



Rhode Island Department of Health

NOTICE OF PUBLIC HEARING

The Director of the Rhode Island Department of Health has under consideration proposed amendments to the *Rules and Regulations for the Licensure and Discipline of Physicians [R5-37-MD/DO]* pursuant to the authority conferred under Chapters 5-37 and 42-35 of the Rhode Island General Laws, as amended. The purpose of the proposed amendments is to update standards and criteria for issuance of limited medical registrations, fees for medical records, closing of a medical practice, as well as general updating of regulatory requirements for consistency with accepted medical practice. These amended Regulations will also supersede *Rules and Regulations for Limited Medical Registration [R-5-37REG]*, which are being proposed for concurrent repeal.

Concurrent with these rulemaking actions, the Director of the Rhode Island Department of Health is also proposing to amend *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health [R23-1-17-Fee]* to address the revision of licensing fees for certain categories of physician licensure.

Notice is hereby given in accordance with the provisions of Chapter 42-35 of the Rhode Island General Laws, as amended, that the Director will hold a public hearing on the above mentioned matter, in the **AUDITORIUM** of the Rhode Island Department of Health (on the lower level of the Cannon Building), Three Capitol Hill, Providence, Rhode Island on **THURSDAY, 10 SEPTEMBER 2015 AT 1:00 PM.** at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

In the development of the rules and regulations, consideration was given to the following: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions and (3) financial impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

For the sake of accuracy, it is requested that statements to be made relative to any aspect of the regulations, including alternative approaches or overlap, be submitted in writing at the time of the hearing or in electronic format prior to the hearing date to: James V. McDonald, MD, Chief Administrative Officer, BMLD: James.McDonald@health.ri.gov or 401-222-1016.

Copies of the regulations are available for public inspection in the Cannon Building, Room #201, Rhode Island Department of Health, 3 Capitol Hill, Providence, Rhode Island, on the Secretary of State's website: <http://www.sos.ri.gov/ProposedRules/>, by calling 401-222-7767 or by e-mail to Bill.Dundulis@health.ri.gov.

The Department of Health is accessible to the handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-222-7767 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Signed this 8th day of July 2015

Original signed by Nicole Alexander-Scott, MD, MPH

Nicole Alexander-Scott, M.D., MPH

Director of Health

**RULES AND REGULATIONS
FOR LIMITED MEDICAL REGISTRATION**

[R5-37-REG]



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

December 1982

AS AMENDED:

January 1986

October 2007

January 2002 (re-filing in
accordance with the provisions
of section 42-35-4.1 of the
Rhode Island General Laws, as
amended)

January 2012 (re-filing in
accordance with the provisions
of section 42-35-4.1 of the
Rhode Island General Laws, as
amended)

October 2004

September 2012

January 2007 (re-filing in
accordance with the provisions
of section 42-35-4.1 of the
Rhode Island General Laws, as
amended)

**September 2015
(Proposed Repeal)**

COMPILER'S NOTES:

Proposed Deletions: ~~Strikeouts~~

**REGULATIONS ARE PROPOSED TO BE REPEALED IN
THEIR ENTIRETY**

PUBLIC HEARING DRAFT - REPEAL – REVISED 3 JULY 2015

INTRODUCTION

~~These amended *Rules and Regulations For Limited Medical Registration [R-5-37REG]* are promulgated pursuant to the authority conferred under section 23-17-10 of the General Laws of Rhode Island, as amended, and are established for the purpose of adopting prevailing standards for limited medical registration.~~

~~In accordance with the provisions of section 42-35-3(e) of the General Laws of Rhode Island, as amended, consideration was given to: (1) alternative approaches to the amendments; and (2) duplication or overlap with other state regulations. Based on available information, no known alternative approach, duplication or overlap was identified.~~

~~Upon promulgation, these amended regulations shall supersede all previous *Rules and Regulations for Limited Medical Registration* promulgated by the Department of Health and filed with the Secretary of State.~~

