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1345 Jefferson Boulevard • Warwick, Rhode Island 02886

March 10, 2026

Chairperson Carol Hagan McEntee
House Judiciary Committee
Rhode Island House of Representatives
State House
82 Smith Street
Providence, RI 02903

Re: H7759-A civil cause of action for violating Resident Rights

Dear Chairperson McEntee and the Honorable Members of the House Judiciary Committee:

I write in support of H7759 because it provides a mechanism for nursing residents to hold nursing homes accountable when they fail to protect a Residents' Rights.

Rhode Island General Law 23-17.5-1, et seq. was enacted in 1978 to provide codified rights to nursing home residents. Included in those rights, is RIGL § 23-17.5-2 regarding the care of patients. This section requires that:

“Each patient shall be treated and cared for with consideration, respect, and dignity, and shall be afforded his or her right to privacy to the extent consistent with providing adequate medical care and with efficient administration.”

Currently, the penalties for violating a Resident's Rights are limited. Under RIGL § 23-17.5-21, violation of the residents' rights laws carries criminal penalties of a \$500 fine and/or six months in jail. Enforcement of resident rights is also limited under RIGL § 23-17.5-22. Only the department of health and/or the police can enforce these statutory requirements.

Nursing home residents and their families have no legal recourse to enforce their rights, if violated. Residents are limited to making a complaint to the authorities.

The proposed amendment to RIGL § 23-17.5-21 provides a meaningful vehicle to hold nursing homes accountable when a Resident's Rights are violated. It further provides the department of health more power to enforce resident's rights as well.

This bill is nearly analogous to New Jersey's Nursing Home Responsibilities and Rights of Residents' Act (NHRRA). Specifically, NHRRA, codified at N.J.S.A. 30:13-8 Violations; causes of action; damages, states:

“8. a. Any person or resident whose rights as defined herein are violated shall have a cause of action against any person committing such violation. The Department of Health and Senior Services may maintain an action in the name of the State to enforce the provisions of this act and any rules or regulations promulgated pursuant to this act. The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual and punitive damages for their violation. Any plaintiff who prevails in any such action shall be entitled to recover reasonable attorney's fees and costs of the action.

b. In addition to the provisions of subsection a. of this section, treble damages may be awarded to a resident or alleged third party guarantor of payment who prevails in any action to enforce the provisions of section 3 of P.L.1997, c.241 (C.30:13-3.1).”

The NHRRA, enacted in 1976, was the culmination of a two-year legislative initiative. In 1974, Nursing Home Study Commission (“Commission”) was created to investigate the conditions of nursing homes in New Jersey. The Commission heard about the litany of abuses in the U.S. Senate Subcommittee on Long Term Care report including instances of individuals not being assisted to the bathroom causing injury, a patient’s skin deteriorating due to lack of hygiene, and patients being physically struck for requesting water.

The National Council of Senior Citizens highlighted the disproportionate neglect occurring during the evening and night shifts due to reduced staff and lack of supervision. Residents were frequently left unassisted, sometimes forced to wait until morning for basic necessary care. Nurse Suzanne Long testified and told the Commission about patients suffering from bed sores, lack of staff training, and personal accounts of uncovering falsified care reports.

Charlotte I. Roy, spoke about the treatment of her mother, who tripped over a wastebasket negligently placed in the doorway of her room. As a result, her mother fell, broke her hip, and later died from complications. Ms. Roy described this living condition, among a host of other poor care her mother received, including not having a functioning call bell, and not being assisted to the bathroom during the night.

A March 3, 1976, interim report by the Commission titled the “Plight of the Elderly,” detailed the rise and “Growth of the Nursing Home Industry” due largely to increased federal funding. The report highlighted the inadequacy of the quality of the care delivered to residents of nursing homes and recommended a patient bill of rights, as well as the enactment of Senate Bill No. 944 of 1976.

For nursing home residents, the ability to receive assistance with basic needs, such as supervision, ambulation, hygiene, and toileting, is not a luxury. It is essential to their safety and well-being and fundamental to human dignity.

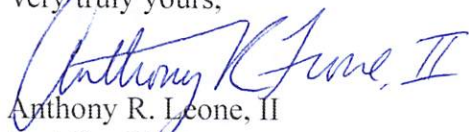
Given the testimony and reports received by the Commission, it was rightfully concerned that individuals in nursing homes are “a particularly vulnerable population,” who are subject to “abuse and physical danger.... cruelty, negligence...virulent infections, [and] lack of human dignity,” and whose care “[i]s perhaps ‘the most troubled and troublesome, component of our

entire health care system.” *In re Conroy*, 98 N.J. 321, 375-76 (1985) (internal citation omitted). With that, New Jersey now allows a civil action for violating a nursing home Resident’s Rights.

Sadly, the findings of the New Jersey Commission remain true today and are present throughout Rhode Island nursing homes. H7759 does not ask nursing homes to do any more than what they are already required to do. If nursing homes meet these requirements and protect each Resident’s Rights, then the nursing home industry has nothing to fear.

I respectfully ask that this Committee recommend passage of H7759. If I may provide any additional information to the Committee on this bill, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink that reads "Anthony R. Leone, II". The signature is written in a cursive style with a large, stylized initial "A".

Anthony R. Leone, II
Past-President
Rhode Island Association for Justice