



Rhode Island Academy of  
**PHYSICIAN  
ASSISTANTS**

February 25, 2021

The Honorable Stephen w. Casey  
Chair,  
House Committee on Health and Human Services  
State House  
82 Smith St.  
Providence, R.I. 02903

Delivered electronically: [HouseHealthandHumanServices@rilegislature.gov](mailto:HouseHealthandHumanServices@rilegislature.gov)

Re: Testimony on H-5162  
An Act Relating to Businesses and Professions - Physician assistants  
Position: Support

Dear Chairman Casey and Committee Members:

On behalf of the Rhode Island Academy of Physician Assistants (RIAPA), the professional organization representing over 700 PAs licensed in the State of Rhode Island, we respectfully submit these written comments in support of H-5162. This bill will amend the PA practice act (RIGL 5-54) to clarify existing language and add a provision prohibiting non-compete clauses in PA employment contracts. In addition, it will amend RIGL 16-91 the School and Youth Programs Concussion Act and RIGL 16-91.1 the Sudden Cardiac Arrest Prevention Act to permit PAs and nurse practitioners (NPs) to evaluate and provide clearance for student athletes to return to participation.

The purpose of the changes to §5-54.2 (5) is to establish specific definitions for “physician group practice” and “healthcare facilities” by referencing existing statutory definitions and to emphasize the role of physicians in determining the degree of collaboration.

The proposed amendment to §5-54-28, Participation in charitable and voluntary care, is needed to correct an omission in drafting of the 2019 amendment that created this section. **The proposed amending language will add**, “...without a collaborating physician as it is defined in this section of law or with such collaborating physicians as may be available.” This section was added to address an issue unique to PAs. That is the requirement that PAs may only practice with a collaborating physician. PAs are the only health professionals that require a collaborating physician in order to volunteer to provide care at a children's summer camp, or public or community event. Registered nurses, nurse practitioners, EMTs, and athletic trainers, to name a few, do not have a requirement for physician involvement. In these situations, the care provided by PAs would be no more than that provided by any of these other professionals so why should PAs be requires to have physician collaboration?

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The proposed new section, § 5-54-29, **Restrictive covenants**, will give PAs the same protections afforded physicians by prohibiting certain restrictions in employment contracts including:

- “The right to practice in any geographic area for any period of time after the termination of such partnership, employment, or professional relationship”
- “The right of such physician assistant to provide treatment, advise, consult with or establish a professional relationship with any current patient of the employer”
- “The right of such physician assistant to solicit or seek to establish a professional relationship with any current patient of the employer.”

The proposed amendments to RIGL §16-91 the School and Youth Programs Concussion Act and RIGL §16-91.1 the Sudden Cardiac Arrest Prevention Act will improve access to care for student athletes by allowing PAs and NPs to evaluate and clear student athletes removed from participation to return to participation. Every day PAs and NPs evaluate, diagnose and treat patients suffering any number of acute and chronic medical conditions. To have a statute, in the case of the Concussion Act, that singles out a specific condition that these professionals can't treat just doesn't make sense especially in light of the fact that the Sudden Cardiac Arrest allows NPs but not PAs to evaluate and clear.

Rhode Island clearly has lagged behind the rest of the country in removing this barrier to care. According to the 21019 Summary Matrix of State Laws Addressing Concussions in Youth Sports<sup>1</sup> from The National Network for Public Health Law, Rhode Island is one of only four states that require the **clearance to return to participation be provided by a physician. Forty-five states allow PAs and NPs as well as physicians to provide clearance. One state, Wyoming, has no requirement for medical clearance.**

Thank you for your consideration.

Respectfully,  
James Carney

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<sup>1</sup> The National Network for Public Health Law, *Summary Matrix of State Laws Addressing Concussions in Youth Sports*. <https://www.networkforphl.org/wp-content/uploads/2019/11/Summary-of-State-Laws-Addressing-Concussions-in-Youth-Sports-5-28-19.pdf>. (accessed 23 February 2021)