

2025 -- H 5500 SUBSTITUTE A

LC001337/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- CONFIDENTIALITY OF HEALTH CARE COMMUNICATIONS AND INFORMATION ACT

Introduced By: Representative Rebecca M. Kislak

Date Introduced: February 13, 2025

Referred To: House Judiciary

(BHDDH)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 5-37.3 of the General Laws entitled "Confidentiality of Health Care
2 Communications and Information Act" is hereby amended by adding thereto the following section:

3 **5-37.3-4.1. Additional limitations on and permitted disclosures.**

4 (a) The purpose of this section is to establish a pilot program authorizing certain additional
5 permitted disclosures to the department of behavioral healthcare, developmental disabilities, and
6 hospitals ("BHDDH").

7 (b) For the period commencing July 1, 2025, and ending on December 31, 2026, the
8 following provisions shall be in effect:

9 (1) No consent for release or transfer of confidential healthcare information shall be
10 required to report allegations of abuse, neglect, mistreatment, exploitation, death or violation of
11 rights to the department of behavioral healthcare, developmental disabilities and hospitals, or to
12 produce records to BHDDH, when BHDDH makes a written demand for records to a BHDDH-
13 licensed organization, and/or to a facility or program subject to chapter 5 of title 40.1 ("mental
14 health law"), pursuant to either chapter 5, 24, 24.5, 26, or 27 of title 40.1, for any of the
15 organization's or client's or patient's records.

16 (2) If any staff member of the department of behavioral healthcare, developmental
17 disabilities and hospitals who is authorized by its director makes a written demand for records
18 pursuant to either chapter 5, 24, 24.5, 26, or 27 of title 40.1 for any of the organization's or client's

1 or patient's records while BHDDH is investigating an alleged incident of abuse, neglect,
2 mistreatment, exploitation, death, or other violation of rights of an individual who has received or
3 is receiving services from either a facility or program subject to chapter 5 of title 40.1 ("mental
4 health law") or an organization licensed by BHDDH, the records identified in such written demand
5 for records shall be immediately produced to BHDDH; provided, however, that:

6 (i) The BHDDH written demand for records shall include notice that BHDDH has opened
7 an investigation with regard to abuse, neglect, mistreatment, exploitation, death, or violation of
8 rights of a patient or client of the facility, program or organization, and the notice shall include the
9 patient's or client's name if BHDDH is aware of the name;

10 (ii) If the recipient of the written demand for records fails to comply, BHDDH may file in
11 the superior court a petition for writ of mandamus or similar petition for the records requested in
12 the written demand for records; and

13 (iii) For purposes of this section, BHDDH is designated as a health oversight agency as the
14 term is used in 42 CFR § 164.512, and is designated as both a social-service agency and protective
15 services agency as those terms are used in §5-37.3-4.

16 (c) On or before March 31, 2027, the director of BHDDH shall submit to the governor, the
17 speaker of the house, and the president of the senate, a report which shall include, at a minimum,
18 the number of written demands for records made by BHDDH under this section, the number of
19 petitions filed by BHDDH under this section and the results or decision of such petitions, and any
20 recommendations as to the continuation of or amendments to the provisions of this section.

21 (d) Unless extended by the general assembly, the provisions of this section shall sunset and
22 expire on March 31, 2027.

23 SECTION 2. This act shall take effect upon passage and shall sunset and expire on March
24 31, 2027.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- CONFIDENTIALITY OF HEALTH
CARE COMMUNICATIONS AND INFORMATION ACT

1 This act would amend provisions relative to confidentiality of health care communications
2 and the process for requesting records and/or confidential health care information by making an
3 eighteen (18) month pilot program regarding specific written demands made by the department of
4 behavioral healthcare, developmental disabilities, and hospitals pursuant to investigations of
5 allegations of abuse, neglect, and other mistreatment of persons.

6 This act would take effect upon passage and would sunset and expire on March 31, 2027.

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