



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration
BUDGET OFFICE
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MEMORANDUM

To: The Honorable Marvin L. Abney
Chairman, House Finance Committee

The Honorable William J. Conley, Jr.
Chairman, Senate Finance Committee

From: Thomas A. Mullaney *Thomas A. Mullaney*
Executive Director/State Budget Officer

Date: April 20, 2018

Subject: Amendments to Article 6 of the FY 2019 Appropriations Act
(18-H-7200)

The Governor requests that Article 4 entitled "Relating to Licensing" submitted on January 18, 2018 be replaced with the attached version. The new version takes into consideration comments received by the Departments of Health (DOH) and Business Regulation (DBR) from board and industry representatives and proposes to have the Department of Health retain jurisdiction over Athletic Trainers, Music Therapists and Speech Language Pathologists. The following amendments are proposed:

- Section 3: Language is amended to clarify that fee revenue should be paid to the General Treasurer and does not need to go to the Division of Taxation.
- Section 9: The Board of Examiners in Speech Language Pathology is reinstated.
- Section 13: Language is added to effectuate the transfer of audiologists from DOH to DBR. This requires splitting the Board of Examiners of Speech Pathology and Audiologists into two separate boards.
- Section 15: This section is deleted to allow Athletic Trainers to remain under DOH jurisdiction.
- Section 29: This section is deleted to allow Music Therapists to remain under DOH jurisdiction.

Sections 16 through 33 were renumbered to account for the deletion of Sections 15 and 29.

Section 26 (formerly 27): Fees for speech language pathologists and athletic trainers are reinstated in statute.

Section 31 (formerly 33): The effective date is proposed to change from July 1, 2018 to January 1, 2019 to provide adequate time for the transfer of regulations, the implementation of new licensing programs and the migration of data from DOH to DBR. This will not impact the transfer of staff included in the budget, nor will it impact the total collection of revenues in FY 2019.

The language to be changed is highlighted in grey. We will also provide a clean version of this article to fiscal staff.

If you have any questions regarding this amendment, please feel free to call me at 222-6300.

TAM:sma 19-Amend-16

cc: Sharon Reynolds Ferland, House Fiscal Advisor
Stephen Whitney, Senate Fiscal Advisor
Michael DiBiase, Director of Administration
Jonathan Womer, Director, Office of Management and Budget
Elizabeth Tanner, Director, Department of Business Regulation

ARTICLE 6

RELATING TO LICENSING

1 SECTION 1. Section 3-5-18 of the General Laws in Chapter 3-5 entitled "Licenses Generally" is
2 hereby amended as follows:

3 **3-5-18. Signature on licenses – Posting and exhibition.**

4 (a) All retail licenses issued under chapter 7 of this title shall bear the signature ~~written by hand,~~
5 or electronic signature, of the clerk of the licensing board, body, or officials issuing them, and shall not be
6 printed, stamped, typewritten, engraved, photographed or cut from one instrument and attached to another
7 and shall be displayed by the licensee, on the premises and shall be exhibited on demand to any deputy
8 sheriff, to any city or town sergeant, constable, officer or member of the city or town police or to any
9 member of the department of state police or agent of the department.

10 (b) All retail licenses shall be displayed within the premises but need not be posted. The license
11 shall be exhibited to any deputy sheriff of the county, to any city or town sergeant, constable, officer or
12 member of the city or town police or to any member of the department of state police or agent of the
13 department who request proof that the establishment is duly licensed.

14 SECTION 2: Section 3-6-13 of the General Laws in Chapter 3-6 entitled "Manufacturing and
15 Wholesale Licenses" is hereby repealed.

16 ~~**3-6-13. License bonds to state.**~~

17 ~~As conditions precedent to the issuance by the department of any manufacturer's license,~~
18 ~~rectifier's license, wholesaler's Class A license, wholesaler's Class B license, and wholesaler's Class C~~
19 ~~license under the provisions of this chapter, the person applying for a license shall give bond to the~~
20 ~~general treasurer of the state in a penal sum in the amount that the department of business regulation~~
21 ~~requests with at least two (2) resident sureties satisfactory to the department of business regulation, or a~~
22 ~~surety company authorized to do business in this state as surety, which bond shall be on condition that the~~
23 ~~licensee will not violate, or suffer to be violated, on any licensed premises under his or her control any of~~
24 ~~the provisions of this chapter or of chapter 5 of this title or of chapters 10, 34, or 45 of title 11 or §§ 11-2-~~

1 ~~1, 11-9-13, 11-9-15, 11-11-5, 11-18-2, 11-18-4, 11-20-1, 11-20-2, 11-23-4, 11-31-1 or 11-37-2, 11-37-~~
2 ~~4 and on condition that the licensee will pay all costs and damages incurred by any violation of any of~~
3 ~~those chapters or sections and shall also pay to the division of taxation the license fee required by this~~
4 ~~chapter.~~

5 SECTION 3. Sections 3-6-1, 3-6-1.2, 3-6-3, 3-6-9, 3-6-10, 3-6-11, 3-6-12, of the General Laws in
6 Chapter 3-6 entitled "Manufacturing and Wholesale Licenses" is hereby amended to read as follows:

7 **3-6-1. Manufacturer's license.**

8 (a) A manufacturer's license authorizes the holder to establish and operate a brewery, distillery, or
9 winery at the place described in the license for the manufacture of beverages within this state. The license
10 does not authorize more than one of the activities of operator of a brewery or distillery or winery and a
11 separate license shall be required for each plant.

12 (b) The license also authorizes the sale at wholesale, at the licensed place by the manufacturer of
13 the product of the licensed plant, to another license holder and the transportation and delivery from the
14 place of sale to a licensed place or to a common carrier for that delivery. The license does authorize the
15 sale of beverages for consumption on premises where sold; provided that the manufacturer does not sell
16 an amount in excess of thirty-six ounces (36 oz.) of malt beverage or four and one-half ounces (4.5 oz.) of
17 distilled spirits per visitor, per day, or a combination not greater than three (3) drinks where a drink is
18 defined as twelve ounces (12 oz.) of beer or one and one-half ounces (1.5 oz.) of spirits, for consumption
19 on the premises. The license also authorizes the sale of beverages produced on the premises in an amount
20 not in excess of two hundred eighty-eight ounces (288 oz.) of malt beverages, or seven hundred fifty
21 milliliters (750 ml) of distilled spirits per visitor, per day, to be sold in containers that may hold no more
22 than seventy-two ounces (72 oz.) each. These beverages may be sold to the consumers for off-premises
23 consumption, and shall be sold pursuant to the laws governing retail Class A establishments. The
24 containers for the sale of beverages for off-premises consumption shall be sealed. The license does not
25 authorize the sale of beverages in this state for delivery outside this state in violation of the law of the
26 place of delivery. The license holder may provide to visitors, in conjunction with a tour and/or tasting,

1 samples, clearly marked as samples, not to exceed three hundred seventy-five milliliters (375 ml) per
2 visitor for distilled spirits and seventy-two ounces (72 oz.) per visitor for malt beverages at the licensed
3 plant by the manufacturer of the product of the licensed plant to visitors for off-premises consumption.
4 The license does not authorize providing samples to a visitor of any alcoholic beverages for off-premises
5 consumption that are not manufactured at the licensed plant.

6 (c) The annual fee for the license is three thousand dollars (\$3,000) for a distillery producing
7 more than fifty thousand (50,000) gallons per year and five hundred dollars (\$500) for a distillery
8 producing less than or equal to fifty thousand (50,000) gallons per year; five hundred dollars (\$500) for a
9 brewery; and one thousand five hundred dollars (\$1,500) for a winery producing more than fifty thousand
10 (50,000) gallons per year and five hundred dollars (\$500) per year for a winery producing less than fifty
11 thousand (50,000) gallons per year. All those fees are prorated to the year ending December 1 in every
12 calendar year and shall be ~~paid to the division of taxation and be turned over~~ to the general treasurer for
13 the use of the state.

14 **3-6-1.2. Brewpub manufacturer's license.**

15 (a) A brewpub manufacturer's license shall authorize the holder to establish and operate a
16 brewpub within this state. The brewpub manufacturer's license shall authorize the retail sale of the
17 beverages manufactured on the location for consumption on the premises. The license shall not authorize
18 the retail sale of beverages from any location other than the location set forth in the license. A brewpub
19 may sell at retail alcoholic beverages produced on the premises by the half-gallon bottle known as a
20 "growler" to consumers for off the premises consumption to be sold pursuant to the laws governing retail
21 Class A establishments.

22 (b) The license shall also authorize the sale at wholesale at the licensed place by the manufacturer
23 of the product of his or her licensed plant as well as beverages produced for the brewpub and sold under
24 the brewpub's name to a holder of a wholesaler's license and the transportation and delivery from the
25 place of sale to the licensed wholesaler or to a common carrier for that delivery.

1 (c) The brewpub manufacturer's license further authorizes the sale of beverages manufactured on
2 the premises to any person holding a valid wholesaler's and importer's license under § 3-6-9 or 3-6-11.

3 (d) The annual fee for the license is one thousand dollars (\$1,000) for a brewpub producing more
4 than fifty thousand (50,000) gallons per year and five hundred dollars (\$500) per year for a brewpub
5 producing less than fifty thousand (50,000) gallons per year. The annual fee is prorated to the year ending
6 December 1 in every calendar year and ~~paid to the division of taxation and turned over to~~ the general
7 treasurer for the use of the state.

8 **3-6-3. Rectifier's license.**

9 The department is authorized to issue rectifiers' licenses in accordance with the provisions of §§
10 3-6-4 – 3-6-8. The fee provided shall be prorated to the year ending December 1 in every calendar year
11 and ~~be paid to the division of taxation and turned over~~ to the general treasurer for the use of the state.

12 **3-6-9. Wholesaler's license – Class A.**

13 A wholesaler's license, Class A, authorizes the holder to keep for sale and to sell malt beverages
14 and wines at wholesale at the place described to holders of licenses under this title within this state and to
15 holders of wholesale licenses in other states and the transportation and delivery from the place of sale to
16 those license holders or to a common carrier for that delivery. Sales by a wholesaler in this state to a
17 holder of a wholesale license in another state shall be only to a wholesaler who is a distributor of the same
18 brand of malt beverages or wines subject to permission by the department. The license shall not authorize
19 the sale of malt beverages or wines for consumption on the premises where sold nor their sale for their
20 delivery outside this state in violation of the law of the place of delivery. The annual fee for the license is
21 two thousand dollars (\$2,000) prorated to the year ending December 1 in every calendar year, and shall be
22 ~~paid to the division of taxation and turned over~~ to the general treasurer for the use of the state. Whenever
23 any malt beverages or wines are sold outside the state pursuant to this section, refunds or credits of import
24 fees previously paid on those malt beverages or wines shall be made to holders of wholesaler's licenses
25 under this title in accordance with regulations promulgated by the division of taxation.

1 **3-6-10. Wholesaler's license – Class B.**

2 (a) A wholesaler's license, Class B, authorizes the holder to keep for sale and to sell malt and
3 vinous beverages and distilled spirits at wholesale, at the place described in the license, to holders of
4 licenses under this title within this state and to holders of wholesale licenses in other states and authorizes
5 the transportation and delivery from the place of sale to those license holders or to a common carrier for
6 that delivery. Sales by a wholesaler in this state to a holder of a wholesale license in another state shall be
7 only to a wholesaler who is a distributor of the same brand of malt beverages, vinous beverages, and
8 distilled spirits subject to permission by the state liquor control administrator. The license shall not
9 authorize the sale of beverages for consumption on the premises where sold nor the sale of beverages for
10 delivery outside this state in violation of the law of the place of delivery.

11 (b) The annual fee for the license is four thousand dollars (\$4,000) prorated to the year ending
12 December 1 in every calendar year, and shall be ~~paid to the division of taxation and turned over~~ to the
13 general treasurer for the use of the state whenever any malt beverages, vinous beverages, and distilled
14 spirits are sold outside the state pursuant to this section. Refunds or credits of import fees previously paid
15 on malt beverages, vinous beverages and distilled spirits shall be made to holders of wholesaler's licenses
16 under this title in accordance with regulations promulgated by the division of taxation.

17 **3-6-11. Wholesaler's Class C license.**

18 A wholesaler's Class C license authorizes the holder to manufacture, transport, import, export,
19 deliver, and sell alcohol for mechanical, manufacturing, medicinal, or chemical purposes only, or to any
20 registered pharmacist, licensed pharmacy, drug store, or apothecary shop, or to any registered physician
21 or dentist, or to any hospital or educational or scientific institution, for use other than beverage purposes.
22 The annual fee for the license is two hundred dollars (\$200) and shall be ~~paid to the division of taxation~~
23 ~~and turned over~~ to the general treasurer for the use of the state.

24 **3-6-12. Agents' licenses.**

25 Any person who represents a distillery, winery, or brewery is deemed and taken to be acting as an
26 agent for and on behalf of that distillery, winery, or brewery, and is required to have received from the

1 department a license to act as an agent. The annual fee for that license is fifty dollars (\$50.00) ~~paid to the~~
2 ~~division of taxation~~. The department may, after notice, suspend or revoke any license for cause.

3 SECTION 4: Section 3-7-15 of the General Laws in Chapter 3-7 entitled "Retail Licenses" is
4 hereby amended to read as follows:

5 **3-7-15. Class G license.**

6 (a) A Class G retailer's license shall be issued only to any dining car company, sleeping car
7 company, parlor car company, and railroad company operating in this state, or any company operating
8 passenger carrying marine vessels in this state, or any airline operating in this state, and authorizes the
9 holder of the license to keep for sale and to sell in its dining cars, sleeping cars, buffet cars, club cars,
10 lounge cars and any other cars used for the transportation or accommodation of passengers, and in or on
11 any passenger-carrying marine vessel, and in any airplane, beverages for consumption therein or thereon,
12 but only when actually en route.

13 (b) In addition, the holder of the Class G license for a passenger-carrying marine vessel may
14 serve alcoholic beverages at retail aboard the vessel during the period thirty (30) minutes prior to the
15 scheduled departure and until departure, provided that the local licensing board annually consents.

16 (c) Each company or airline to which the license is issued shall pay to the department an annual
17 fee of two hundred fifty dollars (\$250) for the license, ~~and one dollar (\$1.00) for each duplicate of the~~
18 ~~license, which fees are~~ paid into the state treasury.

19 (d) The license expires one year from its date and is good throughout the state as a state license,
20 and only one license is required for all cars or airplanes, but a license issued to any company or person
21 operating passenger-carrying marine vessels in this state shall authorize the sale of beverages only in the
22 passenger-carrying marine vessel designated and no further license shall be required or tax levied by any
23 city or town for the privilege of selling beverages for consumption in those cars or on those vessels or in
24 those airplanes. Each licensed dining car company, sleeping car company, and railroad car company shall
25 keep a duplicate of the license posted in each car where beverages are sold. The department shall issue

1 duplicates of the license from time to time upon the request of any licensed company ~~upon the payment of~~
2 ~~the fee of one dollar (\$1.00).~~

3 SECTION 5. Sections 5-10-16 and 5-10-33 of General Laws in Chapter 5-10 entitled “Barbers,
4 Hairdressers, Cosmeticians, Manicurists and Estheticians” is hereby repealed.

5 ~~**5-10-16. Application of zoning laws.**~~

6 ~~The practice of barbering, manicuring and/or hairdressing, and cosmetic therapy shall be~~
7 ~~considered a business under the zoning laws of the several cities and towns, and licenses are issued only~~
8 ~~in compliance with the zoning laws of the city or town in which the shop, place of business, or~~
9 ~~establishment is located.~~

10 ~~**5-10-33. Payment of fees.**~~

11 ~~All fees that are required to be paid under the provisions of this chapter shall be paid to the~~
12 ~~department of health and deposited as general revenues.~~

13 SECTION 6. Sections 5-10-1, 5-10-2, 5-10-4, 5-10-8, 5-10-9, 5-10-9.1, 5-10-10, 5-10-11, 5-10-15,
14 5-10-23, 5-10-25, 5-10-28, 5-10-32, and 5-10-39 of the General Laws in Chapter 5-10-entitled “Barbers,
15 Hairdressers, Cosmeticians, Manicurists and Estheticians” is hereby amended as follows:

16 ~~**5-10-1 Definitions.**~~

17 The following words and phrases, when used in this chapter, are construed as follows:

18 (1) "Apprentice barber" means an employee whose principal occupation is service with a barber
19 who has held a current license as a barber for at least three (3) years with a view to learning the art of
20 barbering, as defined in subdivision (15) of this section.

21 (2) "Barber" means any person who shaves or trims the beard; waves, dresses, sings, shampoos,
22 or dyes the hair; or applies hair tonics, cosmetic preparations, antiseptics, powders, oil clays, or lotions to
23 scalp, face, or neck of any person; or cuts the hair of any person; gives facial and scalp massages; or
24 treatments with oils, creams, lotions, or other preparations.

25 (3) "Board" means the state board of barbering and hairdressing as provided for in this chapter.

26 (4) "Department" means the Rhode Island department of ~~health~~ business regulation.

1 (5) "Division" means the division of ~~professional regulation~~ commercial licensing within the
2 department of ~~health~~ business regulation.

3 (6) "Esthetician" means a person who engages in the practice of esthetics, and is licensed as an
4 esthetician.

5 (7) "Esthetician shop" means a shop licensed under this chapter to do esthetics of any person.

6 (8) "Esthetics" means the practice of cleansing, stimulating, manipulating, and beautifying skin,
7 including, but not limited to, the treatment of such skin problems as dehydration, temporary capillary
8 dilation, excessive oiliness, and clogged pores.

9 (9) "Hair design shop" means a shop licensed under this chapter to do barbering or
10 hairdressing/cosmetology, or both, to any person.

11 (10) "Hairdresser and cosmetician" means any person who arranges, dresses, curls, cuts, waves,
12 singes, bleaches, or colors the hair or treats the scalp, or manicures the nails of any person, either with or
13 without compensation, or who, by the use of the hands or appliances, or of cosmetic preparations,
14 antiseptics, tonics, lotions, creams, powders, oils or clays, engages, with or without compensation, in
15 massaging, cleansing, stimulating, manipulating, exercising, or beautifying, or in doing similar work upon
16 the neck, face, or arms, or who removes superfluous hair from the body of any person.

17 (11) "Instructor" means any person licensed as an instructor under the provisions of this chapter.

18 (12) "Manicuring shop" means a shop licensed under this chapter to do manicuring only on the
19 nails of any person.

20 (13) "Manicurist" means any person who engages in manicuring for compensation and is duly
21 licensed as a manicurist.

22 (14) "School" means a school approved under chapter 40 of title 16, as amended, devoted to the
23 instruction in, and study of, the theory and practice of barbering, hairdressing, and cosmetic therapy,
24 esthetics, and/or manicuring.

25 (15) "The practice of barbering" means the engaging by any licensed barber in all, or any
26 combination of, the following practices: shaving or trimming the beard or cutting the hair; giving facial and

1 scalp massages or treatments with oils, creams, lotions, or other preparations, either by hand or mechanical
2 appliances; singeing, shampooing, arranging, dressing, curling, waving, chemical waving, hair relaxing, or
3 dyeing the hair or applying hair tonics; or applying cosmetic preparations, antiseptics, powders, oils, clays,
4 or lotions to scalp, face, or neck.

5 (16) "The practice of hairdressing and cosmetic therapy" means the engaging by any licensed
6 hairdresser and cosmetician in any one or more of the following practices: the application of the hands or
7 of mechanical or electrical apparatus, with or without cosmetic preparations, tonics, lotions, creams,
8 antiseptics, or clays, to massage, cleanse, stimulate, manipulate, exercise, or otherwise to improve or to
9 beautify the scalp, face, neck, shoulders, arms, bust, or upper part of the body; or the manicuring of the
10 nails of any person; or the removing of superfluous hair from the body of any person; or the arranging,
11 dressing, curling, waving, weaving, cleansing, cutting, singeing, bleaching, coloring, or similarly treating
12 the hair of any person.

13 (17) "The practice of manicuring" means the cutting, trimming, polishing, tinting, coloring, or
14 cleansing the nails of any person.

15 **5-10-2. ~~Creation of a~~Division of ~~professional regulation~~ commercial licensing and board of**
16 **barbering and hairdressing – Powers and duties.**

17 (a) Within the department of ~~health~~ business regulation there is a division of ~~professional regulation~~
18 commercial licensing and a board of barbering and hairdressing. The division shall:

- 19 (1) Approve all written and practical examinations;
- 20 (2) Issue all licenses and permits subsequently provided for in this chapter;
- 21 (3) Serve as the sole inspector of sanitation of all establishments licensed under this chapter;
- 22 (4) Make any rules and regulations that the division deems necessary or expedient, in conformity
23 with the provisions of this chapter and not contrary to law, for the conduct of the business of barbering and
24 hairdressing and cosmetic therapy or esthetics and manicuring, for the use of appliances, apparatus, and
25 electrical equipment and machines and the establishment of sanitary requirements in all establishments and
26 of all persons licensed under the provisions of this chapter;

- 1 (5) Keep a register of all persons and places of business licensed under this chapter;
- 2 (6) Keep complete records of all persons and establishments licensed under this chapter;
- 3 (7) Summon witnesses and administer oaths; and
- 4 (8) Do all things and perform all acts necessary to enforce the provisions of this chapter.

5 (b) The board of barbering and hairdressing shall have a policy-making role in selection of the
6 examinations. Subsequent to the administration of the examination, the board of examiners shall review the
7 examinations to evaluate their effectiveness. The board shall ~~supervise the operations of~~ provide the
8 division of ~~professional regulation commercial licensing in an advisory capacity~~ advice in promulgating
9 any policy that is necessary to improve the operations of the division in their areas of expertise. The
10 promulgation of that policy is subject to the approval of the director of the department. Members of the
11 board are subject to the provisions of chapter 14 of title 36.

12 **5-10-4. Board of barbering and hairdressing – Compensation of members.**

13 No member of the board shall be compensated for his or her services for attendance at meetings of
14 the board, attendance at examinations, but shall be reimbursed by the department of ~~health~~ business
15 regulation for his or her traveling and other expenses incurred in the performance of his or her duties
16 provided in this chapter.

17 **5-10-8. Issuance of licenses – Qualifications of applicants.**

18 (a) The division shall issue licenses to persons engaged in, or desiring to engage in, the practice of
19 barbering, hairdressing and cosmetic therapy and/or manicuring or esthetics and for instructing in any
20 approved school of barbering or hairdressing and cosmetic therapy and manicuring or esthetics; provided,
21 that no license shall be issued to any person under this chapter unless the applicant for the license:

- 22 (1) Is at least eighteen (18) years of age;
- 23 (2) Is a citizen of the United States of America or has legal entry into the country;
- 24 (3) Is of good moral character;
- 25 (4) Is a high school graduate or holds the equivalent **or has twenty-five (25) or more years of prior**
26 **experience in the practice for which the license is sought;**

1 (5) Has satisfactorily completed the course of instruction in an approved school of barbering,
2 hairdressing and cosmetic therapy and/or manicuring or esthetics;

3 (6) Has satisfactorily passed a written and a practical examination approved by the division to
4 determine the fitness of the applicant to receive a license; and

5 (7) Has complied with § 5-10-10 and any other qualifications that the division prescribes by
6 regulation.

