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April 9, 2026

The Honorable Susan R. Donovan, Chair  
House Committee on Health and Human Services  
State House  
82 Smith St.  
Providence, RI 02903

**RE: H 8364 – An Act Relating to Health and Safety – The Hospital Conversions Act**

Dear Chair Donovan:

The Rhode Island Department of Health (RIDOH) writes to express concerns relating to H 8364, which would allow the Rhode Island Attorney General (RIAG), through the Health Care Advocate, or RIDOH, to petition the Superior Court for the appointment of a receiver for a hospital or hospitals, under certain circumstances.

This Act's creation of concurrent authority in the RIAG and RIDOH is at odds with how receivership authority is conferred elsewhere in Rhode Island law and with regulatory practice generally. Where Rhode Island law allows a regulator to petition for the appointment of a receiver, that authority is vested in the appropriate executive agency alone. See, e.g., R.I. Gen. Laws § 27-1-14 (vesting authority in the Insurance Commissioner relating to domestic insurance companies); §§ 23-17.11-1 through 13 (in the RIDOH Director as to nursing facilities); § 19-12-1 (in the Director of the Department of Business Regulation as to financial institutions and credit unions). Adopting the novel alternative proposed in this Act would risk unnecessary interagency conflict and would be at odds with the Health Care Advocate's current statutory authority, which requires department cooperation and does not permit unilateral action. See §§ 42-9.1-2; 42-9.1-3.

As noted, § 23-17.11-1 et seq. already provides RIDOH with the ability to petition the Superior Court for receivership in the context of nursing homes. This framework has been suitable in many prior cases for an orderly transition or closure of nursing homes and should be adapted for the purposes of hospital receivership. A hospital receivership act should include similar authorities already available to the RIDOH Director under the existing nursing home receivership framework, such as rulemaking authority, § 23-17.11-4(a), investigatory powers to request and obtain documents and financial information, § 23-17.11-4(d), penalties for failing to comply with requests, § 23-17.11-12, and discretion to retain accountants, auditors, and industry experts at the expense of the facility to assist the Director in deciding whether the appointment of a receiver is needed to protect the health, safety, and welfare of patients, § 23-17.11-7.

Thank you for the opportunity to comment on this 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 Health and Human Services  
Nicole McCarty, Esquire, Chief Legal Counsel  
Lynne Urbani, Director of House Policy