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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO HEALTH AND SAFETY -- HOME CARE RECOVERY AND STABILITY
ACT

Introduced By: Senator Walter S. Felag

Date Introduced: March 01, 2022

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 97

4 HOME CARE RECOVERY AND STABILITY ACT

5 **23-97-1. System planning and licensure control for home care provider, home nursing**
6 **care provider and hospice provider licenses.**

7 (a) The health services council shall not review, and applicable state licensing agencies
8 shall not issue, any approvals for new home care provider, home nursing care provider or hospice
9 provider licenses prior to July 1, 2027; provided, however, that any review by the health services
10 council of the department of health and approval by state agencies may be conducted during the
11 moratorium period in the case of an emergency circumstance; a certificate of need application not
12 previously approved; a change in ownership with respect to an existing home care provider, home
13 nursing care provider or hospice provider license; a change in the effective control of a home care
14 provider, home nursing care provider or hospice provider license or a compelling circumstance
15 affecting the quality of life with respect to a certain geographic area or subpopulation such as, but
16 not limited to, pain control and symptom management delivered to the home. Notwithstanding the
17 foregoing, any certificate of need application pending at the time of the effective date of this chapter
18 shall continue to be reviewed pursuant to the provisions of chapter 15 of title 23; and shall not be

1 subject to the moratorium provisions of this chapter.

2 (b) During the moratorium period provided in subsection (a) of this section, the department
3 of health shall conduct a statewide utilization and capacity study separate and apart from any other
4 statutory study or report of services delivered by home care providers, home nursing care providers
5 and hospice providers. Such study may include, but not be limited to, an assessment of:

6 (1) The current availability and utilization of home care provider, home nursing care
7 provider and hospice provider services;

8 (2) The geographic areas and subpopulations that may be underserved or have reduced
9 access to specific types of health care services; and

10 (3) Other factors that the department deems pertinent to health care utilization at home.
11 Such report may also include the department of health's recommendations for addressing identified
12 gaps in the provision of health care services to homebound patients, recommendations concerning
13 a lack of access to care at home, projection of future demand, and duplicative and/or redundant
14 services.

15 (c) Should the department not produce a report by July 1, 2027 or at any time within a
16 subsequent five (5) year interval, the moratorium on issuing home care provider, home nursing care
17 provider and hospice provider licenses shall remain in effect.

18 (d) The department's health services council can only consider gaps as identified in § 23-
19 97-1(b) of the department's five (5) year study as factors to determine new home care provider,
20 home nursing care provider or hospice provider certificates of need.

21 (e) The number of home care provider, home nursing care provider and hospice provider
22 licenses in effect as of June 30, 2022 shall be the maximum number of licenses issued in each
23 licensure category. In the event of a five percent (5%) or more reduction of licenses within a
24 calendar year, this new figure on December 31 of that year shall be the new maximum number of
25 licenses for that licensure category.

26 (f) In the event a home care provider, home nursing care provider or hospice provider closes
27 its operations without a change of effective control, this closure will reduce the maximum number
28 of licenses for that licensure category by one license.

29 (g) All home care providers, home nursing care providers and hospice providers shall
30 maintain a physical non-residential office location in accordance with any and all requirements by
31 the department of state and the department of health.

32 (h) If any statute or regulation conflicts with the provisions of this chapter, the provisions
33 of this chapter shall prevail.

1 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 -- HOME CARE RECOVERY AND STABILITY
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1 This act would impose a moratorium on the issuance of new home care provider, home
2 nursing care provider and hospice provider licenses prior to July 1, 2027 and provide for health
3 systems planning specific to home care provider, home nursing care provider and hospice provider
4 licenses during the moratorium by the department of health.

5 This act would take effect upon passage.

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