

2016 -- H 7357

=====  
LC004166  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

—————  
A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - TRAINING ON DRUG ADDICTION  
RISK

Introduced By: Representatives McNamara, Bennett, and Lancia

Date Introduced: January 28, 2016

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-37-2 of the General Laws in Chapter 5-37 entitled "Board of  
2 Medical Licensure and Discipline" is hereby amended to read as follows:

3 **5-37-2. License to practice – Qualifications of applicants – Fee – Reexamination. –**

4 (a)(1) Authority to practice allopathic or osteopathic medicine under this chapter shall be by a  
5 license issued by the director of the department of health to any reputable physician who intends  
6 to practice allopathic or osteopathic medicine in this state, and who meets the requirements for  
7 licensure established in this chapter and regulations established by the board or by the director.  
8 Applicants for licensure shall present satisfactory evidence of graduation from a medical school  
9 or school of osteopathic medicine approved by the board and in good standing, shall meet post  
10 graduate training requirements and any other requirements that the board or director establishes  
11 by regulation, and shall pass in a satisfactory manner any examination that the board may require.  
12 Any physician applying for licensure shall pay a non refundable application fee and when  
13 applicable a reexamination fee for each reexamination, in a total amount as set forth in § 23-1-54.

14 (2) A license to practice allopathic medicine shall be issued to persons who have  
15 graduated from a school of medicine, possess a degree of doctor of medicine (or meet the  
16 requirements of subsection (b) of this section), and meet the requirements for licensure.

17 (3) A license to practice osteopathic medicine shall be issued to persons who have  
18 graduated from a school of osteopathic medicine and possess a degree of doctor of osteopathy

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

6 (b)(1) *Qualification of Certain Other Applicants for License.* Notwithstanding any other  
7 provisions of this section an individual, who at the time of his or her enrollment in a medical  
8 school outside the United States is a citizen of the United States, shall be eligible to apply for a  
9 certificate pursuant to this section if he or she has satisfied the following requirements:

10 (i) Has studied medicine in a medical school located outside the United States, which is  
11 recognized by the World Health Organization;

12 (ii) Has completed all of the formal requirements of the foreign medical school except  
13 internship and/or social service;

14 (iii) Has attained a score satisfactory to a medical school approved by the liaison  
15 committee on medical education on a qualifying examination acceptable to the state board for  
16 medicine, and has satisfactorily completed one academic year of supervised clinical training  
17 under the direction of any United States medical school;

18 (iv) Has completed the post-graduate hospital training required by the board of applicants  
19 for licensure; and

20 (v) Has passed the examination required by the board of all applicants for licensure: ~~and~~ [and](#)

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

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

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

32 (5) A document granted by a medical school located outside the United States which is  
33 recognized by the World Health Organization issued after the completion of all the formal  
34 requirements of that foreign medical school except internship and/or social service, upon

1 certification by the medical school in which this training was received of satisfactory completion  
2 by the person to whom this document was issued of the requirements in paragraph (1)(iii) of this  
3 subsection, shall be deemed the equivalent of a degree of doctor of medicine for purposes of  
4 licensure and practice as a physician in this state.

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

11 (c) Any individual licensed under subsections (a) or (b) of this section shall be required to  
12 complete and provide evidence of completion of at least five (5) hours of training every two (2)  
13 years on the risks of addiction associated with medications prescribed for pain management as a  
14 condition of the renewal of any license.

15 (d) Any individual licensed under subsections (a) or (b) of this section, who prescribes  
16 controlled substances, shall complete eight (8) hours of training to qualify for a waiver to  
17 prescribe and dispense buprenorphine under the Drug Addiction Treatment Act of 2000 (DATA  
18 2000), Title XXXV, Section 3502 of the Children's Health Act of 2000, within four (4) years of  
19 the physician's licensure under this chapter, or within four (4) years of the passage of this act,  
20 whichever event occurs later in time. Completion of training to qualify for a waiver to prescribe  
21 and dispense buprenorphine under DATA 2000 shall be in lieu of the training required by §5-37-  
22 2(c) for the concurrent two (2) year period when the physician is undertaking the DATA 2000  
23 training. Provided, a person who has already successfully completed the DATA 2000 training  
24 shall not be required to repeat such training.

25 SECTION 2. Section 5-35.1-2 in Chapter 5-35.1 entitled "Optometrists" is hereby  
26 amended to read as follows:

27 **5-35.1-2. Qualifications to practice optometry.** – (a) Every applicant for licensure shall  
28 present satisfactory evidence in the form of affidavits properly sworn to that he or she;

29 (1) is of good moral character; and

30 (2) has graduated from a school or college of optometry which maintains a course in  
31 optometry of not less than four (4) years and is approved by the accreditation council on  
32 optometric education (ACOE) or other accrediting body as approved by the board; and

33 (3) has successfully passed a national examination or other examinations approved by the  
34 department and the board; and

1 (4) any other qualifications as may be established in rules and regulations promulgated by  
2 the department.

