

2021 -- H 5191

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LC000785  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- BOARD OF MEDICAL LICENSURE  
AND DISCIPLINE

Introduced By: Representatives Serpa, Bennett, Phillips, and Casey

Date Introduced: January 27, 2021

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 5-37 of the General Laws entitled "Board of Medical Licensure and  
2 Discipline" is hereby amended by adding thereto the following section:

3 **5-37-2.2. Prohibition of board certification requirement to practice medicine.**

4 Notwithstanding any provision of this chapter to the contrary, the board shall not  
5 require a physician applicant or physician licensee under its jurisdiction to obtain or maintain a  
6 national or regional board certification that is not otherwise specifically required in this chapter  
7 before it issues a license or license renewal to that physician applicant or physician licensee under  
8 this chapter.

9 SECTION 2. Section 27-20.6-1 of the General Laws in Chapter 27-20.6 entitled "Health  
10 Care Insurers - Coordination of Benefits" is hereby amended to read as follows:

11 **27-20.6-1. Definitions.**

12 As used in this chapter, the following terms shall have the following meanings:

13 (1) "Continued board certification" means an ongoing recertification program through  
14 which physicians are recertified by one or more of the national or regional medical boards, which  
15 includes, but is not limited to, one or more of the medical specialty boards of the American Board  
16 of Medical Specialties, the American Osteopathic Association, the National Board of Physicians  
17 and Surgeons, or any other nationally or regionally-recognized entity providing medical specialty  
18 certification. Continued board certification is separate from and in addition to any recertification

1 and continuing medical education requirements required pursuant to § 5-37-2.1;

2 (2) "Hospital" means a person or governmental entity licensed in accordance with chapter  
3 17 of title 23 to establish, maintain, and operate a hospital.

4 ~~(3)~~ (3) "Insurer" means every nonprofit medical service corporation, hospital service  
5 corporation, health maintenance organization, or other insurer offering and/or insuring health  
6 services; the term shall in addition include any entity defined as an insurer under § 42-62-4; ~~and~~

7 (4) "Physician" means a person with a license to practice allopathic or osteopathic medicine  
8 in this state under the provisions of chapter 37 of title 5; and

9 ~~(5)~~ (5) "Primary insurer" means the insurer primarily liable in accordance with the anti-  
10 duplication provisions established by regulations promulgated by the director of business  
11 regulation.

12 SECTION 3. Chapter 27-20.6 of the General Laws entitled "Health Care Insurers -  
13 Coordination of Benefits" is hereby amended by adding thereto the following section:

14 **27-20.6-3.1. Continued board certification not to be considered in coordination of**  
15 **benefits.**

16 (a) An insurer shall not:

17 (1) Deny reimbursement to a physician or hospital for services rendered because the  
18 physician or any physicians within the hospital have not completed continued board certification.

19 (2) Provide lower reimbursement for services rendered by a physician or hospital because  
20 the physician or any physicians within the hospital have not completed continued board  
21 certification.

22 (3) Prohibit a physician or hospital from participating in any of the insurer's provider  
23 networks because the physician or any physicians within the hospital have not completed  
24 continued board certification.

25 (4) Determine a contractual relationship with, or credentialing of, a physician or hospital  
26 based upon the physician or any physician within the hospital's completion or lack of completion  
27 of continued board certification.

28 (5) Deny reimbursement to a physician or hospital for services rendered based upon which  
29 continued board certification program or programs the physician or any physicians within the  
30 hospital have completed.

31 (6) Provide lower reimbursement to a physician or hospital for services rendered based  
32 upon which continued board certification program or programs the physician or any  
33 physicians within the hospital have completed.

1 SECTION 4. 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 prohibit the board of medical licensure and discipline from requiring  
2 specialty board certification as a condition of licensure. This act also provides that a health care  
3 insurer shall not deny reimbursement or provide lower reimbursement rates to a physician or  
4 hospital, based on a physician's decision whether or not to participate in a national continued board  
5 certification program.

6           This act would take effect upon passage.

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