7 ~~(b) Notwithstanding the provision of subdivision (a)(4), on and after July 1, 1997, an applicant~~
8 ~~seeking licensure as a barber must be a high school graduate or hold the equivalent combination of~~
9 ~~education and experience.~~

10 (c) The division may license, on a case-by-case basis, with or without examination, any individual
11 who has been licensed as an esthetician, barber, cosmetologist, electrologist or manicurist under the laws
12 of another state, which, in the opinion of the division, maintains a standard substantially equivalent to that
13 of the state of Rhode Island.

14 **5-10-9. Classes of licenses.**

15 Licenses shall be divided into the following classes and shall be issued by the division to applicants
16 for the licenses who have qualified for each class of license:

17 (1) A "hairdresser's and cosmetician's license" shall be issued by the division to every applicant for
18 the license who meets the requirements of § 5-10-8 and has completed a course of instruction in hairdressing
19 and cosmetology consisting of not less than ~~fifteen hundred (1,500)~~ **twelve hundred (1,200)** hours of
20 continuous study and practice.

21 (2) An "instructor's license" shall be granted by the division to any applicant for the license who
22 has held a hairdresser's and cosmetician's license, a barber's license, a manicurist's license, or an
23 esthetician's license, issued under the laws of this state or another state, for at least the three (3) years
24 preceding the date of application for an instructor's license and:

25 (i) Meets the requirements of § 5-10-8;

1 (ii) Has satisfactorily completed three hundred (300) hours of instruction in hairdressing and
2 cosmetology, barber, manicurist, or esthetician teacher training approved by the division as prescribed by
3 regulation;

4 (iii) Has satisfactorily passed a written and a practical examination approved by the division to
5 determine the fitness of the applicant to receive an instructor's license;

6 (iv) Has complied with § 5-10-10; and

7 (v) Has complied with any other qualifications that the division prescribes by regulation.

8 (3) A "manicurist license" shall be granted to any applicant for the license who meets the following
9 qualifications:

10 (i) Meets the requirements of § 5-10-8; and

11 (ii) Has completed a course of instruction, consisting of not less than three hundred (300) hours of
12 professional training in manicuring, in an approved school.

13 (4) An "esthetician license" shall be granted to any applicant for the license who meets the
14 following qualifications:

15 (i) Meets the requirements of § 5-10-8;

16 (ii) Has completed a course of instruction in esthetics, consisting of not less than six hundred (600)
17 hours of continuous study and practice over a period of not less than four (4) months, in an approved school
18 of hairdressing and cosmetology; and

19 (iii) Any applicant who holds a diploma or certificate from a skin-care school, that is recognized as
20 a skin-care school by the state or nation in which it is located, and meets the requirements of paragraph (i)
21 of this subdivision (~~+~~), shall be granted a license to practice esthetics; provided, that the skin-care school
22 has a requirement that, in order to graduate from the school, a student must have completed a number of
23 hours of instruction in the practice of skin care, which number is at least equal to the number of hours of
24 instruction required by the division.

25 (5) A "barber" license shall be issued by the division to every applicant for the license who meets
26 the requirements of § 5-10-8 and:

1 (i) Has completed a course of instruction in barbering consisting of not less than one thousand five
2 hundred (1,500) hours of continuous study and practice in an approved school;

3 (ii) Has possessed, for at least two (2) years prior to the filing of the application, a certificate of
4 registration in full force and effect from the ~~department of health of the~~ state specifying that person as a
5 registered, apprentice barber, and the application of that applicant is accompanied by an affidavit, or
6 affidavits, from his or her employer, or former employers, or other reasonably satisfactory evidence
7 showing that the applicant has been actually engaged in barbering as an apprentice barber in the state during
8 those two (2) years; or

9 (iii) A combination of barber school training and apprenticeship training as determined by the rules
10 and regulations prescribed by the division.

11 **5-10-9.1. License portability.**

12 Notwithstanding any general law, special law, public law, or rule or regulation to the contrary, any
13 licensed barber, hairdresser, cosmetician, manicurist, or esthetician who operates as an independent
14 contractor at any "hair-design shop" licensed pursuant to § 5-10-15, shall be permitted to relocate, without
15 obtaining a new license, to another licensed, hair-design shop once during the term of their one-year license
16 issued by the department of ~~health~~ business regulation.

17 **5-10-10. Application form – Fee – Expiration and renewal of licenses – Fees.**

18 (a) Applications for licenses under § 5-10-9 shall be made upon any forms that are prescribed by
19 the division and are accompanied by an application fee established in regulation. The license of every
20 person licensed under §§ 5-10-8 and 5-10-9 shall expire on the thirtieth (30th) day of October of every other
21 year following the date of license. This is determined on an odd-even basis. On or before the first day of
22 September of every year, the ~~administrator of professional regulation~~ department shall ~~mail an application~~
23 ~~for~~ provide notice of renewal of license to people scheduled to be licensed that year on an odd or even basis
24 as to the license number. Every person who wishes to renew his or her license must file with the
25 ~~administrator of professional regulation~~ department a renewal application duly executed together with the
26 renewal fee as set forth in ~~§ 23-1-54~~ by the department. Applications, accompanied by the fee for renewal,

1 shall be filed with the division on or before the fifteenth (15th) day of October in each renewal year. Upon
2 receipt of the application and fee, the ~~administrator of professional regulation~~ department shall grant a
3 renewal license effective October 1st and expiring two (2) years later on September 30th.

4 (b) Every person who fails to renew his or her license on or before September 30th following the
5 date of issuance as provided in subsection (a) of this section may be reinstated by the division upon payment
6 of the current renewal fee and a late fee as set ~~forth in § 23-1-54~~ by the department.

7 (c) The license shall be on the person at all times while performing the services for which they are
8 licensed.

9 **5-10-11. Persons licensed in other states.**

10 (a) Any person licensed to practice barbering, hairdressing, and cosmetic therapy and/or
11 manicuring or esthetics in another state where the requirements are the equivalent of those of this state is
12 entitled to a license as a barber, hairdresser, and cosmetician and/or manicurist or esthetician operator upon
13 the acceptance of his or her credentials by the division; provided, that the state in which that person is
14 licensed extends a similar privilege to licensed barbers, hairdressers, and cosmetic therapists and/or
15 manicurists or esthetics of this state. If a person applies for a hairdressing license who was licensed in
16 another state where the requirements are not equivalent to those of this state, the division shall give to that
17 person one hundred (100) hours instructional credit for three (3) months that the person was licensed and
18 in actual practice, up to a limit of five hundred (500) hours, in order for that person to meet the requirements
19 for a hairdressing license in this state as established under the provisions of §§ 5-10-8 and 5-10-9.

20 (b) If a person applies for a manicurist or esthetician license and is currently licensed in another
21 state, that person may be granted a license if he or she passes the written and practical examinations
22 conducted by the division.

23 (c) The fee for the application is as set ~~forth in § 23-1-54~~ by the department; provided, that the
24 provisions of this chapter shall not be construed as preventing persons who have been licensed by
25 examination under the laws of other states of the United States or territories and the District of Columbia
26 from practicing barbering, hairdressing, and cosmetic therapy and/or manicuring or esthetics in this state

1 for a period of three (3) months; provided, that they apply for and are licensed in this state within three (3)
2 months from the commencement of their employment. Nor shall it be construed as prohibiting persons who
3 have been licensed under the laws of another country or territory from practicing barbering, hairdressing,
4 and cosmetic therapy and/or manicuring or esthetics in this state; provided, that practice is in conformity
5 with the rules and regulations of the division; and provided, that in no case shall that practice cover a period
6 of more than three (3) months from the commencement of that employment.

7 **5-10-15. Licensing of shops.**

8 (a) No shop, place of business or establishment shall be opened or conducted within the state by
9 any person, association, partnership, corporation, or otherwise for the practice of barbering, manicuring
10 and/or hairdressing and cosmetic therapy or esthetics until the time that application for a license to operate
11 that shop, place of business or establishment for the practice of manicuring and/or hairdressing and cosmetic
12 therapy or esthetics is made, to the division, in the manner and on the forms that it prescribes, and a license,
13 under the terms and conditions, not contrary to law, that the division requires shall be granted for it and a
14 license issued.

15 (1) No licenses shall be granted to any shop, place of business, or establishment for the practice of
16 hairdressing and cosmetic therapy unless the proprietor or a supervising manager in the practice of
17 barbering, hairdressing and cosmetic therapy, of the shop, place of business, or establishment is licensed
18 and has been licensed as a licensed barber or hairdresser and cosmetician for a period of at least one year
19 immediately prior to the filing of the application for the license.

20 (2) No license shall be granted to any shop, place of business, or establishment for the practice of
21 manicuring or esthetics unless the proprietor or a supervising manager of the proprietor is licensed and has
22 been licensed as a licensed barber, hairdresser and cosmetician, manicurist or esthetician for a period of at
23 least one year immediately prior to the filing of the application for the license.

24 (3) The supervising manager shall be registered with the division as the manager of a licensed shop
25 and shall only be registered to manage one shop at a time. The proprietor of the licensed shop and the
26 manager shall notify the division, in writing, within ten (10) days upon the termination of employment as

1 the manager of the licensed shop. The license of the shop shall expire forty-five (45) days after the division
2 is notified by the proprietor if no new manager is registered with the division as the supervising manager
3 of the shop.

4 (b) All licenses issued under this section shall terminate on the first day of July following the date
5 of issue. The fee for the license is as set forth in ~~§ 23-1-54~~ by the department.

6 **5-10-23. Fixed place of business.**

7 (a) Except as provided in this section, manicuring, esthetics, barbering and/or hairdressing and
8 cosmetic therapy, as defined in this chapter, shall be practiced only in a shop licensed under § 5-10-15.
9 Nothing contained in this chapter shall be construed to prohibit the practice of barbering, manicuring, and
10 hairdressing and cosmetic therapy and esthetics in the same shop or place of business.

11 (b) Nothing in this section shall restrict a hairdresser licensed pursuant to this chapter, operating in
12 a licensed nursing service agency, from providing services to an individual who is homebound at their
13 home. For purposes of this section, "homebound" is defined as any person who is considered housebound
14 for purpose of federal Medicare eligibility.

15 (c) Nothing in this section shall restrict any person licensed pursuant to this chapter from providing
16 services to an individual who is homebound at their home as verified by a licensed health care professional.

17 (d) Nothing in this section shall restrict or prohibit any person licensed pursuant to this chapter
18 from providing services to an individual residing in any Department of Housing and Urban Development
19 (H.U.D.) recognized housing for the elderly in the H.U.D. recognized housing in which the individual
20 resides. Those services shall be provided in a separate room inspected by the department of ~~health~~ business
21 regulation. Students enrolled in programs of hairdressing, barbering and/or cosmetology are prohibited in
22 H.U.D. recognized housing.

23 (e) Nothing in this section shall restrict or prohibit any person licensed pursuant to this chapter
24 from providing services to an individual outside a licensed shop as part of a special occasion event, such as
25 a wedding or prom, so long as those services are limited to hair styling and makeup, and the health and
26 sanitation standards expected of licensees in licensed shops are followed.

1 **5-10-25. Inspection powers of the division – Denial of access.**

2 Any person employed, authorized and empowered by the division ~~of professional regulation~~ may
3 enter any shop, place of business, or establishment licensed under the provisions of this chapter during the
4 hours the shop, place of business, establishment, or school of barbering, manicuring, or hairdressing and
5 cosmetic therapy is open for business, for the purpose of inspecting its sanitary conditions and
6 ascertaining if the provisions of this chapter and the rules and regulations for the practice of barbering,
7 hairdressing, and cosmetic therapy as established by the division are being observed in the operation of
8 that shop or place of business, and failure or refusal of the person in charge of that shop, place of
9 business, establishment, or school to permit inspection at all reasonable times is deemed sufficient cause
10 for the revocation of any license issued to that shop, place of business, or establishment and any
11 certificate of approval issued by the division.

12 **5-10-28. Appeals.**

13 Any person aggrieved by any decision or ruling of the division may appeal it to the ~~administrator~~
14 ~~of the division or his or her designee. A further appeal may then be made to the appropriate~~ board of
15 examiners. Any person aggrieved by any decision or ruling of the board may appeal it to the director of the
16 department. Any further appeal from the action of the director is in accordance with the provisions of
17 chapter 35 of title 42. For the purpose of this section the division is considered a person.

18 **5-10-32. Enforcement of chapter – Annual reports.**

19 The division is specifically charged with the enforcement of this chapter, shall investigate all
20 complaints for violations of the provisions of this chapter, ~~and shall hold a hearing upon any complaint for~~
21 ~~any violation of the chapter within thirty (30) days after the filing of the complaint and render a decision,~~
22 ~~in writing, within ten (10) days from the close of the hearing.~~ If the division finds that any of the provisions
23 of this chapter have been violated, it shall immediately institute ~~any criminal~~ prosecution that the violation
24 warrants.

25 **5-10-39. Demonstrator's permit.**

1 The division may, in its discretion, issue to any person recognized by the division as an authority
2 on, or an expert in, the theory or practice of barbering, hairdressing, and cosmetic therapy and/or manicuring
3 or esthetics, and is the holder of a current esthetician's, manicurist's or a barber's, hairdresser's, and
4 cosmetician's license in this state, another state, or the District of Columbia, a demonstrator's permit for not
5 more than six (6) days' duration for educational and instructive demonstrations; provided, that the permit
6 shall not be used in the sense of a license to practice barbering, manicuring, esthetics, or hairdressing and
7 cosmetic therapy. The fee for the permit is as set forth in ~~§ 23-1-54~~ by the department.

8 SECTION 7. Section 5-25-10 of Chapter 5-25 of the General Laws entitled "Veterinary Practice"
9 is hereby amended to read as follows:

10 **5-25-10 Qualifications for licensure.**

11 Any applicant for licensure shall submit to the department written evidence on forms furnished
12 by the department ~~verified by oath~~ that the applicant meets all of the following requirements:

13 (1) Is a graduate of a school or college of veterinary medicine recognized and accredited by the
14 American Veterinary Medical Association and by the department or certification by the
15 Educational Council for Foreign Veterinary Graduates;

16 (2) Pays an application fee as set forth in § 23-1-54 at the time of submitting the application,
17 which, in no case is returned to the applicant;

18 (3) Is of good moral character, evidenced in the manner prescribed by the department; and

19 (4) Complies with any other qualifications that the department prescribes by regulation; and

20 (5) Comply with the continuing education requirements adopted by the department.

21
22 SECTION 8. Section 5-30-6 of Chapter 5-30 of the General Laws entitled "Chiropractic
23 Physicians" is hereby amended to read as follows:

24 **5-30-6 Qualifications and examinations of applicants.**

25 Every person desiring to begin the practice of chiropractic medicine, except as provided in this
26 chapter, shall present satisfactory evidence to the division of professional regulation of the department of
27 health, ~~verified by oath~~, that he or she is more than twenty-three (23) years of age, of good moral

1 character, and that before he or she commenced the study of chiropractic medicine had satisfactorily
2 completed credit courses equal to four (4) years of pre-professional study acceptable by an accredited
3 academic college and obtained a bachelor of science or bachelor of arts degree and subsequently
4 graduated from a school or college of chiropractic medicine approved by the division of professional
5 regulation of the department of health, and has completed a residential course of at least four (4) years,
6 each year consisting of at least nine (9) months study. Any qualified applicant shall take an examination
7 before the state board of chiropractic examiners to determine his or her qualifications to practice
8 chiropractic medicine. Every applicant for an examination shall pay a fee as set forth in § 23-1-54 for the
9 examination to the division of professional regulation. Every candidate who passes the examination shall
10 be recommended by the division of professional regulation of the department of health to the director of
11 the department of health to receive a certificate of qualification to practice chiropractic medicine.

12 SECTION 9. Sections 5-26-2 and 5-26-3 of the General Laws in Chapter 5-26 entitled “Division
13 of Profession Regulation” are hereby amended to read as follows:

14 **5-26-2. Boards of examiners appointed by director of health.**

15 The director of health, with the approval of the governor, shall also appoint to the division of
16 professional regulation a board of nursing registration and education as provided by chapter 34 of this title,
17 and a board of examiners of each of the following arts, practices, sciences, or callings: ~~barbering~~, podiatry,
18 chiropractic, (except as provided in § 5-30-1.1) psychology, optometry, ~~electrolysis~~, and physical therapy;
19 **and a board of five (5) examiners in speech language pathology**, ~~audiology, and embalming~~. Those boards
20 shall perform the duties prescribed by chapters ~~40~~, 29, 30, (except as provided in § 5-30-1.1), ~~32, 33~~, 34,
21 35, 40, 44, **and 48** of this title.

22 **5-26-3. Qualifications of examiners.**

23 The examiners appointed for each specific art, practice, science, or calling referred to in § 5-26-2
24 shall be persons competent to give those examinations and shall be appointed from persons licensed to
25 practice such an art, practice, science, or calling in this state, except that one member of each of the
26 chiropractic, ~~and electrolysis~~ boards shall be a physician licensed to practice medicine in the state.

1 SECTION 10. Sections 5-32-2, 5-32-3, 5-32-4, 5-32-6, 5-32-7, 5-32-9, 5-32-11, 5-32-12, 5-32-
2 13, 5-32-19 and 5-32-20 of the General Laws in Chapter 5-32 entitled "Electrolysis" are hereby amended
3 to read as follows:

4 **5-32-2. Penalty for unlicensed practice.**

5 Every person who subsequently engages in the practice of electrolysis in this state without being
6 licensed by the board of examiners in electrolysis is practicing illegally and, ~~upon conviction,~~ shall be fined
7 not more than twenty-five dollars (\$25.00) and every day of the continuation of illegal practice is a separate
8 ~~offense violation.~~

9 **5-32-3. Certificates – Applications – Penalty for violations.**

10 The division of ~~professional regulation~~ commercial licensing of the department of ~~health-business~~
11 regulation shall issue certificates to practice electrolysis, as defined in this chapter, to any persons that
12 comply with the provisions of this chapter. Any person who desires to engage in that practice shall submit,
13 in writing, in any form that is required by the ~~board~~ department, an application for a certificate to engage
14 in that practice. The application shall be accompanied by a fee as set ~~forth in § 23-1-54~~ by the department
15 of business regulation. Any person, firm, corporation or association violating any of the provisions of this
16 chapter ~~commits a misdemeanor and, upon conviction,~~ shall be punished by a fine not to exceed two
17 hundred dollars (\$200), ~~or imprisoned for a period not to exceed three (3) months, or both the fine and~~
18 ~~imprisonment.~~

19 **5-32-4. Qualifications of applicants.**

20 Licenses to engage in the practice of electrolysis shall be issued to the applicants who comply with
21 the following requirements:

22 (1) Are citizens or legal residents of the United States.

23 (2) Have attained the age of eighteen (18) years.

24 (3) Have graduated from a high school or whose education is the equivalent of a high school
25 education.

1 (4) Have satisfactorily completed a course of training and study in electrolysis, as a registered
2 apprentice under the supervision of a licensed Rhode Island electrologist who is qualified to teach
3 electrolysis to apprentices as prescribed in § 5-32-20, or has graduated from a school of electrolysis after
4 having satisfactorily completed a program consisting of not less than six hundred fifty (650) hours of study
5 and practice in the theory and practical application of electrolysis. That apprenticeship includes at least six
6 hundred and fifty (650) hours of study and practice in the theory and practical application of electrolysis
7 within a term of nine (9) months; provided, that the apprentice registers with the division of professional
8 regulation of the department of health upon beginning his or her course of instruction, and the licensed
9 person with whom they serve that apprenticeship keeps a record of the hours of that instruction, and, upon
10 the completion of that apprenticeship, certifies that fact to the board of examiners in electrolysis.

11 (5) Is of good moral character.

12 (6) Passes an examination approved by the department of ~~health~~ Business Regulation.

13 **5-32-6. Examination of applicants – Expiration and renewal of certificates.**

14 (a) Examination of applicants for certificates shall be held at least twice a year in the city of
15 Providence and may be held elsewhere at the discretion of the division of ~~professional regulation~~
16 commercial licensing of the department of ~~health~~ business regulation. The division has the power to adopt,
17 change, alter and amend, rules and regulations for the conducting of those examinations, and may fix the
18 fee for reexamination. The division shall issue to each person successfully passing the examination, where
19 an examination is required, and who satisfies the division of his or her qualifications, a certificate, signed
20 by ~~the administrator~~ an authorized person of the division, entitling him or her to practice that business in
21 this state for the annual period stated in the certificate, or until the certificate is revoked or suspended, as
22 subsequently provided.

23 (b) All certificates shall expire on the 30th day of April of each year, unless sooner suspended or
24 revoked, and shall be renewed for the next ensuing year by the division upon payment to the division of an
25 annual renewal fee as set ~~forth in § 23-1-54~~ by the department for each renewal.

26 **5-32-7. Certification of licensees from other states.**

1 Any person licensed to practice electrolysis in any other state or states, ~~who is, or in good faith~~
2 ~~intends to become, a resident of this state,~~ where the requirements are the equivalent of those of this state
3 and who meets the requirements of this chapter shall be entitled to take that examination and, if he or she
4 passes that examination, shall be, upon the payment of a fee as set forth in ~~§ 23-1-54~~ by the department of
5 business regulation, entitled to be licensed under the provisions of this chapter.

6 **5-32-9. Fixed place of business – Sanitary regulation.**

7 The practice of electrolysis shall be engaged in only in a fixed place or establishment, which place
8 or establishment shall be provided with any instruments, implements, and equipment and subject to any
9 sanitary regulation and inspection that the division of ~~professional regulation~~ commercial licensing of the
10 department of ~~health~~ business regulation prescribes.

11 **5-32-11. Display of licenses – Revocation or suspension of licenses for gross unprofessional**
12 **misconduct.**

13 (a) Every license issued under this chapter shall specify the name of the person to whom it was
14 issued and shall be displayed prominently in the place of business or employment. The division of
15 ~~professional regulation~~ commercial licensing of the department of ~~health~~ business regulation has the power
16 to revoke or suspend any license of registration issued under this chapter for gross unprofessional conduct.

17 Gross unprofessional conduct is defined as including, but not limited to:

18 (1) The use of any false or fraudulent statement in any document connected with the practice of
19 electrolysis.

20 (2) The obtaining of any fee by fraud or misrepresentation either to a patient or insurance plan.