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PART I ~~Definitions~~

Section 1.0 ~~Definitions~~

Wherever used in these rules and regulations the following terms shall be construed to mean:

- 1.1 ~~"Act" refers to Chapter 5-37 of the General Laws of Rhode Island, as amended, entitled, "Board of Medical Licensure and Discipline."~~
- 1.2 ~~"Attending physician" means a physician who has an active, full medical license.~~
- 1.3 ~~"Board" means the Board of Medical Licensure and Discipline established in accordance with the provisions of Chapter 5-37 of the General Laws of Rhode Island, as amended.~~
- 1.4 ~~"Department" means the Rhode Island Department of Health.~~
- 1.5 ~~"Director" means the Director of the Rhode Island Department of Health.~~
- 1.6 ~~"Intern, resident, or fellow", as used herein, means a physician in training in an accredited postgraduate training program.~~
- 1.7 ~~"Medical officer", as used herein, means a physician in training with a limited moonlighting license in a Rhode Island based accredited postgraduate training program who has completed at least one (1) year, but not more than three (3) years, of postgraduate training.~~
- 1.8 ~~"Moonlighting", as used herein, means clinical practice by a postgraduate trainee outside the required activities of the parent postgraduate training program.~~

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PART II ~~Limited Medical Registration Requirements for Interns, Residents, Fellows or Medical Officers~~

Section 2.0 ~~General Requirements~~

2.1 ~~Except for physicians licensed pursuant to Chapter 5-37 of the General Laws of Rhode Island, as amended, no person shall perform the duties of an intern, resident, fellow or medical officer in this state without holding a limited medical registration certificate pursuant to section 5-37-16 of the Act.~~

~~2.1.1 Limited medical registration shall only be granted to individuals appointed as intern, resident, fellow or medical officer in a hospital licensed in this state, or other institution or clinic pursuant to section 5-37-16 of the Act for the purpose of obtaining training in a medical program accredited by the Accreditation Council for Graduate Medical Education, (ACGME), or other accrediting body approved by the Board, or to a fellow for the purpose of teaching, research and/or training in conjunction with a medical education program in a medical school accredited by the Liaison Committee for Medical Education (LCME).~~

~~2.1.2 Medical officers may be granted limited medical registration for moonlighting for up to two [2] years, provided the following criteria are met:~~

~~a) an application, on behalf of the applicant, signed by the administrator/chief executive officer of the hospital clinical facility, or medical practice in Rhode Island that will be employing the medical officer, shall be submitted to the Board accompanied by the following:~~

~~i. a signed statement by the training program director attesting to the approval of the applicant's credentials and application, good standing as a post-graduate trainee, program approval of anticipated clinical activities as a moonlighting officer, and the program's ongoing monitoring and enforcement of ACGME duty hour limitations to include applicant's clinical activities as a medical officer.~~

~~ii. a signed statement by the chief of the medical staff or medical director of the hospital, clinical facility or medical practice in Rhode Island that will be employing the medical officer attesting to the approval of the applicant's credentials and anticipated scope of medical practice in accordance with the credentialing process of the medical staff by laws or policy and procedures manual;~~

~~iii. a signed statement by the applicant stating the reason(s) said applicant has failed to obtain a medical license in Rhode Island as of the date of application, (e.g. awaiting first sitting for the Flex Exam, needs required clinical experience for Rhode Island licensure);~~

