

**STATE OF RHODE ISLAND
RHODE ISLAND DEPARTMENT OF HEALTH
CONCISE STATEMENT OF PROPOSED NON-TEHCNICAL AMENDMENTS
(AMENDMENTS TO EXISTING REGULATIONS)**

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-1.7(b)(8), the following is a concise statement of proposed non-technical amendments *Licensing of Nursing Facilities* (216-RICR-40-10-1)

| Amendment Coordinates | Rationale/Summary of Change |
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| | <ul style="list-style-type: none"> • § 1.2(A), (D), (E), and (L) – Incorporated references updated to more recent versions • § 1.2(G), (H), (I), (J), and (K) – Incorporated references removed • § 1.3(A) <ul style="list-style-type: none"> ○ (2) – Definition of “Advanced Practice Registered Nurse” revised to add “an individual licensed to practice advanced practice registered nursing within one of the following roles: certified nurse practitioner (CNP), certified registered nurse anesthetist (CRNA) as defined in R.I. Gen. Laws Chapter 34.2, or certified clinical nurse specialist (CNS), and who functions in a population focus. An APRN may serve as a primary-or acute-care provider of record and is” ○ (4) – Definition of “The capacity” revised ○ (6) – Definition of “Change in operator” revised to apply to licensees as well as the governing body and added “Comply with State and Federal safety regulations including, specifically, those set forth under § 1.2 of this Part” to the list of responsibilities of the new operators. ○ (7)- Definition of “Change in owner” revised to include “applies to both owners and operators” ○ (9) – Definition of “Controlling person” revised for clarity. ○ (18) – Definition of “Equity” revised to add “means non-debt funds contributed towards the capital costs related to <u>the initial establishment and licensure of a nursing facility or</u>” and “The initial contribution of equity must remain free and clear of any repayment or liens against the assets of the licensee throughout the period of licensure, including all subsequent renewals.” <ul style="list-style-type: none"> ▪ Moved portion of wording to § 1.5(F). ○ (39) – Definition of “Nursing facility” revised to include “, building, or portion thereof” ○ Definitions Added: <ul style="list-style-type: none"> ▪ (26) – “Lessee” ▪ (27) –“Licensee” ▪ (31) – “Management Company” ▪ (43) – “Operator” ▪ (44) – “Owner” ○ Definitions Removed: <ul style="list-style-type: none"> ▪ (26) – “The licensed capacity of a nursing facility” ▪ (40) – “Occupancy level of a facility” ▪ (53) – “R.I. Gen. Laws” • § 1.4(C) – Updated the name of the Office of the State Fire Marshall • § 1.5(F) – Wording added from § 1.3(A)(18) and additional wording added. |

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| | <ul style="list-style-type: none"> • § 1.6(D) – <ul style="list-style-type: none"> ○ Section added reading “In accordance with R.I. Gen. Laws § 23-17-4(a), a person that owns real property that is being operated by another person as a nursing facility is acting severally or jointly with such other person to conduct or maintain such property as a nursing facility. Accordingly, real property that is being operated as a nursing facility may not be acquired or purchased by a person prior to the Department’s review and approval of such transaction.” ○ New language added indicating that the provisions of this section shall apply to any real property transactions that close on and after October 2, 2023. • § 1.7(A) – New language added stating “the provisions contained in §§ 1.7(G)(1)(c) and 1.7(G)(2)(a)((1)) of this Part shall apply to those applicants whose change in effective control applications are submitted for review on and after October 2, 2023; and those applications for a change in effective control review submitted on and before October 2, 2023 that were not deemed to be complete and not accepted for review by the Department.” • § 1.7(F) – “Initial licensure” removed from statements regarding review of applications. • § 1.7(G)(1)(c) – Added text “including maintenance, throughout the period of licensure, including all subsequent renewals, of the minimum equity position approved by the licensing agency at the time of initial licensure or change in effective control.” • § 1.7(G)(2)(a)(1) – Added text “and the maintenance of same by the licensee throughout the period of licensure, including all renewals thereof;” • § 1.7.1(F) – Removed “including any moratorium on increasing bed capacity in nursing facilities that may otherwise apply” <ul style="list-style-type: none"> ○ (4) – Deleted subsection • § 1.7.2(A)(1) – <ul style="list-style-type: none"> ○ Changed “Shift operational control to” to “contact with” ○ Added “The Department has authority to reject management agreements for failure to comply with nursing home regulations.” • §§ 1.7.2(A)(3) and (4) – Sections added • § 1.11(D) – Removed requirement of the Department to notify nursing facilities by certified mail or hand delivery. • § 1.12.1(A) – Changed the agency that RIDOH must consult with from DHS to EOHHS • § 1.12.1(F) – Subsection deleted • § 1.12.1(H) – Subsection deleted • §§ 1.13.1(A)(3) and 1.15.4(B) – Updated the non-discrimination policy • § 1.13.7(A)(2) – Removed “in accordance with Department guidance” • § 1.15(B) – Updated wording for clarity • § 1.15.9(D) – Added subsection regarding reporting requirements. • § 1.16.2 – Updated infection control section • § 1.16.4(C) – Updated reference • § 1.16.6(C)(4) – Updated language to require two individuals who are certified in Basic Life Support. Added “These persons must be employees of the facility, one (1) of whom must be a licensed nurse.” |