



Rhode Island Health Care Association

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2026-S3192 RELATING TO HEALTH AND SAFETY – ABUSE IN HEALTHCARE FACILITIES

Date: April 16, 2026
Position: Oppose

This testimony is submitted on behalf of the Rhode Island Health Care Association (RIHCA). RIHCA is a trade association representing sixty-two (62) nursing facilities in the State of Rhode Island, accounting for approximately 80 percent of the nursing facility profession statewide. RIHCA opposes the proposed changes to Section 23-17.18-1 that would modify the definition of abuse and neglect by eliminating the terms “intent,” “intentional,” and “willful.” RIHCA’s position is not intended to weaken or soften regulations that prohibit abuse, neglect, or mistreatment in health care facilities. However, the proposed changes could result in serious and unintended consequences.

In the health care facility setting, abuse reporting encompasses not only staff-to-resident incidents, but also resident-to-resident incidents. In these situations, the concepts of “intent” and “willfulness” are critical. Federal guidance, as updated in Appendix PP, requires facilities to assess a resident’s capacity to intentionally or willfully abuse another resident before determining whether the incident must be reported to law enforcement, the Rhode Island Department of Health (RIDOH), the Long-Term Care Ombudsman, or other authorities. For example, a resident with early-onset Lewy Body Dementia may not have the cognitive capacity to form intent. Requiring facilities to report every allegation—such as claims of a “stolen” sweater made by residents with dementia—would unnecessarily burden facility staff, law enforcement, and regulators, without improving resident safety.

The concept of “willfulness” is equally important when evaluating allegations of neglect. Eliminating this standard would mean that any staff error or omission, regardless of severity or outcome, could be deemed neglect, and become reportable. This could place staff members’ professional licenses and livelihoods at risk for isolated mistakes or inadvertent oversights, which is neither reasonable nor fair.

Over time, health care providers have been encouraged to “report everything,” often at the expense of professional judgment and common sense. Nursing facilities already have policies and procedures in place to ensure appropriate reporting of allegations of abuse, neglect, and mistreatment. Removing the long-standing concepts of “intent” and “willfulness” is unnecessary and will strain already limited resources within nursing facilities, law enforcement, and regulatory agencies, while failing to meaningfully enhance resident protections.

“Setting the Pace in Nursing Home Care”

A non-profit organization of proprietary and non-proprietary long term health care facilities dedicated to improving health care of the convalescent and chronically ill of all ages. An equal opportunity employer.

For these reasons, we oppose Senate Bill 3192.

Thank you.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

John E. Gage, MBA, NHA
President & CEO