

STATE OF RHODE ISLAND



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February 11, 2026

The Honorable Carol Hagan McEntee, Chair
House Committee on Judiciary
State House
Providence, RI 02903

RE: 2026 — H 7488 — An Act Relating to Health and Safety – Abuse in Healthcare Facilities

Dear Chair McEntee:

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

BHDDH supports the intent of this bill to strengthen protections for patients and residents by addressing the occurrence of harm rather than any specific intent to cause such harm in the pursuit of prosecuting cases of abuse or neglect in healthcare facilities. However, federal CMS regulations to which BHDDH is bound¹ include "willful" in its definition of abuse². H 7488 removes the intent element with respect to state law, but that does not alter federal requirements that remain binding and operative on the Department.

BHDDH also engages with populations wherein the formulation of intent is a complicated issue, affecting both caregivers and patients. We would welcome further dialogue with the Honorable Members of this Committee on this issue and how we can best protect the well-being of the people we serve.

Thank you for the opportunity to comment on this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Leclerc".

Richard Leclerc
Director

cc: The Honorable Members of the House Committee on Judiciary
The Honorable Brandon Potter

¹ Centers for Medicare & Medicaid Services, [42 C.F.R. § 483.12 \(Freedom from abuse, neglect, and exploitation\)](#) Code of Federal Regulations, title 42, part 483 (2016)

² Centers for Medicare & Medicaid Services, [42 C.F.R. § 483.5 \(Definitions\)](#) Code of Federal Regulations, title 42, part 483 (2025)

Nicole McCarty, Esquire, Chief Legal Counsel to the Speaker of the House
Lynne Urbani, Director of House Policy