

2024 -- S 2714 SUBSTITUTE A

LC004260/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO HEALTH AND SAFETY -- LICENSING OF HEALTHCARE FACILITIES

Introduced By: Senators Lauria, Miller, DiMario, Lawson, Pearson, Valverde, Ujifusa,  
LaMountain, Murray, and Cano

Date Introduced: March 05, 2024

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-17 of the General Laws entitled "Licensing of Healthcare  
2 Facilities" is hereby amended by adding thereto the following section:

3 **23-17-67. Hospital determinations for Medicare and Medicaid for uninsured patients.**

4 (a) All hospitals shall screen each uninsured patient, upon the uninsured patient's  
5 agreement, at the earliest reasonable moment for potential eligibility for both:

6 (1) Public health insurance programs; and

7 (2) Any financial assistance offered by the hospital.

8 (b) All screening activities, including initial screenings and all follow-up assistance, shall  
9 be provided in compliance with § 23-17-54.

10 (c) If a patient declines or fails to respond to the screening described in subsection (a) of  
11 this section, the hospital shall document in the patient's record the patient's decision to decline or  
12 failure to respond to the screening, confirming the date and method by which the patient declined  
13 or failed to respond.

14 (d) If a patient does not decline the screening described in subsection (a) of this section, a  
15 hospital shall screen an uninsured patient at the earliest reasonable moment.

16 (e) If a patient does not submit to screening, financial assistance application, or reasonable  
17 payment plan documentation within thirty (30) days after a request, the hospital shall document the  
18 lack of received documentation, confirming the date that the screening took place and that the thirty  
19 (30) day timeline for responding to the hospital's request has lapsed; provided, however, that it may

1 be reopened within ninety (90) days after the date of discharge, date of service, or completion of  
2 the screening.

3 (f) If the screening indicates that the patient may be eligible for a public health insurance  
4 program, the hospital shall provide information to the patient about how the patient can apply for  
5 the public health insurance program, including, but not limited to, referral to healthcare navigators  
6 who provide free and unbiased eligibility and enrollment assistance, including healthcare  
7 navigators at federally qualified health centers; local, state, or federal government agencies; or any  
8 other resources that the state recognizes as designed to assist uninsured individuals in obtaining  
9 health coverage.

10 (g) If the uninsured patient's application for a public health insurance program is approved,  
11 the hospital shall bill the insuring entity and shall not pursue the patient for any aspect of the bill,  
12 except for any required copayment, coinsurance, or other similar payment for which the patient is  
13 responsible under the insurance. If the uninsured patient's application for public health insurance is  
14 denied, the hospital shall again offer to screen the uninsured patient for hospital financial assistance,  
15 and the timeline for applying for financial assistance under this section shall begin again.

16 (h) A hospital shall offer to screen an insured patient for hospital financial assistance under  
17 this section if the patient requests financial assistance screening, if the hospital is contacted in  
18 response to a bill, if the hospital learns information that suggests an inability to pay, or if the  
19 circumstances otherwise suggest the patient's inability to pay.

20 (i)(1) Each hospital shall post a sign with the following notice: "You may be eligible for  
21 financial assistance under the terms and conditions the hospital offers to qualified patients. For  
22 more information contact [hospital financial assistance representative]".

23 (2) The sign under subsection (i)(1) of this subsection shall be posted, either by physical  
24 or electronic means, in accordance with § 23-17-54.

25 (3) Each hospital that has a website shall post a notice in a prominent place on its website  
26 that financial assistance is available at the hospital, a description of the financial assistance  
27 application process, and a copy of the financial assistance application.

28 (4) Within one hundred eighty (180) days after the effective date of this section, each  
29 hospital shall make available information regarding financial assistance from the hospital in the  
30 form of either a brochure, an application for financial assistance, or other written or electronic  
31 material in the emergency room, hospital admission, and registration area.

32 (j)(1) The executive office of health and human services is responsible for administering  
33 and ensuring compliance with this section, including the development of any rules and regulations  
34 necessary for the implementation and enforcement of this section.

1           (2) The executive office of health and human services shall develop and implement a  
2 process for receiving and handling complaints from individuals or hospitals regarding possible  
3 violations of this section.

4           (3) The attorney general may conduct any investigation deemed necessary regarding  
5 possible violations of this section by any hospital including, without limitation, the issuance of  
6 subpoenas to:

7           (i) Require the hospital to file a statement or report or answer interrogatories in writing as  
8 to all information relevant to the alleged violations;

9           (ii) Examine under oath any person who possesses knowledge or information directly  
10 related to the alleged violations; and

11           (iii) Examine any record, book, document, account, or paper necessary to investigate the  
12 alleged violation.

13           (4) If the attorney general determines that there is a reason to believe that any hospital has  
14 violated this section, the attorney general may bring an action against the hospital to obtain  
15 temporary, preliminary, or permanent injunctive relief for any act, policy, or practice by the hospital  
16 that violates this section. Before bringing such an action, the attorney general may permit the  
17 hospital to submit a correction plan for the attorney general's approval.

18           SECTION 2. This act shall take effect on January 1, 2025.

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

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- 1           This act would require all hospitals to screen uninsured patients for eligibility for public
- 2 health programs and financial assistance under Medicare and Medicaid.
- 3           This act would take effect on January 1, 2025.

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