

CHAPTER 5-37.6

Pain Assessment Act

Index Of Sections

§ 5-37.6-1. Short title.

This chapter shall be known and may be cited as the "Pain Assessment Act."

§ 5-37.6-2. Findings.

The general assembly finds and declares that:

- (1) Pain affects quality of life, job performance, and security;
- (2) Nearly thirty percent (30%) of nursing home residents with daily pain were receiving no pain medication of any form;
- (3) Pain untreated or under-treated adversely impacts the quality of life for patients;
- (4) Up to ninety-five percent (95%) of terminally ill patients' pain can be relieved with adequate pain management; and
- (5) Too many Rhode Islanders are suffering and dying in needless pain.

§ 5-37.6-3. Definitions.

As used in this chapter, the following terms have the following meanings:

- (1) "Assessment of pain" means the act of assessing an unpleasant sensation occurring in varying degrees of severity as a consequence of injury, disease, or emotional disorder.
- (2) "Director" means the director of the department of health.
- (3) "Healthcare facilities" is defined in the same manner as in § 23-17-2(8).
- (4) "Healthcare provider" means any person licensed by this state to provide or lawfully providing healthcare services, including, but not limited to, a physician, dentist, optometrist, nurse, podiatrist, physical therapist, nurse practitioner, or physician's assistant.

(5) "Person" means any individual, trust or estate, partnership, limited-liability corporation, corporation (including associations, joint stock companies, and insurance companies), state, or political subdivision or instrumentality of a state.

(6) "Regular basis" means a procedure done on a customary, usual, normal, orderly, even, or symmetrical schedule.

§ 5-37.6-4. Pain assessment.

(a) Healthcare facilities and healthcare providers shall conduct an assessment of pain experienced by a patient on a regular basis.

(b) The assessment of pain shall be noted in the patient's chart in a manner consistent with vital signs.

§ 5-37.6-5. Regulations.

(a) Promulgation by department. The director of the department shall promulgate regulations relating to the assessment of pain requirements of this chapter.

(b) Educational materials. The director shall make available educational and informational materials concerning the assessment of pain to healthcare facilities and healthcare providers.

§ 5-37.6-6. Enforcement.

The director of the department of health shall have the power to enforce the provisions of this chapter.

§ 5-37.6-7. Penalty.

(a) Every person who shall willfully and continually violate the provisions of this chapter is subject to a fine up to one hundred dollars (\$100) for a first violation and any other remedy provided for in the Rhode Island law.

(b) Every person who shall continuously violate this chapter is subject to a fine up to five hundred dollars (\$500) for each subsequent violation in addition to any other remedy provided for in the Rhode Island law.

§ 5-37.6-8. Severability.

If any provision of this chapter or any rule or regulation made under this chapter or the application of any provision of this chapter to any person or circumstance shall be held invalid by any court of competent jurisdiction, the remainder of the chapter, rule, or regulation and the application of the provision to other persons or circumstances shall not be affected by that invalidity. The invalidity of any section or sections or parts of any section of this chapter shall not affect the validity of the remainder of this chapter and to this end the provisions of the chapter are declared to be severable.