RHODE ISLAND: Summary of Fraud and Abuse Statutes and Regulations

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1) ANTI-KICKBACK & PROHIBITIONS ON FEE SPLITTING

It is unlawful for any person to intentionally “[s]olicit, receive, offer, or pay any remuneration, including any kickback, bribe, or rebate, directly or indirectly, in cash or in kind, to induce referrals from or to any person in return for furnishing of services or merchandise or in return for referring an individual to a person for the furnishing of any services or merchandise for which payment may be made, in whole or in part, under the Rhode Island Medicaid program.” In any prosecution under this subsection, the state is not required to prove that the remuneration returned was taken from any particular expenditure made by a person. Violators of this prohibition may be barred or suspended from participation in the Medicaid program and face civil and/or criminal penalties in accordance with R.I. Gen. Laws §§ 40-8.2-5, 6, 10, 11, and 12.

**R.I. Gen. Laws §§ 5-48.1 et seq.) —Patient Protection Act (All Payor Provision)**

**R.I. Gen Laws § 5-48.1-3—Legislative Findings**
In order to protect the health, safety and welfare of all residents Rhode Island, it is deemed appropriate to adopt the standards prescribed in 42 U.S.C. § 1320a-7b as applicable to the delivery of all health care services and items in this state, including services reimbursed by private payors.

With some exceptions, it is unlawful for anyone to knowingly and willfully solicit or receive, or offer or pay, any remuneration (including any kickback, bribe, or rebate): (1) in return for referring, or to induce someone to refer, an individual to a person for the furnishing, or arranging for the furnishing, of any health care service or item; or (2) in
return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering, any health care good, facility, service, or item or to induce someone to do so. Violators are guilty of a misdemeanor and are subject to a fine of up to $1,000, or one year in prison, or both. Notably, this prohibition does not apply to a discount or other reduction in price on a health care item or a limited-time free supply of such item which is made available to an individual, if such item is provided through a “point of sale” or “mail-in” coupon or through other similar means.

In addition to any penalties imposed for violations of Section 5-48.1-3, noncompliance with Chapter 5-48.1 (the Patient Protection Act) constitutes grounds to revoke or suspend the license of, or discipline, a licensed health care provider or deny an application for licensure.

R.I. Gen. Laws § 5-48.1-4—Adoption of Regulations
Regulations adopted by the Secretary of the U.S. Department of Health and Human Services specifying payment practices that are not criminal offenses under Section 1128B(b) of the Social Security Act (Act), 42 U.S.C. §1320a-7b(b), and do not serve as a basis for exclusion under Section 1128(b)(7) of that Act, 42 U.S.C. § 1320a-7(b)(7), are deemed regulations of Rhode Island governing practices exempt from Section 5-48.1-3.

Chiropractors R.I. Gen. Laws § 5-30-16 —Fee Splitting
It is unlawful for a chiropractic physician to “directly or indirectly receive payment, reimbursement, compensation, or fee for a referral to any clinical laboratory.” Violations are misdemeanors, punishable by one year in prison or a fine of up to $500 or both.

Physicians R.I. Gen. Laws § 5-37-21—Fee Splitting
It is unlawful for a physician to “directly or indirectly receive payment, reimbursement, compensation, or fee for a referral to any clinical laboratory.” Violations are misdemeanors, punishable by one year in prison or a fine of up to $500 or both.

R.I. Gen. Laws § 5-37-5.1—Physician Unprofessional Conduct
“Unprofessional conduct” subject to disciplinary action by the Board of Medical Licensure and Discipline (BMLD) includes: (1) dividing fees or agreeing to split or divide fees received for professional services for any person bringing or referring a patient; and (2) agreeing with laboratories to accept payments for tests for patients.

216 RICR 40-05-1.5.9—Unprofessional Conduct
The Director of the State Department of Health (Director of Health) may deny or revoke a license to practice allopathic or osteopathic medicine or otherwise discipline a licensee for unprofessional conduct, including items listed in R.I. Gen. Laws § 5-37-5.1.
R.I. Gen. Laws § 23-17-23—Hospital Disciplinary Powers for Physicians
Hospitals are authorized to suspend, deny, revoke, or curtail the staff privileges of any staff member for good cause that must include the grounds specified in Section 5-37-5.1 for "unprofessional conduct" following procedures outlined by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO). Such actions must be reported to BMLD.

Physician Assistants R.I. Gen. Laws § 5-54-2(11)—Physician Assistant Unprofessional Conduct
"Unprofessional conduct" by a physician assistant (PA) includes: (1) promotion of the sale of drugs, devices, appliances, or goods or services for financial gain; (2) willfully making and filing false reports or records; or (3) willful omission to file or record or willfully impeding or obstructing a filing or recording medical or other reports as required by law; and (4) agreeing with clinical or bio-analytical laboratories to accept payments from these laboratories for individual tests or test series for patients.

R.I. Gen. Laws § 5-54-12—Licensure and Discipline of Physician Assistants
The Director of Health may refuse to grant, refuse to renew, suspend or revoke any license and/or certification, or otherwise discipline a licensee for unprofessional conduct, including items listed in R.I. Gen. Laws § 5-35.1-18.

Optometrists R.I. Gen. Laws § 5-35.1-18—Optometrist Unprofessional Conduct
Any person guilty of unprofessional conduct or conduct of a character likely to deceive or defraud the public is subject to discipline. "Unprofessional conduct" includes: (1) practicing optometry under any oral or written contract, arrangement, or understanding where anyone, not licensed to practice optometry in this state shares, directly or indirectly, in any fees received by that licensed optometrist; and (2) obtaining of any fee by fraud or willful misrepresentation of any kind whether from a patient or insurance plan.

216 RICR 40-05-20.4.8—Licensure and Discipline of Optometrists
The Director of Health may refuse to grant, refuse to renew, suspend or revoke any license and/or certification, or otherwise discipline a licensee for unprofessional conduct, including items listed in R.I. Gen. Laws § 5-35.1-18.

Unprofessional Conduct, Licensure and Discipline of Podiatrists
R.I. Gen. Laws §§ 5-29-16; 216 RICR 40-05-9.3.9
The Division of Professional Regulation may suspend or revoke the license of any podiatrist, after due notice and hearing, if the licensee is found guilty of any fraud or deception committed in obtaining such license; and/or guilty of gross unprofessional conduct or conduct of a character likely to deceive or defraud the public. Unprofessional conduct includes: (1) division of fees or agreeing to split or divide fees received for professional services for any person for bringing to or referring a patient; or (2) agreeing with clinical or bio-analytical laboratories to accept payments from those laboratories for individual tests or test series for patients, or agreeing with podiatry laboratories to accept payment from those laboratories for work referred.
Veterinarians R.I. Admin. Code 31-5-6:8.0—Licensure and Discipline
The State Department of Health (DOH) is authorized to deny, revoke or suspend any license issued under the statutory and regulatory provisions herein or otherwise discipline a licensee upon proof that the veterinarian engaged in fee splitting or kickbacks of any kind, except where services are provided jointly.

Clinical Laboratory Service Practitioners R.I. Gen. Laws § 23-16.2-5.1—Commissions, Rebates, and Fees*
With some exceptions, it is unlawful for any purveyor of clinical laboratory services, directly or indirectly, through any person, firm, corporation, or association, or its officers or agents, to bill or receive payment, reimbursement, compensation, or fee from any person other than the recipient of the services, the recipient being the person upon whom the clinical services have been or will be rendered. Further, clinical laboratories are prohibited from: (1) offering or giving a commission, rebate, or other fee, directly or indirectly, to any person as consideration for the referral of a specimen derived from a human body to a clinical laboratory for examination by the laboratory; or (2) soliciting or accepting a commission, rebate, or other fee, directly or indirectly, from any person as consideration for the referral of a specimen derived from the human body to a clinical laboratory for examination by the laboratory. *A bill (HB 7421) was introduced on February 2, 2018 that would permit clinical laboratory services to bill or receive payment from persons other than the patient.

R.I. Gen. Laws § 23-16.2-13—Licensure and Discipline of Clinical Laboratory Service Practitioners
The Clinical Laboratory Science Board may recommend disciplinary action for licensees who violate R.I. Gen. Laws § 23-16.2-5.1, including revocation or suspension of licensure, and any person who commits a violation of this chapter shall be guilty of a misdemeanor and punished by a fine of not more than five hundred dollars ($500) or imprisonment for a term of not more than one year, or both.

Miscellaneous R.I. Gen. Laws § 23-17-53—Hospitals
A hospital may not "refuse or fail to grant or renew medical staff membership or staff privileges, or condition or otherwise limit or restrict medical staff membership or staff privileges, based in whole or in part on the fact that the physician or a partner, associate, or employee of the physician is providing medical or health care services at a different hospital, hospital system, or on behalf of a health plan."

