2008 -- S 2498

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO HEALTH AND SAFETY - RIGHTS OF NURSING HOME PATIENTS

Introduced By: Senators Miller, C Levesque, Sosnowski, and Pichardo

Date Introduced: February 13, 2008

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Section 23-17.5-16 of the General Laws in Chapter 23-17.5 entitled "Rights of Nursing Home Patients" is hereby amended to read as follows:

23-17.5-16. ~~Married patient.~~ Patient with spouse or domestic partner. -- (a) If married~~,~~ or in a relationship with a domestic partner, patients shall be assured privacy for visits by the spouse~~;~~ or domestic partner if both are inpatients in the facility, they may share a room unless medically contraindicated per written order of the physician and subject to the availability of accommodations within the facility.

(b) For purposes of this section, "domestic partner" shall mean a person who shares an exclusive, intimate and committed relationship of mutual caring with the patient and who certifies by affidavit that the patient and domestic partner:

(i) are at least eighteen (18) years of age and mentally competent to contact;

(ii) are not married to anyone else;

(iii) are not related by blood to a degree that would prohibit marriage in the state of Rhode Island;

(iv) resided together for at least one year prior to the patients entry into the nursing home; and

(v) are financially interdependent as evidenced by at least two (2) of the following:

(A) domestic partnership agreement or relationship contract;

(B) joint mortgage or joint ownership of primary residence;

(C) two (2) of:

(1) joint ownership of motor vehicle;

(2) joint checking account;

(3) joint credit account;

(4) joint lease; and/or

(D) the domestic partner has been designated as a beneficiary for the patients will, retirement contract or life insurance.

SECTION 2. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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This act would extend privacy for visits by domestic partners.

This act would take effect upon passage.

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