21 (3) The violation of a privileged communication.

22 (4) Knowingly performing any act which in any way aids or assists an unlicensed person to practice
23 electrolysis in violation of this chapter.

24 (5) The practice of electrolysis under a false or assumed name.

25 (6) The advertising for the practice of electrolysis in a deceptive or unethical manner.

1 (7) Habitual intoxication or addiction to the use of drugs to the extent it impairs the licensee's
2 ability to engage in the practice of his or her profession.

3 (8) Violations of any of the rules or regulations of the state department of ~~health-business regulation,~~
4 or the violation of any section of this chapter.

5 (9) Gross incompetence in the practice of his or her profession.

6 (10) Repeated acts of ~~immorality or repeated acts of~~ gross misconduct in the practice of his or her
7 profession.

8 (b) Before any license is suspended or revoked, its holder shall be notified, ~~in writing, of the charge~~
9 ~~or charges preferred against him or her and shall have a reasonable time to prepare his or her defense and~~
10 ~~has the right to be represented by counsel and to be heard and to present his or her defense and afforded an~~
11 opportunity for hearing in accordance with the Administrative Procedures Act, chapter 35 of title 42. Any
12 person whose license has been suspended or revoked may apply to have the license reissued and the license
13 may be reissued to him or her upon a satisfactory showing that the cause for disqualification has ceased.
14 The division of ~~professional regulation~~ commercial licensing of the department of ~~health-business~~
15 regulation has power ~~by its administrator~~ to summon any person to appear as a witness and testify at any
16 hearing of the division, to examine witnesses, administer oaths and punish for contempt any person refusing
17 to appear or testify. The division shall ~~serve~~ provide a copy of its decision or ruling upon any person whose
18 license has been revoked or refused.

19 **5-32-12. Appeals from division.**

20 Any person aggrieved by any decision or ruling of the division of ~~professional regulation~~
21 commercial licensing of the department of ~~health-business regulation~~ may appeal that decision to the
22 superior court in the manner provided in the Administrative Procedures Act, chapter 35 of title 42.

23 **5-32-13. Annual renewal of certificates.**

24 All certificates issued under the provisions of this chapter shall be renewed annually by the holders
25 of the certificate at an annual renewal fee as set forth in ~~§ 23-1-54~~ by the division of ~~professional regulation~~
26 of the department of ~~health~~.

1 **5-32-19. Apprenticeship register.**

2 The division of ~~professional regulation~~ commercial licensing of the department of ~~health~~ business
3 regulation shall keep a ~~register in which~~ record of the names of all persons serving apprenticeships licensed
4 under this chapter shall be recorded. This register is open to public inspection.

5 **5-32-20. Qualifications for teaching electrolysis.**

6 (a) A person, in order to qualify as an instructor or teacher of electrolysis to apprentices, must:

7 (1) Have been actively engaged as a licensed practitioner of electrolysis for at least five (5) years.

8 (2) Pass a state board examination specifically designed to evaluate his or her qualifications to teach
9 electrolysis.

10 (3) Be a high school graduate or the equivalent.

11 (b) Upon satisfactorily passing this examination, the division of ~~professional regulation~~ commercial
12 licensing of the department of ~~health~~ business regulation shall issue a license to the person upon the payment
13 of a fee as set ~~forth in § 23-1-54~~ by the department.

14 (c) A qualified licensed electrologist shall not register more than one apprentice for each nine-
15 month (9) training period.

16 SECTION 11. Sections 5-33.2-1, 5-33.2-2, 5-33.2-3, 5-33.2-5, 5-33.2-6, 5-33.2-12, 5-33.2-13, 5-
17 33.2-13.1, 5-33.2-13.2, 5-33.2-15, 5-33.2-16, 5-33.2-18, 5-33.2-19, 5-33.2-20 and 5-33.2-22 of the General
18 Laws in Chapter 5-33.2 entitled "Funeral Director/Embalmer Funeral Service Establishments" are hereby
19 amended to read as follows:

20 **5-33.2-1. Definitions.**

21 As used in this chapter:

22 (1) "Board" means the state board of funeral directors/embalmers.

23 (2) "Cremation" means a two (2) part procedure where a dead human body or body parts are reduced
24 by direct flames to residue which includes bone fragments and the pulverization of the bone fragments to a
25 coarse powdery consistency.

26 (3) "Department" means the Rhode Island department of ~~health~~ business regulation.

1 (4) "Division" means the division of ~~professional regulation~~ commercial licensing created under
2 chapter 26 of this title.

3 (5) "Embalmer" means any person who has completed an internship, full course of study at an
4 accredited mortuary science school, has passed the national board examination and is engaged in the
5 practice or profession of embalming, as defined in this section.

6 (6) "Embalming" means the practice, science or profession of preserving, disinfecting, and
7 preparing in any manner, dead human bodies for burial, cremation or transportation.

8 (7) "Funeral" means a period following death in which there are religious services or other rites or
9 ceremonies with the body of the deceased present.

10 (8)(i) "Funeral directing" means:

11 (A) Conducting funeral services; or

12 (B) The arrangement for disposition of dead human bodies, except in the case of any religion where
13 the preparation of the body or the provision of funeral services should be done according to religious custom
14 or belief.

15 (ii) Only funeral directors/embalmers, working for a licensed funeral establishment are allowed to
16 meet with families for the purpose of arranging funerals. Provided, that any person who assumed an
17 ownership interest from their spouse or any widow or widower of a licensed funeral director who at the
18 time of November 1, 1995 has been meeting with families to arrange for the conducting of funeral services
19 are allowed to continue this practice.

20 (9) "Funeral director/embalmer" means any person engaged, or holding himself or herself out as
21 engaged in the practice or profession of funeral directing, and the science, practice or profession of
22 embalming as previously defined, including a funeral director of record, who may be a funeral director at
23 more than one establishment or any other word or title intending to imply or designate him or her as a
24 funeral director/embalmer, undertaker, or mortician. The holder of this license must be the holder of an
25 embalmer's license.

1 (10) "Funeral director/embalmer intern" means any person engaged in learning the practice, or
2 profession of funeral directing and the science, practice or profession of embalming under the instruction
3 and supervision of a funeral director/embalmer licensed and registered under the provisions of this chapter
4 and actively engaged in the practice, or profession of funeral directing and embalming in this state.

5 (11) "Funeral establishment" means a fixed place, establishment or premises, licensed by the
6 department, devoted to the activities which are incident, convenient, or related to the care and preparation,
7 arrangement, financial and otherwise, for the funeral, transportation, burial or other disposition of human
8 dead bodies and including, but not limited to, a suitable room with all instruments and supplies used for the
9 storage and/or preparation of dead human bodies for burial or other disposition.

10 (12) "Funeral merchandise" means those items which are normally presented for sale as part of the
11 funeral home operation on a for profit basis. These items include caskets, sealed warranted outer burial
12 containers, and burial clothing. Not included are urns, grave markers, and non-sealed outer burial
13 containers. All persons engaged in the sale of funeral merchandise must comply with the provisions of
14 chapter 33 of this title.

15 (13) "Person" includes individuals, partnership, corporations, limited liability companies,
16 associations and organization of all kinds.

17 (14) "Practice of funeral service" means a person engaging in providing shelter, care and custody
18 of human dead remains; in the practice of preparing of the human dead remains by embalming or other
19 methods for burial or other disposition; in entering into a funeral service contract; engaging in the functions
20 of funeral directing and/or embalming as presently known including those stipulated within this chapter
21 and as defined in the federal trade commission "funeral rule". The practice of conducting funeral services
22 is conducted in the presence of a licensed funeral director/embalmer.

23 **5-33.2-2. Board of examiners – Qualifications and removal of members – Vacancies.**

24 (a) The members of the board of examiners in embalming shall be residents of this state for at least
25 five (5) years; three (3) of whom shall have had at least five (5) years' practical experience in embalming
26 dead human bodies and in funeral directing, and shall have been actually engaged in these professions in

1 this state and two (2) of whom shall be private citizens who represent the consumer and who are not
2 involved with or affiliated with, financial or otherwise, any funeral establishment and/or funeral
3 director/embalmer. The current members shall serve their present term as they fulfill the requirements of
4 this section. No member shall serve more than two (2) consecutive terms.

5 (b) The director of the department of ~~health~~ business regulation may remove any member of the
6 board for cause. Vacancies are filled ~~pursuant to § 5-26-4~~ by the director of the department.

7 **5-33.2-3. Rules and regulations.**

8 The director of the department of ~~health~~ business regulation has the power to adopt any rules and
9 regulations not inconsistent with law, which he or she deems necessary, in carrying out the purposes of this
10 chapter ~~and for the prevention of and transmission of disease~~.

11 **5-33.2-5. Application for license – Application fee.**

12 Any person who desires to engage in embalming or funeral directing, or both, shall submit, in
13 writing, to the division of professional regulation, an application for a license. That application shall be
14 accompanied by a fee set by the department of ~~health~~ business regulation.

15 **5-33.2-6. Qualifications of funeral director/embalmers.**

16 A funeral director or embalmer's license shall be issued only to individuals, and no corporation,
17 partnership, association, limited liability company or organization shall be entitled to obtain the license. In
18 order to be entitled to a funeral director/embalmer's license, an applicant must meet the following
19 requirements:

- 20 (1) Be at least eighteen (18) years of age;
- 21 (2) Be a citizen of the United States or have lawful entry into the country;
- 22 (3) Show to the satisfaction of the division that he or she is of good moral character;
- 23 (4) Be a high school graduate or its equivalent;
- 24 (5) Have graduated from a school of mortuary science accredited by the American Board of Funeral
25 Service Education, Inc.;

1 (6) Have at least an associate degree or the equivalent of sixty (60) semester hours from an approved
2 college or university or be currently enrolled in a school accredited by the American Board of Funeral
3 Service Education, Inc.;

4 (7) Have completed a registered funeral director/embalmer internship;

5 (8) Have satisfactorily passed the funeral director and embalmer portions of the written examination
6 of the Conference of Funeral Service Examining Boards;

7 (9) Have satisfactorily passed a practical examination that the board deems proper to ascertain his
8 or her efficiency and qualifications to engage in the business of funeral directing and embalming;

9 (10) All individuals holding an embalmer and/or funeral director license on November 1, 1995 will
10 be automatically issued a funeral director/embalmer license upon payment of the required annual license
11 renewal fee; and

12 (11) The name and title of at least the funeral director/embalmer registered with the department as
13 the licensee in charge of the funeral establishment or funeral establishment branch, shall appear in all
14 printed advertising.

15 **5-33.2-12. Funeral establishment and branch offices licenses.**

16 (a) No person, association, partnership, corporation, limited liability company or otherwise, shall
17 conduct, maintain, manage, or operate a funeral establishment or branch office unless a license for each
18 funeral establishment and branch office has been issued by the department and is conspicuously displayed.

19 In the case of funeral services conducted under the license of a funeral establishment held in any private
20 residence, public building or church, no separate establishment license shall be required. A licensed funeral
21 establishment must be distinct and separate from other non- funeral service related activity for which it is
22 licensed. No license to operate a funeral establishment shall be issued by the department unless the applicant
23 for the funeral establishment license has registered with the department a licensed funeral
24 director/embalmer who shall be in charge as the funeral director of record. The branch office of a funeral
25 establishment must have a separate branch office establishment license but not a separate funeral director
26 of record. One branch office shall be allowed to operate under the funeral establishment license, and this

1 one branch office may be permitted to operate without a preparation room. Applications for the funeral
2 establishment license and branch office shall be made on forms furnished by the division accompanied by
3 the application fees as set forth in ~~§ 23-1-54~~ by the department. Upon receipt of a completed application
4 and the recommendation of the board, the division shall issue a license. All funeral establishment and branch
5 office licenses shall expire on the thirty-first day of December of each year, unless sooner suspended or
6 revoked. A license shall be issued to a specific licensee for a specific location and is not transferable. The
7 funeral establishment licensee shall notify the division, in writing, delivered in person or by certified mail,
8 within ten (10) days from the date of termination of employment, for any cause, of the funeral
9 director/embalmer of record with the division for the funeral establishment. The license of the funeral
10 establishment shall expire forty-five (45) days from the date the division was notified by the licensee, if no
11 new funeral director/embalmer is registered with the division. No funeral services shall be conducted at the
12 funeral establishment without a funeral director/embalmer being registered with the division as the funeral
13 director of record for that funeral establishment. Two (2) licensed funeral directors may operate jointly at
14 one location if one of their existing funeral establishments closes its place of business and joins an existing
15 licensed funeral establishment. Each firm will hold its own separate establishment license. One cannot
16 operate a branch office by invoking this section. Human dead remains shall not be held more than forty-
17 eight (48) hours without embalming or without refrigeration for the purpose of maintaining public health.
18 A funeral establishment must at the minimum contain a preparation room equipped with tile, cement, or
19 composition floor, necessary drainage and ventilation, and containing necessary instruments and supplies
20 for the preparation and embalming of dead human remains for burial, transportation, or other disposition.

21 (b) Any person who inherits any ownership interest to a funeral establishment may continue to
22 conduct the business of that establishment as their ownership interest would allow upon the following:

23 (1) Filing with the division a statement of change of fact concerning that inheritance.

24 (2) Conducting the business of the establishment in compliance with all the requirements of this
25 chapter.

1 **5-33.2-13. Funeral establishment and branch officer – Crematories – Inspections – Denial of**
2 **access.**

3 (a) Any licensed funeral director/embalmer employed, authorized and empowered by the division
4 of ~~professional regulation~~ commercial licensing may enter any funeral establishment, funeral establishment
5 branch office or crematory licensed under the provisions of this chapter, during the hours the funeral
6 establishment, funeral establishment branch office or crematory is open for business, for the purpose of
7 inspecting the sanitary conditions, complaint investigations, and ascertaining if the provisions of this
8 chapter and the rules and regulations are being observed in the operation of the funeral establishment,
9 funeral establishment branch office or crematory. The inspector may request permission from the
10 department to be accompanied by another employee of the department of ~~health~~ business regulation prior
11 to an inspection. Failure or refusal of the person in charge of that funeral establishment, funeral
12 establishment branch office or crematory to permit the inspection at all reasonable times shall be deemed
13 sufficient cause for the revocation of any license issued to the funeral establishment, funeral establishment
14 branch office or crematory and any certificate of approval issued by the division.

15 (b) Funeral establishments and branch offices and crematories licensed under the provisions of this
16 chapter shall be inspected at least ~~twice~~ once each year. Inspections shall include all areas of sanitation and
17 public health, complaint investigations, as well as conformity with applicable section of this chapter and
18 the rules and regulations.

19 **5-33.2-13.1. Crematories – License and inspection.**

20 No crematory owned or operated by or located on property licensed as a funeral establishment or
21 at another location or by a cemetery shall conduct cremations without first having applied for and obtained
22 a license from the department. Applications for the crematory license shall be made on forms furnished by
23 the division accompanied by the application fee as set ~~forth in § 23-1-54~~ by the department. Upon receipt
24 of a completed application, the department shall issue a license. A license shall be issued to a specific
25 licensee for a specific location and is not transferable. The facility and licensee shall meet all requirements
26 as prescribed by the rules and regulations established by the department, not inconsistent with this chapter.

1 **5-33.2-13.2. Cremation of human remains.**

2 (a)(1) Cremation shall not take place until the necessary permits and consents are issued pursuant
3 to § 23-3-18.

4 (2) A crematory shall not take custody of unidentified human remains.

5 (3) Human remains designated for cremation shall be cremated without unreasonable delay.

6 (4) When the crematory is unable to cremate the human remains immediately upon taking custody,
7 the crematory shall provide a holding facility that complies with any applicable public health law that
8 preserves the dignity of the human remains.

9 (5) Holding facilities must be secure from access by all unauthorized persons;

10 (6) A crematory shall not simultaneously cremate more than one human remain within the same
11 cremation chamber. The processing, packaging, storage and disposition of cremated remains shall be as
12 prescribed in the rules and regulations promulgated by the department of ~~health~~ business regulation division
13 of ~~professional regulation~~ commercial licensing.

14 (7) A crematory or funeral home shall be authorized to dispose of the cremated remains which have
15 been abandoned at the crematory or funeral home for more than six (6) months. All reasonable attempts
16 must be made and diligence exercised to contact the person in charge who authorized the cremation.

17 (b) This section does not apply to the cremation of various body parts from different human bodies

18 **5-33.2-15. Annual renewal of licenses.**

19 All licenses issued under the provisions of this chapter must be renewed annually by their holders,
20 who shall pay to the division a yearly renewal fee for the renewal of a funeral director/embalmer's license,
21 and additional fees for each funeral establishment branch office license and for the crematory license. These
22 fees are as set forth in ~~§ 23-1-54~~ by the department. On or before the fifteenth day of November in each
23 year, the division shall ~~mail to~~ notify each licensed funeral director/embalmer and to each licensed funeral
24 establishment, funeral establishment branch office and crematory ~~an application for the~~ of their obligation
25 to renewal. Applications, accompanied by the fee for renewal, shall be filed with the division on or before
26 the thirty-first day of December in each year. Applications filed after the thirty-first of December and on or

1 before the fifteenth of January must be accompanied by a late fee as set ~~forth in § 23-1-54~~ by the department
2 for funeral director/embalmers and funeral establishments in addition to the previously established renewal
3 fees. Any funeral director/embalmer who acts or holds himself or herself out as a funeral director/embalmer
4 after his or her certificate has been lapsed shall be punished as provided in this chapter. Any funeral
5 establishment, funeral establishment branch office or crematory who acts or holds itself out as a funeral
6 establishment after its license has lapsed shall be punished as provided in this chapter.

7 **5-33.2-16. Funeral director/Embalmer – Internship.**

8 (a) Nothing in this chapter shall be construed as prohibiting any person from serving as a funeral
9 director/embalmer intern. Before an internship begins the person desiring to become an intern shall register
10 with the division on any forms that it prescribes. No person under the age of eighteen (18) years shall be
11 permitted to register as an intern. The division may make any rules and regulations that it deems advisable
12 for the supervision of interns. All persons registering as an intern shall pay a fee as set ~~forth in § 23-1-54~~
13 by the department at the time of the registration. That intern is not permitted to advertise or hold himself or
14 herself out to the public as a registered funeral director/embalmer. The term of internship shall be not less
15 than one year; provided, that if an intern after having served his or her internship fails to pass the
16 examination for a funeral director/embalmer's license or fails to embalm fifty (50) human remains during
17 their internship, he or she may continue their internship. The total term of internship must be completed
18 within five (5) years from the date of original registration.

19 (b) The intern must have assisted in embalming at least fifty (50) bodies if the period for registered
20 internship is to be satisfied in one year. If the internship is for more than one year, the applicant must
21 embalm at least twenty-five (25) bodies for each year of their internship. Each licensed funeral
22 establishment embalming up to one hundred fifty (150) human remains per year shall be allowed to register
23 one intern at one time. Each establishment embalming more than one hundred fifty (150) but less than three
24 hundred (300) human remains per year shall be allowed to register two (2) interns at one time. Each
25 establishment embalming three hundred (300) or more human remains per year shall be allowed to register
26 three (3) interns at one time.

1 **5-33.2-18. Summons of witnesses.**

2 The ~~division~~ department has power ~~by its administrator~~ to summon any person to appear as a
3 witness and testify at any hearing of the division under the provisions of this chapter and to examine and to
4 administer oaths to those witnesses.

5 **5-33.2-19. Appeals.**

6 Any person aggrieved by any decision or ruling of the division may appeal ~~that decision to the~~
7 ~~administrator of the division or his or her designee. A further appeal may then be made~~ to the appropriate
8 board of examiners. Any person aggrieved by any decision or ruling of that board may appeal the decision
9 to the director of the department. Any further appeal from the action of the director shall be in accordance
10 with the provisions of chapter 35 of title 42, "Administrative Procedures Act." The division shall be
11 considered a person for the purposes of this section.

12 **5-33.2-20. Restricted receipts accounts for fees.**

13 All the proceeds of any fees collected pursuant to the provisions of this chapter, shall be placed in
14 a restricted receipts accounts, which is used for the general purposes of the division of ~~professional~~
15 ~~regulation~~ commercial licensing with the department of ~~health~~ Business Regulation.

16 **5-33.2-22. Complaints of violations.**

17 (a) Complaints for violation of the provisions of this chapter or of any lawful rules or regulation
18 made under this chapter by the division may be made by the administrator of the division or by any person
19 authorized by the administrator or a member of the public, who shall be exempt from giving surety for costs
20 on that complaint.

21 (b) ~~All complaints filed with the division charging a person or establishment with having been~~
22 ~~guilty of any actions specified in this chapter or the rules and regulations must be sworn and notarized.~~

23 Complaints for violation of the provisions of this chapter or of any lawful rules or regulation made under
24 this chapter by the division may be made by the administrator of the division or by any person authorized
25 by the administrator or a member of the public, who shall be exempt from giving surety for costs on that
26 complaint.

1 SECTION 12. Sections 5-35.2-1, 5-35.2-2, 5-35.2-3, 5-35.2-4, 5-35.2-6, 5-35.2-11 and 5-35.2-12
2 of the General Laws in Chapter 5-35.2 entitled "Opticians" are hereby amended to read as follows:

3 **5-35.2-1. Definitions.**

4 As used in this chapter:

5 (1) "Advisory committee" means the advisory committee of opticianry as established herein.

6 (2) "Department" means the department of ~~health~~ business regulation.

7 (3) "Director" means the director of the department of ~~health~~ business regulation.

8 (4) "Optician" means a person licensed in this state to practice opticianry pursuant to the provisions
9 of this chapter.

10 (5) "The Practice of Opticianry" means the preparation or dispensing of eyeglasses, spectacles,
11 lenses, or related appurtenances, for the intended wearers, or users, on prescription from licensed physicians
12 or optometrists, or duplications or reproductions of previously prepared eyeglasses, spectacles, lenses, or
13 related appurtenances; or the person who, in accordance with such prescriptions, duplications or
14 reproductions, measures, adapts, fits, and adjusts eyeglasses, spectacles, lenses, including spectacles add
15 powers for task specific use or occupational applications, or appurtenances, to the human face. Provided,
16 however, a person licensed under the provisions of this chapter shall be specifically prohibited from
17 engaging in the practice of ocular refraction, orthoptics, visual training, the prescribing of subnormal vision
18 aids, telescopic spectacles, fitting, selling, replacing, or dispensing contact lenses.

19 **5-35.2-2. Qualification of optician applicants.**

20 (a) Every applicant for licensure shall present satisfactory evidence, ~~in the form of affidavits~~
21 ~~properly sworn to,~~ that he or she:

22 (1) Is of good moral character; and

23 (2) Has graduated from a two (2) year school of opticianry approved by the New England
24 Association of Schools and Colleges or an equivalent regional accrediting authority or other accrediting
25 authority as may be approved by the department with consultation from the advisory committee; and

1 (3) Has successfully passed the national opticianry competency examination or any other written
2 examination approved by the department with consultation from the advisory committee; and

3 (4) Has successfully passed a practical examination approved by the department with consultation
4 from the advisory committee.

