



February 11, 2026

The Honorable Robert E. Craven, Sr.

Chair, House Committee on Judiciary

Rhode Island General Assembly

State House

Providence, RI 02903

RE: H7488 - OPPOSED

Dear Chairman Craven and Members of the Committee:

On behalf of LeadingAge Connecticut & Rhode Island, I thank you for the opportunity to comment on H7488, An Act Relating to Health and Safety – Abuse in Healthcare Facilities.

LeadingAge Connecticut & Rhode Island represents nonprofit long-term services and supports providers across the continuum of care, including nursing homes, assisted living residences, adult day services, and other aging services providers. Our members are deeply committed to protecting residents from abuse, neglect, and exploitation, and we share the General Assembly's goal of ensuring the safety, dignity, and well-being of older Rhode Islanders.

However, for the reasons outlined below, LeadingAge Connecticut & Rhode Island respectfully opposes H7488.

Elimination of Intent Creates Serious Unintended Consequences

H7488 removes the requirement that abuse or neglect be "intentional" or "willful." While we understand the desire to strengthen protections for residents, eliminating intent fundamentally alters the definition of abuse in a way that risks capturing conduct that is neither abusive nor negligent.

LeadingAge Connecticut & Rhode Island members care for many individuals with dementia and other cognitive impairments. These individuals may exhibit behaviors such as agitation, resistance to care, verbal outbursts, or physical actions that are symptoms of disease—not intentional acts. Likewise, staff are often required to make rapid clinical judgments to ensure resident safety. Removing intent from the statutory definition raises the risk that appropriate, good-faith caregiving actions could be mischaracterized as abuse.

Conflict With Federal CMS Standards

As the Rhode Island Department of Health has previously advised the General Assembly, the federal Centers for Medicare and Medicaid Services (CMS) definition of abuse—applicable to nearly all nursing facilities in Rhode Island—explicitly includes a *willful* intent standard under 42 CFR §483.12 (F600).

If H7488 is enacted, RIDOH would still be obligated to enforce the federal CMS definition. This would result in two conflicting standards for abuse under state and federal law, creating confusion for providers, surveyors, residents, and families. Such inconsistency undermines clear enforcement, compliance, and education, and exposes providers to regulatory uncertainty without improving resident safety.

Impact on Workforce and Quality of Care

Rhode Island's aging services sector continues to face significant workforce challenges. Broadening the definition of abuse without an intent requirement risks discouraging individuals from entering or remaining in caregiving professions due to fear of liability for inadvertent or clinically necessary actions.

Paradoxically, increased workforce instability and staffing shortages are widely recognized as risk factors for poorer outcomes and reduced resident safety. LeadingAge Connecticut & Rhode Island is concerned that H7488 could unintentionally weaken, rather than strengthen, protections for residents.

Existing Safeguards Are Robust

Rhode Island already has strong statutory, regulatory, and licensing frameworks governing abuse, neglect, and reporting requirements. Providers are mandatory reporters, facilities are subject to rigorous oversight, and RIDOH has clear authority to investigate and take enforcement action when abuse or neglect occurs. These protections are effective when applied consistently and in alignment with federal standards.

Conclusion

LeadingAge Connecticut & Rhode Island strongly supports accountability for genuine abuse and neglect. However, removing intent from the statutory definition risks overreach, legal confusion, and unintended harm to residents and caregivers—without clear evidence that it would improve resident safety.

For these reasons, LeadingAge Connecticut & Rhode Island respectfully urges the Committee to oppose H7488 and retain the existing intent and willfulness standards to preserve clarity, fairness, and alignment with federal law.

Thank you for your consideration. We would welcome the opportunity to work with the sponsor and the Committee on approaches that enhance resident protections while avoiding unintended consequences.

Respectfully submitted,

Mag Morelli, President

LeadingAge Connecticut & Rhode Island