3 (b) Any individual licensed under subsection (a) of this section shall be required to  
4 complete and provide evidence of completion of at least five (5) hours of training every two (2)  
5 years on the risks of addiction associated with medications prescribed for pain management as a  
6 condition of the renewal of any license.

7 SECTION 3. Section 5-31.1-6 of the General Laws in Chapter 5-35.1 entitled "Dentists  
8 and Dental Hygienists" is hereby amended to read as follows:

9 **5-31.1-6. License to practice – Qualifications of applicants – Fee – Reexamination. –**

10 (a) Authority to practice dentistry or dental hygiene under this chapter is by a license, issued by  
11 the director of the department of health, to any reputable dentist, dental hygienist or DAANCE-  
12 certified maxillofacial surgery assistant who intends to practice dentistry, dental hygiene or  
13 DAANCE-certified maxillofacial surgery assisting in this state, and who meets the requirements  
14 for licensure prescribed in this chapter and regulations established by the board or the director.

15 (b) Applicants for licensure as dentists shall:

16 (1) Present satisfactory evidence of graduation from a school of dentistry accredited by  
17 the American Dental Association Commission on Dental Accreditation, or its designated agency,  
18 and approved by the board;

19 (2) Meet any other requirements that the board or director by regulation establishes; ~~and~~

20 (3) Pass in a satisfactory manner any examinations that the board requires; ~~and~~ and

21 (c) Applicants for licensure as dental hygienists shall:

22 (1) Present satisfactory evidence of graduation from a school for dental hygiene  
23 accredited by the American Dental Association Commission on Dental Auxiliary Accreditation or  
24 its designated agency and approved by the board;

25 (2) Meet any other requirements that the board or director by regulation establishes; and

26 (3) Pass in a satisfactory manner any examination that the board requires.

27 (d) Any dentist and any dental hygienist or DAANCE-certified maxillofacial surgery  
28 assistant applying for licensure shall pay an application fee as set forth in § 23-1-54. Application  
29 fees shall in no case be returned. Applicants requiring reexamination for dentistry, for dental  
30 hygiene or for DAANCE-certified maxillofacial surgery assisting shall submit fees as set forth in  
31 § 23-1-54 for each reexamination.

32 (e)(1) Notwithstanding any other provision of law, the board of dental examiners may  
33 issue a special license to qualifying dentists and dental hygienists under the terms and conditions  
34 set forth in this section and pursuant to requirements that may be set forth in the rules and

1 regulations of the board. The special license may only be issued to a person who is retired from  
2 the practice of dentistry or dental hygiene and not currently engaged in such practice either full-  
3 time or part-time and has, prior to retirement, maintained full licensure in good standing in  
4 dentistry or dental hygiene in any state.

5 (2) The special licensee shall be permitted to practice dentistry or dental hygiene only in  
6 the non-compensated employ of public agencies or institutions, not-for-profit agencies, not-for-  
7 profit institutions, nonprofit corporations, or not-for-profit associations that provide dentistry or  
8 dental hygiene services only to indigent patients in areas underserved by dentists or dental  
9 hygienists or critical need population areas of the state.

10 (3) The person applying for the special license under this section shall submit to the  
11 board a notarized statement from the employing agency, institution, corporation, association, or  
12 health care program, on a form prescribed by the board, whereby he or she agrees unequivocally  
13 not to receive compensation for any dentistry or dental hygiene services he or she may render  
14 while in possession of the special license.

15 (4) Any application fees and all licensure and renewal fees shall be waived for the holder  
16 of the special license under this section.

17 (5) A dentist or dental hygienist licensed pursuant to this section shall comply with the  
18 continuing education requirements established by the board of dental examiners in this state.

19 (f) Applicants for licensure as certified maxillofacial surgical assistants shall:

20 (1) Present satisfactory evidence of completion of the DAANCE oral surgery assistant  
21 training course prepared and administered by the American Association of Oral and Maxillofacial  
22 Surgeons or its designated agency and approved by the board;

23 (2) Meet any other requirements that the board or director by regulation establishes;

24 (3) Pass, in a satisfactory manner, any examination that the board requires; and

25 (4) Complete a board of examiners in dentistry-approved advanced cardiac life support  
26 course and current certification.

