

2026 -- H 7488

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO HEALTH AND SAFETY -- ABUSE IN HEALTHCARE FACILITIES

Introduced By: Representatives Potter, Donovan, Slater, Speakman, Kislak, and Serpa

Date Introduced: February 04, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-17.8-1 of the General Laws in Chapter 23-17.8 entitled "Abuse in
2 Healthcare Facilities" is hereby amended to read as follows:

3 **23-17.8-1. Definitions.**

4 (a)(1) "Abuse" means:

5 (i) Any assault as defined in chapter 5 of title 11, including, but not limited to, hitting,
6 kicking, pinching, slapping, or the pulling of hair; provided, however, unless it is required as an
7 element of the offense charged, it shall not be necessary to prove that the patient or resident was
8 injured by the assault;

9 (ii) Any assault as defined in chapter 37 of title 11;

10 (iii) Any offense under chapter 10 of title 11;

11 (iv) Any conduct that harms or is likely to physically harm the patient or resident except
12 where the conduct is a part of the care and treatment, and in furtherance of the health and safety of
13 the patient or resident; or

14 (v) ~~Intentionally engaging~~ Engaging in a pattern of harassing conduct that causes or is
15 likely to cause emotional or psychological harm to the patient or resident, including but not limited
16 to: ridiculing or demeaning a patient or resident; making derogatory remarks to a patient or resident
17 or cursing directed towards a patient or resident; or threatening to inflict physical or emotional harm
18 on a patient or resident.

19 (2) Nothing in this section shall be construed to prohibit the prosecution of any violator of

1 this section under any other chapter.

2 (b) "Department" means the department of health when the incident occurs in a healthcare
3 facility, and the department of behavioral healthcare, developmental disabilities and hospitals when
4 the incident occurs in a community residence for persons with intellectual or developmental
5 disabilities.

6 (c) "Facility" means any healthcare facility or community residence for persons with
7 intellectual or developmental disabilities as those terms are defined in this section. "Healthcare
8 facility" means any hospital or facility that provides long-term health care required to be licensed
9 under chapter 17 of this title, and any assisted living residence required to be licensed under chapter
10 17.4 of this title, and any community residence whether privately or publicly owned. "Community
11 residence" for persons with intellectual or developmental disabilities means any residential
12 program licensed by the department of behavioral healthcare, developmental disabilities and
13 hospitals that meets the definition of a community residence as defined in § 40.1-24-1 and provides
14 services to persons with intellectual or developmental disabilities.

15 (d) "High managerial agent" means an officer of a facility, the administrator and assistant
16 administrator of the facility, the director and assistant director of nursing services, or any other
17 agent in a position of comparable authority with respect to the formulation of the policies of the
18 facility or the supervision in a managerial capacity of subordinate employees.

19 (e) "Immediate jeopardy" means a situation in which the nursing facility's alleged
20 noncompliance with one or more state or federal requirements or conditions has caused, or is likely
21 to cause serious injury, harm, impairment, or death to a resident; or shall be defined in accordance
22 with 42 C.F.R Part 489 or any subsequent applicable federal regulations.

23 (f) "Mistreatment" means the inappropriate use of medications, isolation, or use of physical
24 or chemical restraints:

25 (1) As punishment;
26 (2) For staff convenience;
27 (3) As a substitute for treatment or care;
28 (4) In conflict with a physician's order; or
29 (5) In quantities that inhibit effective care or treatment, or that harms or are likely to harm
30 the patient or resident.

31 (g) "Neglect" means the **intentional** failure to provide treatment, care, goods, and services
32 necessary to maintain the health and safety of the patient or resident; or the **intentional** failure to
33 carry out a plan of treatment or care prescribed by the physician of the patient or resident; or the
34 **intentional** failure to report patient or resident health problems or changes in health problems or

1 changes in health conditions to an immediate supervisor or nurse; or the **intentional** lack of attention
2 to the physical needs of a patient or resident including, but not limited to toileting, bathing, meals,
3 and safety. No person shall be considered to be neglected for the sole reason that the person relies
4 on or is being furnished treatment in accordance with the tenets and teachings of a well-recognized
5 church or denomination by a duly-accredited practitioner of a well-recognized church or
6 denomination.

7 (h) "Non-immediate jeopardy — high potential for harm" means a situation in which a
8 nursing facility's alleged noncompliance with one or more state or federal requirements or
9 conditions may have caused harm that negatively impacts the individual's mental, physical, and/or
10 psychosocial status; or shall be defined in accordance with 42 C.F.R Part 489 or any subsequent
11 applicable federal regulations.