5 (b) Every applicant for licensure who is or has been licensed in an alternate jurisdiction shall present
6 satisfactory evidence ~~in the form of affidavits properly sworn to~~ that he or she:

7 (1) Is of good moral character; and

8 (2) Has graduated from high school; and

9 (3) Has graduated from a two (2) year school of opticianry approved by the New England
10 Association of Schools and Colleges or an equivalent regional accrediting authority or other accrediting
11 authority as may be approved by the department with consultation from the advisory committee; or has
12 successfully completed a two (2) year opticianry apprenticeship program; and

13 (4) Has held a valid license to practice opticianry in another state for at least one year and was in
14 good standing during that time; and

15 (5) Has practiced opticianry in this or any other state for a period of not less than one year; and

16 (6) Has successfully passed the national opticianry competency examination or any other written
17 examination approved by the department with consultation from the advisory committee; and

18 (7) Has successfully passed a practical exam approved by the department with consultation from
19 the advisory committee.

20 **5-35.2-3. Optician's biennial license fee.**

21 Every applicant shall pay to the department a fee as set forth in ~~§ 23-1-54~~ by the department which
22 shall accompany his or her application for a license. No one shall be permitted to practice opticianry without
23 a valid license.

24 **5-35.2-4. Advertising by opticians.**

25 This division of ~~professional regulation~~ commercial licensing, in addition to conducting the
26 examinations, licensing, and registering of opticians, shall make rules and regulations governing advertising

1 by opticians. The division shall have the power to revoke the license of any optician violating those rules
2 and regulations.

3 **5-35.2-6. Freedom of choice for eye care.**

4 Where the contracts call for the expenditure of public or private funds involving Medicaid and RIte
5 Care, Medicare, or supplemental coverage for any purpose relating to eyewear, and as it pertains to
6 opticianry, the distribution, dispensing, filling, duplication and fabrication of eyeglasses or optical
7 prosthesis by opticians as defined in § ~~5-35.1-1~~ 5-35.2-1, those health plans or contracts are required to
8 notify by publication in a public newspaper published within and circulated and distributed throughout the
9 state of Rhode Island, to all providers, including, but not limited to, opticians, within the health plan's or
10 contract's geographic service area, of the opportunity to apply for credentials, and there is no discrimination
11 as to the rate or reimbursement for health care provided by an optician for similar services as rendered by
12 other professions pursuant to this section. Nothing contained in the chapter shall require health plans to
13 contract with any particular class of providers.

14 **5-35.2-11. Construction of glass lenses – violations – penalty.**

15 (a) No person shall distribute, sell, or delivery any eyeglasses or sunglasses unless those eyeglasses
16 or sunglasses are fitted with heat-treated glass lenses, plastic lenses, laminated lenses, or lenses made impact
17 resistant by other methods. The provisions of this subsection do not apply if a physician or optometrist,
18 having found that those lenses will not fulfill the visual requirements of a particular patient, directs, in
19 writing, the use of other lenses and gives written notification to the patient. Before they are mounted in
20 frames, all impact-resistant eyeglasses and sunglass lenses, except plastic lenses, laminated lenses, and
21 raised ledge multifocal lenses must withstand an impact test of a steel ball five-eighths (5/8) of an inch in
22 diameter weighing approximately fifty-six hundredths of an ounce (0.56 oz) dropped from a height of fifty
23 inches (50"). Raised ledge multifocal lenses are capable of withstanding the impact test but do not need to
24 be tested beyond initial design testing. To demonstrate that all plastic lenses and laminated lenses are
25 capable of withstanding the impact test, the manufacturer of the lenses shall subject to the impact test a
26 statistically significant sampling of lenses from each production batch, and the tested lenses are

1 representative of the finished forms as worn by the wearer. Plastic prescription and plastic non-prescription
2 lenses, tested on the basis of statistical significance, may be tested in uncut finished or semi-finished form
3 at the point of original manufacture.

4 (b) Any person ~~convicted of~~ who ~~violating~~ violates the provisions of this section shall be punished
5 by a fine of not less than five hundred dollars (\$500) for each violation.

6 **5-35.2-12. Penalty for violations.**

7 Any person who violates the provisions of this chapter shall be punished by a fine or not more than
8 two hundred dollars (\$200) or shall be imprisoned for not more than three (3) months for each ~~offense~~
9 violation.

10 SECTION 13. Sections 5-48-1, 5-48-2, 5-48-3, 5-48-4, 5-48-7, 5-48-7.1, 5-48-7.2, 5-48-9, 5-48-
11 9.1, 5-48-11, 5-48-12 and 5-48-13 of the General Laws in Chapter 5-48 entitled "Speech Pathology and
12 Audiology" are hereby amended to read as follows:

13 **5-48-1. Purpose and legislative intent – Definitions.**

14 (a) It is declared to be a policy of this state that the practice of speech language pathology and
15 audiology is a privilege granted to qualified persons and that, in order to safeguard the public health, safety,
16 and welfare, protect the public from being misled by incompetent, unscrupulous, and unauthorized persons,
17 and protect the public from unprofessional conduct by qualified speech language pathologists and
18 audiologists, it is necessary to provide regulatory authority over persons offering speech language
19 pathology and audiology services to the public.

20 (b) The following words and terms when used in this chapter have the following meaning unless
21 otherwise indicated within the context:

22 (1) "Audiologist" means an individual licensed by the audiology board to practice audiology.

23 (2) "Audiology" means the application of principles, methods, and procedures related to hearing
24 and the disorders of the hearing and balance systems, to related language and speech disorders, and to
25 aberrant behavior related to hearing loss. A hearing disorder in an individual is defined as altered sensitivity,
26 acuity, function, processing, and/or damage to the integrity of the physiological auditory/vestibular systems.

1 (3) "Board" means either the state board of examiners for speech language pathology and/or the
2 state board of examiners of audiology according to the context.

3 (i) "Audiology board" means the state board of examiners of audiology within the department of
4 business regulation.

5 (ii) "Speech language pathology board" means the state board of examiners for speech language
6 pathologists within the department of health.

7 (4) "Clinical fellow" means the person who is practicing speech language pathology under the
8 supervision of a licensed speech language pathologist while completing the postgraduate professional
9 experience as required by this chapter.

10 (5) "Department" means the Rhode Island department of ~~health~~ business regulation when used in
11 relation to audiologists, and the Rhode Island department of health when used in relation to speech language
12 pathologists.

13 (6) "Director" means the director of the Rhode Island department of ~~health~~ business regulation
14 when used in relation to audiologists, and the Rhode Island department of health when used in relation to
15 speech language pathologists.

16 (7) "Person" means an individual, partnership, organization, or corporation, except that only
17 individuals can be licensed under this chapter.

18 (8)(i) "Practice of audiology" means rendering or offering to render any service in audiology,
19 including prevention, screening, and identification, evaluation, habilitation, rehabilitation; participating in
20 environmental and occupational hearing conservation programs, and habilitation and rehabilitation
21 programs including hearing aid and assistive listening device evaluation, prescription, preparation,
22 dispensing, and/or selling and orientation; auditory training and speech reading; conducting and interpreting
23 tests of vestibular function and nystagmus; conducting and interpreting electrophysiological measures of
24 the auditory pathway; cerumen management; evaluating sound environment and equipment; calibrating
25 instruments used in testing and supplementing auditory function; and planning, directing, conducting or
26 supervising programs that render or offer to render any service in audiology.

1 (ii) The practice of audiology may include speech and/or language screening to a pass or fail
2 determination, for the purpose of initial identification of individuals with other disorders of communication.

3 (iii) A practice is deemed to be the "practice of audiology" if services are offered under any title
4 incorporating such word as "audiology", "audiologist", "audiometry", "audiometrist", "audiological",
5 "audiometrics", "hearing therapy", "hearing therapist", "hearing clinic", "hearing clinician", "hearing
6 conservation", "hearing conservationist", "hearing center", "hearing aid audiologist", or any similar title or
7 description of services.

8 (9)(i) "Practice of speech language pathology" means rendering or offering to render any service
9 in speech language pathology including prevention, identification, evaluation, consultation, habilitation,
10 rehabilitation; determining the need for augmentative communication systems, dispensing and selling these
11 systems, and providing training in the use of these systems; and planning, directing, conducting, or
12 supervising programs that render or offer to render any service in speech language pathology.

13 (ii) The practice of speech language pathology may include nondiagnostic pure tone air conduction
14 screening, screening tympanometry, and acoustic reflex screening, limited to a pass or fail determination,
15 for the purpose of performing a speech and language evaluation or for the initial identification of individuals
16 with other disorders of communication.

17 (iii) The practice of speech language pathology also may include aural rehabilitation, which is
18 defined as services and procedures for facilitating adequate receptive and expressive communication in
19 individuals with hearing impairment.

20 (iv) A practice is deemed to be the "practice of speech language pathology" if services are offered
21 under any title incorporating such words as "speech pathology", "speech pathologist", "speech therapy",
22 "speech therapist", "speech correction", "speech correctionist", "speech clinic", "speech clinician",
23 "language pathology", "language pathologist", "voice therapy", "voice therapist", "voice pathology", "voice
24 pathologist", "logopedics", "logopedist", "communicology", "communicologist", "aphasiology",
25 "aphasiologist", "phoniatriest", or any similar title or description of services.

1 (10) "Regionally accredited" means the official guarantee that a college or university or other
2 educational institution is in conformity with the standards of education prescribed by a regional accrediting
3 commission recognized by the United States Secretary of Education.

4 (11) "Speech language pathologist" means an individual who is licensed by the **speech language**
5 **pathology** board to practice speech language pathology.

6 (12) "Speech language pathology" means the application of principles, methods, and procedures
7 for prevention, identification, evaluation, consultation, habilitation, rehabilitation, instruction, and research
8 related to the development and disorders of human communication. Disorders are defined to include any
9 and all conditions, whether of organic or non-organic origin, that impede the normal process of human
10 communication in individuals or groups of individuals who have or are suspected of having these
11 conditions, including, but not limited to, disorders and related disorders of:

12 (i) Speech: articulation, fluency, voice, (including respiration, phonation and resonance);

13 (ii) Language (involving the parameters of phonology, morphology, syntax, semantics and
14 pragmatics; and including disorders of receptive and expressive communication in oral, written, graphic,
15 and manual modalities);

16 (iii) Oral, pharyngeal, laryngeal, cervical esophageal, and related functions (e.g., dysphasia,
17 including disorders of swallowing and oral function for feeding; oro-facial myofunctional disorders);

18 (iv) Cognitive aspects of communication (including communication disability and other functional
19 disabilities associated with cognitive impairment); and

20 (v) Social aspects of communication (including challenging behavior, ineffective social skills, lack
21 of communication opportunities).

22 **5-48-2. Boards of examiners – Composition – Appointments, terms and qualifications of**
23 **members.**

24 (a) **There exists within the department of ~~health~~ business regulation a board of examiners of speech**
25 **language pathology and audiology, and there exists within the department of health a board of examiners**

1 ~~for speech language pathologists. The~~ Each board shall consist of five (5) persons who are residents of the
2 state, and who have worked within the state for at least one year prior to their appointments.

3 (1) ~~The board of examiners of audiology shall be comprised of five (5) members. Three (3)~~
4 ~~members shall be duly licensed audiologists who have been practicing audiology for at least five (5) years~~
5 ~~preceding appointment. One (1) member shall be an otolaryngologist who holds certification by the~~
6 ~~American Academy of Otolaryngology – head and neck surgery, who is currently practicing~~
7 ~~otolaryngology, and holds active and valid licensure as a physician within this state. One (1) member shall~~
8 ~~be a representative of the consumer public who is not associated with or financially interested in the practice~~
9 ~~or business of audiology. Two (2) members shall be speech language pathologists who have practiced~~
10 ~~speech language pathology for at least five (5) years preceding appointment, are currently practicing speech~~
11 ~~language pathology, and hold active and valid licensure for the practice of speech language pathology in~~
12 ~~this state.~~

13 (2) ~~The board of examiners for speech language pathology shall be comprised of five (5) members.~~
14 ~~Three (3) members shall be duly licensed speech language pathologists who have been practicing speech~~
15 ~~language pathology. One (1) member shall be an otolaryngologist who holds certification by the American~~
16 ~~Academy of Otolaryngology – head and neck surgery, who is currently practicing otolaryngology, and~~
17 ~~holds active and valid licensure as a physician within this state. One (1) member shall be a representative~~
18 ~~of the consumer public who is not associated with or financially interested in the practice or business of~~
19 ~~speech language pathology. One member shall be an audiologist who has practiced audiology for at least~~
20 ~~five (5) years immediately preceding appointment, is currently practicing audiology, and holds active and~~
21 ~~valid licensure for the practice of audiology in this state.~~

22 (3) ~~One member shall be an otolaryngologist who holds certification by the American Academy of~~
23 ~~Otolaryngology – head and neck surgery, who is currently practicing otolaryngology, and holds active and~~
24 ~~valid licensure as a physician within this state.~~

25 (4) ~~One member shall be a representative of the consumer public who is not associated with or~~
26 ~~financially interested in the practice or business of speech language pathology or audiology.~~

1 (b) All appointments to each the board shall be for the term of three (3) years. Members shall serve
2 until the expiration of the term for which they have been appointed or until their appointed successors are
3 qualified.

4 (c) When a vacancy upon the audiology board occurs, the director of the department of health
5 business regulation shall, with the approval of the governor, appoint persons who are working within the
6 state to fill the remainder of the vacant term.

7 (d) When a vacancy upon the speech language pathology board occurs, the director of the
8 department of health shall, with the approval of the governor, appoint persons who are working within the
9 state to fill the remainder of the vacant term.

10 (e) The audiology board shall may reorganize annually during the month of January and shall
11 select a chairperson.

12 (f) A majority of currently filled positions shall constitute a quorum to do business.

13 (g) No person shall be appointed to serve more than two (2) consecutive terms.

14 (g) The first board and all future members shall be appointed by the director of the department of
15 health, with the approval of the governor.

16 (h) The director of the departments of health and business regulation, with the approval of the
17 governor, may remove any member of the board over which they have authority for dishonorable conduct,
18 incompetency, or neglect of duty.

19 **5-48-3. Boards of examiners – Duties and powers – Meetings – Compensation of members.**

20 (a) Each The board shall administer, coordinate, and enforce the provisions of this chapter, evaluate
21 the qualifications of applicants, and may issue subpoenas, examine witnesses, and administer oaths, conduct
22 hearings, and at its discretion investigate allegations of violations of this chapter and impose penalties if
23 any violations of the chapter have occurred.

24 (b) Each The board shall conduct hearings and keep records and minutes as necessary to an orderly
25 dispatch of business.

1 (c) Each Department, with the assistance of their respective board, shall have the authority, The
2 board shall, with the approval of the director of the department of health, to adopt, amend or repeal rules
3 and regulations, including, but not limited to, regulations that delineate qualifications for licensure and
4 establish standards of professional conduct. Following their adoption, the rules and regulations shall govern
5 and control the professional conduct of every person who holds a license to under this chapter. practice
6 speech language pathology or audiology in this state.

7 (d) The board shall make available complete lists of the names and addresses of all licensed speech
8 language pathologists and/or audiologists.

9 (d e) The Each board may request legal advice and assistance from the appropriate state legal
10 officer.

11 (e f) Regular meetings of the boards shall be held at the times and places that each it prescribes,
12 and special meetings may be held upon the call of the chairperson; provided, that at least one regular
13 meeting shall be held each year.

14 (f g) The conferral or enumeration of specific powers in this chapter shall not be construed as a
15 limitation of the general powers conferred by this section. No member of the boards shall be liable to civil
16 action for any act performed in good faith in the performance of his or her duties as prescribed by this
17 chapter.

18 (g h) Board members shall serve without compensation.

19 (h i) The Each board may suspend the authority of any licensee under its jurisdiction registered
20 speech language pathologist or audiologist to practice speech language pathology or audiology for failure
21 to comply with any of the requirements of this chapter.

22 **5-48-4. Boards of examiners – Seal - Authentication of Records**

23 Each The board shall adopt the state seal by which it authenticates its proceedings. Copies of the
24 proceedings, records, and acts of the board, and certificates purporting to relate the facts concerning those
25 proceedings, records, and acts, signed by the secretary and authenticated by that seal, shall be evidence in
26 all courts of this state.

1 **5-48-7. Qualifications of applicants for a license as a speech language pathologist.**

2 To be eligible for licensure by the speech language pathology board as a speech language
3 pathologist the applicant must:

4 (1) Be of good moral character;

5 (2) Apply to the speech language pathology board department, upon a form prescribed by the
6 speech language pathology board department;

7 (3) Submit the appropriate application fee;

8 (4) Submit an official transcript indicating possession of a master's degree or a doctorate degree or
9 equivalent in speech language pathology from an educational institution accredited by the Council on
10 Academic Accreditation (CAA) of the American Speech Language Hearing Association (ASHA) or other
11 national accrediting association as may be approved by the speech language pathology board. The degree
12 shall consist of course work in accordance with the current minimum requirements for the certificate of
13 clinical competence issued by the American Speech Language Hearing Association (ASHA) or other
14 national accrediting association as may be approved by the speech language pathology board and delineated
15 in the rules and regulations;

16 (5) Complete supervised clinical practicum experiences from an educational institution or its
17 cooperating programs. The content of the practicum shall be in accordance with the current minimum
18 requirements for the certificate of clinical competence issued by the American Speech Language Hearing
19 Association (ASHA) or other national accrediting association as may be approved by the speech language
20 pathology board and delineated in the rules and regulations;

21 (6) Pass a national examination in speech language pathology as required by the American Speech
22 Language Hearing Association (ASHA) or other national accrediting association as may be approved by
23 the speech language pathology board and delineated in the rules and regulations promulgated by the
24 department of health;

1 (7) Present verification of a certificate of clinical competence from the American Speech Language
2 Hearing Association (ASHA) or other national accrediting association as may be approved by the speech
3 language pathology board; and

4 (8) If applicable, present evidence from the board of speech language pathology in each state in
5 which the applicant has held or holds licensure to be submitted to the speech language pathology board of
6 this state, attesting to the licensure status of the applicant during the time period the applicant held licensure
7 in said state.

8 **5-48-7.1. Qualifications for a provisional license for a speech language pathologist.**

9 (a) To be eligible for provisional licensure by the speech language pathology board, the speech
10 language pathologist applicant must submit an application with the required application fee and be in
11 compliance with the requirements of § 5-48-7(1), (4), (5) and (6).

12 (b) In addition to the requirements of subsection (a) of this section, content of the supervised
13 postgraduate professional experience shall meet the standards of a trainee or fellow of speech language
14 pathology as required by the American Speech Language Hearing Association (ASHA) or other national
15 accrediting association as may be approved by the speech language pathology board.

16 (c) If the postgraduate professional experience extends beyond one year, provisional licensure must
17 be renewed annually and not exceed thirty-six (36) months past the initiation of the professional experience.

18 (d) The provisional licensure shall expire ninety (90) days after the end of the postgraduate
19 professional experience.

20 **5-48-7.2. Qualifications for license as an audiologist.**

21 Persons seeking initial licensure as an audiologist on or after January 1, 2008 shall meet the
22 following requirements:

23 (1) Be of good moral character;

24 (2) Apply to the audiology board, upon a form prescribed by the audiology board;

25 (3) Submit the appropriate application fee;

1 (4) Submit an official transcript indicating possession of an earned doctorate degree in audiology
2 from a regionally accredited educational institution as delineated in the rules and regulations;

3 (5) Pass a national examination in audiology approved by the audiology board and delineated in
4 the rules and regulations;

5 (6) Present evidence of practicum experience that is equivalent to a minimum of twelve (12) months
6 of full-time, supervised experience, that may be completed as part of the graduate degree, as delineated in
7 the rules and regulations;

8 (7) If applicable, present evidence from the board of audiology in each state in which the applicant
9 has held or holds licensure to be submitted to the audiology board of this state, attesting to the licensure
10 status of the applicant during the time period the applicant held licensure in said state;

11 (8) Any other requirements as set forth in the rules and regulations promulgated by the department
12 of business regulation.

13 **5-48-9. Fees – Late filing – Inactive status.**

14 (a) Each department ~~The board may set and~~ charge an application fee; a biennial license renewal
15 fee payable before July 1 of even years (biennially); or a provisional license renewal fee ~~as set forth in §~~
16 ~~23-1-54~~ payable annually from the date of issue.

17 (b) Any person licensed under this chapter who allows his or her license to lapse by failing to renew
18 it on or before the thirtieth (30th) day of June of even years (biennially), may be reinstated by their
19 respective board on payment of the current renewal fee plus an additional late filing fee as set ~~forth in § 23-~~
20 ~~1-54~~ by the department under whose authority they exist.

21 (c) An individual licensed as a speech language pathologist and/or audiologist in this state, not in
22 the active practice of speech-language pathology or audiology within this state during any year, may upon
23 request to their respective board, have his or her name transferred to an inactive status and shall not be
24 required to register biennially or pay any fee as long as he or she remains inactive. Inactive status may be
25 maintained for no longer than two (2) consecutive licensing periods, after which period licensure shall be
26 terminated and reapplication to the board shall be required to resume practice.

1 (d) Any individual whose name has been transferred to an inactive status may be restored to active
2 status within two (2) licensing periods without a penalty fee, upon the filing of:

3 (1) An application for licensure renewal, with a licensure renewal fee as set forth in § 23-1-54 by
4 the respective department made payable by check to the general treasurer of the state of Rhode Island; and

5 (2) Any other information that the board respective department may request.

6 **5-48-9.1. Continuing education.**

7 (a)(1) On or before the thirtieth (30th) day of June of even years, every person licensed to practice
8 speech language pathology and/or audiology within this state shall complete not less than twenty (20) clock
9 hours of continuing education within the preceding two (2) years and be able to present satisfactory
10 evidence of completion to their respective board.

11 (2) Those persons holding licensure in both speech language pathology and audiology must have
12 completed and have evidence of completion of not less than thirty (30) clock hours of continuing education
13 within the preceding two (2) years.

14 (b) Continuing education hours may not be carried over from one renewal period to the next.

15 (c) The Each board at its discretion may extend, reduce, or waive the requirement for continuing
16 education for hardship or other extenuating circumstances as the board deems appropriate.

