

## Department of Health proposes changes to the *Rules and Regulations for the Licensure and Discipline of Physicians*

By:



JAMES D. CULLEN, ESQ.



R. KELLY SHERIDAN, ESQ.

The proposed changes to the Rhode Island Department of Health's Rules and Regulations for the Licensure and Discipline of Physicians range from stylistic to substantive. This article will explore some of the more important changes in the rules. A full copy of the proposed rules can be found [here](#).<sup>1</sup>

Perhaps the most important proposed change to the regulations relates to license renewal fees. The Department of Health has added a new rule providing for reduced fees for license renewal under certain circumstances. Under the proposed rules a physician will be eligible for a reduced fee if he/she has met the following requirements:

1. Successful completion of the Physician Professional Education Program for the current renewal cycle, as established by the Director; and
2. (i) For the renewal period ending 30 June 2013, documentation of successful completion of the Physician Professional Education Program for the renewal cycle is filed with the Board before **1 May 2014**;  
(ii) For renewal periods ending 30 June 2016 and later, documentation of successful completion of the Physician Professional Education Program for the current renewal cycle is filed with the Board before the first (1st) day of April of each even-numbered year; and
3. Payment is received on or before the first (1st) day of July of each even-numbered year.

<sup>1</sup> When reviewing the regulations, note that proposed changes are marked either with a double underline (additions) or ~~strikeouts~~ (deletions).

Public Hearing Draft, Rules and Regulations for the Licensure and Discipline for Physicians, page 9 (emphasis added). Pursuant to the proposed *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* the standard renewal fee will be \$1090 and a renewal with “Approved Training,” as outlined above, will be \$870. See Public Hearing Draft *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*, Page A-13. The proposed rules also eliminate the “Emeritus Renewal” of \$110.

Another important change relates to the storage of medical records; the Department of Health has proposed an increase in the length of time for which records must be stored by two years. If the new regulations are adopted, medical records will have to be stored for at least seven (7) years. Interestingly, the proposed regulations fix a glaring oversight by adding a section defining what constitutes “medical records.”<sup>2</sup>

The proposed regulations also provide for an increase in the amount that can be charged for copying of medical records:

---

<sup>2</sup> If the regulations are adopted in their current form medical records will be defined as: a patient’s medical information and treatment history maintained by physicians and other medical personnel, which includes, but is not limited to, information related to medical diagnosis, immunizations, allergies, x-rays, copies of laboratory reports, records of prescriptions, and other technical information used in assessing the patient’s health condition, whether such information is maintained in a paper or electronic format.

Although this definition is not newsworthy, it is useful that a definition of “medical records” has been included in the regulations.

- The maximum fee has been increased from \$15.00 to \$25.00;
- Physicians may not charge more than \$0.10 per page for copies of electronic health records;
- Paper copies of a medical record may be provided at a cost of \$0.75 for the first 50 pages and \$0.50 for all pages thereafter; and
- Physicians may charge a special handling fee of \$20.00 for records that must be delivered within 48 hours.

Return to:

IN THE  
NEWS

THIS BULLETIN IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY, AS A SERVICE TO OUR LOYAL CLIENTS. IT SHOULD NOT BE CONSTRUED AS LEGAL ADVICE, AND IS NOT A SUBSTITUTE FOR THE ADVICE OF A QUALIFIED ATTORNEY FAMILIAR WITH YOUR PARTICULAR SITUATION. FOR ADVICE ABOUT YOUR SITUATION, PLEASE CONTACT AN ATTORNEY FROM RCFP.

© 2013 ROBERTS, CARROLL, FELDSTEIN & PEIRCE, INC. ALL RIGHTS RESERVED.

In addition, the rules relating to the licensure of medical acupuncturists have been changed. In the past a physician who wanted to practice medical acupuncture had to either meet the requirements for licensure as a doctor of acupuncture set forth in the *Rules and Regulations for Licensing Doctors of Acupuncture* or complete a course that included a minimum of three hundred hours of formal instruction, including a supervised clinical practicum. This second option has been changed; under the new rules a physician will have to complete a course approved by the American Board of Medical Acupuncture. See <http://dabma.org/>.

The proposed changes will be the subject of a public hearing in the Auditorium of the Rhode Island Department of Health, Three Capitol Hill, Providence, Rhode Island, on Monday March 31, 2014 at 1:00 p.m.