R.I. Gen. Laws § 23-74-4(10)—Unlicensed Professionals and Fee Splits
The Director of Health may impose disciplinary action against any unlicensed health care practitioner for "splitting fees or promising to pay a portion of a fee to any other professional other than for services rendered by the other professional to the unlicensed health care client."
2) PROHIBITIONS ON SELF-REFERRAL

R.I. Gen. Laws § 23-17-46; 216 RICR 40-10-4.6—Disclosure from Health Care Facility
Any licensed health care facility when making a referral to another licensed health care facility, residential care/assisted living facility, or adult day care program in which the referring entity has a financial interest must, in writing, at the time of the referral, disclose: (1) the financial interest; (2) that the client has the option of seeking care from a different facility or provider licensed/certified by the state to provide similar services; and (3) also offer a written list of alternative facilities or providers prepared by DOH. Noncompliance with this requirement constitutes grounds to revoke, suspend, or otherwise discipline the licensee or to deny an application for licensure by the Director of Health, or may result in imposition of an administrative penalty.

R.I. Gen. Laws § 23-17.4-33 and 216 RICR 40-10-2.4.4—Disclosure from Licensed Assisted Living Residence
Any licensed assisted living residence that refers clients to any licensed health care facility, to another licensed assisted living residence, or to a certified adult day care program in which the referring entity has a financial interest must, in writing, at the time of the referral, disclose: (1) the financial interest; (2) that the client has the option of seeking care from a different facility or provider licensed/certified by the state to provide similar services; and (3) also offer a written list of alternative facilities or providers prepared by DOH. Noncompliance with this requirement constitutes grounds to revoke, suspend, or otherwise discipline the licensee or to deny an application for licensure by the Director of Health, or may result in imposition of an administrative penalty.

R.I. Gen. Laws § 5-37-22(e)—Disclosure from Physician
A physician with an ownership interest in health facilities, laboratories, or any equipment not on the physician’s premises must make full written patient disclosure of the physician’s ownership interest in the facility or therapy prior to utilization, including a statement that the patient has free choice to seek the needed medical services elsewhere.

R.I. Gen. Laws § 5-37-22(f)—Disclosure from Physician Regarding Interest in Physical Therapy Services
Physicians who make referrals for physical therapy services must provide notice of their interest if employees or independent contractors of the physician provide the services or if the physician has an ownership interest in the entity.

R.I. Gen. Laws § 5-40-13(c)—Exception for Physical Therapists Who Are Employees of Physicians/Physician Groups
Licensed physical therapists who are bona fide employees or independent contractors of a physician or physician group or are co-owners of a physical therapy practice with a physician group, are not deemed to be engaging in conduct that is grounds for discipline solely by virtue of that relationship or of the provision of such services pursuant to a referral from the employing or contracting physician or physician group.
216 RICR 20-10-1.4—Dept. of Health Rules and Regulations Pertaining to Permits for Screening Programs
No licensed physician or clinical laboratory shall make any referral that would violate the provisions of Sections 23-16.2-5.1 or 5-37-21 of the R.I. Gen. Laws, as amended, or any other relevant provisions of the law.

R.I. Gen. Laws § 42-66-17 and 216 RICR 40-10-17.4E—Disclosure from Adult Day Care Program
Any adult day care program licensed pursuant to R.I. Gen. Laws Chapter 23-17 that refers participants to any health care facility, to an assisted living residence licensed pursuant, or to an adult day care program in which the referring entity has a financial interest shall, at the time of making a referral, disclose and document that the following information was provided to the participant: (1) that the referring entity has a financial interest in the facility or provider to which the referral is being made; and (2) that the patient/client has the option of seeking care from a different facility or provider also licensed and/or certified by the state to provide similar services to the patient/client. The referring entity also shall offer the client/resident a written list prepared by DOH of all such alternative licensed and/or certified facilities or providers.

R.I. Admin. Code 31-4-8:18.0—Disclosure from Nursing Facilities
Any health care facility licensed pursuant to R.I. Gen. Laws Chapter 23-17 that refers clients/residents to another such licensed nursing facility, to a licensed assisted living facility supported care home, or to a certified adult day care program in which the referring entity has a financial interest shall, at the time of making a referral, disclose in writing the following information to the client/resident: (1) that the referring entity has a financial interest in the nursing facility or provider to which the referral is being made; and (2) that the client/resident has the option of seeking care from a different nursing facility or provider also licensed and/or certified by the state to provide similar services to the client/resident. The referring entity also shall offer the client/resident a written list prepared by DOH of all such alternative licensed and/or certified facilities or providers.

216 RICR 40-10-17.4—Disclosure from Home Nursing Care and Home Care Providers
Any health care facility licensed pursuant to R.I. Gen. Laws Chapter 23-17 that refers clients/patients to another such licensed health care facility, residential care/assisted living facility, or certified adult day care program in which the referring entity has a financial interest shall, at the time of making a referral, disclose in writing the following information to the client/patient: (1) that the referring entity has a financial interest in the facility or provider to which the referral is being made; and (2) that the patient/client has the option of seeking care from a different facility or provider also licensed and/or certified by the state to provide similar services to the patient/client. The referring entity also shall offer the client/resident a written list prepared by DOH of all such alternative licensed and/or certified facilities or providers.
3) FALSE CLAIMS/FRAUD & ABUSE

Rhode Island False Claims Act R.I. Gen. Laws § 9-1.1-3—State False Claims Act Liability*
Any person who: (1) knowingly presents, or causes to be presented, to an officer or state employee or a member of the guard, a false or fraudulent claim for payment or approval; (2) knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the state; (3) conspires to defraud the state by getting a false or fraudulent claim allowed or paid; (4) has possession, custody, or control of property or money used, or to be used, by the state and, intending to defraud the state or willfully to conceal the property, delivers, or causes to be delivered, less property than the amount for which the person receives a certificate or receipt; (5) is authorized to make or deliver a document certifying receipt of property used, or to be used, by the state and, intending to defraud the state, makes or delivers the receipt without completely knowing that the information on the receipt is true; (6) knowingly buys, or receives as a pledge of an obligation or debt, public property from a state officer or employee, or a member of the guard, who lawfully may not sell or pledge the property; or (7) knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the state, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the state; is liable to the state for a civil penalty of not less than $5,500 and not more than $11,000, plus three times the amount of damages the state sustains because of the act of that person. In addition, such a person also will be liable for the costs of a civil action brought to recover any such penalty or damages.

“Knowing” and “knowingly” means that a person with respect to information:
(1) Has actual knowledge of the information;
(2) Acts in deliberate ignorance of the truth or falsity of the information;
(3) Acts in reckless disregard of the truth or falsity of the information; and
(4) Requires no proof of specific intent to defraud.
* A bill (HB 7540) was introduced on February 9, 2018 that would change the penalties for violations of the act.

R.I. Gen. Laws § 9-1.1-4(a)—Civil Actions for False Claims
The Attorney General (AG) or a municipality is responsible for investigating and bringing civil actions for violations of the State False Claims Act (FCA).

R.I. Gen. Laws § 9-1.1-4(b)—Civil Actions by Private Persons/State Intervention
A private person may bring a civil action in the name of the state for violations of the state FCA, and only the consent of the AG and the court may dismiss such action. Once a private person brings an action under this subsection, no person other than the state may intervene or bring a related action based on the facts underlying the pending action.
A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses must be served on the state upon the AG. The complaint must be filed in camera and will remain under seal for at least 60 days, and will not be served on the defendant until the court so orders. The state may elect to intervene and proceed with the action within 60 days after it receives both the complaint and the material evidence and information.

The state may, for good cause shown, move the court to extend the time period the complaint remains under seal under the previous paragraph. Affidavits or other submissions in camera may support such motions. The defendant shall not be required to respond to a complaint until 20 days after the complaint is unsealed and served upon the defendant.

Before the expiration of the 60-day period or the period the complaint is under seal is extended, the state must: (1) proceed with the action and assume control of the action; or (2) notify the court that it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action.

**R.I. Gen. Laws § 9-1.1-4(c)—Rights of the Parties to Qui Tam Actions**

If the state proceeds with the action, it shall have the primary responsibility for prosecuting the action, and shall not be bound by an act of the person bringing the action. Such person shall have the right to continue as a party to the action.

The state may dismiss the action, notwithstanding the objections of the person initiating the action, if the state notifies the person of the filing of the motion, and the court provides the person with an opportunity for a hearing on the motion.

The state may settle the action with the defendant notwithstanding the objections of the person initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, such hearing may be held in camera.

Upon a showing by the state that unrestricted participation during the course of the litigation by the person initiating the action would interfere with or unduly delay the state's prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose certain limitations on the person's participation, e.g., limit the number of witnesses the person may call. Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.

If the state elects not to proceed with the action, the person who initiated the action shall have the right to conduct the action. If the state requests, it must be served with copies of all pleadings filed in the action and must be supplied with copies of all deposition transcripts (at the state's expense). When a person proceeds with the action, the court,
without limiting the status and rights of the person initiating the action, may nevertheless permit the state to intervene at a later date upon a showing of good cause.

