

2023 -- H 5552

LC001621

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HEALTH AND SAFETY -- LICENSING OF HEALTHCARE FACILITIES

Introduced By: Representatives Serpa, and Cardillo

Date Introduced: February 15, 2023

Referred To: House Health & Human Services

(Dept. of Health)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-17-12 of the General Laws in Chapter 23-17 entitled "Licensing
2 of Healthcare Facilities" is hereby amended to read as follows:

3 **23-17-12. Inspections — Nursing facilities.**

4 (a) The licensing agency shall make or cause to be made unannounced inspections and
5 investigations of nursing facilities. The director shall establish by regulation criteria to determine
6 the frequency for unannounced inspections and investigation that shall include specific criteria to
7 determine the appropriate frequency of those surveys including, but not limited to, patient acuity,
8 quality indicators, staff retention, financial status, and a facility's past compliance with the
9 regulations. In no instance shall any facility with a pattern of noncompliance with regulations or
10 orders, indications of marginal financial status, repeated levels of nursing hours per resident
11 significantly below the state average, or other risk factors determined to influence quality, receive
12 less than two (2) surveys in addition to the annual licensing survey required by this chapter. Any
13 nursing care facility which is cited for substandard care by the licensing agency shall be inspected
14 on a bimonthly basis for the twelve (12) month period immediately following any citation. The
15 licensing agency shall, on an annual basis, cause no less than ten percent (10%) of all nursing care
16 facility annual surveys to be conducted, in whole or in part, on nights and/or on weekends. The
17 inspections shall be conducted both as to profit and nonprofit facilities and the results shall be open
18 to public inspection; however, requirements as to the fire safety code will be deferred in accordance
19 with § 23-28.1-7.

1 (b) No employee or agent of the department shall be participating in or supervising an
2 inspection of any facility to which that employee currently has, or in the past ~~five (5)~~ two (2) years
3 has had, any ownership, employment, or consultant arrangement or any other potential conflicts of
4 interest. The restrictions imposed under this subsection shall be in addition to, and not in place of,
5 the requirements of chapter 14 of title 36.

6 (c) The licensing agency shall make or cause to be made unannounced inspections and/or
7 investigations of any establishment, facility, boarding house, dormitory, however named, to
8 determine whether the lodging facility should be licensed and regulated under the provisions of this
9 chapter.

10 (d) All members of the general assembly and any general officer of this state may make
11 announced and unannounced inspections of extended care facilities, skilled nursing homes,
12 intermediate care facilities, personal care homes, nursing homes, and state institutions.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would provide that no employee or agent of the department of health participate
2 in any healthcare facility inspection if the employee or agent has, in the past two (2) years, had an
3 ownership or employment or consultant interest in the facility.

4 This act would take effect upon passage.

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