17 **5-48-11. Grounds for suspension or revocation of licenses.**

18 The license of any speech language pathologist and/or audiologist may be suspended or revoked
19 by their respective board and/or department upon proof that he or she:

20 (1) Fraudulently or deceptively obtained or attempted to obtain a license for the applicant, licensee,
21 holder, or for another;

22 (2) Fraudulently or deceptively used a license;

23 (3) Altered a license;

24 (4) Aided or abetted unlicensed practice;

25 (5) Committed fraud and deceit in the practice of speech language pathology or of audiology,
26 including, but not limited to:

- 1 (i) Using or promoting, or causing the use of, any misleading, deceiving, or untruthful advertising
2 matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other
3 representation;
- 4 (ii) Falsely representing the use or availability of services or advice of a physician;
- 5 (iii) Misrepresenting the applicant, licensee, or holder by using the word "doctor" or any similar
6 word, abbreviation, or symbol, if the use is not accurate or if the degree was not obtained from an accredited
7 institution;
- 8 (iv) Making or filing a false report or record in the practice of speech language pathology or
9 audiology;
- 10 (v) Submitting a false statement to collect a fee; and
- 11 (vi) Obtaining a fee through fraud or misrepresentation;
- 12 (6) Providing services while mentally incompetent;
- 13 (7) Engaging in illegal, incompetent, or habitually negligent practice;
- 14 (8) Providing professional services while:
- 15 (i) Under the influence of alcohol; or
- 16 (ii) Using any narcotic or controlled dangerous substance or other drug that is in excess of
17 therapeutic amounts or without valid medical indication;
- 18 (9) Promoting the sale of devices, appliances, or products to a patient who cannot benefit from
19 these devices, appliances or products; or
- 20 (10) Violating any provision of this chapter, any lawful order given, or rule or regulation adopted
21 by the ~~board~~ appropriate department or departure from or failure to conform to the current standards of
22 acceptable prevailing practice and code of ethics of speech language pathology or audiology;
- 23 (11) Being convicted of, or pleading guilty or nolo contendere to, a felony or to a crime involving
24 moral turpitude, whether or not any appeal or another proceeding is pending to have the conviction or plea
25 set aside;

1 (12) Incompetent or negligent misconduct in the practice of speech language pathology or
2 audiology;

3 (13) Is habitually intemperate or is addicted to the use of habit forming drugs;

4 (14) Being disciplined by a licensing or disciplinary authority of any other state or country, or
5 convicted or disciplined by a court of any state or country, for an act that would be grounds for disciplinary
6 action under this section; or

7 (15) Failing to maintain continuing education requirements.

8 **5-48-12. Penalty for violations.**

9 (a) ~~The~~ Each board and/or department is granted the authority to impose the following disciplinary
10 actions in those instances in which an applicant for a license or a licensee has been guilty of conduct which
11 has endangered, or is likely to endanger, the health, welfare, or safety of the public:

12 (1) Refuse to issue or renew a license.

13 (2) Issue a letter of reprimand or concern.

14 (3) Require restitution of fees.

15 (4) Impose probationary conditions.

16 (5) Suspend or revoke a license.

17 (b) Any person found to be in violation of any provision of this chapter, upon conviction, shall be
18 ~~guilty of a misdemeanor and~~ punished by a fine of not more than one thousand dollars (\$1,000).

19 **5-48-13. Revocation and suspension procedure – Reinstatement.**

20 (a)(1) Notice, in writing, of a contemplated revocation or suspension of a license, of this particular
21 cause, and of the date of a hearing, shall be sent by ~~registered or~~ certified mail to the licensee at his or her
22 last known address at least fifteen (15) days before the date of the hearing.

23 (2) The individual against whom a charge is filed has the right to appear before their respective
24 board and/or department in person or by counsel, or both; may produce witnesses and evidence on his or
25 her behalf; and may question witnesses.

1 (3) No license shall be revoked or suspended without a hearing, but the nonappearance of the
2 licensee, after notice, shall not prevent a hearing.

3 (4) All matters upon which the decision is based shall be introduced in evidence at the proceeding.

4 (5) The licensee shall be notified, in writing, of their respective board's and/or department's
5 decision.

6 (6) ~~The~~ Each department ~~board~~ may make any rules and regulations that it deems proper for the
7 filing of charges and the conduct of hearings.

8 (b) After issuing an order of revocation or suspension, ~~the each~~ board and/or department may also
9 file a petition in equity in the superior court in a county in which the respondent resides or transacts business,
10 to ensure appropriate injunctive relief to expedite and secure the enforcement of its order, pending the final
11 determination.

12 (c) An application for reinstatement may be made to the appropriate board, which may, upon the
13 affirmative vote of at least the majority of its members, grant a reinstatement.

14 SECTION 14. Sections 5-49-1, 5-49-2.1, 5-49-2.2, 5-49-2.3, 5-49-3, 5-49-6, 5-49-8, 5-49-10, 5-
15 49-11, 5-49-12, 5-49-17 and 5-49-19 of the General Laws in Chapter 5-49 entitled "Hearing Aid Dealers
16 and Fitters" are hereby amended to read as follows:

17 **5-49-1. Definitions.**

18 As used in this chapter, except as the context may require:

19 (1) "Audiologist" means a person who has been awarded a certificate of competency by the
20 American Speech and Hearing Association and who is duly licensed by the department.

21 (2) "Board" means the board of hearing aid dealers and fitters.

22 (3) "Department" means the department of ~~health-business regulation~~.

23 (4) "Hearing aid" means any wearable instrument or device designed for or offered for the purpose
24 of aiding or compensating for impaired human hearing, and any parts, attachments, or accessories, including
25 ear mold, but excluding batteries and cords.

26 (5) "License" means a license issued by the state under this chapter to hearing aid dealers and fitters.

1 (6) "Practice of fitting and dealing in hearing aids" means the evaluation and measurement of
2 human hearing by means of an audiometer or by any other means solely for the purpose of making
3 selections, adaptations, or sale of hearing aids. The term also includes the making of impressions for ear
4 molds. This term does not include the making of audiograms for a physician or a member of related
5 professions for use in consultation with the hard of hearing.

6 (7) "Sell" or "sale" means any transfer of title or of the right to use by lease, bailment, or any other
7 contract, excluding wholesale transactions with distributors or dealers.

8 (8) "Temporary permit" means a permit issued while the applicant is in training to become a
9 licensed hearing aid dealer and fitter.

10 **5-49-2.1. Certificates of need.**

11 (a) No person, firm, association, or corporation shall sell or attempt to sell, or make available, any
12 hearing aid instrument or hearing prosthetic device to a prospective consumer or purchaser, unless that
13 consumer or purchaser has first obtained and presented to the seller a certificate of need on forms prescribed
14 and furnished by the director of the department of ~~health~~ business regulation.

15 (b) The certificate shall be signed by a physician licensed in the state under the provisions of chapter
16 37 of this title and attest that, pursuant to an otological examination, it is his or her diagnosis that the
17 prospective patient-purchaser has a hearing impediment of a nature as to indicate the need for a hearing aid
18 instrument or hearing prosthetic device.

19 **5-49-2.2. Records of transactions.**

20 (a) Every person, firm, association, or corporation shall keep a permanent record of all sales or
21 other transactions where a hearing aid instrument or hearing prosthetic device is made available.

22 (b) Each record of a transaction shall have attached to it the certificate of need presented by the
23 prospective purchaser.

24 (c) Each record of a transaction shall be retained for a period of five (5) years, and shall be kept
25 open for inspection by any official designated by the director of the department of ~~health~~ business
26 regulation.

1 **5-49-2.3. Penalty for violations of §§ 5-49-2.1 and 5-49-2.2.**

2 Any person, firm, association, or corporation who sells or attempts to sell, or makes available, a
3 hearing aid instrument or hearing prosthetic device without a certificate of need, and/or fails to keep records
4 as prescribed in § 5-49-2.2, and any physician who issues a certificate of need not in conformance with §
5 5-49-2.1, ~~is guilty of a misdemeanor and, upon conviction,~~ shall be fined not more than five hundred dollars
6 (\$500) for each ~~offense~~ violation. Each violation of a provision of this chapter shall constitute a separate
7 offense.

8 **5-49-3. Receipt required to be furnished to a person supplied with hearing aid.**

9 (a) Any person who practices the fitting and sale of hearing aids shall deliver to each person
10 supplied with a hearing aid a receipt, which shall contain the licensee's signature and show his or her
11 business address and the number of his or her certificate, together with specifications as to the make and
12 model of the hearing aid furnished, and the full terms of sale clearly stated. If a hearing aid which is not
13 new is sold, the receipt and the container shall be clearly marked as "used" or "reconditioned" whichever is
14 applicable, with terms of guarantee, if any.

15 (b) The receipt shall bear in no smaller type than the largest used in the body copy portion the
16 following: "The purchaser has been advised at the outset of his or her relationship with the hearing aid
17 dealer that any examination(s) or representation(s) made by a licensed hearing aid dealer and fitter in
18 connection with the fitting and selling of this hearing aid(s) is not an examination, diagnosis, or prescription
19 by a person licensed to practice medicine in this state and therefore must not be regarded as medical opinion
20 or advice."

21 (c) The receipt, covering agreements consummated at any place other than at an address of the
22 seller, shall contain the following statement: "You may cancel this agreement if it has been consummated
23 by a party at any place other than at a business address of the seller by a written notice directed to a business
24 address of the seller by certified mail, registered mail, telegram, or delivery, not later than midnight of the
25 third business day following the signing of the agreement."

1 (d) The receipt shall contain language that verifies that the client has been informed about the
2 benefits of audio switch technology, including increased access to telephones and assistive listening
3 systems required under the "American with Disabilities Act of 1990", and section 504 of the Rehabilitation
4 Act of 1973. The client shall be informed that an audio switch is also referred to as a telecoil, t-coil or t-
5 switch.

6 (e) The receipt shall contain language that informs the client about the Rhode Island adaptive
7 telephone equipment loan program committee established by chapter 39-23 that provides assistive
8 communications devices to residents of this state who have hearing loss and about the Rhode Island
9 commission on the deaf and hard of hearing established by chapter 23-1.8 that provides resources related
10 to hearing loss.

11 (f) Any person engaging in the fitting and sale of hearing aids will, when dealing with a child ten
12 (10) years of age or under, ascertain whether the child has been examined by an otolaryngologist, or primary
13 care physician and an audiologist for his or her recommendation within ninety (90) days prior to the fitting.
14 If that is not the case, a recommendation to do so must be made, and this examination must be conducted
15 before the sale of any hearing aid.

16 (g) Prior to delivery of services or products to the prospective purchaser, a licensee shall provide
17 discussion of amplification or aural rehabilitation options appropriate to the hearing loss and
18 communication needs presented by the patient.

19 (h) A licensee delivers information, either written or oral, appropriate to the patient's needs and
20 options under discussion, including, but not limited to, types of circuitry, telecoils, or programmability, and
21 if applicable, estimated unit prices for the following service, hearing aid(s), accessories, service contracts,
22 hearing aid (loss and damage) insurance, health care coverage, warranty, financing, and related goods and
23 services.

24 (i) At the time of delivery of selected amplification, the dispenser shall deliver a written delivery
25 receipt containing the following:

26 (1) Business name, full address, and department of health license number of the dispenser;

1 (2) Name, full address of patient and purchaser;

2 (3) The instrument identification including manufacturer, model, serial number;

3 (4) Identification of used or reconditioned units;

4 (5) The total price and applicable warranty time periods of instrumentation and accessories such as
5 earmolds, batteries, cords, etc.;

6 (6) Any additional insurance that has been placed on the instrument;

7 (7) All services included by the dispenser program as part of the complete amplification package,
8 i.e. follow-up visits, or reprogramming visits in the event the instrument is programmable;

9 (8) A notice conspicuously in type that is at least four (4) points larger than the surrounding text:
10 "A hearing aid will not restore normal hearing. The purchaser has a thirty (30) day trial period during which
11 time the purchaser may return the instrument, in the original condition less normal wear, with no further
12 financial obligation. This product is protected by chapter 45 of title 6 entitled "Enforcement of Assistive
13 Technology Warranties', which shall be made available by the dispenser, upon request". The purchaser has
14 access to the dispenser during the trial period, in order to receive appropriate follow-up monitoring, i.e.
15 modification, adjustment, reprogramming, or shell refit, in order to optimize comfort and instrument
16 benefit. The trial period may be extended beyond thirty (30) days if agreed to, in writing, by the dispenser
17 and the consumer.

18 (9) All professional and service fees shall be clearly stated in the contract. Refund shall be made to
19 the customer within ten (10) days of return;

20 (10) Signature of dispenser and name in print;

21 (11) Signature of patient;

22 (12) Date of purchase; and

23 (13) Department of health-license number.

24 (14) Language that verifies that the client has been informed of subsections 5-49-3(d) and (e).

25 **5-49-6. Issuance of licenses and certificates of endorsement.**

1 (a) The department shall register each applicant without discrimination who passes an examination
2 as provided in § 5-49-7. Upon the applicant's payment as set forth in ~~§ 23-1-54~~ by the department of a fee
3 per annum for each year of the term of license, the department shall issue to the applicant a license signed
4 by the department. The total fee for the entire term of licensure shall be paid prior to the issuance of the
5 license.

6 (b) Whenever the board determines that another state or jurisdiction has requirements equivalent to
7 or higher than those in effect pursuant to this chapter, and that this state or jurisdiction has a program
8 equivalent to or stricter than the program for determining whether applicants pursuant to this chapter are
9 qualified to dispense and fit hearing aids, the department may issue certificates of endorsement to applicants
10 who hold current, unsuspended, and unrevoked certificates or licenses to fit and sell hearing aids in that
11 other state or jurisdiction.

12 (c) No applicant for certificate of endorsement shall be required to submit to or undergo a qualifying
13 examination, etc., other than the payment of fees, as set forth in ~~§ 23-1-54~~ by the department.

14 (d) The holder of a certificate of endorsement shall be registered in the same manner as a licensee.
15 The fee for an initial certificate of endorsement shall be the same as the fee for an initial license. Fees,
16 grounds for renewal, and procedures for the suspension and revocation of certificates of endorsement shall
17 be the same as for renewal, suspension, and revocation of a license.

18 **5-49-8. Temporary permits.**

19 (a) An applicant who fulfills the requirements regarding age, character, education, and health as
20 provided in § 5-49-7, may obtain a temporary permit upon application to the department. Previous
21 experience or a waiting period shall not be required to obtain a temporary permit.

22 (b) Upon receiving an application as provided under this section, and accompanied by a fee as set
23 ~~forth in § 23-1-54~~ by the department, the department shall issue a temporary permit which entitles the
24 applicant to engage in the fitting and sale of hearing aids for a period of one year.

25 (c) A person holding a valid hearing aid dealer's and fitter's license is responsible for the supervision
26 and training of that applicant and maintain adequate personal contact.

1 (d) If a person who holds a temporary permit under this section has not successfully passed the
2 licensing examination within one year from the date of issuance of the permit, the temporary permit may
3 be renewed or reissued once upon payment of a fee as set forth in ~~§ 23-1-54~~ by the department.

4 **5-49-10. Notice to department of place of business – Notice to holders of license.**

5 (a) A person who holds a license shall notify the department, in writing, of the regular address of
6 the place or places where he or she engages or intends to engage in the fitting or the sale of hearing aids.

7 (b) The department shall keep a record of the place of business of licensees.

8 (c) Any notice required to be given by the department to a person who holds a license shall be
9 mailed to him or her, ~~by certified mail~~, at the address of the last place of business which he or she has
10 provided the department.

11 **5-49-11. Duration of license – Renewal of license – Fees – Effect of failure to renew.**

12 (a) The department shall promulgate rules and regulations mandating the term of license for each
13 category of license issued pursuant to this chapter. No license shall remain in force for a period in excess
14 of two (2) years.

15 (1) Each person who engages in the fitting and sale of hearing aids shall pay to the department a
16 per annum fee, as set forth in ~~§ 23-1-54~~ by the department ~~per annum~~ for each year of the term of license,
17 for a renewal of his or her license.

18 (2) The renewal certificate shall be conspicuously posted in his or her office or place of business at
19 all times.

20 (3) Where more than one office is operated by the licensee, duplicate certificates shall be issued by
21 the department for posting in each location.

22 (b) A thirty (30) day grace period shall be allowed during which time licenses may be renewed on
23 payment of a per annum fee ~~to the department~~ as set forth in ~~§ 23-1-54~~ by the department ~~per annum~~ for
24 each year of the term of renewal.

1 (c) After expiration of the grace period, the department may renew those certificates upon payment
2 to the department of a per annum fee as set forth in ~~§ 23-1-54~~ by the department ~~per annum~~ for each year
3 of the term of renewal.

4 (d) The total fee for the entire term of license or renewal shall be paid prior to the issuance of the
5 license.

6 (e) No person who applies for renewal, whose license has expired, shall be required to submit to
7 any examination as a condition to renewal; provided, that the renewal application is made within two (2)
8 years from the date of that expiration.

9 **5-49-12. Complaints – Grounds and proceedings for revocation or suspension of licenses.**

10 (a)(1) Any person wishing to make a complaint against a licensee under this chapter shall file this
11 complaint, in writing, with the department, within one year from the date of the action upon which the
12 complaint is based.

13 (2) If the department determines the charges made in the complaint are sufficient to warrant a
14 hearing to determine whether the license issued under this chapter should be suspended or revoked, it shall
15 make an order fixing a time and place for a hearing and shall require the licensee complained against to
16 appear and defend against the complaint. The order shall have annexed to it a copy of the complaint.

17 (3) The order and copy of the complaint shall be served upon the licensee, either personally or by
18 ~~registered~~certified mail sent to the licensee's last known address, at least twenty (20) days before the date
19 set for the hearing.

20 (4) Continuances or an adjournment of the hearing shall be made if for good cause.

21 (5) At the hearing, the licensee complained against may be represented by counsel.

22 (6) The licensee complained against and the department shall have the right to take depositions in
23 advance of the hearing and after service of the complaint, and either may compel the attendance of witness
24 by subpoenas issued by the department ~~under its seal~~.

1 (7) Either party taking depositions shall give at least five (5) days' written notice to the other party
2 of the time and place of those depositions, and the other party has the right to attend (with counsel if desired)
3 and cross-examine.

4 (8) Appeals from suspension or revocation may be made through the appropriate administrative
5 procedures act.

6 (b) Any person registered under this chapter may have his or her license revoked or suspended for
7 a fixed period by the department for any of the following causes:

8 (1) The conviction of a felony, or a misdemeanor involving moral turpitude. The record of
9 conviction, or a certified copy, certified by the clerk of the court or by the judge in whose court the
10 conviction was had, shall be conclusive evidence of this conviction.

11 (2) Procuring a license by fraud or deceit practiced upon the department.

12 (3) Unethical conduct, including:

13 (i) Obtaining any fee or making any sale by fraud or misrepresentation.

14 (ii) Knowingly employing, directly or indirectly, any suspended or unregistered person to perform
15 any work covered by this chapter.

16 (iii) Using, or causing, or promoting the use of, any advertising matter, promotional literature,
17 testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated
18 or published, which is misleading, deceptive, or untruthful.

19 (iv) Advertising a particular model or type of hearing aid for sale when purchasers or prospective
20 purchasers responding to the advertisement cannot purchase the advertised model or type, where it is
21 established that the purpose of the advertisement is to obtain prospects for the sale of a different model or
22 type than that advertised.

23 (v) Representing that the service or advice of a person licensed to practice medicine will be used
24 or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when that is
25 not true.

1 (vi) Habitual intemperance to the extent it impairs the licensee's ability to engage in the practice of
2 his or her profession.

3 (vii) ~~Gross immorality.~~

4 (~~viii~~) Permitting another's use of a license.

5 (~~ix~~viii) Advertising a manufacturer's product or using a manufacturer's name or trademark which
6 implies a relationship with the manufacturer that does not exist.

7 (ix) Directly or indirectly giving or offering to give, or permitting or causing to be given, money or
8 anything of value to any person who advises another in a professional capacity, as an inducement to
9 influence him or her, or have him or her influence others, to purchase or contract to purchase products sold
10 or offered for sale by a hearing aid dealer or fitter, or influencing persons to refrain from dealing in the
11 products of competitors.

12 (xi) Representing, when this is not the case, that the hearing aid is or will be "custom-made", "made
13 to order", or "prescription-made", or in any other sense specially fabricated for an individual person.

14 (4) Knowingly placing the health of a client at serious risk without maintaining proper precautions;

15 (5) Engaging in the fitting and sale of hearing aids under a false name or alias with fraudulent
16 intent.

17 (6) Selling a hearing aid to a person who has not been given tests utilizing appropriate established
18 procedures and instrumentation in fitting of hearing aids, except in cases of selling replacement hearing
19 aids. Selling a hearing aid to a person who has discharge from the ear, loss of balance and dizzy spells, or
20 a loss of hearing for less than ninety (90) days, unless that person has received a prescription from a
21 physician.

22 (7) Gross incompetence or negligence in fitting and selling hearing aids.

23 (8) Violating any provisions of this chapter.

24 **5-49-17. Board – Meetings.**

1 The board shall meet ~~not less than six (6) times each year~~ on the call of the chairperson or at the
2 written request of any three (3) members of the board at a place, day, and hour determined by the board.
3 The board shall also meet at any other times and places as requested by the department.

4 **5-49-19. Penalty for violations.**

5 Violation of any provisions of this chapter shall be punishable, ~~upon conviction,~~ by a fine of not
6 more than five hundred dollars (\$500) ~~or by imprisonment for not more than ninety (90) days, or both for~~
7 each violation.

8 **SECTION 15.** ~~Sections 5-60-2, 5-60-4 and 5-60-11 of the General Laws in Chapter 5-60 entitled~~
9 ~~“Athletic Trainers” is hereby amended to read as follows:~~

10 **5-60-2 Definitions:**

11 **As used in this chapter:**

12 **(1) "Athletic trainer" means a person with the specific qualifications established in § 5-60-10 who,**
13 **upon the direction of his or her team physician and/or consulting physician, carries out the practice of**
14 **athletic training to athletic injuries incurred by athletes in preparation of or participation in an athletic**
15 **program being conducted by an educational institution under the jurisdiction of an interscholastic or**
16 **intercollegiate governing body, a professional athletic organization, or a board sanctioned amateur athletic**
17 **organization; provided, that no athlete shall receive athletic training services if classified as geriatric by the**
18 **consulting physician. No athlete shall receive athletic training services if non-athletic or age-related**
19 **conditions exist or develop that render the individual debilitated or non-athletic. To carry out these**
20 **functions, the athletic trainer is authorized to utilize modalities such as heat, light, sound, cold, electricity,**
21 **exercise, or mechanical devices related to care and reconditioning. The athletic trainer, as defined in this**
22 **chapter, shall not represent himself or herself or allow an employer to represent him or her to be, any other**
23 **classification of healthcare professional governed by a separate and distinct practice act. This includes**
24 **billing for services outside of the athletic trainer's scope of practice, including, but not limited to services**
25 **labeled as physical therapy.**

26 **(2) "Board" means the Rhode Island board of athletic trainers established under § 5-60-4.**

1 (3) "Department of health" means the department of state under which the board of athletic trainers
2 is listed.