Whether or not the state proceeds with the action, upon a showing by the state that certain actions of discovery by the person initiating the action would interfere with the state's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than 60 days. Such a showing must be conducted in camera. The court may extend the 60-day period upon a further showing in camera that the state has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

The state may elect to pursue its claim through any alternate remedy available to the state, including any administrative proceeding to determine a civil money penalty. If the state pursues an alternate remedy in another proceeding, the person initiating the action must have the same rights in such proceeding as such person would have had if the action had continued under this section. Any finding of fact or conclusion of law made in such other proceeding that has become final must be conclusive on all parties to an action under this section. A finding or conclusion is final if finally determined on appeal to the appropriate court, if all time for filing such an appeal with respect to the finding or conclusion expired, or if the finding or conclusion is not subject to judicial review.

**R.I. Gen. Laws § 9-1.1-4(d)—Award to Qui Tam Plaintiff**

If the state proceeds with an action brought by a person under R.I. Gen. Laws § 9-1.1-4(b), such person shall receive at least 15% but not more than 25% of the proceeds of the action or settlement of the claim, depending on the extent to which the person substantially contributed to the prosecution of the action. If the court finds that the action was based primarily on disclosures of specific information (other than information provided by the person bringing the action) relating to allegations or transactions in a criminal, civil, or administrative hearing, in a legislative, administrative, or auditor general's report, hearing, audit, or investigation, or from the news media, the court may award such sums as it considers appropriate, but in no case more than 10% of the proceeds, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation. Any payment to a person must be made from the proceeds. Any such person also must be compensated for reasonable and necessary expenses the court determines were incurred, plus reasonable attorneys' fees and costs. The state also must receive an amount for reasonable and necessary expenses, including reasonable attorneys' fees and costs as determined by the court. The amount received by the state must be deposited in the FCA fund created under this chapter. All such expenses, fees, and costs must be awarded against the defendant.

If the state does not proceed with an action, the person bringing the action or settling the claim must receive an amount the court decides is reasonable for collecting the civil penalty and damages. The amount must not be less than 25% and not more than 30% of the proceeds of the action or settlement and must be paid out of such proceeds.
Such person also must receive an amount for reasonable expenses the court finds to have been necessarily incurred, plus reasonable attorneys’ fees and costs. All such expenses, fees, and costs must be awarded against the defendant.

If the court finds that the person who planned and initiated the violation brought the action, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action the person would otherwise receive, taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from the person’s role in the violation of Section 9-1.1-3, that person must be dismissed from the civil action and must not receive any share of the proceeds of the action. Such dismissal will not prejudice the right of the state to continue the action.

If the state does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant reasonable attorneys’ fees and expenses if the defendant prevails in the action, and the court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

**R.I. Gen. Laws § 9-1.1-4(e)—Certain Actions Barred**

(1) No court shall have jurisdiction over an action brought by a former or present member of the guard under subsection 9-1.1-4(b) (a private action) against a member of the guard arising out of such person’s service in the guard;

(2) No court shall have jurisdiction over a private action against the governor, lieutenant governor, the AG, general assembly members, a judiciary member, the treasurer, secretary of state, the auditor general, any director of a state agency, and any other individual appointed to office by the governor if the action is based on evidence or information known to the state when the action was brought;

(3) A private action based on allegations or transactions which are the subject of a civil suit or an administrative civil money penalty proceeding in which the state is already a party is not permitted; and

(4) A court must dismiss an action or claim under this section, unless opposed by the state, if substantially the same allegations or transactions as alleged in the action or claim were publically disclosed: (a) in a state criminal, civil, or administrative hearing, in which the state or its agents is a party; (b) in a legislative, auditor general's, or other state report, hearing, audit, or investigation; or (c) from the news media, unless the AG brings the action, or the person bringing the action is an original source of the information. “Original source” means an individual who either: (a) prior to a public disclosure, has voluntarily disclosed to the state the information on which the allegations or transactions in a claim are based; or (b) has knowledge independent of and materially adding to the publicly disclosed allegations or transaction, and has voluntarily provided the information to the state before filing an action.
**R.I. Gen. Laws § 9-1.1-4(g)–(h)—Whistleblower Protection**

Any employee, contractor, agent, or associated others discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee, contractor, agent, or associated others in furtherance of a civil action brought pursuant to the state FCA, or other efforts to stop one or more violations of the state FCA, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed, is entitled to all relief necessary to make such person whole. Relief must include reinstatement with the same seniority status such employee, contractor, agent, or associated others would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees. An employee, contractor, agent, or associated others may bring an action in the appropriate superior court for this relief. A civil action under this subsection may not be brought more than three years after the date when the retaliation occurred.

**The Rhode Island Medical Assistance Fraud Law (R.I. Gen. Laws §§ 40-8.2-1 et seq.)**

**R.I. Gen. Laws § 40-8.2-3(a)—Prohibited Acts**

With respect to the state Medicaid program, it is unlawful for any person to intentionally:

(1) Present or cause to be presented for preauthorization or payment to the state Medicaid program:
   (i) Any materially false or fraudulent claim or cost report for the furnishing of services or merchandise;
   (ii) Any claim or cost report for medically unnecessary services or merchandise;
   (iii) Submit or cause to be submitted materially false or fraudulent information, for the intentional purpose(s) of obtaining greater compensation than that to which the provider is legally entitled for the furnishing of services or merchandise;
   (iv) Submit or cause to be submitted materially false information for the purpose of obtaining authorization for furnishing services or merchandise; or
   (v) Submit or cause to be submitted any claim, cost report, or other document which fails to make full disclosure of material information;

(2) (See also provisions cited in "ANTI-KICKBACK & PROHIBITIONS ON FEE SPLITTING" section above).

(3) Submit or cause to be submitted a duplicate claim for services, supplies, or merchandise to the state Medicaid program for which the provider has already received or claimed reimbursement from any source, unless the duplicate claim is filed:
   (i) For payment of more than one type of service or merchandise furnished or rendered to a recipient for which the use of more than one type of claim is necessary;
   (ii) Because of a lack of a response from or a request by the state Medicaid program; provided, however, in such instance the provider will clearly identify a duplicate claim as such, in writing; or
Simultaneous with a claim submission to another source of payment when the provider has knowledge that the other payer will not pay the claim;

Submit or cause to be submitted to the state Medicaid program a claim for service or merchandise not rendered to a recipient;

Submit or cause to be submitted to the state Medicaid program a claim for services or merchandise, including costs or charges not related to the provision or rendering of services or merchandise to the recipient;

Submit or cause to be submitted a claim or refer a recipient to a person for services or merchandise under the state Medicaid program which are intentionally not documented in the provider's record and/or are medically unnecessary as defined by § 40-8.2-2(7);

Submit or cause to be submitted to the state Medicaid program a claim which materially misrepresents:

(i) The description of services or merchandise rendered or provided to a recipient;
(ii) The cost of the services or merchandise rendered or provided to a recipient;
(iii) The dates services or merchandise were rendered or provided to a recipient;
(iv) The identity of the recipient(s) of the services or merchandise; or
(v) The identity of the attending, prescribing, or referring practitioner or the identity of the actual provider;

Submit a claim for reimbursement to the state Medicaid program for service(s) or merchandise at a fee or charge which exceeds the provider's lowest fee or charge for the provision of the service or merchandise to the general public;

Submit or cause to be submitted to the state Medicaid program a claim for a service or merchandise not rendered by the provider, unless the claim is submitted on behalf of:

(i) A bona fide provider employee of such provider;
(ii) An affiliated provider entity owned or controlled by the provider; or
(iii) A provider by a third party billing service under a written agreement with the provider, and the claims are submitted in a manner which does not otherwise violate the provisions of the Rhode Island Medical Assistance Fraud Law;

Render or provide services or merchandise under the state Medicaid program unless otherwise authorized by regulations of the state Medicaid program without a provider's written order and the recipient's consent, or submit or cause to be submitted a claim for services or merchandise, except in emergency situations or when the recipient is a minor or incompetent to give consent. The type of consent required hereunder can include verbal acquiescence of the recipient and need not require a signed consent form or the recipient's signature, except where otherwise required by state Medicaid program regulations;

Charge any recipient or person acting on behalf of a recipient, money or other consideration in addition to, or in excess of the rates of remuneration established under the state Medicaid program.

