2023 -- H 5506

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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. 2023

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A N A C T

RELATING TO HEALTH AND SAFETY -- LICENSING OF HEALTHCARE FACILITIES

Introduced By: Representatives Ackerman, McNamara, Bennett, Shallcross Smith, Diaz, Edwards, Kennedy, Giraldo, and Fogarty
Date Introduced: February 10, 2023

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

SECTION 1. Section 23-17-19.1 of the General Laws in Chapter 23-17 entitled "Licensing of Healthcare Facilities" is hereby amended to read as follows:

23-17-19.1. Rights of patients.

Every healthcare facility licensed under this chapter shall observe the following standards and any other standards that may be prescribed in rules and regulations promulgated by the licensing agency with respect to each patient who utilizes the facility:

(1) The patient shall be afforded considerate and respectful care.

(2) Upon request, the patient shall be furnished with the name of the physician responsible for coordinating his or her care.

(3) Upon request, the patient shall be furnished with the name of the physician or other person responsible for conducting any specific test or other medical procedure performed by the healthcare facility in connection with the patient's treatment.

(4) The patient shall have the right to refuse any treatment by the healthcare facility to the extent permitted by law.

(5) The patient's right to privacy shall be respected to the extent consistent with providing adequate medical care to the patient and with the efficient administration of the healthcare facility. Nothing in this section shall be construed to preclude discreet discussion of a patient's case or examination of appropriate medical personnel.

(6) The patient's right to privacy and confidentiality shall extend to all records pertaining

to the patient's treatment except as otherwise provided by law.

(7) The healthcare facility shall respond in a reasonable manner to the request of a patient's physician, certified nurse practitioner, and/or a physician's assistant for medical services to the patient. The healthcare facility shall also respond in a reasonable manner to the patient's request for other services customarily rendered by the healthcare facility to the extent the services do not require the approval of the patient's physician, certified nurse practitioner, and/or a physician's assistant or are not inconsistent with the patient's treatment.

(8) Before transferring a patient to another facility, the healthcare facility must first inform the patient of the need for, and alternatives to, a transfer.

(9) Upon request, the patient shall be furnished with the identities of all other healthcare and educational institutions that the healthcare facility has authorized to participate in the patient's treatment and the nature of the relationship between the institutions and the healthcare facility.

(10)(a) Except as otherwise provided in this subparagraph, if the healthcare facility proposes to use the patient in any human-subjects research, it shall first thoroughly inform the patient of the proposal and offer the patient the right to refuse to participate in the project.

(b) No facility shall be required to inform prospectively the patient of the proposal and the patient's right to refuse to participate when: (i) The facility's human-subjects research involves the investigation of potentially lifesaving devices, medications, and/or treatments and the patient is unable to grant consent due to a life-threatening situation and consent is not available from the agent pursuant to chapter 4.10 of title 23 or the patient's decision maker if an agent has not been designated or an applicable advanced directive has not been executed by the patient; ~~and~~ or (ii) ~~The facility's~~ An institutional review board approves the human-subjects research pursuant to the patient consent and/or de-identification requirements of 21 C.F.R. Pt. 50 and/or 45 C.F.R. Pt. 46 (relating to the informed consent of human subjects). Any healthcare facility engaging in research pursuant to the requirements of subparagraph (b)(i) herein shall file a copy of the relevant research protocol with the department of health, which filing shall be publicly available.

(11) Upon request, the patient shall be allowed to examine and shall be given an explanation of the bill rendered by the healthcare facility irrespective of the source of payment of the bill.

(12) Upon request, the patient shall be permitted to examine any pertinent healthcare facility rules and regulations that specifically govern the patient's treatment.

(13) The patient shall be offered treatment without discrimination as to race, color, religion, national origin, or source of payment.

(14) Patients shall be provided with a summarized medical bill within thirty (30) days of

discharge from a healthcare facility. Upon request, the patient shall be furnished with an itemized copy of his or her bill. When patients are residents of state-operated institutions and facilities, the provisions of this subsection shall not apply.

(15) Upon request, the patient shall be allowed the use of a personal television set provided that the television complies with underwriters' laboratory standards and O.S.H.A. standards, and so long as the television set is classified as a portable television.

(16) No charge of any kind, including, but not limited to, copying, postage, retrieval, or processing fees, shall be made for furnishing a health record or part of a health record to a patient, his or her attorney, or authorized representative if the record, or part of the record, is necessary for the purpose of supporting an appeal under any provision of the Social Security Act, 42 U.S.C. § 301 et seq., and the request is accompanied by documentation of the appeal or a claim under the provisions of the Workers' Compensation Act, chapters 29 — 38 of title 28 or for any patient who is a veteran and the medical record is necessary for any application for benefits of any kind. A provider shall furnish a health record requested pursuant to this section by mail, electronically, or otherwise, within thirty (30) days of the receipt of the request. For the purposes of this section, "provider" shall include any out-of-state entity that handles medical records for in-state providers. Further, for patients of school-based health centers, the director is authorized to specify by regulation an alternative list of age appropriate rights commensurate with this section.

(17) The patient shall have the right to have his or her pain assessed on a regular basis.

(18) Notwithstanding any other provisions of this section, upon request, patients receiving care through hospitals, nursing homes, assisted-living residences and home healthcare providers, shall have the right to receive information concerning hospice care, including the benefits of hospice care, the cost, and how to enroll in hospice care.

SECTION 2. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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RELATING TO HEALTH AND SAFETY -- LICENSING OF HEALTHCARE FACILITIES

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This act would allow a health care facility to conduct research on patients subject to 21 C.F.R. Pt 50 and/or 45 C.F.R. Pt 46 (relating to informed consent in clinical trials).

This act would take effect upon passage.

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