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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2004**

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A N A C T

RELATING TO THE BOARD OF MEDICAL LICENSURE AND DISCIPLINE

Introduced By: Representative Peter J. Petrarca

Date Introduced: February 11, 2004

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 5-37-1 and 5-37-22 of the General Laws in Chapter 5-37 entitled

2 "Board of Medical Licensure and Discipline" are hereby amended to read as follows:

3           **5-37-1. Definitions.** -- As used in this chapter:

4           (1) "Board" means the Rhode Island board of medical licensure and discipline or any  
5 committee or subcommittee thereof.

6           (2) "Chief administrative officer" means the administrator of the Rhode Island board of  
7 medical licensure and discipline.

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

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

10           (5) "Health care facility" means any institutional health service provider licensed  
11 pursuant to the provisions of chapter 17 of title 23.

12           (6) "Health maintenance organization" means a public or private organization licensed  
13 pursuant to the provisions of chapter 17 of title 23 or chapter 41 of title 27.

14           (7) "Limited registrant" means a person holding a limited registration certificate pursuant  
15 to the provisions of this chapter.

16           (8) "Medical malpractice" or "malpractice" means any tort, or breach of contract based  
17 on health care or professional services rendered, or which should have been rendered, by a  
18 physician, dentist, hospital, clinic, health maintenance organization or professional service  
19 corporation providing health care services and organized under chapter 5.1 of title 7, to a patient

1 or the rendering of medically unnecessary services except at the informed request of the patient.

2 (9) "Nonprofit medical services corporation" or "nonprofit hospital service corporation"  
3 means any corporation organized pursuant to chapter 19 or chapter 20 of title 27 for the purpose  
4 of establishing, maintaining, and operating a nonprofit medical service plan.

5 (10) (a) "Peer review board" means any committee of a state or local professional  
6 association or society including a hospital association, or a committee of any licensed health care  
7 facility, or the medical staff thereof, or any committee of a medical care foundation or health  
8 maintenance organization, or any committee of a professional service corporation or nonprofit  
9 corporation employing 20 or more practicing professionals, organized for the purpose of  
10 furnishing medical service, or any staff committee or consultant of a hospital service or medical  
11 service corporation, the function of which, or one of the functions of which is to evaluate and  
12 improve the quality of health care rendered by providers of health care service or to determine  
13 that health care services rendered were professionally indicated or were performed in compliance  
14 with the applicable standard of care or that the cost of health care rendered was considered  
15 reasonable by the providers of professional health care services in the area and shall include a  
16 committee functioning as a utilization review committee under the provisions of 42 U.S.C.  
17 section 1395 et seq. (medicare law) or as a professional standards review organization or  
18 statewide professional standards review council under the provisions of 42 U.S.C. section 1301 et  
19 seq. (professional standards review organizations) or a similar committee or a committee of  
20 similar purpose, to evaluate or review the diagnosis or treatment of the performance or rendition  
21 of medical or hospital services which are performed under public medical programs of either state  
22 or federal design.

23 (b) Peer review board also means the board of trustees or board of directors of a state or  
24 local professional association or society, a licensed health care facility, a medical care foundation,  
25 a health maintenance organization, and a hospital service or medical service corporation only  
26 when such board of trustees or board of directors is reviewing the proceedings, records, or  
27 recommendations of a peer review board of the above enumerated organizations.

28 (11) "Person" means any individual, partnership, firm, corporation, association, trust or  
29 estate, state or political subdivision, or instrumentality of a state.

30 (12) "Physician" means a person with a license to practice allopathic or osteopathic  
31 medicine in this state under the provisions of this chapter.

32 (13) "Practice of medicine" shall include the practice of allopathic and osteopathic  
33 medicine. Any person shall be regarded as practicing medicine within the meaning of this chapter  
34 who holds himself or herself out as being able to diagnose, treat, operate, or prescribe for any

1 person ill or alleged to be ill with disease, pain, injury, deformity or abnormal physical or mental  
2 condition, or who shall either profess to heal, offer or undertake, by any means or method to  
3 diagnose, treat, operate, or prescribe for any person for disease, pain, injury, deformity or  
4 physical or mental condition. In addition, one who attaches the title, M.D., physician, surgeon,  
5 D.O., osteopathic physician and surgeon, or any other similar word or words or abbreviation to  
6 his or her name indicating that he or she is engaged in the treatment or diagnosis of the diseases,  
7 injuries or conditions of persons shall be held to be engaged in the practice of medicine.