Enter into an agreement, combination, or conspiracy with any party other than the state Medicaid program to obtain or aid another to obtain reimbursement or payments from the state Medicaid program to which the person, recipient, or provider seeking reimbursement or payment is not entitled;
(13) Make a material false statement in the application for enrollment as a provider under the state Medicaid program;
(14) Refuse to provide representatives of the Medicaid Fraud Control Unit (MFCU) upon reasonable request, access to information and data pertaining to services or merchandise rendered to eligible recipients, and/or former recipients while recipients under the state Medicaid program;
(15) Obtain any monies by false pretenses through the use of any artifice, scheme, or design prohibited by this section;
(16) Seek or obtain employment with or as a provider after having actual or constructive knowledge of a then-existing exclusion issued under the authority of 42 U.S.C. § 1320a-7;
(17) Grant or offer to grant employment in violation of a then-existing exclusion issued under the authority of 42 U.S.C. § 1320a-7, having actual or constructive knowledge of the existence of such exclusion; or
(18) File a false document to gain employment in a Medicaid-funded facility or with a provider.

**R.I. Gen. Laws § 40-8.2-3(b)—Penalties**
A provider or person who violates any provision of subsection (a), except subsection (a)(14), (a)(16), or (a)(18), is guilty of a felony for each violation, punishable by up to ten years in prison and/or a fine of up to $10,000.

A provider or person who violates the provisions of subsection (a)(14), (a)(16), or (a)(18), is guilty of a misdemeanor for each violation and, punishable by a fine of up to $500. The same penalties apply to any provider who knowingly and willfully participates in any offense either as a principal or as an accessory or conspirator.

**R.I. Gen. Laws § 40-8.2-3(c)—Exceptions**
The provisions contained in R.I. Gen. Laws § 40-8.2-3(a)(2) do not apply to:
(1) A discount or other reduction in price obtained by a person or provider of services or merchandise under the state Medicaid program, if the costs claimed or charges made by the person or provider under the state Medicaid program properly disclose and appropriately reflect the reduction in price;
(2) Any amount paid by an employer to an employee, who has a bona fide employment relationship with the employer, for employment in the provision of covered services or merchandise furnished under the state Medicaid program; or
(3) Any amounts paid by a vendor of services or merchandise to a person authorized to act as a purchasing agent for a group of individuals or entities furnishing services or merchandise reimbursed by the state Medicaid program, as long as: (a) the purchasing agent has a written agreement with each individual or entity in the group that specifies the amount each vendor will pay the agent (where the sum may be a fixed sum or a fixed percentage of the value of the purchases made from the vendor by the group under the contract between the vendor and the purchasing agent); and (b) in the case of an entity that is a provider of services to the state Medicaid program, the agent discloses in writing to the individual or entity, in accordance with regulations to be promulgated by executive office, and to the office of program.
integrity upon request, the amount received from each vendor with respect to purchases made by or on behalf of the entity.

**R.I. Gen. Laws § 40-8.2-4—Statute of Limitations**
There is a ten-year statute of limitations for any violation of the Rhode Island Medical Assistance Fraud Law.

**R.I. Gen. Laws § 40-8.2-5—Civil Remedy**
Any person, including the secretary of the executive office of health and human services or the office of program integrity acting on behalf of the secretary of the office, injured by any violation of the provisions of Section 40-8.2-3 may recover, through a civil action from the persons inflicting the injury, three times the amount of the injury.

**R.I. Gen. Laws § 40-8.2-6—Civil Actions Brought by the AG**
Subject to certain limitations, the AG may bring a civil action in superior court in the name of the state, as *parens patriae*, on behalf of persons residing in this state, to secure monetary relief as provided in this section for injuries sustained by such persons by reason of any violation of this chapter, Rhode Island Medical Assistance Fraud Law.

**R.I. Gen. Laws § 40-8.2-9—Damages for Overcharges**
Any person who knowingly and willfully: (1) charges a patient or anyone acting on behalf of a patient money or other consideration at a rate in excess of the rates established by the state; or (2) charges, solicits, accepts, or receives, in addition to any amount otherwise required to be paid under the state Medicaid program, any gift, money, or donation as a precondition of the admission of a patient to a hospital, skilled nursing facility, or intermediate care facility, or of the continued stay in a facility, will be liable in a civil action to the patient or person acting on the patient’s behalf for an amount equal to three times the amount of the charge.

**R.I. Gen. Laws § 40-8.2-22—Interest on Overcharges**
Any provider of services or goods contracting with the executive office of health and human services, pursuant to Title XIX or Title XXI of the Social Security Act, who, *without* intent to defraud, obtains payments under this chapter in excess of the amount to which the provider is entitled, thereby becomes liable for payment of the amount of the excess with payment of interest allowable by law, as was in effect on the date payment was made to the provider. The interest period will commence on the date payment was made and will extend to the date repayment is made to the state.

**R.I. Gen. Laws § 40-8.2-10—Other Civil Remedies and Criminal Penalties**
The penalties and remedies enumerated in the Rhode Island Medical Assistance Fraud Law are not exclusive and do not preclude the use of any other civil remedy or the application of any other criminal penalty deemed appropriate by the attorney general in accordance with federal law or regulations governing Title XIX or Title XXI or the general or public laws of this state. [Note—the statute says "statute," but this is understood to mean the Rhode Island Medical Assistance Fraud Law.]
**R.I. Gen. Laws § 40-8.2-11—Suspending or Barring Participation**

If a provider is sentenced or placed on probation for an offense under the Rhode Island Medical Assistance Fraud Law, the trial judge may, in the trial judge’s discretion, order that the provider be permanently barred from further participation in the Medicaid program, that the provider’s participation in the Medicaid program be suspended for up to two years, or that the provider conform to applicable federal regulations. The Office of Program Integrity may submit a recommendation to the trial judge as to whether the provider should be suspended or barred from the Medicaid program. Nothing contained herein shall be construed to prevent the executive office of health and human services from imposing its own administrative sanctions, in addition to any sanctions issued by the judge.

**R.I. Gen. Laws § 40-8.2-7—False Statements Made to Gain Certification**

Any person who knowingly and willfully makes or causes to be made, or induces, or seeks to induce the making of any false statement or representation of a material fact with respect to the conditions or operation of any institution or facility in order that the institution or facility may qualify (either upon initial certification or upon recertification) as a hospital, skilled nursing facility, intermediate care facility, or home health agency, is guilty of a misdemeanor and, upon conviction thereof, will be fined not more than $500 and/or imprisoned for not more than six months.

**R.I. Gen. Laws § 40-8.2-8—Acts of Officers, Directors, Representatives, or Agents Acting Within the Scope of Their Authority**

A corporation, association, firm, partnership, or limited partnership is liable for the acts of its officers, directors, representatives, or agents acting within the scope of their authority. Proof of the acts of any officer, director, representative, or agent shall be received as prima facie proof of the acts of the corporation, association, firm, partnership, or limited partnership itself.

Conversely, when a corporation, association, firm, partnership, or limited partnership violates this chapter, the violation will be deemed that of the individual directors, members, officers, managers, employees, or agents of the corporation, association, firm, partnership, or limited partnership who knowingly authorized, ordered, aided, abetted, or advised in the acts or omissions constituting in whole or in part the violation, whether the individuals acted on their own behalf and for their own benefit, or for the corporation, association, firm, partnership, or limited partnership and in their representative capacity. The individuals, in their capacity as individuals, are subject to the provisions of the Rhode Island Medical Assistance Fraud Law and may be joined, if subject to personal jurisdiction, as additional parties in the proceedings against the corporation, association, partnership, or limited partnership.

**R.I. Gen. Laws § 40-8.2-21—Suspension of Payments to a Provider**

The state Medicaid program may issue a suspension-of-payments order if, inter alia: (1) it has been unable to collect (or make satisfactory arrangements for the collection of) amounts due on account of overpayments to any provider; (2) the Office of Program Integrity or Medicaid Fund Control Unit (MFCU) of the AG’s office has been unable to
obtain necessary information from a provider to determine the existence or amount of overpayments made to a provider; (3) a provider denied the Office of Program Integrity or MFCU reasonable access to information pertaining to a patient or resident of a long term residential care facility; (4) the provider has denied the Office of Program Integrity or MFCU reasonable access to data and information to conduct activities as described in Section 1903(g) of the Social Security Act, 42 U.S.C. § 1396b(g); or (5) the Office of Program Integrity has been presented with reliable evidence that the provider engaged in fraud or willful misrepresentation under the Medicaid program.

Miscellaneous

**R.I. Gen. Laws § 12-5-3.14—Medicaid Fraud Control Unit Authority**
MFCU of the Department of the AG is given the authority to sign written complaints for the issuance of search warrants.

**R.I. Gen. Laws § 40-6-15—Fraudulently Obtaining Public Assistance**
Any person who, by any fraudulent device, obtains or attempts to obtain, or aids or abets any person to obtain public assistance, pursuant to the Public Assistance Act (R.I. Gen. Laws §§ 40-6-1 et seq.), to which the person is not entitled, or who willfully fails to report income or resources as provided in this chapter, is guilty of larceny punishable by up to five years in prison and/or a fine of up to $1,000, if the value of the public assistance exceeds $500, or by up to one year in prison and/or a fine of up to $500, if the value of the public assistance exceeds $500.

