

2016 -- S 2296 SUBSTITUTE A

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LC004235/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO HEALTH AND SAFETY - RIGHTS OF PATIENTS - MEDICAL RECORD
FEES FOR VETERANS

Introduced By: Senators Nesselbush, P Fogarty, Miller, Crowley, and Doyle

Date Introduced: February 09, 2016

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 Section 23-17-19.1 of the General Laws in Chapter 23-17 entitled "Licensing of Health
2 Care Facilities" is hereby amended to read as follows:

3 **23-17-19.1. Rights of patients.** -- Every health care facility licensed under this chapter
4 shall observe the following standards and any other standards that may be prescribed in rules and
5 regulations promulgated by the licensing agency with respect to each patient who utilizes the
6 facility:

7 (1) The patient shall be afforded considerate and respectful care.

8 (2) Upon request, the patient shall be furnished with the name of the physician
9 responsible for coordinating his or her care.

10 (3) Upon request, the patient shall be furnished with the name of the physician or other
11 person responsible for conducting any specific test or other medical procedure performed by the
12 health care facility in connection with the patient's treatment.

13 (4) The patient shall have the right to refuse any treatment by the health care facility to
14 the extent permitted by law.

15 (5) The patient's right to privacy shall be respected to the extent consistent with providing
16 adequate medical care to the patient and with the efficient administration of the health care
17 facility. Nothing in this section shall be construed to preclude discreet discussion of a patient's
18 case or examination of appropriate medical personnel.

1 (6) The patient's right to privacy and confidentiality shall extend to all records pertaining
2 to the patient's treatment except as otherwise provided by law.

3 (7) The health care facility shall respond in a reasonable manner to the request of a
4 patient's physician, certified nurse practitioner and/or a physician's assistant for medical services
5 to the patient. The health care facility shall also respond in a reasonable manner to the patient's
6 request for other services customarily rendered by the health care facility to the extent the
7 services do not require the approval of the patient's physician, certified nurse practitioner and/or a
8 physician's assistant or are not inconsistent with the patient's treatment.

9 (8) Before transferring a patient to another facility, the health care facility must first
10 inform the patient of the need for and alternatives to a transfer.

11 (9) Upon request, the patient shall be furnished with the identities of all other health care
12 and educational institutions that the health care facility has authorized to participate in the
13 patient's treatment and the nature of the relationship between the institutions and the health care
14 facility.

15 (10)(a) Except as otherwise provided in this subparagraph, if the health care facility
16 proposes to use the patient in any human subjects research, it shall first thoroughly inform the
17 patient of the proposal and offer the patient the right to refuse to participate in the project.

18 (b) No facility shall be required to inform prospectively the patient of the proposal and
19 the patient's right to refuse to participate when: (i) the facility's human subjects research involves
20 the investigation of potentially lifesaving devices, medications and/or treatments and the patient
21 is unable to grant consent due to a life-threatening situation and consent is not available from the
22 agent pursuant to chapter 23-4.10 of the general laws or the patient's decision maker if an agent
23 has not been designated or an applicable advanced directive has not been executed by the patient;
24 and (ii) the facility's institutional review board approves the human subjects research pursuant to
25 the requirements of 21 CFR Part 50 and/or 45 CFR Part 46 (relating to the informed consent of
26 human subjects). Any health care facility engaging in research pursuant to the requirements of
27 subparagraph (b) herein shall file a copy of the relevant research protocol with the department of
28 health, which filing shall be publicly available.

29 (11) Upon request, the patient shall be allowed to examine and shall be given an
30 explanation of the bill rendered by the health care facility irrespective of the source of payment of
31 the bill.

32 (12) Upon request, the patient shall be permitted to examine any pertinent health care
33 facility rules and regulations that specifically govern the patient's treatment.

34 (13) The patient shall be offered treatment without discrimination as to race, color,

1 religion, national origin, or source of payment.

2 (14) Patients shall be provided with a summarized medical bill within thirty (30) days of
3 discharge from a health care facility. Upon request, the patient shall be furnished with an itemized
4 copy of his or her bill. When patients are residents of state-operated institutions and facilities, the
5 provisions of this subsection shall not apply.

6 (15) Upon request, the patient shall be allowed the use of a personal television set
7 provided that the television complies with underwriters' laboratory standards and O.S.H.A.
8 standards, and so long as the television set is classified as a portable television.

9 (16) No charge of any kind, including, but not limited to, copying, postage, retrieval or
10 processing fees, shall be made for furnishing a health record or part of a health record to a patient,
11 his or her attorney or authorized representative if the record or part of the record is necessary for
12 the purpose of supporting an appeal under any provision of the Social Security Act, 42 U.S.C. §
13 301 et seq., and the request is accompanied by documentation of the appeal or a claim under the
14 provisions of the Workers' Compensation Act, chapters 29 – 38 of title 28 or for any patient who
15 is a veteran and the medical record is necessary for any application for benefits of any kind. A
16 provider shall furnish a health record requested pursuant to this section, by mail, electronically or
17 otherwise, within thirty (30) days of the receipt of the request. For the purposes of this section,
18 "provider" shall include any out of state entity that handles medical records for in-state providers.
19 Further, for patients of school based health centers, the director is authorized to specify by
20 regulation an alternative list of age appropriate rights commensurate with this section.

21 (17) The patient shall have the right to have his or her pain assessed on a regular basis.

22 (18) Notwithstanding any other provisions of this section, upon request, patients
23 receiving care through hospitals, nursing homes, assisted living residences and home health care
24 providers, shall have the right to receive information concerning hospice care, including the
25 benefits of hospice care, the cost, and how to enroll in hospice care.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would require healthcare providers to provide veterans copies of their medical
- 2 records at no charge if the records are used to apply for benefits of any kind.
- 3 This act would take effect upon passage.

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