



RHODE ISLAND MEDICAL SOCIETY

The 2021 Session of the Rhode Island General Assembly Report to the Membership of RIMS August 2021

New Rhode Island state laws relating to health and healthcare

Introduction The 2021 General Assembly session was a productive one for the Rhode Island Medical Society. Of particular note is the success of RIMS' bill establishing Harm Reduction Centers, the very first such law in the nation (see under "Controlled Substances" below). Several US municipalities have attempted to establish HRCs, but so far all such initiatives have fallen through. Other states too have contemplated the step, inspired by the positive experience of Portugal, Canada, the Netherlands, and several other countries, but Rhode Island is the first US state to pilot HRCs, and the mayor of Providence has already said he wants one in his city as soon as possible. It took the Medical Society just three years to push the bill through the legislature, aided by the sharp increase in overdose deaths in Rhode Island and across the nation over the past eighteen months.

Three years of research and lobbying were also behind the success of RIMS and its coalition partners in getting the General Assembly to enact a landmark colorectal screening bill (see under "Health Insurance Mandates" below). The gastroenterological community is thrilled with this legislative win.

Dermatology and RIMS worked together for fully seven years to give school children the right to possess and use sunscreen in school. This year the bill finally passed. (See under "Protecting Youth" below.)

Telemedicine was another area of major progress this year, propelled by the peculiar stimulus of the pandemic but now a permanent feature of the health care landscape. (See under "Health Insurance Mandates" below.)

RIMS members will note the recurrence of Senator Joshua Miller's name as a lead sponsor of legislation that resulted in seven of the new laws below. In appreciation of Senator Miller's leadership and the productive working relationship the Society has enjoyed with him for years, the Medical Society presented Senator Miller with its John Clarke Award for public service in 2019. (The Clarke Award is named for the physician co-founder of Rhode Island.)

What's in this report and how to find more information The Rhode Island Medical Society's Public Laws Committee (Michael Migliori, MD, Chair; Peter Karczmar, MD, Vice Chair) screened 2,499 pieces of legislation and selected 285 to track, monitor, and take positions on. Most bills had duplicate companion bills that were introduced in both chambers. This year's harvest of legislative bills yielded 212 new state laws, about ten percent of which bear on health and healthcare.

Below are thumbnail summaries of twenty-one such new laws in ten categories. At the end of each new law's entry is its Public Law (PL) number, or numbers in the case of companion bills. These numbers are the key to finding complete information about the laws, including each law's full text,

the names of the lawmakers who sponsored and co-sponsored the original bills, the original bill numbers, and the bill's legislative history. Entries with two or more Public Law numbers are the product of matching bills that were introduced in both the House and the Senate.

Researching details of any of the new laws listed below is easy. The first step is to note the law's Public Law number below, then go to www.rilin.state.ri.us, which brings you to "State of Rhode Island General Assembly." Clicking on "Legislative Information" there will bring up "2021 Legislative Session Information" and a long list of links. The fourteenth link down (sixth from the bottom) is "Public Laws." Clicking there will bring you straight to "The 2021 Public Laws List," which you can then sort three different ways: by Chapter Number (= Public Law number), by Bill Number, or by Subject. Click on "Chapter Number" to bring up a list of the 2021 Public Laws in their numerical order, then scroll to the number of the Public Law that interests you. Click on the "Chapter Number" (= Public Law number) in the left column, and the full text of the new law will appear along with other information about it.

CONTROLLED SUBSTANCES

PILOT PROGRAM FOR HARM REDUCTION CENTERS

Directs the Department of Health to establish "harm reduction centers." These centers, also known as "safe injection sites" or SIFs, are licensed, community-based resources for health screening, disease prevention and recovery assistance for all people who use drugs. HRCs also allow persons to safely consume, under medical supervision, controlled substances that they bring with them to the HRC. The Director of Health will be advised by a nine -member committee including **Elizabeth Samuels, MD**, representing RIMS, and **Rahul Vanjani, MD**, representing the RI Chapter of the American Society of Addiction Medicine.

RIMS authored this legislation, which is the first such law in the United States. It was inspired by facilities in several other countries. RIMS' Past President **Sarah Fessler MD**, spearheaded RIMS' advocacy.

Lead sponsors: Senator Joshua Miller, Representative John Edwards.

PL 185, 324

ILLEGAL POSSESSION DOWNGRADED TO "MISDEMEANOR" Possession of ten grams or less of controlled substances is now a misdemeanor, rather than a felony that would result in incarceration.