**R.I. Gen. Laws § 40-6-20—Prosecution for Violation of Public Assistance Act**
The AG, or any qualified member of the state bar designated by the Director of Health and approved by the AG, must prosecute all criminal actions for violation of the Public Assistance Act, or any rule or regulation promulgated under it.

**R.I. Gen. Laws § 40-8-9—Penalty for Fraudulent Receipt of Assistance**
Any person who knowingly makes a false statement or misrepresents a material fact with intent to defraud the state of any benefit or to wrongfully obtain or increase any benefit either for himself or for any other person may be punished, upon conviction, with a fine of not less than $20 nor more than $50, or by imprisonment for not more than 30 days, or both a fine and imprisonment. Each false statement or representation shall constitute a separate and distinct offense.

Section 0112 lists the state laws relating to welfare fraud and addresses the receipt of and response to welfare fraud complaints, failure to report income or resources, duplicate benefits, and the responsibilities of the Collection, Claims and Recovery (CCR) Unit and MFCU.
Rhode Island Dept. of Human Services Website—Welfare Fraud
On its website, DHS specifies that welfare fraud occurs when "a person makes false statements, and/or misrepresents facts or circumstances to the Department of Human Services in order to obtain Cash Assistance (RI Works), food assistance (SNAP), child care assistance (CCAP), general public assistance (GPA), long term care (LTC), child support services, rehabilitative services, veterans benefits, and Medicaid." Specifically, fraud/misuse includes:

1. Failure to report income, insurance or money received;
2. Providers receiving bills for services never provided;
3. Providers misrepresenting credentials; and
4. Billing irregularities from providers.

Section 1430 outlines the procedures followed by the CCR/Fraud Units in investigating and recovering overpayments related to the Rhode Island Works Program.

218-RICR-40-00-2.4—Pharmaceutical Assistance to the Elderly Program
The DHS, Division of Elderly Affairs is empowered to investigate cases of suspected provider or consumer fraud and requires reporting of suspected incidents of fraud or abuse. Fraud and abuse is defined to include, inter alia, rebates or reimbursements to consumers for pharmaceutical expenses and provider claims for duplicative benefits. Penalties for fraud or abuse under the Rhode Island Pharmaceutical Assistance to the Elderly Program (RIPAE) include fines, treble damages, imprisonment, and termination from RIPAE.

R.I. Admin. Code 22-1-3:2.4—Prescription Drug Program for the Uninsured
The DHS and Division of Elderly Affairs are empowered to investigate cases of suspected provider or consumer fraud and require reporting of suspected incidents of fraud or abuse. Fraud and abuse is defined to include, inter alia, falsification of information on the application for assistance and provider claims for duplicative benefits. This regulation also establishes penalties for fraud or abuse, including fines, treble damages, imprisonment, and termination from the Prescription Drug Program for the Uninsured.

R.I. Gen. Laws § 11-18-1—Giving False Documents to an Agent, Employee, or Public Official
Giving any agent, employee, servant in public or private employ, or public official any receipt, account, or other document in respect of which the principal, master, or employer, or state, city, or town of which the person is an official is interested, which contains a statement which is false or erroneous, or defective in any important particular, and which, to the person’s knowledge, is intended to mislead the principal, master, employer, or state, city, or town of which the person is an official is prohibited. Violators of this prohibition will be deemed guilty of a misdemeanor, and, upon conviction, shall be imprisoned, with or without hard labor, for a term not exceeding one year or be fined not exceeding $1,000.
**R.I. Gen. Laws § 11-18-10—False Statements in Advertising**

Any advertisement containing any assertions, representations, or statements of fact that are untrue and designed to be deceptive or misleading, or intended or designed not to sell the merchandise, securities, service, or anything so advertised at the price stated in it, or otherwise communicated or with intent not to sell the merchandise, securities, service, or anything so advertised, is prohibited. Any person, firm, corporation, or association who shall violate any of the provisions of this section shall, upon conviction, be fined not less than $50 nor more than $500, or be imprisoned not more than 90 days, or shall suffer both fine and imprisonment.

**R.I. Gen. Laws § 11-18-1.2—False Statement to Obtain Replacement Public Assistance Check or Authorization**

Any person who knowingly and intentionally files or cause to be filed with DHS, or any employee or agent of DHS, any statement or affidavit in writing that is false or erroneous, or defective in any important particular, and that, to the person's knowledge, is intended to report that one or more public assistance benefit checks or authorizations issued pursuant to the Public Assistance Act, has been lost, destroyed, or stolen and is intended to induce or cause DHS or DHS employees or agents, to issue a replacement check or authorization, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than five years, or by a fine of not more than $5,000, or both, if the total value of the replacement checks or authorization(s) so issued in any period of 12 consecutive months shall exceed $500, or shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than one year, or by a fine of not more than $1,000, or both, if the value of the replacement check or authorization so issued shall not exceed $500. The AG shall prosecute all criminal actions for any violation of this section. The statement or affidavit shall contain language notifying the signer, in conspicuous language, that any false statement on the statement or affidavit is punishable by up to five years imprisonment and a $5,000 fine.

**R.I. Admin. Code 39-1-112:115.25—Standards for Community Rehabilitation Programs and Other Providers of Services**

Community rehabilitation programs, providers of comprehensive services for independent living, and other providers of services must have adequate and appropriate policies and procedures to prevent fraud, waste, and abuse.

*See also Fraud Provisions Specific to Health Professions below.*

4) GENERAL WHISTLEBLOWER PROTECTIONS

**Rhode Island Whistleblowers’ Protection Act (R.I. Gen. Laws §§ 28-50-1 et seq.)**

**R.I. Gen. Laws § 28-50-3—Protection**

The Whistleblowers’ Protection Act (WPA) prohibits an employer from discharging, threatening, or otherwise discriminating against an employee because the employee:
(1) reports or is about to report to a public body a violation that the employee reasonably believes occurred or is about to occur, of a law, regulation, or rule; (2) is requested by a public body to participate in an investigation, hearing, or inquiry held by that public body, or a court action; (3) refuses to violate or assist in violating federal, state, or local law, rule, or regulation; or (4) reports to the employer or the employee’s supervisor a violation the employee reasonably believes occurred or is about to occur, of a law, regulation, or rule.

R.I. Gen. Laws § 28-50-2(1) and (4)—Definitions
The WPA defines a number of key terms, including the term “employee” and the term "public body". The definition of “employee” includes contract employees and independent contractors. The definition of “public body” is defined as any of the following:
(1) A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government;
(2) An agency, board, commission, council, member, or employee of the legislative branch of state government;
(3) A county, city, town, or regional governing body, a council, school district, or a board, department, commission, agency, or any member or employee of the entity;
(4) Any other body created by state or local authority or primarily funded by or through state or local authority, or any member or employee of that body;
(5) A law enforcement agency or any member or employee of a law enforcement agency;
(6) The judiciary and any member or employee of the judiciary; or
(7) Any federal agency.

R.I. Gen. Laws § 28-50-4 and 28-50-5—Relief and Damages
A person who alleges a violation of the WPA may bring a civil action for injunctive relief, or actual damages, or both within three years after the occurrence of the alleged violation. A court may order reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these remedies. In addition, the court also may award the complainant all or a portion of the costs of litigation, including attorneys’ fees.

Miscellaneous
Whistleblower protections also are available under a number of specific statutes, including:

- R.I. Gen. Laws § 27-54-7—Insurance Fraud Prevention Act
- R.I. Gen. Laws § 23-17.14-29—Hospital Conversions Act
- R.I. Gen. Laws § 9-1.1-4(g)-(h)—False Claims Act
5) FRAUD PROVISIONS SPECIFIC TO HEALTH PROFESSIONS

Applied Behavioral Analysts
The Board of Applied Behavior Analysts has the power to deny, revoke, or suspend any license or to discipline a licensee upon proof that the person is guilty of fraud or deceit in procuring or attempting to procure a license or temporary license.

R.I. Gen. Laws § 5-86-19—Penalty for Violations
It is a misdemeanor for any person, in offering services to the public, to use in connection with the person’s name any designation tending to imply that the person is a licensed applied behavior analyst, licensed applied behavior assistant analyst, or psychologist with equivalent experience to render services defined as the practice of behavior analysis, unless the person is licensed under this chapter; or use in connection with the person’s name any designation tending to imply that the person is a licensed applied behavior analyst, licensed applied behavior assistant analyst, or psychologist with equivalent experience to render services defined as the practice of behavior analysis, during the time the person’s license, issued under the provision of this chapter, is suspended or revoked; or to otherwise violate any of the provisions of this chapter or the rules and regulations promulgated hereunder. These misdemeanors are punishable by a fine of not more than $500 for each offense.

