

2021 -- H 5074

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO HEALTH AND SAFETY -- ASSISTED LIVING RESIDENCES

Introduced By: Representative Joseph M. McNamara

Date Introduced: January 22, 2021

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-17.4 of the General Laws entitled "Assisted Living Residence
2 Licensing Act" is hereby amended by adding thereto the following section:

3 **23-17.4-10.3. Informal dispute resolution process.**

4 (a) The licensee or its designee has the right to an informal dispute resolution process to
5 dispute any violation found or enforcement remedy imposed by the licensing agency during an
6 inspection or complaint investigation. The purpose of the informal dispute resolution process is to
7 provide an opportunity for an exchange of information that may lead to the modification, deletion,
8 or removal of a violation, or parts of a violation, or enforcement remedy imposed by the licensing
9 agency.

10 (b) The informal dispute resolution process provided by the licensing agency shall include
11 an opportunity for review by a licensing agency employee who did not participate in, or oversee,
12 the determination of the violation or enforcement remedy under dispute.

13 (c) A request for an informal dispute resolution shall be made to the licensing agency within
14 ten (10) business days from the receipt of a written finding of a violation or enforcement remedy.
15 The request shall identify the violation or violations and enforcement remedy or remedies being
16 disputed. Thereafter, the licensing agency shall convene a meeting with the licensee within ten (10)
17 business days of receipt of the request for informal dispute resolution, unless by mutual agreement
18 a later date is agreed upon.

19 (d) If the licensing agency determines that a violation or enforcement remedy should not

1 be cited or imposed, the licensing agency shall delete the violation or immediately rescind or
2 modify the enforcement remedy. If the licensing agency determines that a violation should have
3 been cited under a different more appropriate regulation, the licensing agency shall revise the
4 report, statement of deficiencies, or enforcement remedy accordingly. Upon request, the licensing
5 agency shall issue a clean copy of the revised report, statement of deficiencies, or notice of
6 enforcement action.

7 (e) The licensee shall submit to the licensing agency, within the time period prescribed by
8 the licensing agency, a plan of correction to address any undisputed violations, and including any
9 violations that still remain following the informal dispute resolution.

10 (f) The licensing agency shall promulgate regulations implementing the informal dispute
11 resolution process established in this section no later than January 1, 2022.

12 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 -- ASSISTED LIVING RESIDENCES

1 This act would require the department of health to establish an informal dispute resolution
2 (IDR) process to provide for an exchange of information that may lead to the modification, deletion,
3 or removal of a violation, or parts of a violation, or enforcement remedy imposed by the department
4 of health. The department of health would be required to promulgate implementing regulations by
5 January 1, 2021.

6 This act would take effect upon passage.

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