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ACLU OF RI POSITION: AMEND

TESTIMONY ON 26-H 7935, RELATING TO BUSINESSES AND PROFESSIONS -- PHYSICIAN ASSISTANTS April 14, 2026

This bill makes numerous changes to the laws governing the licensing of physician assistants. The ACLU of Rhode Island has no position on these various revisions, except for one. That involves a new requirement on Page 5, lines 3-5, that “candidates for initial licensure and licensure renewal shall complete a criminal history records check. The board shall promulgate rules and regulations to fulfill this requirement.”

The ACLU has long expressed concerns about the over-reliance on criminal record checks in the professional licensing context, but we are additionally concerned about the lack of any specifics at all in this bill about how this criminal records check would be undertaken and how the information obtained from it would be used. Instead, it would be left up to the total discretion of the licensing board.¹

Other state licensing laws establish privacy protections at the outset, limiting the information that the employing agency is given about a person’s past history when a background check is done and the types of records that can be considered. The bill also makes no reference to the state’s “fair chance licensing” law, which ensures that an individual cannot be disqualified from licensure solely or in part because of their criminal record unless the crime relates directly to the occupation being sought. Such protections are critical to avoid the use of information which is outdated or irrelevant to the position being sought, and which can inappropriately bar otherwise qualified individuals from seeking occupational and professional licenses. While a statute need not go into every detail, some safeguards should be codified into the law to provide some guardrails to guide the administering agency’s implementation and to prevent misuse of criminal record checks when required for a license.

In conclusion, we would urge the deletion of the criminal record check requirement contained in the bill. Thorough reference checks can obtain a lot more relevant and useful information about a potential licensee than reliance on a criminal record check. But if such checks are to be conducted, we believe some basic statutory protections such as those cited above should be included as well.

Thank you for your consideration of our views.

¹ To the best of our knowledge, aspiring physicians themselves are not forced to undergo a criminal records check except under specific circumstances, such as when applying for a license under the interstate medical licensure compact or when seeking employment in certain healthcare settings.