

2010 -- S 2419

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LC01875
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO HEALTH AND SAFETY - LICENSING OF HEALTH CARE FACILITIES

Introduced By: Senator C Levesque

Date Introduced: February 11, 2010

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-17-12 of the General Laws in Chapter 23-17 entitled "Licensing
2 of Health Care Facilities" is hereby amended to read as follows:

3 **23-17-12. Inspections -- Nursing facilities.** -- (a) The licensing agency shall make or
4 cause to be made unannounced inspections and investigations of nursing facilities. The director
5 shall establish by regulation criteria to determine the frequency for unannounced inspections and
6 investigation that shall include specific criteria to determine the appropriate frequency of those
7 surveys including, but not limited to, patient acuity, quality indicators, staff retention, financial
8 status, and a facility's past compliance with the regulations. In no instance shall any facility with a
9 pattern of noncompliance with regulations or orders, indications of marginal financial status,
10 repeated levels of nursing hours per resident significantly below the state average, or other risk
11 factors determined to influence quality, receive less than two (2) surveys in addition to the annual
12 licensing survey required by this chapter. Any nursing care facility which is cited for substandard
13 care by the licensing agency shall be inspected on a ~~bimonthly basis for the twelve (12) month~~
14 ~~period immediately following any citation~~ quarterly basis from the issuing of the citation until at
15 least the next two (2) quarters following compliance. The licensing agency shall, on an annual
16 basis, cause no less than ten percent (10%) of all nursing care facility annual surveys to be
17 conducted, in whole or in part, on nights and/or on weekends. The inspections shall be conducted
18 both as to profit and nonprofit facilities and the results shall be open to public inspection;
19 however, requirements as to the fire safety code will be deferred in accordance with section 23-

1 28.1-7.

2 (b) No employee or agent of the department shall be participating in or supervising an
3 inspection of any facility to which that employee currently has, or in the past five (5) years has
4 had, any ownership, employment, or consultant arrangement or any other potential conflicts of
5 interest. The restrictions imposed under this subsection shall be in addition to, and not in place of,
6 the requirements of chapter 14 of title 36.

7 (c) The licensing agency shall make or cause to be made unannounced inspections and/or
8 investigations of any establishment, facility, boarding house, dormitory, however named, to
9 determine whether the lodging facility should be licensed and regulated under the provisions of
10 this chapter.

11 (d) All members of the general assembly and any general officer of this state may make
12 announced and unannounced inspections of extended care facilities, skilled nursing homes,
13 intermediate care facilities, personal care homes, nursing homes, and state institutions.

14 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 - LICENSING OF HEALTH CARE FACILITIES

1 This act would require inspections of a nursing care facility on a quarterly basis instead
2 of on a bimonthly basis for the next twelve (12) month period following a citation for substandard
3 care.

4 This act would take effect upon passage.

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