3 (4) "Director" means the director or state official in charge of the department of health.

4 **5-60-4. Board — Composition — Appointment, terms, oaths, and removal of members —**
5 **Officers — Meetings.**

6 (a) The director of the department of health, with the approval of the governor, shall appoint the
7 members of the Rhode Island board of athletic trainers, which shall be composed of three (3) licensed
8 athletic trainers and one public member and one physician licensed to practice medicine and with an interest
9 in sports medicine. In making appointments to the board, the director shall give consideration to
10 recommendations made by professional organizations of athletic trainers and physicians. Each appointee
11 shall be licensed and practicing in the state, except that the director in appointing the athletic trainer
12 members of the first board may appoint any practicing athletic trainer who possesses the qualification
13 required by § 5-60-10. To qualify as a member, a person must be a citizen of the United States and a resident
14 of the state for five (5) years immediately preceding appointment.

15 (b) The members of the board shall be appointed for terms of three (3) years which expire on August
16 1 of even numbered years, except that in making the initial appointments the director shall designate one
17 member to serve one year, two (2) members to serve two (2) years, and two (2) members to serve three (3)
18 years. In the event of death, resignation, or removal of any member, the vacancy shall be filled for the
19 unexpired portion of the term in the same manner as the original appointment. The director may remove
20 any member for cause at any time prior to the expiration of his or her term. No member shall serve for more
21 than two (2) consecutive three (3) year terms.

22 (c) Each appointee to the board shall qualify by taking the constitutional oath of office within thirty
23 (30) days from the date of his or her appointment. On presentation of the oath, the director shall issue
24 commissions to appointees as evidence of their authority to act as members of the board.

25 (d) The board shall elect from its members for a term of one year, a chairperson, vice chairperson,
26 and secretary treasurer, and may appoint committees that it considers necessary to carry out its duties. The

1 board shall meet at least two (2) times a year. Additional meetings may be held on the call of the chairperson
2 or at the written request of any three (3) members of the board. The quorum required for any meeting of
3 the board shall be three (3) members. No action by the board or its members has any effect unless a quorum
4 of the board is present.

5 **5-60-11. Fees.**

6 Applicants for athletic trainer licenses shall pay a license fee, and, if applicable, a biennial license
7 renewal fee as set forth in § 23-1-54. Any person allowing their license to lapse shall pay a late fee as set
8 forth in § 23-1-54.

9 SECTION ~~46~~15. Sections 5-71-3, 5-71-4, 5-71-5, 5-71-6, 5-71-8, 5-71-9 and 5-71-13 of the
10 General Laws in Chapter 5-71 entitled "Licensure of Interpreters for the Deaf" are hereby amended to read
11 as follows:

12 **5-71-3. Definitions.**

13 (1) "Board" means the state board of examiners for interpreters for the deaf.

14 (2) "Certified" means any individual who is a certified member of the Registry of Interpreters for
15 the Deaf, Inc., (RID), its successor agency, or other agencies as approved by the department in consultation
16 with the board.

17 (3) "Certified deaf interpreter", "deaf interpreter", or "deaf intermediary interpreter" means any
18 individual who is deaf or hard of hearing and who is a certified member of the Registry of Interpreters for
19 the Deaf, Inc. (RID) or its successor agency approved by the department in consultation with the board.

20 (4) "Consumer" is an individual who is deaf, deaf-blind, hard of hearing, hearing, or an individual
21 with a disability who does not share a common means of communication. This may include, without
22 limitation, American Sign Language (ASL), visual, gestural, auditory, and tactile made of communication.

23 (5) "Department" means the Rhode Island department of ~~health~~ business regulation.

24 (6) "Director" means the director of the department of ~~health~~ business regulation.

25 (7) "Educational Interpreter" means an individual who has specialized certification (elementary and
26 secondary education for grades kindergarten (K) through twelve (12)) and is a certified member of RID or

1 its successor agency approved by the department in consultation with the board in the provision of sign
2 language interpreting to students who are deaf, hard of hearing, or deaf-blind in grades preschool through
3 twelve (12).

4 (8) "Emergency" means an urgent circumstance that demands immediate action in order for a
5 consumer to avoid imminent harm or loss. In the event of an emergency, the consumer may elect to use the
6 services of a nonlicensed interpreter as set forth in regulations promulgated by the department.

7 (9) "Interpreter" means any person who engages in the practice of interpreting as defined in
8 subdivisions (10), (11), (14), and (15).

9 (10) "Interpreting" means conveying spoken English into American Sign Language (ASL), or
10 conveying American Sign Language into English, or interpreting English to and/or from a visual gestural
11 system.

12 (11) "Intermediary interpreting" means interpreting services rendered by a deaf person to facilitate
13 communication between another deaf person and a licensed interpreter.

14 (12) "Screened interpreter" means any person who presents proof of an active state screening or its
15 equivalent and presents proof of successful completion of an examination as approved by the department
16 in consultation with the board.

17 (13) "Screened deaf interpreter" means any person who is deaf or hard of hearing and who presents
18 proof of an active state screening, or its equivalent, and presents proof of successful completion of an
19 examination as approved by the department in consultation with the board.

20 (14) "Transliterating" means conveying spoken English into manually coded English, or conveying
21 manually coded English into spoken English (sign-to-voice), or conveying English on the lips so that it is
22 accessible to speech reading (e.g. oral transliterating, or any auditory communication as a visual form in
23 English such as cued speech).

24 (15) "Deaf-blind interpreting" means linguistic information through sign language acquired by
25 individuals who are deaf-blind through their preferred methods depending on the causes of their combined
26 vision and hearing loss, their background, and their education, such as close-vision interpreting and tactile

1 interpreting, while spoken language is conveyed into sign language (e.g. ASL), and sign language (ASL) is
2 conveyed into spoken language.

3 **5-71-4. Board of examiners – Creation – Compensation – Appointment, terms and**
4 **qualifications of members.**

5 (a) There shall exist within the state department of ~~health~~Business Regulation a board of examiners
6 of interpreters for the deaf. The board shall consist of five (5) persons who shall be residents of the state of
7 Rhode Island for at least two (2) years prior to their appointments: three (3) nationally certified interpreters,
8 and two (2) consumers.

9 (b) All appointments made under this section shall be made by the governor with the advice and
10 consent of the senate. In making appointments to the board, the governor shall give consideration to
11 recommendations made by the commission on the deaf and hard-of-hearing established pursuant to § 23-
12 1.8-1. All members shall serve terms of three (3) years. Members shall serve until the expiration of the term
13 for which they have been appointed or until their successor is appointed. No person shall be appointed to
14 serve more than two (2) consecutive terms. When a vacancy upon the board occurs, a replacement shall be
15 appointed for the remainder of that term as prescribed in this section.

16 (c) The board shall reorganize annually during the month of December and shall elect a chairperson
17 and vice chairperson for the subsequent calendar year. The board may elect from among its members such
18 other officers as it deems necessary.

19 (d) Three (3) members of the board shall constitute a quorum to do business. A majority vote of
20 those present shall be required for action.

21 (e) Members of the board shall be removable by the governor pursuant to the provisions of § 36-1-
22 7 of the general laws and for cause only, and removal solely for partisan or personal reasons unrelated to
23 capacity or fitness for the office shall be unlawful.

24 **5-71-5. Board of examiners – Duties and powers – Meetings – Compensation of members.**

25 (a) The department, with the assistance of the board, shall administer, coordinate, and enforce the
26 provisions of this chapter, evaluate the qualifications of applicants, and may issue subpoenas, examine

1 witnesses, administer oaths, and investigate persons engaging in practices that violate the provisions of this
2 chapter.

3 (b) The department shall conduct hearings and shall keep records and minutes that are necessary
4 for the orderly dispatch of business.

5 (c) The department shall hold public hearings regarding rules and regulations.

6 (d) The department in consultation with the board, in accordance with the rule-making provisions
7 of the "Administrative Procedures Act", (chapter 35 of title 42), shall adopt responsible rules and
8 regulations and may amend or repeal those rules and regulations. Following their adoption, the rules and
9 regulations shall govern and control the professional conduct of every person who holds a license to practice
10 interpreting or transliterating in the state of Rhode Island.

11 (e) ~~Regular M~~meetings of the board shall be held, and special meetings may be held, upon the call
12 of the chairperson as often as necessary to for the transaction of any business within the jurisdiction of the
13 board. deal with such issues as violations of this chapter; provided, that at least one regular meeting is held
14 ~~each calendar year.~~

15 (f) The conferral or enumeration of specific powers in this chapter shall not be construed as a
16 limitation of the general powers conferred by the section. No member of the board shall be liable to civil
17 action for any act performed in good faith in the performance of his or her duties as prescribed by this
18 chapter.

19 (g) Board members shall serve on an honorable basis without compensation.

20 (h) The board may request legal advice and assistance from the appropriate legal officer.

21 (i) The board shall conduct a training course for newly appointed and qualified members within six
22 (6) months of their appointment. The course shall be developed and conducted by the chair of the board,
23 approved by the department, and shall include instruction in the subject areas of this chapter, and chapter
24 46 of title 42, chapter 14 of title 36, and chapter 2 of title 38, and the board's rules and regulations. The
25 ~~director of the department of health~~ shall, within ninety (90) days, prepare and disseminate training
26 materials relating to the provisions of chapter 46 of title 42, chapter 14 of title 36, and chapter 2 of title 38.

1 ~~(j) Within ninety (90) days after the end of each fiscal year, the board shall approve and submit an~~
2 ~~annual report to the governor, the speaker of the house of representatives, the president of the senate, and~~
3 ~~the secretary of state of its activities during that fiscal year. The report shall provide: an operating statement~~
4 ~~summarizing meetings or hearings held, including meeting minutes, subjects addressed, decisions rendered,~~
5 ~~licenses considered and their dispositions, rules or regulations promulgated, studies conducted, policies and~~
6 ~~plans developed, approved or modified, and programs administered or initiated; a consolidated financial~~
7 ~~statement of all funds received and expended including the source of the funds, a listing of any staff~~
8 ~~supported by these funds, and a summary of any clerical, administrative or technical support received; a~~
9 ~~summary of performance during the previous fiscal year including accomplishments, shortcomings and~~
10 ~~remedies; a synopsis of hearings, complaints, suspensions or other legal matters related to the authority of~~
11 ~~the board; a summary of any training courses held pursuant to the provisions of paragraph 5-71-5(i); a~~
12 ~~briefing on anticipated activities in the upcoming fiscal year; and findings and recommendations for~~
13 ~~improvements. The report shall be posted electronically on the general assembly and the secretary of state's~~
14 ~~websites as prescribed in § 42-20-8.2. The director of the department of health shall be responsible for the~~
15 ~~enforcement of this provision.~~

16 **5-71-6. Board of examiners – Seal – Authentication of records.**

17 ~~The board shall adopt the state seal by which it shall authenticate its proceedings. Copies of the~~
18 ~~proceedings, records and acts of the board, and certificates purporting to relate the facts concerning those~~
19 ~~proceedings, records, and acts, signed by the secretary shall be deemed and authenticated by that seal, and~~
20 ~~shall be evidence in all courts of this state.~~

21 **5-71-8. Qualifications of applicants for licenses.**

22 (a) To be eligible for licensure by the board as an interpreter for the deaf or transliterator, the
23 applicant must submit written evidence on forms furnished by the department, ~~verified by oath,~~ that the
24 applicant meets all of the following requirements:

- 25 (1) Is of good moral character;

1 (2) Meets the screened requirements as defined in regulations promulgated by the department or
2 meets the certification requirements set forth by RID or its successor agency approved by the department
3 in consultation with the board;

4 (3) Pays the department a license fee as set forth in ~~§ 23-1-54~~ by the department;

5 (4) Adheres to the National Association of the Deaf (NAD) and the Registry of Interpreters for the
6 Deaf, Inc., (RID) code of professional conduct; and

7 (5) Provides verification of a background check with the bureau of criminal investigation in the
8 office of attorney general at the time of the initial application for license.

9 (b) To be eligible for licensure by the board as an educational interpreter for the deaf, the applicant
10 must meet all of the requirements as described in subsection (a) and must further present proof of successful
11 completion of the educational interpreter performance assessment (EIPA), written and performance tests,
12 or a similar test as approved by the board, at a performance level established by the board.

13 (c) An individual whose license, certification, permit, or equivalent form of permission issued
14 within another state has been revoked, suspended, or currently placed on probation shall not be eligible for
15 consideration for licensure unless they have first disclosed to the department about such disciplinary
16 actions.

17 **5-71-9. Licensure and regulations of interpreters for the deaf.**

18 (a) Licensure shall be granted when a person meets the certification requirements as defined in
19 regulations promulgated by the department. A person only needs one license under "certified" or "screened"
20 if he or she is qualified as defined in § 5-71-8(a) and recognized by the RID and the NAD or its successor
21 agency approved by the department in consultation with the board as outlined in § 5-71-3.

22 (b) No person shall practice or hold him or herself out as being able to practice interpreting,
23 educational interpreting, or intermediary interpreting as defined in § 5-71-3 unless he or she shall be
24 licensed in accordance with the provisions of this chapter. No person shall hold himself or herself out as
25 being an educational interpreter as defined in § 5-71-3 unless he or she is licensed in accordance with the
26 provisions of this chapter.

1 (c) All licensed interpreters upon commencing to practice, and upon any change in address, shall
2 promptly notify the department of said change in home or office address and shall furnish any other
3 information to the department that it may require. All licensed interpreters shall annually, before July 1st,
4 pay the department a license renewal fee, as set forth in ~~§ 23-1-54~~ by the department, for each license. The
5 department may suspend the authority of any licensed interpreter to practice for failure to comply with any
6 of the requirements of this chapter or the regulations promulgated thereunder. The department makes
7 available for public inspection a complete list of the names of all interpreters licensed and practicing in the
8 state.

9 (d) Three (3) types of licensure may be issued to interpreters:

10 (1) A certified license shall be granted to interpreters who have met the certification requirements
11 as set forth in regulations promulgated by the department. The two (2) licenses under "certified" are called
12 "certified interpreter" and "certified deaf interpreter";

13 (2) A screened license of limited duration determined by the board shall be granted to interpreters
14 who have met the educational requirements as set forth in regulations promulgated by the department and
15 who have successfully completed a recognized state screening or state equivalent as determined by the
16 department in consultation with the board. The two (2) licenses under "screened" are called "screened
17 interpreter" and "screened deaf interpreter";

18 (3) An educational interpreter license may be granted to interpreters who meet the requirements of
19 § 5-71-8(b). This license is called "educational interpreter".

20 (e) All certified licensed interpreters shall be required to complete continuing education as set forth
21 by RID or its successor agency approved by the department in consultation with the board. All licensed
22 screened interpreters shall be required to complete continuing education as set forth in the regulations
23 promulgated by the department.

24 **5-71-13. Grounds for suspension or revocation of licenses.**

25 (a) The board may recommend to the director of the department of ~~health-business regulation~~ the
26 issuance, renewal, or revocation of a license, or suspension, placement on probation, censure or reprimand

1 a licensee, or any other disciplinary action that the board may deem appropriate, for conduct that may result
2 from, but not necessarily be limited to:

3 (1) Obtaining his or her license by means of fraud, misrepresentation, or concealment of material
4 facts;

5 (2) Being guilty of fraud, misrepresentation, concealment, or material misstatement of facts or
6 deceit in connection with his or her services rendered as an interpreter;

7 (3) Being guilty of unprofessional conduct as defined by the rules established by the department in
8 consultation with the board, and/or violating any standard of professional or ethical conduct adopted by the
9 National Registry of Interpreters for the Deaf;

10 (4) Violating the continuing education requirements of this chapter, as defined in § 5-71-9(e), and
11 rules and regulations as promulgated by the department;

12 (5) Violating any lawful order, or any provision of this chapter or of the rules or regulations
13 promulgated in this chapter;

14 (6) Aiding or assisting another person in violating any provision of this chapter or any rule or
15 regulation adopted under this chapter;

16 (7) Departure from or failure to conform to the current standards of acceptable and prevailing
17 practice of interpreting.

18 (b) Working under a license that is expired or on inactive status, working under a license when
19 certification is expired or on inactive status, and practicing interpreting without being exempt under § 5-
20 71-10 shall be considered to be practicing without a license.

21 ~~(c) The department shall respond to all recommendations from the board under this section within~~
22 ~~thirty (30) calendar days.~~

23 SECTION ~~1716~~. Sections 5-34-10 and 5-34-31 of Chapter 5-34 of the General Laws entitled
24 “Nurses” is hereby amended to read as follows:

25 **5-34-10 Qualifications of professional nurse applicants.**

1 An applicant for licensure to practice as a professional nurse shall submit to the board written
2 evidence on forms furnished by the division of professional regulation, ~~verified by oath~~, that the applicant:

3 (1) Has completed at least an approved high school course of study or the equivalent supported by
4 diploma or certificate of the course of study as determined by the rules and regulations of the state board of
5 education;

6 (2) Has successfully completed the prescribed curriculum in an approved basic professional nursing
7 education program and holds a diploma from the program; and

8 (3) Is of good moral character.

9 SECTION ~~4817~~. Section 5-35.1-3 of Chapter 5-35.1 of the General Laws entitled "Optometrists"
10 is hereby amended to read as follows:

11 **5-35.1-3 Application for examination and license.**

12 Every person desiring to be licensed to practice optometry as provided in this chapter shall file
13 with the department, in the form prescribed by the department, an application, ~~verified by oath~~, presenting
14 the facts which entitle the applicant to a license to practice optometry under this chapter. No one shall be
15 permitted to practice optometry in this state without a valid license.

16 SECTION ~~4918~~. Section 5-37.2-12.1 of Chapter 5-37.2 of the General Laws entitled "The
17 Healing Art of Acupuncture and Oriental Medicine" is hereby amended to read as follows:

18 **5-37.2-12.1 Examination requirements and issuance of license.**

19 (a) No person shall be licensed as a doctor of acupuncture and Oriental medicine unless he or she
20 has passed the examination by the ~~National Commission of Certification of Acupuncture and Oriental~~
21 ~~Medicine.~~ National Certification Commission for Acupuncture and Oriental Medicine or successor entity.

22 (b) Before any applicant is eligible for licensure, he or she shall furnish satisfactory proof that he
23 or she:

24 (1) Is a United States citizen or legal alien;

25 (2) Has demonstrated proficiency in the English language;

26 (3) Is at least twenty one (21) years of age;

1 (4) Is of good moral character;

2 (5) Has completed an accredited program of at least thirty-six (36) months and not less than
3 twenty-five hundred (2,500) hours of training and has received a certificate or diploma from an institute
4 approved by the Accreditation Commission for Schools and Colleges of Acupuncture and Oriental
5 Medicine, according to the provisions of this chapter; provided, that this subdivision does not apply to
6 anyone licensed to practice under chapter 37 of this title who is qualified to take and pass the test by the
7 National Commission for the Certification of Acupuncture and Oriental Medicine;

8 (6) Has completed a clinical internship training that is designated as appropriate by the National
9 Commission for the Certification of Acupuncture and Oriental Medicine; and

10 (7) Has three (3) letters of reference from reputable individuals other than relatives and at least
11 two (2) of which are from licensed or registered doctors of acupuncture and Oriental medicine.

12 SECTION ~~2019~~. Sections 5-40-6, and 5-40-6.1 of Chapter 5-40 of the General Laws entitled
13 “Physical Therapists” is hereby amended to read as follows:

14 **5-40-6 Qualification of physical therapists.**

15 Any applicant for licensure shall submit to the board written evidence on forms furnished by
16 the department of health, ~~verified by oath~~, that the applicant meets all of the following requirements:

17 (1) Is at least eighteen (18) years of age;

18 (2) Is of good moral character;

19 (3) Has graduated from an education program in physical therapy accredited by the Commission
20 on Accreditation of Physical Therapy Education (CAPTE) or other accrediting agency as approved by the
21 department in consultation with the board, in the year of the applicant's graduation; and

22 (4) Has passed the National Physical Therapy Examination (NPTE) of the Federation of State
23 Boards of Physical Therapy (FSBPT) or other physical therapy certification examination as approved by
24 the department in consultation with the board to determine the applicant's fitness to engage in the practice
25 of physical therapy.

26 **5-40-6.1 Qualifications of physical therapist assistants.**

1 Any applicant for licensure shall submit to the board written evidence on forms furnished by the
2 department of health, ~~verified by oath~~, that the applicant meets all of the following requirements:

3 (1) Is at least eighteen (18) years of age;

4 (2) Is of good moral character;

5 (3) Has graduated from an educational program in physical therapy accredited by the
6 Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting
7 agency as approved by the department in consultation with the board, in the year of said
8 applicant's graduation; and

9 (4) Has passed the National Physical Therapy Examination (NPTE) of the Federation of State
10 Boards of Physical Therapy (FSBPT) or other physical therapy assistant certification
11 examination as approved by the department in consultation with the board to determine the
12 applicant's fitness to engage in the practice of physical therapy.

13 SECTION ~~2120~~. Section 5-40.1-8 of Chapter 5-40.1 of the General Laws entitled "Occupational
14 Therapy" is hereby amended to read as follows:

15 **5-40.1-8 Requirements for licensure.**

16 (a) Any applicant seeking licensure as an occupational therapist or occupational therapy
17 assistant in this state must:

18 (1) Be at least eighteen (18) years of age;

19 (2) Be of good moral character;

20 (3) Have successfully completed the academic requirements of an education program in
21 occupational therapy accredited by the American Occupational Therapy Association's Accreditation
22 Council for Occupational Therapy Education or other therapy accrediting agency that may be approved
23 by the board;

24 (4) Have successfully completed a period of supervised fieldwork experience arranged by the
25 recognized educational institution where he or she met the academic requirements:

26 (i) For an occupational therapist, a minimum of twenty-four (24) weeks of supervised fieldwork

1 experience shall be required;

2 (ii) For an occupational therapy assistant, a minimum of twelve (12) weeks shall be required;

3 (5) Have successfully passed the National Certification Examination for Occupational
4 Therapists, Registered, or National Certification Examination for Occupational Therapy
5 Assistants, of the National Board for Certification in Occupational Therapy (NBCOT) or other
6 occupational therapy certification examination as approved by the board.

7 (b) Application for licensure to practice occupational therapy in this state either by endorsement
8 or by examination shall be made on forms provided by the division, which shall be completed,
9 ~~notarized~~, and submitted to the board thirty (30) days prior to the scheduled date of the board
10 meeting. The application shall be accompanied by the following documents:

11 (1) ~~Three (3) affidavits from responsible persons attesting to the applicant's good moral~~
12 ~~character;~~ Is of good moral character, evidenced in the manner prescribed by the department.