Lead sponsors: Senator Michael McCaffrey, Representative Scott Slater.

PL 286, 287

POSSESSION OF BUPRENORPHINE DECRIMINALIZED Decriminalizes the possession of buprenorphine.

Lead sponsors: Senator Joshua Miller, Representative John Edwards.

PI 100, 101

PDMP ACCESS FOR QUALITY IMPROVEMENT Allows medical directors/chief medical officers of medical practices to access the state's Prescription Drug Monitoring Program (PDMP) for purposes of quality improvement.

Peter Karczmar, MD, RIMS' Past President and RIMPAC Chair, brought the issue to RIMS' attention.

Lead sponsors: Senator Bridget Valverde, Representative Jacquelyn Baginski.

PL 90, 91

FIREARMS

A total of 60 bills relating to firearms were introduced this year, more than ever before in a single session.

PROHIBITION OF STRAW PURCHASES OF FIREARMS Makes it illegal to obtain, purchase, or transfer a firearm to any person who is prohibited from owning one. Penalties include fines and incarceration.

Lead sponsors: Senator Joshua Miller, Representative Jason Knight. (The bills were introduced at the request of Attorney General Peter Neronha.)

PL 339, 340

ANNUAL GUN CRIMES REPORT Requires the Attorney General to issue a yearly report of the total cases in which the Attorney General's Office charged someone with a firearm violation during the previous calendar year. The report must also include how each firearm case was adjudicated.

Lead sponsors: Senator Jessica de la Cruz, Representative Stephen Casey.

PL 261, 268

FIREARMS BANNED FROM SCHOOLS Prohibits carrying a firearm or other weapon on the grounds of a public or private elementary or secondary school, or on school-provided transportation. The law provides exceptions for "peace officers," contracted security services, retired law enforcement officers, and for educational programming.

Lead sponsors: Senate President Dominick Ruggerio, Representative Katherine Kazarian. (The bills were introduced at the request of the Governor, the Attorney General, the General Treasurer, and the Secretary of State.)

PL 338, 343

MEDICAL TRANSPORT AND CPR

TELECOMMUNICATOR CARDIOPULMONARY RESUSCITATION ("T-CPR") Requires the 911 Emergency Call Center to have at least one operator trained in telecommunicator cardiopulmonary resuscitation on duty at all times.

RIMS' President **Catherine Cummings, MD**; American College of Emergency Physicians (RI Chapter) President **Otis Warren, MD**; and **Joseph Lauro, MD, EMT** spearheaded the advocacy for this law.

Lead sponsors: Senator Maryellen Goodwin, Representative Mia Ackerman.

PL 82, 83

HEALTH INSURANCE MANDATES

TELEMEDICINE COVERAGE Codifies and makes permanent most provisions of Governor Raimondo's Executive Orders relating to telemedicine issued early in the Public Health Emergency of 2020. The new law redefines telemedicine to include synchronous audio, video, telephone-audio-only communications, mandates parity of reimbursement with in-person services for primary care and behavioral health, mandates RI Medicaid compliance with the new provisions, and prohibits insurers from imposing higher patient financial responsibility for telemedicine services than for in-person care.

The Office of the Health Insurance Commissioner (OHIC) assembled an advisory group made up of insurers, clinicians, employers and patient advocates in the fall of 2020 to hammer out amendments to

the existing telemedicine statute. RIMS was represented in OHIC's process by President-Elect **Elizabeth Lange, MD**, and Past President **Peter Hollmann, MD**.

Lead sponsors: Senator Joshua Miller, Representative Stephen Casey.
PL 184, 199

COLORECTAL CANCER SCREENING COVERAGE Requires insurance companies to cover preventive colorectal cancer screening, including screening colonoscopy as well as follow-up colonoscopy, if indicated. RIMS Past President and AMA Delegate **Alyn Adrain, MD**, provided testimony on this legislation in both chambers.

Lead sponsors: Senator Maryellen Goodwin, Representative Ackerman.

(Senate President Dominick Ruggerio renamed the law as The Maryellen Goodwin Colorectal Cancer Screening Act in honor of its Senate sponsor.)

PL 7, 8

PERINATAL DOULA SERVICES Requires all insurers to provide coverage for perinatal doula services effective 7/1/22.

Lead sponsors: Senator Ana Quezada, Representative Marcia Ranglin-Vassell.
PL 209, 321

GENDER DISCRIMINATION IN HEALTH INSURANCE PREMIUMS BANNED

Prohibits insurance companies from varying the premium rates charged for health coverage based on the gender of an individual policy holder, enrollee, subscriber, or member.