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- ~~iv. a signed statement that the applicant has not previously held a limited medical registration for more than three (3) years;~~
 - ~~v. information satisfactory to the Board submitted by the hospital, clinical facility, or medical practice regarding the duties and responsibilities of the applicant and the licensed attending physician to be responsible for the supervision of the applicant and the applicant's clinical practice; and~~
 - ~~b) Limited medical registration, as defined in this section, shall entitle the holder to practice medicine outside the medical officer's postgraduate training program, but consistent with his/her training, in the hospital, clinical facility, medical practice or other institution designated on the certificate of the limited registration, or outside such hospital or other institution under the supervision of one of its medical staff who is a duly licensed physician [i.e., full licensure]. The registrant shall comply with relevant training program requirements regarding limitations to duty hours and moonlighting, and practice consistent with registrant's clinical experience and expertise.~~
 - ~~c) limited medical registration for moonlighting issued to a medical officer under the provisions of this section shall be valid for a period of not more than two (2) years from the date of issuance, only at the clinical sites specified in the application.~~
- ~~2.2 A limited medical registration certificate (for postgraduate training) shall entitle the holder thereof to practice medicine in the hospital or other institution designated on the certificate of limited registration, or outside such hospital or other institution for the treatment under the supervision of one of its medical staff who is a duly licensed physician [i.e. full licensure], of persons accepted by it as patients, or in any hospital, institution, clinic or program affiliated for training purposes with the hospital, institution or clinic designated on such certificate, which affiliation is approved by the Department. In all cases the practice of medicine under a limited medical registration shall be in accordance with policies and procedures established by the hospital, institution or other clinic designated on the certificate.~~
- ~~2.2.1 It shall be the responsibility of each hospital, clinic or other institution to submit, on or before 1 April of each year to the Department for its approval, a list of affiliated hospitals, institutions, clinics or programs providing training programs for interns, residents, fellow or medical officers.~~
 - ~~2.2.2 Any hospital, clinic or institution providing training programs for interns, residents, fellows or medical officers, that are subject to statutory licensure in this state, shall hold a current license.~~
- ~~2.3 Once a full license to practice medicine in the state of Rhode Island has been granted, all limited medical registration privileges shall cease.~~

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- ~~2.4 — Physicians who are fully licensed in an alternate jurisdiction who are eligible for limited medical registration in Rhode Island shall be granted such registration for one (1) year only.~~
- ~~2.5 — A physician in training greater than five (5) years shall obtain a full, unrestricted license to practice medicine in Rhode Island, unless the physician remains in an accredited training program and has successfully passed all three (3) parts of the United States Medical Licensing Examination (USMLE).~~

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PART II — ~~Limited Medical Registration Requirements for Interns, Residents, Fellows or Medical Officers~~

Section 3.0 — ~~Application For Registration~~

~~3.1 — An applicant for limited medical registration shall submit through the hospital, institution, clinical facility, or medical practice to the Department satisfactory proof of:~~

- ~~a) being eighteen (18) years of age or older;~~
- ~~b) good moral character;~~
- ~~c) having successfully graduated and completed no less than two (2) years of study in a legally chartered medical school having power to grant degrees in medicine;~~
- ~~d) appointment as an intern, resident, or fellow in an accredited training program pursuant to section 2.1.1 of the regulations herein; and~~
- ~~e) such other information as may be deemed necessary by the Department.~~

~~3.2 — Furthermore, each applicant from an accredited training program or its equivalent shall have the application for limited medical registration signed by:~~

- ~~a) the administrator/chief executive officer of the hospital, clinic, or other institution that has granted the appointment as an intern, resident, fellow or medical officer; and~~
- ~~b) the program director attesting to the provisions of section 3.1 (c) above.~~

~~3.3 — Applicants from foreign medical schools shall present evidence of valid certification by the Educational Commission for Foreign Medical Graduates (ECFMG) including the provisions of section 3.2 (a) above.~~

- ~~a) This requirement may be waived at the discretion of the Board for candidates approved by the Board who are participating in a short term [less than 6 month duration] postgraduate experience as part of a formal program administered by the director of an ACGME accredited residency or fellowship.~~

~~3.4 — Registration fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* shall accompany each application for limited medical registration.~~

Section 4.0 — ~~Issuance of Limited Medical Registration Certificate~~

~~4.1 — A limited medical registration certificate, except a limited medical registration certificate for medical officers issued pursuant to section 2.1.2 herein, shall be valid for a period of not more than one (1) year from the date of issuance and may be renewed annually for not more than four (4) consecutive years by the Department, except as provided in section 2.5 herein.~~

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PART III ~~—~~ *Limited Medical Registration – Academic Faculty*

Section ~~5.0~~ *General Requirements*

~~5.1~~ Pursuant to section ~~5-37-16.1~~ of the Act, notwithstanding any other provisions of the Act, a physician of noteworthy and recognized professional attainment who is clearly an outstanding physician and who has been offered by the dean of an accredited medical school in this state a full-time academic appointment at senior rank, may, at the Board's sole discretion, be granted limited registration while serving on the academic staff of the medical school.