27 [\(g\) Any individual licensed under this section shall be required to complete and provide](#)  
28 [evidence of completion of at least five \(5\) hours of training every two \(2\) years on the risks of](#)  
29 [addiction associated with medications prescribed for pain management as a condition of the](#)  
30 [renewal of any license.](#)

31 SECTION 4. Section 5-54-9 of the General Laws in Chapter 5-54 entitled "Physician  
32 Assistants" is hereby amended to read as follows:

33 **5-54-9. Criteria for licensure as a physician assistant.** – (a) The board shall  
34 recommend to the director for licensure as a physician assistant an applicant who:

- 1 (1) Is of good character and reputation;
- 2 (2) Graduated from a physician assistant training program certified by the AMA's  
3 Committee on Allied Health, Education, and Accreditation, its successor, the Commission on  
4 Accreditation of Allied Health Education Programs (CAAHEP), its successor or the Accreditation  
5 Review Commission on Education for the Physician Assistant (ARC-PA) or its successor;
- 6 (3) Passed a certifying examination approved by the National Commission on  
7 Certification of Physician Assistants or any other national certifying exam approved by the  
8 board;
- 9 (4) Submitted a completed application together with the required fee as set forth in § 23-  
10 1-54.

11 (b) Any individual licensed under subsection (a) of this section shall be required to  
12 complete and provide evidence of completion of at least five (5) hours of training every two (2)  
13 years on the risks of addiction associated with medications prescribed for pain management as a  
14 condition of the renewal of any license.

15 SECTION 5. Section 5-29-6 of the General Laws in Chapter 5-29 entitled "Podiatrists" is  
16 hereby amended to read as follows:

17 **5-29-6. Qualifications of applicants.** -- (a) All persons subsequently desiring to  
18 commence the practice of podiatry in this state shall apply to the division of professional  
19 regulation for a license. Applicants for examination shall present to the division, at least thirty  
20 (30) days before the commencement of the examination at which he or she is to be examined, a  
21 written application on a form or forms provided by the division, together with satisfactory proof  
22 that the applicant is more than eighteen (18) years of age, is of good moral character, has obtained  
23 a certificate showing that the applicant before entering a school or college of podiatric medicine  
24 and surgery had obtained an academic education consisting of at least three (3) years of study at a  
25 duly recognized college or university. The applicant shall provide evidence of satisfactory  
26 completion of a course of study in podiatric medicine approved and accredited by the council on  
27 podiatric medical education of the American podiatric medical association.

28 (b) The applicant shall provide evidence that the degree doctor of podiatric medicine was  
29 conferred upon the applicant from the same college as was his or her course of study.

30 (c) In addition to the above requirements the applicant shall provide evidence of  
31 satisfactory completion of a minimum one year residency program as defined, recognized, and  
32 accredited by the Council on podiatric medical education of the American Podiatric Medical  
33 Association, and the program must have also been accredited by that body at the time of  
34 residency participation.

1 (d) Any individual licensed under this section shall be required to complete and provide  
2 evidence of completion of at least five (5) hours of training every two (2) years on the risks of  
3 addiction associated with medications prescribed for pain management as a condition of the  
4 renewal of any license.

5 SECTION 6. Section 5-34-45 of the General Laws in Chapter 5-34 entitled "Nurses" is  
6 hereby amended to read as follows:

7 **5-34-45. Licensure of APRNs.** -- (a) An applicant for initial licensure to practice as an  
8 APRN shall:

9 (1) Submit a completed, written application and appropriate fees as established by the  
10 board of nursing;

11 (2) Hold a current RN license or privilege to practice and shall not hold an encumbered  
12 license or privilege to practice as an RN in any state or territory;

13 (3) Have completed an accredited graduate or post-graduate level APRN program in one  
14 of the three roles (RNP, CRNA, or CNS) and at least one population focus;

15 (4) Be currently certified by a national certifying body recognized by the board of  
16 nursing in the APRN role and population foci appropriate to educational preparation;

17 (5) Report any criminal conviction, nolo contendere plea, Alford plea, or other plea  
18 arrangement in lieu of conviction;

19 (6) Have committed no acts or omissions that are grounds for disciplinary action as set  
20 forth in this chapter; and

21 (7) Provide other evidence as required by regulation.

22 (b) The board of nursing may issue an initial APRN license to clinical nurse specialists  
23 without a certification exam when:

24 (1) A national certification exam does not exist for the current population foci; and

25 (2) The applicant has submitted a portfolio to the board of nursing that includes proof of  
26 graduation; course descriptions; official transcript that includes courses in pharmacology,  
27 pathophysiology and physical assessment; and letters of recommendation from his/her employer  
28 attesting to the CNS's practice at the advanced-practice level.

29 (c) After January 1, 2015, all clinical nurse specialists seeking initial licensure as an  
30 APRN must meet all the criteria as stated in this chapter, including national certification in a role  
31 and population foci recognized by the board of nursing.

