



RI Department of Health
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TTY: 771
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February 11, 2026

The Honorable Carol Hagan McEntee, Chair
House Committee on Judiciary
State House
82 Smith St.
Providence, RI 02903

RE: H 7488 -- An Act Relating to Health and Safety -- Abuse in Healthcare Facilities

Dear Chair McEntee:

Please accept this letter regarding H 7488, legislation which would remove the intent requirement relative to the definitions of "abuse" within the chapter on "abuse in healthcare facilities" and would amend the definitions of "abuse" and "neglect" with respect to elderly affairs by deleting the element of willful conduct. This act would also delete the definition of "willful".

Although the Rhode Island Department of Health (RIDOH) applauds the intent of the bill, which we believe is to make it easier to prosecute cases of abuse and neglect in healthcare facilities, we are writing to let you know the word "willful" remains in the definition of the federal Centers for Medicare and Medicaid Services (CMS) citation for abuse, neglect, and exploitation.

CMS F600

(Rev. 211; Issued: 02-03-23; Effective: 10-21-22; Implementation: 10-24-22)

§483.12 Freedom from Abuse, Neglect, and Exploitation

The resident has the right to be free from abuse, neglect, misappropriation of resident property, and exploitation as defined in this subpart. This includes but is not limited to freedom from corporal punishment, involuntary seclusion and any physical or chemical restraint not required to treat the resident's medical symptoms.

DEFINITIONS §483.12(a)(1)

*"Abuse," is defined at §483.5 as "the **willful** infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish. Abuse also includes the deprivation by an individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well-being. Instances of abuse of all residents, irrespective of any mental or physical condition, cause physical harm, pain or mental anguish. It includes verbal abuse, sexual abuse, physical abuse, and mental abuse including abuse facilitated or enabled through the use of technology." Emphasis added.*

[Links to: 42 CFR § 483.12: 42 CFR § 483.12 - Freedom from abuse, neglect, and exploitation. | Electronic Code of Federal Regulations \(e-CFR\) | US Law | LII / Legal Information Institute \(cornell.edu\)](#)

CMS interpretive guidance on the F600: [Abuse Neglect Exploitation \(cms.gov\)](https://www.cms.gov)

In the CMS interpretive guidance on the F600, “Willful” means the individual *must have acted deliberately*, not that the individual must have intended to inflict injury or harm.”

If H 7488 is enacted, RIDOH must continue to apply the CMS standards of abuse that include the “willful” requirement in healthcare facilities in Rhode Island. Very few healthcare facilities would qualify under H 7488 and removing the word “willful” from the current statute may cause confusion among healthcare facilities, patients, and families.

We are happy to answer any questions the members of the Committee or the sponsors may have about CMS requirements for healthcare facilities. Thank you for the opportunity to comment on this proposed legislation.

Sincerely,

A handwritten signature in black ink that reads "Jerome M. Larkin". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Jerome M. Larkin, MD
Director

CC: The Honorable Members of the House Committee on Judiciary
The Honorable Brandon C. Potter
Nicole McCarty, Chief Legal Counsel to the Speaker of the House
Lynne Urbani, Director of House Policy