



RI Department of Health
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TTY: 771
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April 9, 2026

The Honorable Melissa A. Murray, Chair
Senate Committee on Health and Human Services
State House
82 Smith St.
Providence, RI 02903

RE: S 2380 – An Act Relating to Health and Safety -- The Hospital Conversions Act

Dear Chair Murray:

Please accept this letter regarding S 2380, legislation that would prohibit the closure or significant reduction of services of a birthing center without notice, application, financial disclosure, public hearing, and approval by the Rhode Island Department of Health (RIDOH). The act would take effect upon passage.

RIDOH, through the statute and associated regulations [HCA 216-RICR-40-10-23](#), presently has full authority and regulatory tools to conduct a review of a proposal to eliminate a hospital's birthing unit. OB/GYN services are within the definition of primary care in the Hospital Conversions Act regulations.

Section 23.3 (11) in the regulations defines "Primary care services" to mean the provision of integrated, accessible health care services by clinicians who are accountable for addressing a large majority of personal health care needs, developing a sustained partnership with patients, and practicing in the context of family and community. In most instances, primary care is focused on the point at which a patient first seeks assistance from the health care system for non-emergency services. Primary care services include, but are not limited to, such services as family practice, pediatrics, internal medicine, **obstetrics/gynecology**, and mental health services.

Section 23.13 (A)(1) in the regulations states that no hospital emergency department or primary care services which existed for at least 1 year and which significantly serve uninsured or underinsured individuals shall be eliminated or significantly reduced without the prior approval of RIDOH in accordance with R.I. Gen. Laws § 23-17.14-18. Prior to the elimination or significant reduction of an emergency department or primary care services which existed for at least 1 year, a hospital shall provide RIDOH with a written plan whereby it proposes to do any of the following with respect to primary care services:

- Eliminate the delivery of primary care services;
- Reduce by twenty-five percent (25%) or more its hours of operation for delivery of primary care services (including, but not limited to, family practice, pediatrics, internal medicine, **obstetrics/gynecology**, or mental health services);
- Make material reductions in the number or qualifications of staff which affects access to or continuity of primary care services; or
- Take other actions which result in a significant reduction in primary care services.

Section 23.13 (A)(3) in the regulations states that upon receipt of the completed plan, RIDOH shall determine based upon the public interest in light of attendant circumstances whether the services affected by the proposed elimination or reduction significantly serve uninsured and/or underinsured individuals. If

RIDOH determines that the services affected by the proposed elimination or reduction do significantly serve uninsured and/or underinsured individuals, the written plan shall be reviewed in accordance with the requirements of Section 23.13(A)(4) of the regulations and must be approved by RIDOH prior to the elimination or reduction of said services.

Section 23.13 (A)(4) states that RIDOH has the sole authority to review all plans submitted under this section and the Director of RIDOH shall issue a decision within 90 days from the receipt of the written plan in form and content acceptable for review by RIDOH or the request shall be deemed approved. If deemed appropriate, the Director may issue public notice and allow a written comment period within 60 days of receipt of the receipt of the proposal. If the Director disapproves the proposal within ninety 90 days of receipt of the written plan in a form acceptable for review, he/she shall afford written expressed reason(s) for disapproval.

Based on the above, RIDOH believes that the existing statute maintains ample authority to address a proposed closure of a birthing center. 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 Senate Committee on Health and Human Services
The Honorable Dawn Euer
Kristen Silvia, Director of Legislation and Deputy Chief of Staff
Patricia Resende, Director of Senate Policy