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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO HEALTH AND SAFETY -- DETERMINATION OF NEED FOR NEW
HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL HEALTH SERVICES

Introduced By: Senator Maryellen Goodwin

Date Introduced: February 26, 2015

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-15 of the General Laws entitled "Determination of Need for
2 New Health Care Equipment and New Institutional Health Services" is hereby amended by
3 adding thereto the following sections:

4 **23-15-12. Moratorium of home health care licensing.** -- (a) Upon the effective date of
5 this act, the department of health shall cease accepting new applications for certificate of need for
6 licensed home care, home nursing care, inpatient hospice care, and outpatient hospice care
7 agencies.

8 (b) Applicants that have filed a letter of intent, certificate of need application, or change
9 in effective control request prior to July 1, 2015, will be exempted from the moratorium.

10 (c) New certificate of need applications to license new home care, home nursing care,
11 inpatient hospice care, or outpatient hospice care agencies will be accepted upon consent of the
12 "home healthcare system planning task force" as set forth in § 23-15-13.

13 **23-15-13. Home health care system planning task force.** -- (a) The department of
14 health is required to develop a task force to review the current system infrastructure of licensed
15 home health care agencies.

16 (b) The duties of the task force will be to:

17 (1) Identify the primary and secondary geographic coverage areas of each licensed home
18 care, home nursing care, inpatient hospice care, and outpatient hospice care agency;

1 (2) Identify all services offered by each licensed home care, home nursing care, inpatient
2 hospice care, and outpatient hospice care agency;

3 (3) Identify any geographic or service coverage gaps;

4 (4) Seek within currently licensed home care, home nursing care, inpatient hospice care,
5 and outpatient hospice care agencies whether identified gaps can be filled; and

6 (5) Seek home health agencies operating outside of Rhode Island to fill identified gaps
7 where currently licensed home care, home nursing care, inpatient hospice care, and outpatient
8 hospice care agencies cannot provide services.

9 (b) Composition of the task force will be:

10 (1) The director of the department of health or designee;

11 (2) The chair of the health services council or designee;

12 (3) A representative of the Rhode Island partnership for home care;

13 (4) The license holder of a home care agency;

14 (5) The license holder of a home nursing care agency;

15 (6) The license holder of an inpatient hospice agency;

16 (7) The license holder of an outpatient hospice agency.

17 All appointments will be made by the director of health by September 1, 2015, and the
18 task force shall at least meet quarterly starting on or before October 31, 2015. The director of
19 health or designee will chair the task force.

20 (c) The task force will submit a report to the general assembly on an annual basis.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would establish a moratorium on the licensing of home health care agencies, in
2 order to prevent over-saturation of the market, identify opportunities to fill service coverage gaps,
3 encourage new business development to fill service gaps, and would establish a system planning
4 task force to support the health department in home health care licensing.

5 This act would take effect upon passage.

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