Assisted Living Residence Administrators
R.I. Admin. Code 31-5-16:8.0—Licensure and Discipline
DOH may suspend, revoke, or refuse to renew the certification of an assisted living residence administrator for engaging in fraud or deceit in the practice of assisted living residence administration or in the administrator’s admission to such practice.

R.I. Admin. Code 31-5-16:9.0—Violations and Penalties
Any violations as set forth in R.I. Admin. Code 31-5-16:8.0 shall be cause for DOH to impose such sanctions, or denial, revocation, or suspension of certification or imposing a reprimand or censure or such other disciplinary action.

Certified Registered Nurse Practitioners, Certified Registered Nurse Anesthetics, and Practical Nurses
The Board of Nurse Registration and Nursing Education has the power to deny, revoke, or suspend any license or otherwise to discipline any person licensed upon proof that the person is: (1) guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; or (2) willfully making and filing false reports or records in the practice of nursing.

R.I. Gen. Laws § 5-34-29—Penalty for Violations
It is a misdemeanor for any person, firm, corporation, or association to violate any of the provisions of this chapter. The misdemeanor is punishable by a fine of not less than
$300 for the first offense. Each subsequent offense is punishable by a fine of not less than $500, or by imprisonment of not more than one year, or by both the fine and imprisonment.

**Chiropractic Physicians**  

The Division of Professional Regulation of DOH is authorized to deny, revoke, or suspend any license issued under the statutory and regulatory provisions herein upon proof that the licensee engaged in unprofessional conduct. Unprofessional conduct includes: (1) using false or fraudulent statements in any document connected with the practice of chiropractic medicine; (2) obtaining any fee by willful fraud or misrepresentation either to a patient or insurance plan; (3) advertising for the practice of chiropractic medicine in a deceptive or unethical manner that shall include soliciting professional patronage by agents or persons or profiting from acts of those representing themselves to be agents of the licensed chiropractic physician; or (4) obtaining a fee as personal compensation or gain for an employer or for a person on a fraudulent representation that a manifestly incurable condition can be permanently cured.

**R.I. Gen. Laws § 5-30-16—Fee Splitting—Violations**

No chiropractic physician may directly or indirectly receive payment, reimbursement, compensation, or fee for a referral to any clinical laboratory. A violation of the provisions of this section constitutes a misdemeanor and upon conviction may be punished by imprisonment for not longer than one year or a fine of not more than $500, or by both fine and imprisonment.

**Clinical Laboratory Service Practitioners**  
*R.I. Gen. Laws § 23-16.2-5.1—Commissions, Rebates, and Fees*

With some exceptions, it is unlawful for any purveyor of clinical laboratory services, directly or indirectly, through any person, firm, corporation, or association, or its officers or agents, to bill or receive payment, reimbursement, compensation, or fee from any person other than the recipient of the services, the recipient being the person upon whom the clinical services have been or will be rendered. Further, clinical laboratories are prohibited from: (1) offering or giving a commission, rebate, or other fee, directly or indirectly, to any person as consideration for the referral of a specimen derived from a human body to a clinical laboratory for examination by the laboratory; or (2) soliciting or accepting a commission, rebate, or other fee, directly or indirectly, from any person as consideration for the referral of a specimen derived from the human body to a clinical laboratory for examination by the laboratory. *A bill (HB 7421) was introduced on February 2, 2018 that would permit clinical laboratory services to bill or receive payment from persons other than the patient.*

**Dentists, Dental Hygienists, and Dental Assistants**  

The term “unprofessional conduct” includes, but is not limited to, the following items or any combination of them and may be defined by regulations established by the Board of Examiners in Dentistry with the approval of the Director of Health: (1) solicitation of
professional patronage by agents or persons, or profiting from acts of those representing themselves to be agents of the licensed dentist, dental hygienist, or limited registrant; (2) division of fees or agreeing to split or divide fees received for professional services for any person for bringing to or referring a patient; (3) agreeing with clinical or bio-analytical laboratories to accept payments from those laboratories for individual tests or test series for patients, or agreeing with dental laboratories to accept payment from those laboratories for work referred; or (4) gross and willful overcharging for professional services, including filing of false statements for collection of fees for services not rendered or willfully making or assisting in making a false or deceptive claim or misrepresenting a material fact for use in determining rights to dental care or other benefits.

R.I. Gen. Laws § 5-31.1-17—Licensure and Discipline
If the accused is found guilty of unprofessional conduct, the Director of Health, at the direction of the Board of Examiners in Dentistry, may suspend, limit, restrict, or revoke a license or limited registration to practice dentistry or license to practice dental hygiene; assess against the dentist or dental hygienist the administrative costs of the proceedings instituted against the dentist or dental hygienist the administrative costs of the proceedings instituted against the dentist or dental hygienist, provided that the assessment does not exceed $10,000; or any other condition, conditions, or restrictions deemed appropriate under the circumstances.

Dieticians/Nutritionists
R.I. Gen. Laws § 5-64.9; R.I. Admin. Code 31-5-17:6.0—Licensure and Discipline
Fraud or deceit in procuring or attempting to procure a license may be cause for denial, revocation, or suspension of license or for imposing such other penalties.

Doctors of Acupuncture and Acupuncture Assistants
DOH may refuse to issue or may suspend or revoke an acupuncture license for certain reasons, including, but not limited to, engaging in conduct of a character likely to defraud the public and “obtaining a fee or financial benefit for any person by the use of fraudulent diagnosis, therapy or treatment.”

Embalmers, Funeral Directors, and Funeral Service Establishments
R.I. Gen. Laws § 5-33.2-17; R.I. Admin. Code 31-5-32:19.0—Licensure and Discipline
The Division of Professional Regulation of DOH may deny issuance of a license or suspend or revoke any license or may reprimand, censure, or otherwise discipline upon proof that the licensee: (1) made misrepresentations regarding services, goods, or of funeral prices or committed fraud as a holder of a license for the practice of embalming, funeral directing or as the holder of a license as a funeral establishment, funeral establishment branch, or crematory; (2) engaged in false or misleading advertising as the holder of a license for the practice of embalming, funeral directing or as the holder of a license as a funeral establishment, funeral establishment branch, or crematory;
violating any regulations relating to “truth in advertising”; or (3) engaged in fraud or misrepresentation in obtaining or renewing a license.

**R.I. Gen. Laws § 5-33.2-21—Penalty for Violations**
Any person, partnership, corporation, limited liability company, association, or the person's or its agents or representatives violating any of the provisions of this chapter, or of any rules or regulations of the division, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment not exceeding six months, or by a fine not exceeding $500, or by both the fine and imprisonment, within the discretion of the court.

**Mental Health Counselors and Marriage and Family Therapists**
**R.I. Gen. Laws § 5-63.2-21; 216-RICR-40-05-11.4—Licensure and Discipline**
The Board of Mental Health Counselors and Marriage and Family Therapists has the power to deny, revoke, or suspend any registration issued by the Division of Professional Regulation of DOH or applied for or otherwise to discipline a licensed clinical mental health counselor and/or a licensed marriage and family therapist upon proof that the person is guilty of fraud or deceit in procuring or attempting to procure a registration.

**R.I. Gen. Laws § 5-63.2-23—Penalties for Violations**
It is a misdemeanor punishable by a fine of not more than $500, or by imprisonment for not more than one year, or both, for any person to: (1) use in connection with the person’s name any designation tending to imply that the person is a licensed clinical mental health counselor and/or licensed marriage and family therapist unless licensed under the provisions of this chapter; (2) use in connection with the person’s name any designation tending to imply that the person is a licensed clinical mental health counselor and/or licensed marriage and family therapist during the time the person’s license, issued under the provisions of this chapter, is suspended or revoked; or (3) violate any of the provisions of this chapter. All misdemeanors shall be punishable by a fine of not more than $500 for each offense.

**Nursing Home Administrators**
DOH may deny issuance of a license or suspend or revoke any license or may reprimand, censure, or otherwise discipline upon proof that the licensee engaged in fraud or deceit in the practice of nursing home administration or in the licensee’s admission to such practice.

**R.I. Gen. Laws § 5-45-11—Penalties for Violations**
It is a misdemeanor punishable by a fine of not more than $500, or by imprisonment for not more than one year, or both, for any person to:
(1) Sell or fraudulently obtain or furnish any license or aid or abet in this violation;
(2) Practice as a nursing home administrator under cover of any license or registration illegally or fraudulently obtained or unlawfully issued;
(3) Practice as a nursing home administrator, or use in connection with the person’s name any designation tending to imply that the person is a nursing home.
administrator, unless licensed and registered to practice under the provisions of this chapter;

(4) Practice as a nursing home administrator during the time the person's license or registration, issued under the provisions of this chapter, is suspended or revoked; or

(5) Violate any of the provisions of this chapter.