~~5.1.1~~ Such limited registration shall enable said physician(s) to engage in the practice of medicine to the extent that such practice is incidental to a necessary part of his or her academic appointment and then only in the hospital or hospitals and out patient clinics connected with the medical school through formal academic affiliation. Except to the extent authorized by the Act and the rules and regulations herein, the academic physician with limited registration shall not engage in the practice of medicine or receive compensation therefor, unless he or she is issued a license to practice medicine in accordance with the provisions of section ~~5-37-2~~ of the Act.

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PART III — ~~*Limited Medical Registration – Academic Faculty*~~

Section 6.0 — ~~*Application*~~

6.1 — ~~Application for limited registration for "academic faculty" shall be made on forms provided by the Department which shall be completed, notarized and submitted to the Board at least thirty (30) days prior to the scheduled date of Board meeting.~~

6.2 — ~~Such application shall be accompanied by the following documents and fee (non-refundable and non-returnable):~~

- ~~a) i) *For U.S. citizens:* a certified copy of birth certificate;~~
- ~~ii) *For foreign medical physicians:* if a certified copy of birth certificate cannot be obtained, immigration papers or resident alien card or such other birth verifying papers acceptable to the Board;~~
- ~~b) one (1) recent photograph of the applicant, head and shoulder front view approximately 2 x 3 inches in size;~~
- ~~c) a statement from the board of examiners in medicine in each state in which the applicant holds or has held a license confirming the applicant to be or have been in good standing. Such statement shall be submitted to the Board in this state;~~
- ~~d) a certified copy of medical diploma;~~
- ~~e) a complete curriculum vitae;~~
- ~~f) a written statement from the dean of the medical school attesting that an offer has been made to the individual for a full-time senior level academic appointment, including the recommendation that the applicant is a person of professional rank (i.e., associate or full professor) whose knowledge and special training will benefit the medical school; and~~
- ~~g) application fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.*~~

6.3 — ~~All documents not written in the English language shall be accompanied by certified translations.~~

Section 7.0 — ~~*Issuance of Limited Registration Certificate*~~

7.1 — ~~The limited registration shall be valid for a period of not more than one (1) year expiring on the 30th day of June following its initial effective date and may be renewed for not more than five (5) consecutive years by the Board, provided however, such registration shall automatically expire when the holder's relationship with the medical school is terminated or substantially changes. The holder shall reapply for limited registration in accordance with the requirements of section 6.0 herein if the relationship with the medical school substantially changes.~~

~~After the fifth consecutive renewal, a physician may reapply for limited registration in~~

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accordance with the provisions of section 6.0 herein.

~~7.2 The initial application fee for annual limited registration renewal shall be as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.*~~

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~~PART IV — *Violations/Practices and Procedures/Severability*~~

~~Section 8.0 — *Violations and Practices and Procedures*~~

~~8.1 — Pursuant to section 5-37-16 and 5-37-16.1 of the Act, the Department is authorized to revoke the limited registration certificate of any intern, resident, fellow or medical officer, or academic faculty physician, who violates any of the provisions of section 5-37-16 and 5-37-16.1 of the Act and/or the rules and regulations herein.~~

~~8.2 — All hearings and reviews required under the provisions of the Act and the rules and regulations herein, shall be held in accordance with the *Rules and Regulations of the Rhode Island Department of Health Governing the Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*.~~

~~Section 9.0 — *Severability*~~

~~9.1 — If any provision of rules and regulations herein or the application to any facility or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.~~

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Friday, July 03, 2015