12 (i) "Non-immediate jeopardy — low potential for harm" means a situation in which a
13 nursing facility's alleged noncompliance with one or more state or federal requirements or
14 conditions may have caused mental, physical, and/or psychosocial discomfort that does not
15 constitute injury or damage; or shall be defined in accordance with 42 C.F.R Part 489 or any
16 subsequent applicable federal regulations.

17 (j) "Non-immediate jeopardy — medium potential for harm" means a situation in which a
18 nursing facility's alleged noncompliance with one or more state or federal requirements or
19 conditions has caused or may have caused harm that is of limited consequence and does not
20 significantly impair the individual's mental, physical, and/or psychosocial status to function; or
21 shall be defined in accordance with 42 C.F.R Part 489 or any subsequent applicable federal
22 regulations.

23 (k) "Patient" means any person who is admitted to a facility for treatment or care, while
24 "resident" means any person who maintains their residence or domicile, on either a temporary or
25 permanent basis, in a facility.

26 (l) "Person" means any natural person, corporation, partnership, unincorporated
27 association, or other business entity.

28 SECTION 2. Section 42-66-4.1 of the General Laws in Chapter 42-66 entitled "Office of
29 Healthy Aging" is hereby amended to read as follows:

30 **42-66-4.1. Definitions.**

31 As used in this chapter:

32 (1) "Abuse" means physical abuse, sexual abuse, and/or emotional abuse of an elderly
33 person by a caregiver as defined in subsection (2).

34 (i) "Emotional abuse" means a pattern of **willful** infliction of mental or emotional harm

1 upon an elderly person by threat, intimidation, isolation, or other abusive conduct.

2 (ii) "Physical abuse" means the ~~willful~~ infliction of physical pain or injury (e.g., slapping,
3 bruising, or restraining) upon an elderly person.

4 (iii) "Sexual abuse" means the infliction of non-consensual sexual contact of any kind upon
5 an elderly person. Sexual abuse includes, but is not limited to, sexual assault, rape, sexual misuse
6 or exploitation of an elderly person, as well as threats of sexual abuse where the perpetrator has the
7 intent and the capacity to carry out the threatened abuse.

8 (2) "Caregiver" means a person who has assumed the responsibility for the care of the
9 elderly person voluntarily, by contract, or by order of a court of competent jurisdiction, or who is
10 otherwise legally responsible for the care of the elderly person.

11 (3) "Elderly person" or "elder" means any person sixty (60) years of age or older.

12 (4) "Exploitation" means the fraudulent or otherwise illegal, unauthorized, or improper act
13 or process of an individual, including, but not limited to, a caregiver or fiduciary, who uses the
14 resources of an elderly person for monetary or personal benefit, profit, gain, or that results in
15 depriving an elderly person of rightful access to, or use of, benefits, resources, belongings, or assets
16 by use of undue influence, harassment, duress, deception, false representation, or false pretenses.

17 (5) "Neglect" means the ~~willful~~ failure by a caregiver or other person with a duty of care
18 to provide goods or services necessary to avoid physical harm, mental harm, or mental illness to an
19 elderly person, including, but not limited to, "abandonment" (withdrawal of necessary assistance)
20 and denial of food or health-related services.

21 (6) "Protective services" means services and/or action intended to prevent and/or alleviate
22 the abuse, neglect, exploitation, or self-neglect of elderly persons. Protective services may include
23 supervision, counseling, and assistance in securing health and supportive services, safe living
24 accommodations, and legal intervention.

25 (7) "Self-neglect" means a pattern of behavior in an elderly person that directly,
26 imminently, and significantly threatens his/her own health and/or safety. Self-neglect includes, but
27 is not limited to, an inability or an incapacity to provide self with food, water, shelter, or safety to
28 the point of establishing imminent risk of any of the harm(s) described in the immediately preceding
29 sentence.

30 (8) ~~"Willful"~~ means ~~intentional, conscious, and directed toward achieving a purpose.~~

31 SECTION 3. 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 -- ABUSE IN HEALTHCARE FACILITIES

- 1 This act would remove the intent requirement relative to the definitions of "abuse" within
- 2 the chapter on "abuse in healthcare facilities" and would amend the definitions of "abuse" and
- 3 "neglect" with regard to elderly affairs by deleting the element of willful, conduct. This act would
- 4 also delete the definition of willful.
- 5 This act would take effect upon passage.

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