32 (d) The board of nursing may issue a license by endorsement to an APRN licensed under  
33 the laws of another state if, in the opinion of the board of nursing, the applicant meets the  
34 qualifications for licensure in this jurisdiction. An applicant for APRN licensure by endorsement

1 shall:

2 (1) Submit a completed, written application and appropriate fees as established by the  
3 board of nursing;

4 (2) Hold a current license or privilege to practice as an RN and APRN in a state or  
5 territory;

6 (3) Have an unencumbered license or privilege to practice in any state or territory;

7 (4) Have completed an accredited graduate or post-graduate level APRN program in one  
8 of the three roles (CNP, CRNA or CNS) and at least one population focus or meets the standards  
9 for grandfathering as described in this chapter;

10 (5) Be currently certified by a national certifying body recognized by the board of  
11 nursing in the APRN role and at least one population focus appropriate to educational  
12 preparation;

13 (6) Meet continued competency requirements as set forth in board of nursing regulations;

14 (7) Report any conviction, nolo contendere plea, Alford plea, or other plea arrangement  
15 in lieu of conviction;

16 (8) Have committed no acts or omissions that are grounds for disciplinary action in  
17 another jurisdiction; and

18 (9) Provide other evidence as required by the board of nursing in its regulations.

19 (e) APRN licenses issued under this chapter shall be renewed every two (2) years  
20 according to a schedule established by the board of nursing. An applicant for APRN license  
21 renewal shall:

22 (1) Submit a renewal application as directed by the board of nursing and remit the  
23 required fee as set forth in regulation;

24 (2) Maintain national certification in the appropriate APRN role and at least one  
25 population focus, authorized by licensure, through an ongoing recertification maintenance  
26 program of a nationally recognized certifying body recognized by the board of nursing; and

27 (3) Meet other requirements set forth in regulations.

28 (f) The board of nursing may reactivate or reinstate an APRN license as set forth in  
29 board of nursing regulation.

30 (g) Any individual licensed under this section shall be required to complete and provide  
31 evidence of completion of at least five (5) hours of training every two (2) years on the risks of  
32 addiction associated with medications prescribed for pain management as a condition of the  
33 renewal of any license.

34 SECTION 7. Section 23-13-9 of the General Laws in Chapter 23-13 entitled "Maternal



1 and Child Health Services for Children with Special Health Care Needs" is hereby amended to  
2 read as follows:

3 **23-13-9. Licensing and regulation of midwives -- Penalty for violations.** – (a) The  
4 state director of health is authorized and directed to make rules for the regulation of the practice  
5 of midwifery and for the licensing of midwives, including regulations that require the payment of  
6 an initial application fee equal to that fee that is imposed upon applicants for licensure as nurse  
7 practitioners and a renewal fee also equivalent to that for nurse practitioners. The rules regarding  
8 the regulation of the practice of midwifery shall authorize a licensed, certified nurse-midwife  
9 (CNM) or a licensed, certified midwife (CM) to prescribe medications that might be reasonably  
10 required by his or her patients; provided however, that a licensed, certified nurse-midwife (CNM)  
11 or a licensed, certified midwife (CM) shall prescribe any of those medications as authorized by  
12 the director of health. The provisions of this section relating to prescription authority by certified  
13 nurse-midwives and certified midwives shall be overseen by the department of health as defined  
14 in the department's rules and regulations for licensing of midwives (R23-13MID). No person not  
15 a licensed midwife or a physician, registered under the provisions of chapter 37 of title 5, shall  
16 practice midwifery, or shall make a practice of attending women in childbirth for hire, or use the  
17 name or title of midwife. Any person who violates the provisions of this section, or who violates  
18 any of the rules of the department of health made in pursuance of this section, shall be fined not  
19 more than one hundred dollars (\$100), or imprisoned not more than six (6) months, or both, and  
20 the director of health may revoke the license issued to any person when, in the opinion of the  
21 director of health, that person is guilty of unprofessional conduct.

22 (b) Any individual licensed under subsection (a) of this section shall be required to  
23 complete and provide evidence of completion of at least five (5) hours of training every two (2)  
24 years on the risks of addiction associated with medications prescribed for pain management as a  
25 condition of the renewal of any license.

26 SECTION 8. This act shall take effect upon passage.

=====  
LC004166  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - TRAINING ON DRUG ADDICTION  
RISK

\*\*\*

1           This act would require that physicians, dentists, and other healthcare professionals who  
2 treat patients complete at least five (5) hours of training every two (2) years on the risks of  
3 addiction associated with medications prescribed for pain management.

4           This act would also require physicians to complete training necessary to obtain a DATA  
5 2000 waiver to prescribe buprenorphine.

6           This act would take effect upon passage.

=====  
LC004166  
=====