

STATE OF RHODE ISLAND



Department of Behavioral Healthcare, Developmental Disabilities & Hospitals

OFFICE OF THE DIRECTOR

14 Harrington Road
Cranston, RI 02920-3080

TEL: (401) 462-3201

FAX: (401) 462-3204

TDD: (401) 462-6087

March 10, 2026

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

RE: 2026 — H 7633 — An Act Relating to Businesses and Professions – Confidentiality of Health Care Communications and Information Act (Dept. of BHDDH)

Dear Chair McEntee:

Please accept this letter of support regarding H 7633 which would provide the conditions under which the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH) has the authority to compel certain healthcare providers to furnish requested healthcare records, in the absence of patient consent, without violating the Health Insurance Portability and Accountability Act (HIPAA).

BHDDH investigators are permitted by federal and state law to access health information, including behavioral health information, pertaining to alleged victims of abuse, mistreatment or neglect in state-licensed facilities and programs, who have open investigations in Adult Protective Services (Quality Assurance) at BHDDH.

When BHDDH's Office of Quality Assurance receives a report that an individual receiving services at a psychiatric unit/hospital and/or a state-licensed behavioral healthcare facility or program has allegedly been the victim of abuse, mistreatment or neglect, BHDDH is not able to immediately access the health information needed to conduct the investigation because the entity from which the information is sought is reluctant to provide the information in the absence of a judicial subpoena.

BHDDH must either file a petition in Superior Court to compel the production of requested records or appear in court to argue against a Motion to Quash filed by the entity from whom the records are being sought. The delay resulting from the need to seek court action may adversely impact the patient/client who may remain under the care and supervision of the accused providers. This delay hinders the Department's ability to protect individuals receiving services, thus thwarting the clear intent of R.I. Gen. Laws §§ 40.1-24.5-2 and 40.1-5-3(b, e, f), and 45 CFR 164.512(c, d) [HIPAA].

This legislation explicitly establishes that BHDDH, in addition to the other entities listed in the current statute, is a designated health oversight agency for HIPAA purposes and affirms that the Department is a designated social-service agency and a protective-services agency pursuant to § 5-37.3-(b)(4)(vii)(A). These designations permit a healthcare provider to furnish the Department with requested information for the purpose of conducting investigations related to patient care, well-being and safety.

I strongly urge the Honorable Members of this Committee to recommend passage of H 7633 which will support BHDDH's efforts to protect the safety and well-being of individuals receiving behavioral healthcare services in the State.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Leclerc".

Richard Leclerc
Director

cc: Honorable Members of the House Committee on Judiciary
Honorable Rebecca M. Kislak
Nicole McCarty, Esquire, Chief Legal Counsel to the Speaker of the House
Lynne Urbani, Director of House Policy