

2021 -- H 5464

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO HEALTH AND SAFETY -- LICENSING OF HEALTH CARE FACILITIES

Introduced By: Representatives Williams, Messier, Ajello, Vella-Wilkinson, Felix, and Alzate

Date Introduced: February 10, 2021

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

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

3 **23-17-19.1. Rights of patients.**

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

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

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

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

13 (4) The patient shall have the right to refuse any treatment by the health care facility to the  
14 extent permitted by law.

15 (5) The patient's right to privacy shall be respected to the extent consistent with providing  
16 adequate medical care to the patient and with the efficient administration of the health care facility.

17 Nothing in this section shall be construed to preclude discreet discussion of a patient's case or  
18 examination of appropriate medical personnel.

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

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

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

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

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

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

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

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

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

32 (13) The patient ~~shall be offered treatment without discrimination as to race, color, religion,~~  
33 ~~national origin, or source of payment~~ shall not be denied appropriate care on the basis of age, sex,  
34 gender identity, sexual orientation, race, color, marital status, familial status, disability, religion,

1 [national origin, source of income, source of payment or profession.](#)

2 (14) Patients shall be provided with a summarized medical bill within thirty (30) days of  
3 discharge from a health care facility. Upon request, the patient shall be furnished with an itemized  
4 copy of his or her bill. When patients are residents of state-operated institutions and facilities, the  
5 provisions of this subsection shall not apply.

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

9 (16) No charge of any kind, including, but not limited to, copying, postage, retrieval, or  
10 processing fees, shall be made for furnishing a health record or part of a health record to a patient,  
11 his or her attorney, or authorized representative if the record, or part of the record, is necessary for  
12 the purpose of supporting an appeal under any provision of the Social Security Act, 42 U.S.C. §  
13 301 et seq., and the request is accompanied by documentation of the appeal or a claim under the  
14 provisions of the Workers' Compensation Act, chapters 29 -- 38 of title 28 or for any patient who  
15 is a veteran and the medical record is necessary for any application for benefits of any kind. A  
16 provider shall furnish a health record requested pursuant to this section by mail, electronically, or  
17 otherwise, within thirty (30) days of the receipt of the request. For the purposes of this section,  
18 "provider" shall include any out-of-state entity that handles medical records for in-state providers.  
19 Further, for patients of school-based health centers, the director is authorized to specify by  
20 regulation an alternative list of age appropriate rights commensurate with this section.

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

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

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY -- LICENSING OF HEALTH CARE FACILITIES

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- 1           This act would mandate that a patient shall not be denied appropriate care on the basis of
- 2 age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability,
- 3 religion, national origin, source of income, source of payment or profession.
- 4           This act would take effect upon passage.

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