**Occupational Therapists and Occupational Therapist Assistants**

*R.I. Gen. Laws § 5-40.1-14; R.I. Code R. 31-5-11:8.0—Licensure and Discipline*

The Board of Occupational Therapy shall have power to deny, revoke, or suspend any license issued by the Rhode Island Department of Health or applied for or otherwise to discipline a licensee upon proof that said person engaged in unprofessional conduct, including, but not limited to: (1) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts; (2) being found guilty of fraud or deceit in connection with his or her services rendered as an occupational therapist or occupational therapy assistant; and (3) providing services to a person who is making a claim as a result of a personal injury, who charges or collects from said person any amount in excess of the reimbursement to the occupational therapist by the insurer as a condition of providing or continuing to provide services or treatment.

**R.I. Gen. Laws § 5-40.1-17—Penalties for Violations**

Any person who violates any provision of this chapter, upon conviction, is guilty of a misdemeanor and shall be fined not more than five hundred dollars ($500).

**Opticians**

*R.I. Admin. Code 31-5-21:8.0—Licensure and Discipline of Opticians*

The Director of Health may refuse to grant, refuse to renew, suspend, or revoke any license and/or certification, or otherwise discipline a licensee not of good moral character, or guilty of unprofessional conduct, or conduct of a character likely to deceive or defraud the public, or for any fraud or deception committed in obtaining such license, and of gross unprofessional conduct.

**R.I. Gen. Laws § 5-35.2-10—Optician Unprofessional Conduct**

Any person guilty of unprofessional conduct or conduct of a character likely to deceive or defraud the public, or for any fraud or deception committed in obtaining a license is subject to discipline. “Unprofessional conduct” includes: (1) advertising by means of false or deceptive statements; (2) use of any false or fraudulent statement in any document connected with the person’s practice; and (3) obtaining any fee by fraud or willful misrepresentation of any kind whether from a patient or insurance plan.

**R.I. Gen. Laws § 5-35.2-12—Penalty for Violations**

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

R.I. Gen. Laws § 5-35.1-18—Optometrist Unprofessional Conduct
Any person guilty of unprofessional conduct or conduct of a character likely to deceive or defraud the public, or for any fraud or deception committed in obtaining a license is subject to discipline. “Unprofessional conduct” includes: (1) advertising by means of false or deceptive statements; (2) use of any false or fraudulent statement in any document connected with the person’s practice; (3) obtaining any fee by fraud or willful misrepresentation of any kind whether from a patient or insurance plan; and (4) providing services to a person making a claim as a result of a personal injury, and charging or collecting from the person any amount in excess of the reimbursement to the optometrist by the insurer as a condition of providing or continuing to provide services or treatment.

R.I. Admin. Code 31-5-38:9.0—Licensure and Discipline of Optometrists
The Director of Health may refuse to grant, refuse to renew, suspend, or revoke any license and/or certification, or otherwise discipline a licensee for unprofessional conduct, including items listed in R.I. Gen. Laws § 5-35.1-18.

R.I. Gen. Laws § 5-35.1-20—Penalty for Violations
Any person who violates the provisions of this chapter shall be punished by a fine of not more than that set forth in Section 23-1-54, or shall be imprisoned for not more than three months for each offense.

Pharmacists

In accordance with the provisions of R.I. Gen. Laws § 5-19.1-21, the Board of Pharmacy, with the approval of the Director of Health, may deny, suspend, revoke, or otherwise discipline the licensee upon proof that the licensee procured the license through fraud, misrepresentation or deceit.

Physical Therapists and Physical Therapist Assistants

R.I. Gen. Laws § 5-40-13; R.I. Admin. Code 31-5-31:15.0—Licensure and Discipline
The Board of Physical Therapy shall have power to deny, revoke, or suspend any license issued by DOH or applied for or otherwise to discipline a licensee upon proof that said person engaged in unprofessional conduct, including, but not limited to: (1) engaging in fraud or deceit in procuring or attempting to procure a license or in the practice of physical therapy; (2) providing services to a person making a claim as a result of a personal injury, and charging or collecting from the person any amount in excess of the reimbursement to the physical therapist by the insurer as a condition of providing or continuing to provide services or treatment; or (3) making or filing false reports or records in the practice of physical therapy.

R.I. Admin. Code 31-5-31:17.0—Penalties for Violations
It shall be a misdemeanor for any person, firm, corporation, or association to: (1) use in connection with the person’s name any designation tending to imply that the person is a
physical therapist or physical therapist assistant unless licensed under the provisions of Chapter 5-40; (2) use in connection with the person’s name any designation tending to imply that the person is a physical therapist or physical therapist assistant during the time the person’s license issued under the provision so the Act and the regulations herein shall be suspended or revoked; or (3) otherwise violate any of the provisions of the Act. All misdemeanors shall be punishable by a fine as set forth in Section 5-40-17 of the Act.

Physicians

It is unlawful for a physician or chiropractic physician to “directly or indirectly receive payment, reimbursement, compensation, or fee for a referral to any clinical laboratory.” Violations are misdemeanors, punishable by one year in prison and/or a fine of up to $500.

R.I. Gen. Laws § 5-37-5.1—Physician Unprofessional Conduct
“Unprofessional conduct” subject to disciplinary action by BMLD includes: (1) soliciting professional patronage or profiting from acts of those representing themselves to be agents of a physician or limited registrants; and (2) gross and willful overcharging for professional services, including filing of false statements for collection of fees for services not rendered, or willfully making or assisting in making a false or deceptive claim or misrepresenting a material fact for use in determining rights to health care or other benefits.

216-RICR-40-05-1.5—Licensure and Discipline of Physicians
The Director of Health may deny or revoke a license to practice allopathic or osteopathic medicine or otherwise discipline a licensee for unprofessional conduct, including items listed in R.I. Gen. Laws § 5-37-5.1.

R.I. Gen. Laws § 5-37-25—Penalty for Violations
Unless another penalty is provided by the laws of this state, any person who violates any provision of this chapter or any rule or regulation adopted under this chapter, shall, upon conviction, be punished by a fine of not more than one thousand dollars ($1,000), or by imprisonment for not more than one year, or both.

R.I. Gen. Laws § 23-17-23—Hospital Disciplinary Powers for Physicians
Hospitals are authorized to suspend, deny, revoke, or curtail the staff privileges of any staff member for good cause which must include the grounds specified in Section 5-37-5.1 for unprofessional conduct” following procedures outlined by JCAHO. Such actions must be reported to BMLD.

Physician Assistants

“Unprofessional conduct” by a PA includes: (1) promotion of the sale of drugs, devices, appliances, or goods or services for financial gain; (2) willfully making and filing false
reports or records; or (3) willful omission to file or record or willfully impeding or obstructing a filing or recording medical or other reports as required by law.

R.I. Gen. Laws § 5-54-12—Licensure and Discipline of PAs
The Director of Health may, after notice and a hearing, refuse to grant, renew, suspend, or revoke any certificate of licensure, or discipline any registrant upon proof that the person is guilty of unprofessional conduct as defined in § 5-54-2.

Podiatrists
R.I. Gen. Laws §§ 5-29-16; 5-29-23; R.I. Admin. Code 31-5-10:10.0—Licensure and Discipline
The Division of Professional Regulation may suspend or revoke the license of any podiatrist, after due notice and hearing, if the licensee is found guilty of any fraud or deception committed in obtaining such license; and/or guilty of gross unprofessional conduct or conduct of a character likely to deceive or defraud the public. Unprofessional conduct includes: (1) fraudulent or deceptive procuring or use of a license of limited registration; (2) all advertising of podiatry business intended or with a tendency to deceive the public; (3) willfully making and filing false reports or records in the practice of podiatry; (4) willful omission to file or record, or willfully impeding or obstructing a filing or recording, or inducing another person to omit to file or record podiatry/medical or other reports as required by law; (5) division of fees or agreeing to split or divide fees received for professional services for any person for bringing to or referring a patient; or (6) gross and willful overcharging for professional services, including filing of false statements for collection of fees for services not rendered or willfully making or assisting in making a false or deceptive claim or misrepresenting a material fact for use in determining rights to podiatric care or other benefits.

Any person except a licensed podiatrist, a licensed osteopathic physician, or a physician, licensed to practice medicine or surgery, who practices or attempts to practice podiatry, or any person who buys, sells, or fraudulently obtains any diploma or license to practice podiatry, or any person who uses the title “podiatrist” or any word or title to induce the belief that the person is engaged in the practice of podiatry, without complying with the provisions of this chapter, shall upon the first conviction be punished by a fine of not less than $50 nor more than $100, and for each subsequent offense shall be fined not less than $200 nor more than $5,000, or by imprisonment not less than 30 days nor more than one year, or shall be both fined and imprisoned.

Practice of Electrolysis
Any certificate of registration may be revoked or suspended for gross unprofessional conduct. Gross unprofessional conduct includes: (1) the use of any false or fraudulent statement in any document connected with the practice of electrolysis; (2) obtaining any fee by fraud or willful misrepresentation either to a patient or an insurance plan; or (3) advertising for the practice of electrolysis in a deceptive or unethical manner. Any person, firm, corporation or association who engages in gross unprofessional conduct will be deemed to have committed a misdemeanor and upon conviction will be punished
by a fine not to exceed $200 or imprisoned for a period not to exceed three months, or both.

