

2014 -- S 2350

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO HEALTH AND SAFETY

Introduced By: Senators Lynch, Walaska, and McCaffrey

Date Introduced: February 12, 2014

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

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

3 CHAPTER 23-93

4 DOMESTIC MEDICAL TOURISM

5 **23-93-1. Domestic medical tourism.** -- (a) For purposes of this chapter, "Domestic
6 Medical Tourism" means the practice of patients of traveling to states other than his or her
7 residence for the provision of healthcare services.

8 **23-93-2. Exemption for domestic medical tourism.** -- (a) Any healthcare facility
9 located in the state of Rhode Island specializing in domestic medical tourism, and having more
10 than fifty percent (50%) of its patients residing outside of the state, shall be exempt from the
11 provisions of chapter 23-15; provided, however, that such healthcare facility must comply with
12 all other applicable laws and regulations governing healthcare facilities. Any applicant not
13 compliant shall have thirty (30) days to comply with this section and any applicable regulations
14 governing this section.

15 (b) Any healthcare facility described in subsection (a) shall, on a biennial basis, certify to
16 the department that more than fifty percent (50%) of its patients reside outside of the state.

17 (c) Any healthcare facility exempt under subsection (a) that fails to certify under
18 subsection (b), or is otherwise found by the department to have not established that more than
19 fifty percent (50%) of its patients currently reside outside of the state, shall be required to apply

1 for a certificate of need during the next review cycle established by the health services council.

2 **23-93-3. Penalties for noncompliance.** -- (a) The department, after notice and
3 opportunity for hearing to the applicant, is authorized to take corrective action in any case in
4 which it finds that there has been failure by an applicant to comply with the requirements
5 established under any approval granted pursuant to this chapter, including, without limitation, the
6 imposition of monetary fines that may be statutorily permitted by virtue of individual healthcare
7 facility licensing statutes.

8 (b) The notice shall be effected by registered or certified mail or by personal service,
9 setting forth the particular reasons for the proposed action and fixing a date not less than thirty
10 (30) days from the date of the mailing or service, at which the applicant shall be given an
11 opportunity for a prompt and fair hearing. On the basis of the hearing, or upon default of the
12 applicant, the department shall make a determination specifying its findings of fact and
13 conclusions. A copy of the determination shall be sent by registered or certified mail or served
14 personally upon the applicant. The decision shall become final thirty (30) days after it is so
15 mailed or served, unless the applicant, within such thirty (30) day period, appeals the decision
16 pursuant to § 42-35-15. The procedure governing hearings authorized by this section shall be in
17 accordance with §§ 42-35-9 through 42-35-13 as stipulated in § 42-35-14(a). A full and complete
18 record shall be kept of all proceedings, and all testimony shall be reported but need not be
19 transcribed unless the decision is appealed pursuant to § 42-35-15. A copy or copies of the
20 transcript may be obtained by any interested party on payment of the cost of preparing the copy
21 or copies.

22 (c) Nothing in this section shall limit the director's general or emergency powers under §§
23 23-1-1, 23-17-8 or any other authority granted to the department under the general laws.

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY

1 This act would provide an exemption from the certificate of need process to healthcare
2 facilities specializing in domestic medical tourism and having more than fifty percent (50%) of its
3 patients residing outside of the state. Domestic medical tourism would mean the practice of
4 patients traveling to states other than his or her residence for the provision of healthcare services.

5 This act would take effect upon passage.

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