13 (2) For U.S. citizens: a certified copy of birth record or naturalization papers;

14 (3) For non-U.S. citizens: documented evidence of alien status, such as immigration papers or
15 resident alien card or any other verifying papers acceptable to the administrator;

16 (4) Documented evidence and supporting transcripts of qualifying credentials as prescribed in
17 this section;

18 (5) ~~One unmounted passport photograph of the applicant (head and shoulder view)~~
19 ~~approximately 2x3 inches in size;~~

20 (6) (5) A statement from the board of occupational therapy in each state in which the applicant
21 has held or holds licensure, or is otherwise subject to state regulation, to be submitted to the
22 board of this state attesting to the licensure status of the applicant during the time period the
23 applicant held licensure in that state; and

24 (7) (6) The results of the written national examination of the National Board for Certification in
25 Occupational Therapy (NBCOT).

26 (c)(1) Applicants seeking licensure as occupational therapists or occupational therapy assistants

1 are required to pass the national written examination of the National Board for Certification in
2 Occupational Therapy (NBCOT) approved by the board to test the applicant's fitness to engage
3 in the practice of occupational therapy pursuant to the provisions of this chapter.

4 (2) The date, time, and place of examinations shall be available from the National Board for
5 Certification in Occupational Therapy (NBCOT).

6 (d) In case any applicant fails to satisfactorily pass an examination, the applicant shall be entitled
7 to re-examination.

8 (e) Occupational therapists and occupational therapy assistants who are licensed or regulated to
9 practice under laws of another state or territory or the District of Columbia may, upon receiving
10 a receipt from the division, perform as an occupational therapist or occupational therapy assistant
11 under the supervision of a qualified and licensed occupational therapist or occupational therapy
12 assistant. If this applicant fails to receive licensure when the board reviews the application, all
13 previously mentioned privileges automatically cease.

14 (f) Applicants from foreign occupational therapy schools must meet the requirements of the
15 National Board for Certification in Occupational Therapy (NBCOT) and present evidence of
16 passage of the National Certification Examination for Occupational Therapists or the National
17 Certification Examination for Occupational Therapy Assistants of the NBCOT. Applicants must
18 meet all of the appropriate requirements for licensure to the satisfaction of the board and in
19 accordance with the statutory and regulatory provisions of this chapter.

20 SECTION ~~2221~~. Section 5-44-9 of Chapter 5-44 of the General Laws entitled "Psychologists" is
21 hereby amended to read as follows:

22 **5-44-9 Qualifications of psychologists.**

23 An applicant for licensure shall submit to the board written evidence acceptable to the
24 department, ~~verified under oath~~, that the applicant:

25 (1) Is of good moral character;

1 (2) Has received a doctorate degree in psychology from a college or university whose program of
2 study for that degree at that time meets or exceeds the stated requirements for approval by the American
3 Psychological Association, or its equivalent in terms of excellence of education and training, or a
4 doctorate degree in an allied field whose education and training requirements are substantially similar to
5 current American Psychological Association standards of accreditation for the granting of a doctorate in
6 psychology;

7 (3) Has had the requisite supervised experience as deemed acceptable to the board as delineated
8 in the rules and regulations;

9 (4) Has passed an examination conducted by the board to determine his or her qualification for
10 licensure as a psychologist, or is applying under the provisions of § 5-44-11;

11 SECTION ~~2322~~. Sections 5-63.2-9, and 5-63.2-10 of Chapter 5-63.2 of the General Laws
12 entitled “Mental Health Counselors and Marriage and Family Therapists” is hereby amended to
13 read as follows:

14 **5-63.2-9 Qualifications of licensed clinical mental health counselors.**

15 (a) An applicant for licensure shall submit to the board written evidence on forms furnished by
16 the division of professional regulation ~~verified under oath~~ that the applicant:

17 (1) Is of good character; and

18 (2) Has received a graduate degree specializing in counseling/therapy from a college or university
19 accredited by the New England Association of Schools and Colleges, or an equivalent regional
20 accrediting agency, and which has the approval by a cognizable national or regional certifying authority;
21 and

22 (3) Has completed sixty (60) semester hours or ninety (90) quarter hours within their graduate
23 counseling/therapy program; and

24 (4) Has completed a minimum of twelve (12) semester hours or eighteen (18) quarter hours of
25 supervised practicum and a minimum of one calendar year of supervised internship consisting of twenty
26 (20) hours per week or its equivalent with emphasis in mental health counseling supervised by the

1 department within the college or university granting the requisite degree or by an accredited postgraduate
2 clinical training program recognized by the United States Department of Education, or education and/or
3 experience which is deemed equivalent by the board; and

4 (5) Has completed a minimum of two (2) years of relevant postgraduate experience, including at
5 least two thousand (2,000) hours of direct client contact offering clinical or counseling or therapy services
6 with emphasis in mental health counseling subsequent to being awarded a master's degree, certificate of
7 advanced graduate study or doctorate; and

8 (6) A minimum of one hundred (100) hours of post-degree supervised case work spread over a
9 two (2) year period; provided, that the supervision was provided by a person who at the time of rendering
10 the supervision was recognized by the board as an approved supervisor; and

11 (7) Has passed to the satisfaction of the board an examination conducted by it to determine the
12 applicant's qualification for licensure as a clinical mental health counselor or is applying for licensure
13 under the provisions of § 5-63.2-15.

14 (b) A candidate shall be held to have qualified for licensure as a clinical mental health counselor
15 upon the affirmative vote of at least four (4) members of the board, two (2) of whom must be mental
16 health counselors on the board.

17 **5-63.2-10 Qualifications of licensed – Marriage and family therapists.**

18 (a) An applicant for licensure shall submit to the board written evidence on forms furnished by
19 the division of professional regulation ~~verified under oath~~ that the applicant:

20 (1) Is of good character; and

21 (2) Has completed a graduate degree program specializing in marital and family therapy from a
22 college or university accredited by the New England Association of Schools and Colleges, or an
23 equivalent regional accreditation agency; and

24 (3) Has completed sixty (60) semester hours or ninety (90) quarter hours within their graduate
25 degree program specializing in marital and family therapy; and

1 (4) Has completed a minimum of twelve (12) semester hours or eighteen (18) quarter hours of
2 supervised practicum and a one calendar year of supervised internship consisting of twenty (20) hours per
3 week or its equivalent with emphasis in marriage and family therapy supervised by the department within
4 the college or university granting the requisite degree or by an accredited postgraduate clinical training
5 program, approved by the commission on accreditation for marriage and family therapy education
6 recognized by the United States department of education or education and/or experience which is deemed
7 equivalent by the board; and

8 (5) Has had a minimum of two (2) years of relevant postgraduate experience, including at least
9 two thousand (2,000) hours of direct client contact offering clinical or counseling or therapy services with
10 emphasis in marriage and family therapy subsequent to being awarded a master's degree or doctorate; and

11 (6) Has had a minimum of one hundred (100) hours of post-degree supervised case spread over
12 two (2) years; provided, that the supervision was provided by a person who at the time of rendering the
13 supervision was recognized by the board as an approved supervisor; and

14 (7) Has passed to the satisfaction of the board an examination conducted by it to determine the
15 applicant's qualifications for licensure as a marriage and family therapist or is applying for licensure
16 under the provisions of § 5-63.2-15.

17 (b) A candidate shall be qualified for licensure as a marriage and family therapist upon the
18 affirmative vote of at least four (4) members of the board, two (2) of whom must be marriage and family
19 therapists on the board.

20 SECTION ~~2423~~. Section 5-86-9 of Chapter 5-86 of the General Laws entitled "Licensing of
21 Applied Behavior Analysts" is hereby amended to read as follows:

22 **5-86-9 Qualifications and examinations for licensing.**

23 (a) An applicant for licensure as a licensed applied behavior analyst shall submit to the board
24 written evidence on forms furnished by the department ~~verified under oath (i.e. notarized)~~ that said
25 applicant:

26 (1) Be of good moral character;

1 (2) Has obtained a graduate degree in applied behavior analysis or a related field, as approved by
2 the board, from a college or university accredited by the New England association of schools and
3 colleges, or an equivalent regional accrediting agency, and which has the approval by a national or
4 regional certifying authority, including but not limited to the applied behavior analyst licensing board;

5 (3) Has successfully completed the amount of coursework in applied behavior analysis acceptable
6 to the board;

7 (4) Has appropriate supervised experience to include either: (i) One year, including one thousand
8 five hundred (1,500) hours of supervised independent fieldwork in applied behavior analysis.

9 The distribution of supervised independent fieldwork hours must be at least ten (10) hours per
10 week, but not more than thirty (30) hours per week, for a minimum of three (3) weeks per month;

11 (ii) One thousand (1,000) hours of practicum in behavior analysis within a university experience
12 program approved by the national or regional certifying authority. The distribution of practicum

13 hours must be at least ten (10) hours per week, but not more than twenty-five (25) hours per
14 week, for a minimum of three (3) weeks per month; or (iii) Seven hundred fifty (750) hours of

15 intensive practicum in behavior analysis within a university experience program approved by the
16 national or regional certifying authority. The distribution of intensive practicum hours must be at

17 least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a minimum
18 of three (3) weeks per month;

19 (5) Has passed the relevant examination administered by an appropriate nationally recognized
20 accrediting organization as approved by the department of health for this function;

21 (6) Maintain active status and fulfill all relevant requirements for renewal and relicensing with
22 the nationally recognized and accredited organization(s) as approved by the department of health

23 licensing;

24 (7) Conducts his or her professional activities in accordance with accepted standards for
25 responsible professional conduct, as approved by the Rhode Island applied behavior analyst

26 licensing board; and

1 (8) Meets the criteria as established in § 5-86-12.

2 (b) An applicant for licensure as a licensed applied behavior assistant analyst shall submit to the
3 board written evidence on forms furnished by the department ~~verified under oath (i.e., notarized)~~
4 that said applicant:

5 (1) Be of good moral character;

6 (2) Has obtained a bachelor's degree in behavior analysis or a related field, as approved by the
7 board, from a college or university accredited by the New England Association of Schools and
8 Colleges, or an equivalent regional accrediting agency, and which has the approval by a national
9 or regional certifying authority, including, but not limited to, the applied behavior analyst
10 licensing board;

11 (3) Has successfully completed the amount of coursework in applied behavior analysis
12 acceptable to the board;

13 (4) Has appropriate supervised experience to include either: (i) One thousand (1,000) hours of
14 supervised independent fieldwork in applied behavior analysis. The distribution of supervised
15 independent fieldwork hours must be at least ten (10) hours per week, but not more than thirty
16 (30) hours per week, for a minimum of (3) three weeks per month; (ii) Six hundred seventy (670)
17 hours of practicum in behavior analysis within a university experience program approved by the
18 national or regional certifying board. The distribution of practicum hours must be at least ten
19 (10) hours per week, but not more than twenty-five (25) hours per week, for a minimum of three
20 (3) weeks per month; or (iii) Five hundred (500) hours of intensive practicum in behavior
21 analysis within a university experience program approved by the national or regional certifying
22 board. The distribution of intensive practicum hours must be at least ten (10) hours per week, but
23 not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per month.

24 (5) Is supervised by a licensed applied behavior analyst in a manner consistent with the board's
25 requirements for supervision of licensed applied behavior assistant analysts;

1 (6) Has passed the examination administered by an appropriate nationally recognized accrediting
2 organization as approved by department of health licensing for this function;

3 (7) Maintain active status and fulfill all relevant requirements for renewal and relicensing with
4 the nationally recognized and accredited organization(s) as approved by the department of health
5 licensing;

6 (8) Conduct his or her professional activities in accordance with accepted standards for
7 responsible professional conduct, as required by the Rhode Island applied behavior analyst
8 licensure board; and

9 (9) Meet the criteria as established in § 5-86-11.

10 (c) applicant shall be judged to hold the equivalent requirement of a licensure as an applied
11 behavior analyst upon submission to the board, written evidence on forms furnished by the
12 department ~~verified under oath (i.e., notarized)~~, if the following equivalency requirements are
13 met to the satisfaction of the licensing board:

14 (1) Has received a doctoral degree in psychology from a college or university accredited by the
15 New England association of schools and colleges, or an equivalent regional accrediting agency,
16 and which has the approval by a national or regional certifying authority;

17 (2) Be individually licensed by the department of health as a psychologist subject to chapter 5-44;

18 (3) Be of good moral character;

19 (4) Has completed coursework in applied behavior analysis supervised by the department within
20 the college or university granting the requisite degree or by an accredited postgraduate clinical
21 training program recognized by the United States department of education, or education and/or
22 experience which is deemed equivalent by the board;

23 (5) Has completed one thousand five hundred (1,500) hours of direct client contact offering
24 applied behavior analysis services subsequent to being awarded a doctoral degree in psychology;

25 (6) Conducts his or her professional activities in accordance with accepted standards for
26 responsible professional conduct, as required by the Rhode Island applied behavior analyst

1 licensure board; and

2 (7) Meets the criteria as established in § 5-86-12.

3 SECTION ~~2524~~: Section 21-9-3 of the General Laws in Chapter 21-9 entitled “Frozen Desserts”
4 is hereby amended to read as follows:

5 **21-9-3. License fee.**

6 (a) The annual fees for the following licenses shall be as set forth in § 23-1-54:

- 7 (1) Instate wholesale frozen dessert processors;
- 8 (2) Out of state wholesale frozen dessert processors; and
- 9 (3) Retail frozen dessert processors.

10 **(b) Where a retail frozen dessert processor is also registered as a food service establishment under**
11 **§21-27-10 within a single location, the business shall not be required to pay more than one single fee for**
12 **the highest classified activity listed in §21-27-10(e) or subsection (a) of this section.**

13 SECTION ~~2625~~: Section 21-27-11.5 of the General Laws in Chapter 21-27 Sanitation in Food
14 Establishments” is hereby amended to read as follows:

15 **21-27-11.5. Recertification – Renewal.**

16 Every holder of a certificate issued pursuant to these sections shall ~~triennially~~, every five years,
17 present evidence to the division of continued eligibility as established by regulations. All certificates
18 issued pursuant to these sections shall expire ~~triennially~~ every five years on a date as established in the
19 rules and regulations unless sooner suspended or revoked. Application for certification renewal shall be
20 made as described in the rules and regulations. A ~~triennial~~ renewal fee shall be required every five years.
21 Managers of municipal or state food establishments shall be exempt from payment of the fee set forth in
22 this section.

23 SECTION ~~2726~~. Section 23-1-54 of the General Laws in Chapter 23-1 entitled “Department
24 of Health” is hereby amended to read as follows:

25 **23-1-54. Fees payable to the department of health.**

26 Fees payable to the department shall be as follows:

PROFESSION	RIGL Section	Description of Fee	FEE
Barbers/hairdressers	5-10-10(a)	Renewal application	\$25.00
Barbers/hairdressers	5-10-10(a)	Renewal application:	
Manicuring		Instructors and manicurists	\$25.00
Barbers/hairdressers	5-10-10(b)	Minimum late renewal fee	\$25.00
Barbers/hairdressers	5-10-10(b)	Maximum late renewal fee	\$100.00
Barbers/hairdressers	5-10-11[c]	Application fee	\$25.00
Barbers/hairdressers	5-10-11[c]	Application fee: manicuring	
		Instructors and manicurists	\$25.00
Barbers/hairdressers	5-10-13	Demonstrator's permit	\$90.00
Barbers/hairdressers	5-10-15	Shop license: initial	\$170.00
Barbers/hairdressers	5-10-15	Shop license: renewal	\$170.00
Barbers/hairdressers	5-10-15(b)	Initial: per licensed chair/station	\$50.00
Veterinarians	5-25-10	Application fee	\$40.00
Veterinarians	5-25-11	Examination fee	\$540.00
Veterinarians	5-25-12(a)	Renewal fee	\$580.00
Veterinarians	5-25-12[c]	Late renewal fee	\$120.00
Podiatrists	5-29-7	Application fee	\$240.00
Podiatrists	5-29-11	Renewal fee: minimum	\$240.00
Podiatrists	5-29-11	Renewal fee: maximum	\$540.00
Podiatrists	5-29-13	Limited registration	\$65.00
Podiatrists	5-29-14	Limited registration:	
		Academic faculty	\$240.00
Podiatrists	5-29-14	Application fee:	
		Renewal minimum	\$240.00
Podiatrists	5-29-14	Application fee:	
		Renewal maximum	\$440.00
Chiropractors	5-30-6	Examination fee:	\$210.00
Chiropractors	5-30-7	Examination exemption fee:	\$210.00
Chiropractors	5-30-8(b)	Exam Physiotherapy	\$210.00
Chiropractors	5-30-8(b)	Exam chiro and physiotherapy	\$210.00
Chiropractors	5-30-12	Renewal fee	\$210.00
Dentists/dental hygienists	5-31.1-6(d)	Dentist: application fee	\$965.00
Dentists/dental hygienists	5-31.1-6(d)	Dental hygienist: application fee	\$65.00

PROFESSION	RIGL Section	Description of Fee	FEE
Dentists/dental hygienists	5-31.1-6(d)	Reexamination: dentist	\$965.00
Dentists/dental hygienists	5-31.1-6(d)	Reexamination: hygienist	\$65.00
Dentists/dental hygienists	5-31.1-21(b)	Reinstatement fee dentist	\$90.00
Dentists/dental hygienists	5-31.1-21(b)	Reinstatement fee hygienist	\$90.00
Dentists/dental hygienists	5-31.1-21(c)	Inactive status: dentist	\$220.00
Dentists/dental hygienists	5-31.1-21(c)	Inactive status: hygienist	\$40.00
Dentists/dental hygienists	5-31.1-22	Limited registration	\$65.00
Dentists/dental hygienists	5-31.1-23[c]	Limited reg: Academic faculty	\$965.00
Dentists/dental hygienists	5-31.1-23[c]	Limited reg: Academic faculty renewal	\$500.00
Electrolysis	5-32-3	Application fee	\$25.00
Electrolysis	5-32-6(b)	Renewal fee	\$25.00
Electrolysis	5-32-7	Reciprocal license fee	\$25.00
Electrolysis	5-32-17	Teaching license	\$25.00
Funeral directors/embalmers	5-33.2-12	Funeral establishment license	\$120.00
Funeral services establishments			
Funeral directors/embalmers	5-33.2-15	Renewal: funeral/director	\$90.00
funeral services establishments			\$30.00
embalmer			
Funeral directors/embalmers	5-33.2-12	Funeral branch-ofc license	\$90.00
Funeral directors/embalmers	5-33.2-13.1	Crematories: application fee	\$120.00
Funeral services establishments			
Funeral directors/embalmers	5-33.2-15	Renewal: funeral/director	\$120.00
Funeral Svcs establishments			\$120.00
establishment			
Funeral directors/embalmers	5-33.2-15	Additional branch office	\$120.00
Funeral services Establishments			\$120.00
licenses			
Funeral directors/embalmers	5-33.2-15	Crematory renewal fee	\$120.00
Funeral svcs establishments			\$120.00
Funeral directors/embalmers	5-33.2-15	Late renewal fee	\$25.00
Funeral svcs establishments (All license types)			\$25.00
Funeral directors/embalmers	5-33.2-16(a)	Intern registration fee	\$25.00

PROFESSION	RIGL Section	Description of Fee	FEE
Funeral Services establishments			\$25.00
Nurses	5-34-12	RN Application fee	\$135.00
Nurses	5-34-16	LPN Application fee	\$45.00
Nurses	5-34-19	Renewal fee: RN	\$135.00
Nurses	5-34-19	Renewal fee: LPN	\$45.00
Nurses	5-34-37	RNP application fee	\$80.00
Nurses	5-34-37	RNP renewal fee	\$80.00
Nurses	5-34-37	RNP prescriptive privileges	\$65.00
Nurses	5-34-40.3	Clin nurse spec application	\$80.00
Nurses	5-34-40.3	Clin nurse spec renewal	\$80.00
Nurses	5-34-40.3	Clin nurse spec Rx privilege	\$65.00
Nurse anesthetists	5-34.2-4(a)	CRNA application fee	\$80.00
Nurse anesthetists	5-34.2-4(b)	CRNA renewal fee	\$80.00
Optometrists	5-35.1-4	Application fee	\$280.00
Optometrists	5-35.1-7	Renewal fee	\$280.00
Optometrists	5-35.1-7	Late fee	\$90.00
Optometrists	5-35.1-7	Reactivation of license fee	\$65.00
Optometrists	5-35.1-19(b)	Violations of section	\$650.00
Optometrists	5-35.1-20	Violations of chapter	\$260.00
Opticians	5-35.2-3	Application fee	\$30.00
Physicians	5-37-2	Application fee	\$1,090.00
Physicians	5-37-2	Re-examination fee	\$1,090.00
Physicians	5-37-10(b)	Late renewal fee	\$170.00
Physicians	5-37-16	Limited registration fee	\$65.00
Physicians	5-37-16.1	Ltd reg: academic faculty	\$600.00
Physicians	5-37-16.1	Ltd reg: academic Faculty renewal	\$170.00
Acupuncture	5-37.2-10	Application fee	\$310.00
Acupuncture	5-37.2-13(4)	Acupuncture assistant Licensure fee	\$310.00 \$170.00
Social workers	5-39.1-9	Application fee	\$70.00
Social workers	5-39.1-9	Renewal fee	\$70.00
Physical therapists	5-40-8	Application fee	\$155.00

PROFESSION	RIGL Section	Description of Fee	FEE
Physical therapists	5-40-8.1	Application: physical therapy assistants	\$50.00
Physical therapists	5-40-10(a)	Renewal fee: Physical therapists	\$155.00
Physical therapists	5-40-10(a)	Renewal fee: Physical therapy assistants	\$50.00
Physical therapists	5-40-10[c]	Late renewals	\$50.00
Occupational therapists	5-40.1-12(2)	Renewal fee	\$140.00
Occupational therapists	5-40.1-12(5)	Late renewal fee	\$50.00
Occupational therapists	5-40.1-12(b)	Reactivation fee	\$140.00
Occupational therapists	5-40.1-13	Application fee	\$140.00
Psychologists	5-44-12	Application fee	\$230.00
Psychologists	5-44-13	Temporary permit	\$120.00
Psychologists	5-44-15[c]	Renewal fee	\$230.00
Psychologists	5-44-15(e)	Late renewal fee	\$50.00
Nursing home administrators	5-45-10	Renewal fee	\$160.00
Speech pathologist/audiologists	5-48-1(14)	Speech lang support personnel: late filing	\$90.00
Speech pathologist/audiologists	5-48-9(a)	Application fee: Audiologist	\$65.00
Speech language pathologist/audiologists	5-48-9(a)	Application fee: speech language pathologist	\$145.00
Speech pathologist/audiologists	5-48-9(a)	Renewal fee: Audiologist	\$65.00
Speech language pathologist/audiologists	5-48-9(a)	Renewal fee: Speech language pathologist	\$145.00
Speech language pathologist/audiologists	5-48-9(a)	Provisional license: renewal fee	\$65.00
Speech language pathologist/audiologists	5-48-9(b)	Late renewal fee	\$50.00
Speech pathologist/audiologists	5-48-9(d)(1)	Reinstatement fee: audiologist	\$65.00
Speech language pathologist/audiologists	5-48-9(d)(1)	Reinstatement fee: audiologist speech language pathologists	\$65.00 \$145.00
		personnel: late filing	\$65.00