**Psychologists**

*R.I. Gen. Laws § 5-44-18; R.I. Admin. Code 31-5-29:10.0—Licensure and Discipline*

DOH may deny issuance of a license, suspend or revoke any license, or reprimand, censure, or otherwise discipline upon proof that the licensee engaged in fraud or deceit in procuring or attempting to procure a license or temporary license.

*R.I. Gen. Laws § 5-44-18—Penalty for Violations*

It is a misdemeanor for any person, in offering services to the public, to: (1) use in connection with the person’s name any designation tending to imply that the person is a psychologist, or any description of services tending to imply that the person is engaged in the practice of psychology or to render services defined as the practice of psychology, unless licensed or exempted under the provisions of this chapter; (2) use in connection with the person’s name any designation tending to imply that the person is a psychologist, or to render services defined as the practice of psychology, during the time the person’s license, issued under the provision of this chapter, is suspended or revoked; or (3) otherwise violate any of the provisions of this chapter or the rules and regulations promulgated hereunder. All these misdemeanors shall be punishable by a fine of not more than $500 for each offense.

**Radiographers, Nuclear Medicine Technologists, Radiation Therapists, and Radiologist Assistants**

*R.I. Admin. Code 31-5-5:11.0—Licensure and Discipline*

DOH may deny issuance of a license, suspend or revoke any license, or reprimand, censure, or otherwise discipline upon proof that the licensee engaged in fraud or deceit in procuring or attempting to procure a license or temporary license.

**Radiologic Technologists**

*R.I. Gen. Laws § 5-68.1-11—Licensure and Discipline*

The Board of Radiologic Technology may recommend refusal, suspension, or revocation of any license for fraud in the procurement of any license under this chapter, including, but not limited to, impersonating or acting a proxy for an applicant in an examination for licensure in the field of radiologic technology.

*R.I. Gen. Laws § 5-68.1-14*

A violation of any provision of this chapter shall be punishable by a civil fine of not less than $300 for the first offense. Each subsequent offense shall be punishable by a fine of not less than $500.

**Respiratory Care Practitioners**


The Administrative Board of Respiratory Care may deny, revoke, or suspend an individual’s license or impose such other disciplinary action, if the Board finds an applicant or a licensed respiratory care practitioner has been found guilty of
unprofessional conduct by engaging in fraud or deception when obtaining such license or by committing any fraudulent, dishonest, or corrupt act substantially related to the qualifications, functions, or duties of respiratory care practitioners.

A violation of any provision of this chapter shall be deemed a misdemeanor. DOH may bring a civil action in any district court to enforce any provision of this chapter.

**Speech Pathologist/Audiologist**
**R.I. Gen. Laws § 5-48-11; R.I. Admin—Code 31-5-25:5.0—Licensure and Discipline**
Grounds for suspension or revocation of a license to practice speech language pathology and/or audiology include: (1) fraudulently or deceptively using a license; or (2) committing fraud or deceit in the practice of speech language pathology or audiology. Committing fraud includes “submitting a false statement to collect a fee” or “obtaining a fee through fraud or misrepresentation.”

**R.I. Gen. Laws § 5-48-12—Penalty for Violation**
The state Board of Examiners for Speech Language Pathology and Audiology is granted the authority to impose the following disciplinary actions in instances in which an applicant for a license or a licensee has been guilty of conduct which endangered, or is likely to endanger, the health, welfare, or safety of the public:
(1) Refuse to issue or renew a license;
(2) Issue a letter of reprimand or concern;
(3) Require restitution of fees;
(4) Impose probationary conditions; or
(5) Suspend or revoke a license.

Any person found in violation of any provision of this chapter, upon conviction, shall be guilty of a misdemeanor and punished by a fine of not more than $1,000

**Veterinarians**
**R.I. Gen. Laws § 5-25-14; R.I. Admin. Code 31-5-6:8.0—Licensure and Discipline**
The Rhode Island Department of Health is authorized to deny, revoke or suspend any license issued under the statutory and regulatory provisions herein or otherwise discipline a licensee upon proof that the veterinarian (1) engaged in fraud or misrepresentation in any phase of procuring or renewing a license or (2) engaged in fraud or misrepresentation of treatment procedures or statements regarding the ability to treat.

**Unlicensed Health Care Practices**
**R.I. Gen. Laws § 23-74-4—Prohibited Conduct**
The Director of Health may impose disciplinary action against any unlicensed health care practitioner for: (1) false, fraudulent, deceptive, or misleading advertising; (2) conduct likely to deceive, defraud, or harm the public; (3) splitting fees or promising to pay a portion of a fee to any other professional other than for services rendered by the other professional to the unlicensed health care client; (4) engaging in abusive or
fraudulent billing practices, including violations of federal Medicare and Medicaid laws or state medical assistance laws; or (5) obtaining money, property, or services from an unlicensed health care client, other than reasonable fees for services provided to the client, through the use of undue influence, harassment, duress, deception, or fraud.

**R.I. Gen. Laws § 23-74-8—Disciplinary Actions**
When the Director of Health finds that an unlicensed health care practitioner has violated any provision of this chapter, the Director of Health may take one or more of the following actions, only against the individual practitioner: (1) revoke the right to practice; (2) suspend the right to practice; (3) impose limitations or conditions on the practitioner's provision of unlicensed health care practices, impose rehabilitation requirements, or require practice under supervision; (4) assess against the practitioner the administrative costs of the proceedings instituted against the practitioner under this chapter; provided, that this assessment does not exceed $10,000; (5) censure or reprimand the practitioner; or (6) any other action justified by the case.

**Nursing Assistants and Medication Aides**
Obtaining a certification or registration by means of fraud, misrepresentation, or concealment of material facts is a misdemeanor punishable by a fine of not more than $500 and/or by imprisonment for not more than one year. DOH may deny, suspend, or revoke any registration issued, or may reprimand, censure, or otherwise discipline an individual found guilty of violations of Chapter 23-17.9 of the General Laws of Rhode Island upon proof that the nursing assistant and/or medication aide engaged in unprofessional conduct, including, but not limited to, departure from, or failure to conform to the standards of acceptable and prevailing practice.

**Midwives**
**R.I. Admin. Code 31-5-35:12.0—Discipline of Licensees**
The Director of Health is authorized to deny or revoke any license to practice midwifery or otherwise discipline a licensee upon proof that the person is guilty of unprofessional conduct that shall include, but not be limited to: (1) solicitation of professional patronage by agents or persons or profiting from acts of those representing themselves to be agents of the midwife; (2) division of fees or agreeing to split or divide the fees received for professional services for any person for bringing to or referring a patient; or (3) gross and willful overcharging for services, including filing of false statements for collection of fees for services not rendered or willfully making or assisting in making a false or deceptive claim or misrepresenting a material fact for use in determining rights to health care or other benefits.

Any person who violates the provisions of this section or who violates any of the rules of DOH made in pursuance of this section shall be fined not more than $100, or imprisoned not more than six months, or both, and the Director of Health may revoke
the license issued to any person when, in the opinion of the Director of Health, that person is guilty of unprofessional conduct.

**Emergency Medical Technicians/Instructor Coordinators**

**R.I. Admin. Code 31-5-40:8.0—Licensure and Discipline**

Any Emergency Medical Technician (EMT) who holds a license issued by DOH and who shall violate Sections 8.15, 8.16 or 8.17 of these regulations shall be subject, pursuant to R.I. Gen. Laws § 23-1-25, to a fine of $100 for each such act. Each such act shall be considered to meet the definition of “unprofessional conduct” as used in each chapter of the R.I. Gen. Laws that governs each EMT’s license.

**R.I. Gen. Laws § 23-1-25—Penalties**

Unless another penalty is provided by the state laws, any person who violates any law administered by the Director of Health, or any rule or regulation adopted pursuant to authority granted to the Director of Health shall, upon conviction, be punished by a fine of not more than $100 or by imprisonment for not more than 30 days, or both, and for violation of a compliance order of the Director of Health by a fine of not more than $300 or by imprisonment for not more than 90 days or both, for each offense or violation, and each day's failure to comply with any such law, rule, regulation, or order shall constitute a separate offense.

6) **HELPFUL LINKS**

- [Rhode Island Government](#)
- [Rhode Island Statutes](#)
- [Rhode Island Regulations](#)
- [Department of Health](#)
- [Department of Human Services](#)
- [Board of Medical Licensure and Discipline](#)
- [Attorney General](#)
- [Department of Behavioral Healthcare, Developmental Disabilities & Hospitals](#)
- [Department of Elderly Affairs](#)
- [Department of Children, Youth and Families](#)
- [Medicaid Provider Manual](#)