Lead sponsors: Senator Susan Sosnowski, Representative Katherine Kazarian.
PL 88, 89

PROTECTING HOSPITAL WORKERS

SAFETY VIOLATIONS ON HOSPITAL GROUNDS Requires all hospitals in Rhode Island to establish work place safety committees, institute safety training, and develop assault prevention and protection programs to protect workers in the hospital. Establishes procedures for employees and other hospital workers to file complaints with hospitals or the Department of Health regarding workplace safety violations (i.e., violations of law, regulation, or safety standards). The new law includes provisions for maintaining the confidentiality of complainants and prohibiting retaliation against them. The intent is to reduce assaults on hospital employees and other health care workers on hospital grounds. Takes effect January 15, 2022. (A 2001 law already makes it a felony to assault healthcare professionals or emergency medical services personnel.)

Lead sponsors: Senator Dominick Ruggerio and Representative Katherine Kazarian.
PL 330, 331

CLIMATE AND ENVIRONMENT

REDUCING GREENHOUSE GAS EMISSIONS Establishes a statewide greenhouse gas emission reduction mandate. Emissions are to be 45 percent below 1990 levels by 2030, 80 percent below by 2040, and net-zero by 2050. The Attorney General or any other Rhode Island resident or organization may file suit to enforce the law, which mandates research, education, planning, and periodic public reporting of relevant metrics.

RIMS' support for this legislation is consistent with clean environment and social determinates of health. (RIMS was the first state medical society to join the national Medical Society Consortium on Climate and Health, the "MSCCH.")

Lead sponsors: Senator Dawn Euer, Representative Lauren Carson.
PL 1, 2

SINGLE-USE PLASTIC STRAWS Food service establishments may not provide single-use plastic straws to a consumer unless the consumer requests one.

Lead sponsors: Senator Michael McCaffrey, Representative David Bennett
PL 202, 203

PRESCRIBERS' LICENSURE BOARDS

ADMINISTRATIVE ASSESSMENTS, FINES Amends the licensure statutes for all prescribers to allow licensees to be charged for administrative costs associated with potential disciplinary actions up to a defined limit. For physicians, the new law raises the limit from \$10,000 to \$30,000. (This represents the first increase in the cap on administrative costs since the creation of the current Board of Medical Licensure and Discipline in 1986.)

The bill also permits all prescribers' licensing boards to levy fines.

Lead sponsors: Senator Joshua Miller, Representative Debora Fellela.
PL 396, 397

PROTECTING YOUTH

PERMITTING PUPILS TO POSSESS AND USE SUNSCREEN IN SCHOOLS Allows students in public schools to possess and use sunscreen. Children in K-5 would require written permission from parent or guardian. RIMS member and RI Dermatology Society President **Kathleen Carney Godley, MD**, worked with RIMS and the American Cancer Society for seven years to get this law enacted.

Lead sponsors: Senator Joshua Miller, Representative David Bennett.
PL 311, 312

CONFIDENTIALITY OF HEALTH CARE INFORMATION Requires insurers to protect patients' privacy by accommodating where their EOB (Explanation of Benefits) is sent. Physician practices must educate their staff about the law and make available hard-copy versions of the standardized confidential communications request form as provided by the insurers. The principal intent is to protect juveniles and sexual and gender minorities.

Lead sponsors: Senator Gayle Goldin, Representative Susan Donovan.
PL 212, 213

SUICIDE PREVENTION Requires all public school districts to adopt suicide prevention policies and train all school personnel in suicide awareness and prevention on an annual basis.

Lead sponsors: Senator James Seveney, Representative Terri Cortvriend.

EXPANDING HEALTH INFORMATION EXCHANGE

SWITCHING FROM OPT-IN TO OPT-OUT Amends the Health Information Exchange Act of 2008 (a.k.a. Current Care) reversing the procedure by which the database is populated with patient data. Instead of asking patients to opt into the database, the Health Information Exchange will import patient data automatically unless the patient opts out. RIMS Past President **Peter Hollmann, MD**, served as the Society's expert advisor on this legislation.

Lead sponsors: Senator Joshua Miller, Representative Susan Donovan.
PL 362, 364

PHARMACISTS

PERMITTING PHARMACISTS TO ADMINISTER ADULT MEDICATIONS Amends the pharmacy practice act to allow pharmacists to administer adult medications pursuant to a valid prescription and/or a physician-approved protocol.

Lead sponsors: Senator Bridget Valverde, Representative Carol McEntee.
PL 357, 358