8 (14) "Medical practice group" means a single legal entity formed primarily for the  
9 purpose of being a physician group practice in any organizational form recognized by the state in  
10 which the group practice achieves its legal status, including, but not limited to, a partnership,  
11 professional corporation, limited liability company, limited liability partnership, foundation, not-  
12 for-profit corporation, faculty practice plan, or similar association.

13 **5-37-22. Disclosures.** -- (a) (1) Any physician who is not a participant in a medical  
14 insurance plan shall post a notice, in a conspicuous place in his or her medical offices where it  
15 can be read by his or her patients, which reads, in substance, as follows:

16 "To my patients:

17 I do not participate in a medical insurance plan. You should know that you will be  
18 responsible for the payment of my medical fees."

19 (2) Any physician who fails to post this notice is not entitled to charge his or her patients  
20 any amount for medical fees in excess of that allowed had the physician participated in a medical  
21 insurance plan.

22 (b) Every physician shall disclose to patients eligible for medicare, in advance of  
23 treatment, whether the physician accepts assignment under medicare reimbursement as payment  
24 in full for medical services and/or treatment in the physician's office. This disclosure is given by  
25 posting in each physician's office, in a conspicuous place, a summary of the physician's medicare  
26 reimbursement policy. Any physician who fails to make the disclosure as required in this section  
27 is not allowed to charge the patient in excess of the medicare assignment amount for the medical  
28 procedure performed.

29 (c) When a patient requests, in writing, that his or her medical records be transferred to  
30 another physician or medical practice group, the original physician or medical practice group  
31 shall promptly honor the request. The physician or medical practice group is reimbursed for  
32 reasonable expenses (as defined by the director pursuant to section 23-1-41) incurred in  
33 connection with copying the medical records.

34 (d) Every physician and medical practice group shall, upon written request of any patient

1 (or his or her authorized representative as defined in section 5-37.3-3(1)) who has received health  
2 care services from the physician [or medical practice group](#), at the option of the physician [or](#)  
3 [medical practice group](#) either permit the patient (or his or her authorized representative) to  
4 examine and copy the patient's confidential health care information, or provide the patient (or his  
5 or her authorized representative) a summary of that information. If the physician [or medical](#)  
6 [practice group](#) decides to provide a summary and the patient is not satisfied with a summary, then  
7 the patient may request, and the physician [or medical practice group](#) shall provide, a copy of the  
8 entire record. At the time of the examination, copying or provision of summary information, the  
9 physician [or medical practice group](#) is reimbursed for reasonable expenses (as defined by the  
10 director pursuant to section 23-1-48) in connection with copying this information. If, in the  
11 professional judgment of the [treating](#) physician, it would be injurious to the mental or physical  
12 health of the patient to disclose certain confidential health care information to the patient, the  
13 physician [or medical practice group](#) is not required to disclose or provide a summary of that  
14 information to the patient, but shall upon written request of the patient (or his or her authorized  
15 representative) disclose that information to another physician [or medical practice group](#)  
16 designated by the patients.

17 (e) Every physician who has ownership interest in health facilities or laboratories,  
18 including any health care facility licensed pursuant to chapter 17 of title 23, any residential  
19 care/assisted living facility licensed pursuant to chapter 17.4 of title 23, any adult day care  
20 program licensed or certified by the director of the department of elderly affairs, or any  
21 equipment not on the physician's premises, shall, in writing, make full patient disclosure of his or  
22 her ownership interest in the facility or therapy prior to utilization. The written notice shall state  
23 that the patient has free choice either to use the physician's proprietary facility or therapy or to  
24 seek the needed medical services elsewhere.

25 [\(f\) Unless otherwise expressly stated in writing by the medical practice group, all medical](#)  
26 [records shall be the property of the medical practice group with which a physician is associated](#)  
27 [when that physician created all such medical records. A medical practice group shall provide](#)  
28 [patients with access to patients' medical records in the same manner as is required of individual](#)  
29 [physicians under this chapter. To the extent a medical practice group fails to provide access to](#)  
30 [patients in accordance with the requirements of this chapter, the individual officers of the medical](#)  
31 [practice group \(or in the absence of officers, the shareholders or owners of the medical practice](#)  
32 [group\), in their capacities as licensees of the board, shall be subject to the disciplinary powers of](#)  
33 [the board.](#)

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1           This act would define certain organizations of physicians as "medical practice groups"
- 2           and extend requirements relating to patient medical records to said medical practice groups.
- 3           This act would take effect upon passage.

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