination.** --

17 (a) (1) Authority to practice allopathic or osteopathic medicine under this chapter is by a license
18 issued by the director of health to any reputable physician who intends to practice allopathic or
19 osteopathic medicine in this state, and who meets the requirements for licensure established in
20 this chapter and regulations established by the board or by the director. Applicants for licensure
21 shall present satisfactory evidence of graduation from a medical school or school of osteopathic
22 medicine approved by the board and in good standing, shall meet post graduate training
23 requirements and any other requirements that the board or director by regulation establishes, and
24 shall pass in a satisfactory manner any examination that the board may require. Any physician
25 applying for licensure pays an application fee of four hundred thirty-seven dollars and fifty cents
26 (\$437.50) and that fee shall in no case be returned. Provided, however, that physicians who
27 volunteer a minimum of one hundred (100) hours per year pursuant to the provisions of chapter
28 40-23 shall not be required to pay a licensure fee. Applicants requiring reexamination shall
29 submit a fee of four hundred thirty-seven dollars and fifty cents (\$437.50) for each reexamination.

30 (2) A license to practice allopathic medicine is issued to persons who have graduated
31 from a school of medicine, possess a degree of doctor of medicine (or meet the requirements of
32 subsection (b)), and meet the requirements for licensure.

33 (3) A license to practice osteopathic medicine is issued to persons who have graduated
34 from a school of osteopathic medicine and possess a degree of doctor of osteopathy and otherwise

1 meet the requirements for licensure. A license to practice osteopathic medicine confers upon the
2 holder the right to practice osteopathic medicine in all its branches as taught and practiced in
3 accredited colleges of osteopathic medicine. The holder of that license is subject to the same
4 duties and liabilities and entitled to the same rights and privileges which may be imposed by law
5 or governmental regulation upon physicians of any school of medicine.

6 (b) (1) Qualification of Certain Other Applicants for License. - Notwithstanding any
7 other provisions of this section an individual, who at the time of his or her enrollment in a
8 medical school outside the United States is a citizen of the United States, is eligible to apply for a
9 certificate pursuant to this section if he or she has satisfied the following requirements: (i) has
10 studied medicine in a medical school located outside the United States which is recognized by the
11 World Health Organization; (ii) has completed all of the formal requirements of the foreign
12 medical school except internship and/or social service; (iii) has attained a score satisfactory to a
13 medical school approved by the liaison committee on medical education on a qualifying
14 examination acceptable to the state board for medicine, and has satisfactorily completed one
15 academic year of supervised clinical training under the direction of any United States medical
16 school; (iv) has completed the post-graduate hospital training required by the board of applicants
17 for licensure; and (v) has passed the examination required by the board of all applicants for
18 licensure.

19 (2) Satisfaction of the requirements of subdivision (b)(1) is in lieu of the completion of
20 any foreign internship and/or social service requirements, and no such requirements are a
21 condition of licensure as a physician in this state.

22 (3) Satisfaction of the requirements of subdivision (b)(1) is in lieu of certification by the
23 educational council for foreign medical graduates, and this certification is not a condition of
24 licensure as a physician in this state.

25 (4) No hospital licensed by this state, or operated by the state or a political subdivision of
26 the state, or which receives state financial assistance, directly or indirectly, requires an individual,
27 who at the time of his or her enrollment in a medical school outside the United States is a citizen
28 of the United States, to satisfy any requirements other than those contained in subdivisions
29 (b)(1)(i), (b)(1)(ii), and (b)(1)(iii) prior to commencing an internship or residency.

30 (5) A document granted by a medical school located outside the United States which is
31 recognized by the World Health Organization issued after the completion of all the formal
32 requirements of that foreign medical school except internship and/or social service, upon
33 certification by the medical school in which this training was received of satisfactory completion
34 by the person to whom this document was issued of the requirements in subdivision (b)(1)(iii), is

1 deemed the equivalent of a degree of doctor of medicine for purposes of licensure and practice as
2 a physician in this state.

3 (6) No funds appropriated by the general assembly to any school or college of medicine
4 shall be disbursed until the director of health has certified that this school or college has
5 established, and will maintain until December 31, 1989, a clinical training program as
6 contemplated by subdivision (b)(1)(iii), to accommodate residents of this state deemed qualified
7 by that school or college of medicine consistent with that school's or college's educational
8 resources.

9 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HUMAN SERVICES -- ENCOURAGING VOLUNTEER EFFORTS OF
PHYSICIANS AND DENTISTS AT FREE HEALTH CLINICS

1 This act would create an act to encourage the volunteer efforts of retired physicians,
2 nurse practitioners and dentists at free health clinics by excluding such retired professionals from
3 the state licensure fee applicable to licensed practicing physicians, nurse practitioners and
4 dentists, and by creating a pilot grant program to provide liability malpractice insurance to such
5 individuals who provide a minimum of 100 hours of volunteer health services a year at such free
6 health clinics.

7 This act would take effect upon passage.

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