PROFESSION	RIGL Section	Description of Fee	FEE
Hearing aid dealers/fitters	5-49-6(a)	License endorsement Examination fee	\$25.00
Hearing aid dealers/fitters	5-49-8(b)	Temporary permit fee	\$25.00
Hearing aid dealers/fitters	5-49-8(d)	Temporary permit renewal fee	\$35.00
Hearing aid dealers/fitters	5-49-11(1)	License fee	\$25.00
Hearing aid dealers/fitters	5-49-11(b)	License renewal fee	\$25.00
Hearing aid dealers/fitters	5-49-11[e]	License renewal late fee	\$25.00
Physician assistants	5-54-9(4)	Application fee	\$110.00
Physician assistants	5-54-11(b)	Renewal fee	\$110.00
Orthotics/prosthetic practice	5-59.1-5	Application fee	\$120.00
Orthotics/prosthetic practice	5-59.1-12	Renewal fee	\$120.00
Athletic trainers	5-60-11	Application fee	\$60.00
Athletic trainers	5-60-11	Renewal fee	\$60.00
Athletic trainers	5-60-11	Late renewal fee	\$25.00
Mental health counselors	5-63.2-16	Application fee: marriage	
Marriage and family therapists		Family therapist	\$130.00
Mental health counselors	5-63.2-16	Application fee: mental	
Marriage and family therapists		Health counselors	\$70.00
Mental health counselors	5-63.2-16	Reexamination fee:	
Marriage and family therapists		Marriage/family therapist	\$130.00
Mental health counselors	5-63.2-16	Reexamination fee:	
Marriage and family therapists		Mental health counselors	\$ 70.00
Mental health counselors	5-63.2-17(a)	Renewal fee: marriage	
Marriage and Family therapists		Family therapist	\$130.00
Mental health counselors	5-63.2-17(a)	Renewal fee:	
Marriage and Family therapist		Mental health counselor	\$50.00
Mental health counselors	5-63.2-17(b)	Late renewal fee	
Marriage and Family therapist		Marriage and family therapist	\$90.00
Dieticians/nutritionists	5-64-6(b)	Application fee	\$75.00
Dieticians/nutritionists	5-64-7	Graduate status: Application fee:	\$75.00
Dieticians/nutritionists	5-64-8	Renewal fee	\$75.00
Dieticians/nutritionists	5-64-8	Reinstatement fee	\$75.00

PROFESSION	RIGL Section	Description of Fee	FEE
Radiologic technologists	5-68.1-10	Application fee maximum	\$190.00
Licensed chemical dependency professionals	5-69-9	Application fee	\$75.00
Licensed chemical dependency professionals	5-69-9	Renewal fee	\$75.00
Licensed chemical	5-69-9	Application fee	\$75.00
Licensed chemical dependency clinical supervisor	5-69-9	Application fee	\$75.00
Licensed chemical dependency clinical supervisor	5-69-9	Renewal fee	\$75.00
Deaf interpreters	5-71-8(3)	License fee maximum	\$25.00
Deaf interpreters	5-71-8(3)	License renewal fee	\$25.00
Milk producers	21-2-7(g)(1)	In-state milk processor	\$160.00
Milk producers	21-2-7(g)(2)	Out-of-state milk processor	\$160.00
Milk producers	21-2-7(g)(3)	Milk distributors	\$160.00
Frozen desserts	21-9-3(1)	In-state wholesale	\$550.00
Frozen desserts	21-9-3(2)	Out-of-state wholesale	\$160.00
Frozen desserts	21-9-3(3)	Retail frozen dess processors	\$160.00
Meats	21-11-4	Wholesale	\$160.00
Meats	21-11-4	Retail	\$40.00
Shellfish packing houses	21-14-2	License fee: Shipper/reshipper	\$320.00
Shellfish packing houses	21-14-2	License fee: Shucker packer/repacker	\$390.00
Non-alcoholic bottled Beverages, Drinks & juices	21-23-2	Bottler permit	\$550.00
Non-alcoholic bottled beverages, drinks and juices	21-23-2	Bottle apple cider fee	\$60.00
Farm home food manufacturers	21-27-6.1(4)	Registration fee	\$65.00
Food businesses	21-27-10(e)(1)	Food processors wholesale	\$500.00 <u>\$300.00</u>
Food businesses	21-27-10(e)(2)	Food processors retail	\$120.00
Food businesses	21-27-10(e)(3)	Food service establishments	

PROFESSION	RIGL Section	Description of Fee	FEE
		>50 seats	\$160.00
Food businesses	21-27-10(e)(3)	Food service establishments	
		>50 seats	\$240.00
Food businesses	21-27-10(e)(3)	Mobile food service units	\$100.00
Food businesses	21-27-10(e)(3)	Industrial caterer or food vending	
		Machine commissary	\$280.00
Food businesses	21-27-10(e)(3)	Cultural heritage educational	
		Facility	\$ 80.00
Food businesses	21-27-10(e)(4)	Vending Machine Location	
		> 3 units	\$50.00
Food businesses	21-27-10(e)(4)	Vending Machine	
		Location 4-10 units	\$100.00
Food businesses	21-27-10(e)(4)	Vending Machine Location	= 11 units
			\$120.00
Food businesses	21-27-10(e)(5)	Retail Mkt	
		1-2 cash registers	\$120.00
Food businesses	21-27-10(e)(5)	Retail Market	
		3-5 cash registers	\$240.00
Food businesses	21-27-10(e)(5)	Retail Market = 6	
		Cash registers	\$510.00
Food businesses	21-27-10(e)(6)	Retail food peddler	\$100.00
Food businesses	21-27-10(e)(7)	Food warehouses	\$190.00
Food businesses	21-27-11.2	Certified food safety mgr	\$50.00
License verification fee	23-1-16.1	All license types	\$50.00
Tattoo and body piercing	23-1-39	Annual registration fee:	
		Person	\$90.00

PROFESSION	RIGL Section	Description of Fee	FEE
Tattoo and body piercing	23-1-39	Annual registration fee: establishment	\$90.00
Vital records	23-3-25(a)(1)	Certificate of birth, fetal death, Death, marriage, birth, or Certification that such record Cannot be found	\$20.00
Vital records	23-3-25(a)(1)	Each duplicate of certificate of birth, fetal death, death, marriage, Birth, or certification that such record cannot be found	\$15.00
Vital records	23-3-25(a)(2)	Each additional calendar year Search, if within 3 months of original search and if receipt of original search presented	\$2.00
Vital records	23-3-25(a)(3)	Expedited service	\$7.00
Vital records	23-3-25(a)(4)	Adoptions, legitimations, or Paternity determinations	\$15.00
Vital records	23-3-25(a)(5)	Authorized corrections, Alterations, and additions	\$10.00
Vital records	23-3-25(a)(6)	Filing of delayed record and Examination of documentary Proof	\$20.00
Vital records	23-3-25(a)(6)	Issuance of certified copy of a delayed record	\$20.00
Medical Examiner	23-4-13	Autopsy reports	\$40.00
Medical Examiner	23-4-13	Cremation certificates and statistics	\$30.00
Medical Examiner	23-4-13	Testimony in civil suits: Minimum/day	\$650.00
Medical Examiner	23-4-13	Testimony in civil suits: Maximum/day	\$3,250.00
Emergency medical technicians	23-4.1-10[c]	Annual fee: ambulance Service maximum	\$540.00
Emergency medical technicians	23-4.1-10[c]	Annual fee: vehicle license	

PROFESSION	RIGL Section	Description of Fee	FEE
		maximum	\$275.00
Emergency medical technicians	23-4.1-10[c]	Triennial fee: EMT license maximum	\$120.00
Emergency medical technicians	23-4.1-10(2)	Exam fee maximum: EMT	\$120.00
Emergency medical technicians	23-4.1-10(2)	Vehicle inspection Maximum	\$190.00
Clinical laboratories	23-16.2-4(a)	Clinical laboratory license per specialty	\$650.00
Clinical laboratories	23-16.2-4(a)	Laboratory station license	\$650.00
Clinical laboratories	23-16.2-4(b)	Permit fee	\$70.00
Health care facilities	23-17-38	Hospital: base fee annual	\$16,900.00
Health care facilities	23-17-38	Hospital: annual per bed fee	\$120.00
Health care facilities	23-17-38	ESRD: annual fee	\$3,900.00
Health care facilities	23-17-38	Home nursing-care/home care providers	\$650.00
Health care facilities	23-17-38	OACF: annual fee	\$650.00
Assisted living residences/ administrators	23-17.4-15.2(d)	License application fee:	\$220.00
Assisted living residences/ administrators	23-17.4-15.2(d)	License renewal fee:	\$220.00
Assisted living residences	23-17.4-31	Annual facility fee: base	\$330.00
Assisted living residences	23-17.4-31	Annual facility per bed	\$70.00
Nursing assistant registration	23-17.9-3	Application: competency evaluation training program maximum	\$325.00
Nursing assistant registration	23-17.9-5	Application fee	\$35.00
Nursing assistant registration	23-17.9-5	Exam fee: skills proficiency	\$170.00
Nursing assistant registration	23-17.9-6	Registration fee	\$35.00
Nursing assistant registration	23-17.9-7	Renewal fee	\$35.00
Sanitarians	23-19.3-5(a)	Registration fee	\$25.00
Sanitarians	23-19.3-5(b)	Registration renewal	\$25.00
Massage therapy	23-20.8-3(e)	Massage therapist appl fee	\$65.00
Massage therapy	23-20.8-3(e)	Massage therapist renewal fee	\$65.00

PROFESSION	RIGL Section	Description of Fee	FEE
Recreational facilities	23-21-2	Application fee	\$160.00
Swimming pools	23-22-6	Application license: first pool	\$250.00
Swimming pools	23-22-6	Additional pool fee at same location	\$75.00
Swimming pools	23-22-6	Seasonal application license: first pool	\$150.00
Swimming pools	23-22-6	Seasonal additional pool fee at same location	\$75.00
Swimming pools	23-22-6	Year-round license for non-profit	\$25.00
Swimming pools	23-22-10	Duplicate license	\$2.00
Swimming pools	23-22-12	Penalty for violations	\$50.00
Respiratory care practitioners	23-39-11	Application fee	\$60.00
Respiratory care practitioners	23-39-11	Renewal fee	\$60.00

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SECTION ~~2827~~. Section 23-20.8-5 of Chapter 23-20.8 of the General Laws entitled

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“Licensing of Massage Therapists” is hereby amended to read as follows:

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23-20.8-5 Application for license – Issuance or denial of license – Minimum qualifications.

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(a) Every person desiring to begin the practice of massage therapy, except exempt persons as

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provided in this chapter, shall present satisfactory evidence to the division of professional regulation of

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the department of health, ~~verified by oath~~, that he or she is:

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(1) Over eighteen (18) years of age; (2) Of good moral character (via background check in

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accordance with § 23-20.8-3); (3) Has successfully completed an educational program, meeting minimum

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requirements established by the board, including at least five hundred (500) hours of in-class, hands-on

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and supervised coursework and clinical work; and

1 (4) Has successfully completed an examination approved by the board. Any examination
2 approved by the board must meet generally recognized standards including development through the use
3 of a job-task analysis and must meet appropriate psychometric standards.

4 (b) The department may grant a license to any applicant satisfying the requirements of
5 subdivisions 23-20.8-5(a)(1) and (2), has completed all appropriate forms, paid all appropriate fees and
6 has met substantially equivalent standards in obtaining a valid license, permit, certificate or registration
7 issued by any other state or territory of the United States or by a foreign country.

8 (c) The department shall, within sixty (60) days from the time any application for a license is
9 received, grant the applications and issue a license to practice massage for a year from that date if the
10 department is satisfied that the applicant complies with the rules and regulations promulgated in
11 accordance with this chapter. An applicant, whose criminal records check reveals a conviction for any
12 sexual offense, including, but not limited to, those offenses defined in chapters 34 and 37 of title 11, shall
13 be denied a license under this chapter.

14 (d) The fee for original application for licensure as a massage therapist and the fee for annual
15 license renewal shall be determined by the board and shall not exceed one hundred dollars (\$100).

16 ~~SECTION 29. Sections 23-20.8.1-1 and 23-20.8.1-6 of the General Laws in Chapter 23-20.8.1~~
17 ~~entitled "Registration of Music Therapists" are hereby amended to read as follows:~~

18 ~~**23-20.8.1-1. Definitions.**~~

19 ~~As used in this chapter:~~

20 ~~(1) "Board certified music therapist" means an individual who has completed the education and~~
21 ~~clinical training requirements established by the American Music Therapy Association; has passed the~~
22 ~~certification board for music therapists certification examination; or transitioned into board certification,~~
23 ~~and remains actively certified by the certification board for music therapists.~~

24 ~~(2) "Music therapist" means a person registered to practice music therapy pursuant to this chapter.~~

1 (3) "Music therapy" means the clinical and evidence based use of music interventions to accomplish
2 individualized goals within a therapeutic relationship through an individualized music therapy treatment
3 plan for the client that identifies the goals, objectives, and potential strategies of the music therapy services
4 appropriate for the client using music therapy interventions, which may include music improvisation,
5 receptive music listening, song writing, lyric discussion, music and imagery, music performance, learning
6 through music, and movement to music. Music therapy is a distinct and separate profession from other
7 licensed, certified, or regulated professions, including speech language pathology. The practice of music
8 therapy does not include the diagnosis of any physical, mental, or communication disorder. This term may
9 include:

10 (i) Accepting referrals for music therapy services from medical, developmental, mental health, or
11 education professionals; family members; clients; or caregivers. Before providing music therapy services
12 to a client for a medical, developmental, or mental health condition, the registrant shall collaborate, as
13 applicable, with the client's physician, psychologist, or mental health professional to review the client's
14 diagnosis, treatment needs, and treatment plan. During the provision of music therapy services to a client,
15 the registrant shall collaborate, as applicable, with the client's treatment team;

16 (ii) Conducting a music therapy assessment of a client to collect systematic, comprehensive, and
17 accurate information necessary to determine the appropriate type of music therapy services to provide for
18 the client;

19 (iii) Developing an individualized music therapy treatment plan for the client;

20 (iv) Carrying out an individualized music therapy treatment plan that is consistent with any other
21 medical, developmental, mental health, or educational services being provided to the client;

22 (v) Evaluating the client's response to music therapy and the individualized music therapy treatment
23 plan and suggesting modifications, as appropriate;

24 (vi) Developing a plan for determining when the provision of music therapy services is no longer
25 needed in collaboration with the client, any physician, or other provider of healthcare or education of the

1 client, any appropriate member of the family of the client, and any other appropriate person upon whom
2 the client relies for support;

3 (vii) Minimizing any barriers so that the client may receive music therapy services in the least
4 restrictive environment; and

5 (viii) Collaborating with and educating the client and the family or caregiver of the client or any
6 other appropriate person about the needs of the client that are being addressed in music therapy and the
7 manner in which the music therapy addresses those needs.

8 (4) "Office" means the department of health.

9 (5) "Director" means the director of the department of health or his or her designee.

10 ~~23-20.8.1-6. Rules and regulations.~~

11 ~~The director is authorized to adopt, modify, repeal, and promulgate rules and regulations in~~
12 ~~accordance with the purposes of this chapter, and only after procedures in accordance with the~~
13 ~~administrative procedures act (chapter 35 of title 42) have been followed. The director is further authorized~~
14 ~~to assess fees for registrations as set by the department issued in accordance with rules and regulations~~
15 ~~promulgated pursuant to the authority conferred by this chapter, provided that those fees are assessed only~~
16 ~~after procedures in accordance with the administrative procedures act (chapter 35 of title 42) have been~~
17 ~~followed. All fees shall be deposited into the general fund as general revenue.~~

18 SECTION ~~3028~~: Section 31-44-17 of the General Laws in Chapter 31-44 entitled "Mobile and
19 Manufactured Homes" is hereby amended to read as follows:

20 **§ 31-44-17. Filing of complaint with department – Notice – Rules of evidence not binding.**

21 (a) Any resident of a mobile and manufactured housing park or any owner of a mobile and
22 manufactured housing park may petition the director by filing a complaint with the department of business
23 regulation, and paying a twenty five dollar (\$25.00) filing fee which shall be used to defray the costs of the
24 director. ~~The filing fee may be waived by the director if he or she or his or her agent determines that the fee~~
25 ~~will cause an unfair financial burden on the petitioner.~~ After review of the claim and a decision by the
26 director that the matter has merit and is not frivolous, the director shall schedule a hearing within sixty (60)

1 days from receipt of the claim. If the director finds the claim to be without merit or to be frivolous, the
2 director shall dismiss the complaint and explain in writing to the complainant his or her reasons for
3 dismissing the complaint.

4 (b) The director or his or her agent shall serve notice, in writing, of the time and place of the hearing
5 upon all appropriate parties at least twenty (20) days prior to the date of the hearing. Both parties to the
6 complaint may be represented by counsel.

7 (c) The director or his or her agent shall not be bound by common law or statutory rules of evidence
8 but may admit all testimony having a reasonable probative value. Complaints filed shall be handled in
9 accordance with the departments' rules of practice and the Administrative Procedures Act, chapter 35 of
10 title 42. It may exclude evidence which, in the opinion of the director or his or her agent, is immaterial,
11 irrelevant, or unduly repetitious.

12 SECTION ~~34~~29. Section 39-12-7 of the General Laws in Chapter 39-12 entitled "Motor Carriers
13 of Property" is hereby amended to read as follows:

14 **39-12-7. Issuance of certificate to common carrier.**

15 A certificate shall be issued by the administrator, after a hearing, to any qualified applicant therefor,
16 authorizing the whole or any part of the operations covered by the application, if it is found that the applicant
17 is fit, willing, and able properly to perform the service proposed and to conform to the provisions of this
18 chapter and the requirements, orders, rules, and regulations of the administrator thereunder, ~~and that the~~
19 ~~proposed service, to the extent to be authorized by the certificate, is or will be required by the present or~~
20 ~~future public convenience and necessity;~~ otherwise the application shall be denied. Any certificate issued
21 under this chapter shall specify the service to be rendered, ~~and the routes over which, the fixed termini, if~~
22 ~~any, between which, if any, at which, and, in case of operations not over specified routes or between fixed~~
23 ~~termini, the points and places within which, or between which the motor carrier is authorized to operate;~~
24 ~~and there shall, at the time of the issuance and from time to time thereafter, be attached to the exercise of~~
25 ~~the privileges granted by the certificate such reasonable terms, conditions, and limitations as the public~~
26 ~~convenience and necessity may from time to time require; provided, however, that no terms, conditions, or~~

1 ~~limitations shall restrict the right of the carrier to add to his or her or its equipment and facilities, between~~
2 ~~which or within the territory specified in the certificate as the development of the business and the demands~~
3 ~~of the business shall require.~~ Certificates issued under this chapter shall be renewed before the close of
4 business on December 31 of each calendar year. The renewal fee shall be one hundred dollars (\$100) and
5 shall be submitted with the renewal form. All revenues received under this section shall be deposited as
6 general revenues. No certificate shall be issued to a common carrier by motor vehicle or, when issued, shall
7 remain in force authorizing the transportation of property over the publicly used highways of this state,
8 unless the rates and charges upon which the property is transported by the carrier shall have been published
9 in the tariff and filed with the administrator in accordance with this chapter.

10 SECTION ~~3230~~. Section 44-19-1 of the General Laws in Chapter 44-19 entitled “Sales and Use
11 Taxes – Enforcement and Collection” is hereby amended to read as follows:

12 **44-19-1. Annual permit required – Retail business subject to sales tax – Promotion of shows**
13 **– Revocation of show permit.**

14 (a)(1) Every person desiring to engage in or conduct within this state a business of making sales
15 at retail, or engage in a business of renting living quarters in any hotel, rooming house, or tourist camp,
16 the gross receipts from which sales or rental charges are required to be included in the measure of the tax
17 imposed under chapter 18 of this title, shall file with the tax administrator an application for a permit for
18 each place of business. The application shall be in a form, include information, and bear any signatures
19 that the tax administrator may require. At the time of making an application, the applicant shall pay to the
20 tax administrator a permit fee of ten dollars (\$10.00) for each permit. Every permit issued under this
21 chapter expires on June 30 of each year or at any other date as determined by the tax administrator.

22 (2) Every permit holder shall annually, on or before February 1 of each year, or at any other date
23 as determined by the tax administrator, renew its permit by filing an application for renewal along with a
24 ten dollar (\$10.00) renewal fee. The renewal permit is valid for the period July 1 of that calendar year
25 through June 30 of the subsequent calendar year, or for any other period as determined by the tax

1 administrator, unless otherwise canceled, suspended or revoked. All fees received under this section are
2 allocated to the tax administrator for enforcement and collection of all taxes.

3 (b) Every promoter of a show shall, at least ten (10) days prior to the opening of each show, file
4 with the tax administrator a notice stating the location and dates of the show, in a form prescribed by the
5 tax administrator.

6 (2) The tax administrator shall, within five (5) days after the receipt of that notice, issue to the
7 promoter, without charge, a permit to operate the show, unless the provisions of subdivision (5) of this
8 subsection have been applied to the promoter. No promoter may operate a show without obtaining the
9 permit. The permit shall be prominently displayed at the main entrance of the show.

10 (3) Any promoter who is a retailer shall comply with all of the provisions of this chapter and chapter
11 18 relating to retailers, in addition to all of the provisions of this chapter relating to promoters.

12 (4) A promoter may not permit any person to display or sell tangible personal property, services,
13 or food and drink at a show unless that person is registered under subsection (a) of this section and displays
14 his or her permit in accordance with the provisions of subsection (a) of this section.

15 (5) Any promoter who permits any person to display or sell tangible personal property, services, or
16 food and drink at a show who is not registered, or does not display a permit, or fails to keep a record or file
17 a monthly report of the name, address and permit number of every person whom the promoter permitted to
18 sell or display tangible personal property, services, or food and drink at a show, is subject to revocation of
19 all existing permits issued pursuant to this section to operate a show, and to the denial of a permit to operate
20 any show for a period of not more than two (2) years, in addition to the provisions of § 44-19-31.

21 **SECTION 3331. This Article Sections 1, 2, 3, 4, 5, 7, 8, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27,**
22 **28, 29, and 30 shall take effect upon passage.**

23 **Sections 6, 9, 10, 11, 12, 13, 14, 15, and 26 shall take effect January 1, 2019.**

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