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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 -- RIGHTS OF NURSING HOME PATIENTS

Introduced By: Senators Crowley, Sosnowski, Ottiano, Satchell, and Jabour

Date Introduced: February 12, 2015

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-17.5-25 of the General Laws in Chapter 23-17.5 entitled "Rights
2 of Nursing Home Patients" is hereby amended to read as follows:

3 **23-17.5-25. Notice on bed-hold policy and readmission.** -- (a) Notice before transfer. -
4 Before a resident of a nursing facility is transferred for hospitalization or therapeutic leave, a
5 nursing facility must provide written information to the resident and a family member or legal
6 representative concerning:

7 (1) The provisions of the medical assistance program state plan regarding the period (if
8 any) during which the resident will be permitted under the state plan to return and resume
9 residence in the facility; and

10 (2) The policies of the facility regarding the period, which policies must be consistent
11 with subsection (c).

12 (b) Notice upon transfer. - At the time of the transfer of a resident to a hospital or for
13 therapeutic leave, a nursing facility must provide written notice to the resident and a family
14 member or legal representative of the duration of any period described in subsection (c).

15 (c) Permitting resident to return. - A nursing facility must establish and follow a written
16 policy under which a resident:

17 (1) Who is transferred from the facility for hospitalization or therapeutic leave; and

18 (2) Whose hospitalization or therapeutic leave exceeds a period paid for under the state
19 plan for the holding of a bed in the facility for the resident, will be permitted to be readmitted to

1 the facility immediately upon the first availability of a bed of appropriate level of care in a semi-
2 private room in the facility if at the time of readmission, the resident requires the services
3 provided by the facility.

4 (d) Any nursing facility that accepts private payment for purposes of reserving a bed in
5 the facility for a resident who is transferred from the facility for hospitalization or other
6 institutional therapeutic leave, and that resident's medical and health care is being paid for by the
7 state medical assistance program, shall ~~not charge an amount per day for reserving a bed in the~~
8 ~~facility that exceeds~~ receive the facility's current Medicaid daily rate; for ~~a minimum of~~ the first
9 ~~five (5)~~ three (3) days of said hospitalization or the institutional therapeutic leave, and shall not
10 charge the resident, for private pay purposes, an amount per day for reserving a bed in the facility
11 that exceeds the facility's current Medicaid daily rate for up to two (2) additional days.

12 (e) The departments of human services and health shall receive, on a monthly basis, the
13 names from each nursing home of those persons awaiting readmission under these provisions.

14 (f) The department of health shall promulgate regulations governing these provisions.

15 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 -- RIGHTS OF NURSING HOME PATIENTS

1 This act would mandate that nursing facilities, when reserving a bed for a patient that has
2 been transferred for hospitalization, only receive compensation for the facility's Medicaid daily
3 rate for the first three (3) days and cannot charge the patient a rate that exceeds the Medicaid rate
4 for private pay purposes, for up to two (2) additional days.

5 This act would take effect upon passage.

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