

2026 -- S 2388

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LC003423
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

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

Introduced By: Senators McKenney, Bissaillon, Urso, Tikoian, and Britto

Date Introduced: January 30, 2026

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 New
2 Healthcare Equipment and New Institutional Health Services" is hereby amended by adding thereto
3 the following section:

4 **23-15-12. System planning and licensure control for home care provider, home**
5 **nursing care provider and hospice provider licenses -- Moratorium.**

6 (a) The health services council shall not review, and applicable state licensing agencies
7 shall not issue, any approvals for new home care provider, home nursing care provider or hospice
8 provider licenses prior to July 1, 2031; provided, however, that any review by the health services
9 council of the department of health and approval by state agencies may be conducted during the
10 moratorium period in the case of an emergency circumstance; a certificate of need application not
11 previously approved; a change in ownership with respect to an existing home care provider, home
12 nursing care provider or hospice provider license; a change in the effective control of a home care
13 provider, home nursing care provider or hospice provider license or a compelling circumstance
14 affecting the quality of life with respect to a certain geographic area or subpopulation including,
15 but not limited to, pain control and symptom management delivered to the home. Provided,
16 however, that any certificate of need application pending at the time of the effective date of this
17 section shall continue to be reviewed pursuant to the provisions of chapter 15 of title 23; and shall
18 not be subject to the moratorium provisions of this section.

1 **(b) During the moratorium period provided in subsection (a) of this section, the department**
2 **of health shall conduct a statewide utilization and capacity study separate and apart from any other**
3 **statutory study or report of services delivered by home care providers, home nursing care providers**
4 **and hospice providers. Such study may include, but not be limited to, an assessment of:**
5 **(1) The current availability and utilization of home care provider, home nursing care**
6 **provider and hospice provider services;**
7 **(2) The geographic areas and subpopulations that may be underserved or have reduced**
8 **access to specific types of health care services; and**
9 **(3) Other factors that the department deems pertinent to health care utilization at home.**
10 **The report may also include the department of health's recommendations for addressing identified**
11 **gaps in the provision of health care services to homebound patients, recommendations concerning**
12 **a lack of access to care at home, projection of future demand, and duplicative and/or redundant**
13 **services.**
14 **(c) Should the department not produce a report by July 1, 2031, or at any time within a**
15 **subsequent five (5) year interval, the moratorium on issuing home care provider, home nursing care**
16 **provider and hospice provider licenses shall remain in effect.**
17 **(d) The department's health services council can only consider gaps as identified in the**
18 **department's five (5) year study as factors to determine new home care provider, home nursing**
19 **care provider or hospice provider certificates of need.**
20 **(e) The number of home care providers, home nursing care providers and hospice providers**
21 **licenses in effect as of June 30, 2026, shall be the maximum number of licenses issued in each**
22 **licensure category. In the event of a five percent (5%) or more reduction of licenses within a**
23 **calendar year, this new figure on December 31 of that year shall be the new maximum number of**
24 **licenses for that licensure category.**
25 **(f) In the event a home care provider, home nursing care provider or hospice provider closes**
26 **its operations without a change of effective control, this closure will reduce the maximum number**
27 **of licenses for that licensure category by one license.**
28 **(g) All home care providers, home nursing care providers and hospice providers shall**
29 **maintain a physical non-residential office location in accordance with any and all requirements by**
30 **the department of state and the department of health.**
31 **(h) If any statute or regulation conflicts with the provisions of this section, the provisions**
32 **of this section shall prevail.**

1 SECTION 2. This act shall take effect on July 1, 2026.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY-- DETERMINATION OF NEED FOR NEW
HEALTHCARE EQUIPMENT AND NEW INSTITUTIONAL HEALTH SERVICES

- 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, 2031, and provide for health
- 3
- systems planning specific to home care providers, home nursing care providers and hospice
- 4
- providers licenses during the moratorium by the department of health.
- 5
- This act would take effect on July 1, 2026.

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