

2022 -- H 7397

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO HEALTH AND SAFETY -- HOME CARE RECOVERY AND STABILITY  
ACT

Introduced By: Representative Patricia A. Serpa

Date Introduced: February 09, 2022

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 97

4 HOME CARE RECOVERY AND STABILITY ACT

5 **23-97-1. Short title.**

6 This chapter shall be known and may be cited as the "Home Care Recovery and Stability  
7 Act."

8 **23-97-2. System planning and licensure control for home care provider, home nursing**  
9 **care provider and hospice provider licenses.**

10 (a) The health services council shall not review, and applicable state licensing agencies  
11 shall not issue, any approvals for new home care provider, home nursing care provider and hospice  
12 provider licenses prior to July 1, 2027; provided, however, that any review by the health services  
13 council of the department of health and approval by state agencies may be conducted during the  
14 moratorium period in the case of an emergency circumstance: a certificate of need application not  
15 previously approved; a change in ownership with respect to an existing home care provider, home  
16 nursing care provider and hospice provider license; a change in the effective control of a home care  
17 provider, home nursing care provider and hospice provider license or a compelling circumstance  
18 affecting the quality of life with respect to a certain geographic area or subpopulation such as, but

1 not limited to, pain control and symptom management delivered to the home. Notwithstanding the  
2 foregoing, any certificate of need application pending at the time of enactment of this chapter shall  
3 continue to be reviewed pursuant to the provisions of chapter 15 of title 23: and shall not be subject  
4 to the moratorium provisions of this chapter.

5 (b) During any moratorium period provided in subsection (a) of this section, the department  
6 of health shall conduct a statewide utilization and capacity study and report separate and apart from  
7 any other statutory study or report of services delivered by home care providers, home nursing care  
8 providers and hospice providers. The study and report produced pursuant to this subsection may  
9 include, but not be limited to, an assessment of:

10 (1) The current availability and utilization of home care provider, home nursing care  
11 provider and hospice provider services;

12 (2) The geographic areas and subpopulations that may be underserved or have reduced  
13 access to specific types of health care services; and

14 (3) Other factors that the department deems pertinent to health care utilization at home.  
15 The report produced pursuant to this subsection may also include the department of health's  
16 recommendations for addressing identified gaps in the provision of health care services to  
17 homebound patients, recommendations concerning a lack of access to care at home, projection of  
18 future demand, and duplicative and/or redundant services.

19 (c) Should the department not produce a report by July 1, 2027, or at any time within a  
20 subsequent five (5) year interval, the moratorium on issuing home care provider, home nursing care  
21 provider and hospice provider licenses shall remain in effect.

22 (d) The department's health services council shall only consider gaps as identified in the  
23 study report produced pursuant to subsection (b) of this section as factors to determine new home  
24 care provider, home nursing care provider or hospice provider certificate of need.

25 (e) The number of home care provider, home nursing care provider and hospice provider  
26 licenses in effect as of June 30, 2022, shall be the maximum number of licenses issued in each  
27 licensure category. Should there be a five percent (5%) or more reduction of licenses within a  
28 calendar year, this new figure on December 31 of that year shall be the new maximum number of  
29 licenses for that licensure category.

30 (f) Should a home care provider, home nursing care provider and hospice provider close  
31 its operations without a change of effective control, this will reduce the maximum number of  
32 licenses for that licensure category by one license.

33 (g) All home care provider, home nursing care provider and hospice providers shall  
34 maintain a physical non-residential office location in accordance with any and all requirements by

1 [the department of state and the department of health.](#)

2 [\(h\) Any conflicting statute or regulations shall be deemed null.](#)

3 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 -- HOME CARE RECOVERY AND STABILITY  
ACT

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1           This act would create a moratorium until at least July 1, 2027 on the issuance of new  
2 licenses for home care providers, home nursing care providers and hospice providers. Limited  
3 exceptions to the moratorium are provided. During the five (5) year moratorium period the  
4 department of health is to conduct a statewide utilization and capacity study and report.

5           This act would take effect upon passage.

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