

**RHODE ISLAND GOVERNMENT REGISTER  
PUBLIC NOTICE OF PROPOSED RULEMAKING**

**DEPARTMENT OF HEALTH**

**Title of Rule:** Licensing of Nursing Facilities (216-RICR-40-10-1)

**Rule Identifier:** 216-RICR-40-10-1

**Rulemaking Action:** Proposed Amendment

**Important Dates:**

Date of Public Notice: December 1, 2023

Hearing Date: December 19, 2023

End of Public Comment: December 31, 2023

**Rulemaking Authority:**

R.I. Gen. Laws § 23-17-10

R.I. Gen. Laws § 23-17.5-32

R.I. Gen. Laws § 23-17.5-33

**Summary of Rulemaking Action:**

The intent of the proposed amendments is to clarify the following provisions established in statute:

1. The owner of a nursing facility is the person who holds title to the real property;
2. The operator of a nursing facility is the person that is responsible for the operation of the facility and answering to its governing body, which is ultimately responsible for compliance with the regulations and the health and safety of the nursing facility's residents;
3. Historically, the owner of a nursing facility was its operator; in recent years, ownership has often been separated from operation;
4. Managers, contracted by the operator of a nursing facility, should only assist the operator of the nursing facility;
5. A lessee usually operates a nursing facility under a lease from the owner or operator;
6. A lessee can be the operator of a nursing facility;
7. Equity interests must be maintained for the life of the license;
8. A nursing facility license is usually held by the operator.

**Additional Information and Public Comments:**

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until December 31, 2023 by contacting the appropriate party at the address listed below:

Zachary Garceau  
Department of Health  
3 Capitol Hill  
Providence, RI 02908  
zachary.garceau@health.ri.gov

**Public Hearing:**

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.5, to consider the proposed amendment shall be held at which time and place all persons interested therein will be heard. This hearing is subject to R.I. Gen. Laws Chapter 42-46, Open Meetings.

**Public Hearing Information:**

Date: December 19, 2023

Time: 3:00 P.M.

Location: 3 Capitol Hill  
Cannon Building  
RIDOH Auditorium- Lower Level  
Providence, RI, 02908

The place of the public hearing is accessible to individuals with disabilities. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-408-2747 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting. For questions regarding available parking, please contact the agency staffperson listed above.

**Regulatory Analysis Summary and Supporting Documentation:**

In development of this rule, consideration was given to:

- 1) Alternative approaches;
- 2) Overlap or duplication with other statutory and regulatory provisions; and
- 3) Significant economic impact on small business.

No alternative approach, duplication or overlap was identified based on available information. RIDOH has determined that the benefits of the rule justify its costs.

For full regulatory analysis or supporting documentation contact the agency staffperson listed above.