

[23 R.I. Gen. Laws § 23-17-2.]

§ 23-17-2. Definitions: Health Care Facility Licensing Act of Rhode Island

As used in this chapter:

- (1) “Affiliate” means a legal entity that is in control of, is controlled by, or is in common control with another legal entity.
- (2) “Alzheimer's dementia special-care unit or program” means a distinct living environment within a nursing facility that has been physically adapted to accommodate the particular needs and behaviors of those with dementia. The unit provides increased staffing; therapeutic activities designed specifically for those with dementia; and trains its staff on an ongoing basis on the effective management of the physical and behavioral problems of those with dementia. The residents of the unit/program have had a standard, medical-diagnostic evaluation and have been determined to have a diagnosis of Alzheimer's dementia or another dementia.
- (3)(i) “Change in operator” means a transfer by the governing body or operator of a health-care facility to any other person (excluding delegations of authority to the medical or administrative staff of the facility) of the governing body's authority to:
 - (A) Hire or fire the chief executive officer of the health-care facility;
 - (B) Maintain and control the books and records of the health-care facility;
 - (C) Dispose of assets and incur liabilities on behalf of the health-care facility; or
 - (D) Adopt and enforce policies regarding operation of the health-care facility.
 - (ii) This definition is not applicable to circumstances wherein the governing body of a health-care facility retains the immediate authority and jurisdiction over the activities enumerated in subdivisions (3)(i)(A) -- (3)(i)(D).
- (4) “Change in owner” means:
 - (i) In the case of a health-care facility that is a partnership, the removal, addition, or substitution of a partner that results in a new partner acquiring a controlling interest in the partnership;
 - (ii) In the case of a health-care facility that is an unincorporated, solo proprietorship, the transfer of the title and property to another person;
 - (iii) In the case of a health-care facility that is a corporation:
 - (A) A sale, lease exchange, or other disposition of all, or substantially all, of the property and assets of the corporation; or
 - (B) A merger of the corporation into another corporation; or
 - (C) The consolidation or two (2) or more corporations, resulting in the creation of a new corporation; or
 - (D) In the case of a health-care facility that is a business corporation, any transfer of corporate stock that results in a new person acquiring a controlling interest in the corporation; or

(E) In the case of a health-care facility that is a nonbusiness corporation, any change in membership that results in a new person acquiring a controlling vote in the corporation.

(5) “Clinician” means a physician licensed under chapter 37 of title 5; a nurse licensed under chapter 34 of title 5; a psychologist licensed under chapter 44 of title 5; a social worker licensed under chapter 39.1 of title 5; a physical therapist licensed under chapter 40 of title 5; and a speech language pathologist or audiologist licensed under chapter 48 of title 5.

(6) “Director” means the director of the Rhode Island state department of health.

(7) “Freestanding, emergency-care facility” means an establishment, place, or facility that may be a public or private organization, structurally distinct and separate from a hospital; staffed, equipped, and operated to provide prompt, emergency medical care. For the purposes of this chapter, “emergency medical care” means services provided for a medical condition or behavioral-health condition that is manifested by symptoms of sufficient severity that, in the absence of immediate medical attention, could result in harm to the person or others; serious impairment to bodily functions; serious dysfunction of any bodily organ or part; or development or continuance of severe pain.

(8) “Health-care facility” means any institutional health-service provider, facility, or institution, place, building, agency, or portion thereof, whether a partnership or corporation, whether public or private, whether organized for profit or not, used, operated, or engaged in providing health-care services, including, but not limited to: hospitals; nursing facilities; home nursing-care provider (which shall include skilled nursing services and may also include activities allowed as a home-care provider or as a nursing service agency); home-care provider (which may include services such as personal care or homemaker services); rehabilitation centers; kidney disease treatment centers; health maintenance organizations; freestanding, emergency-care facilities as defined in this section, and facilities providing surgical treatment to patients not requiring hospitalization (surgi-centers); hospice care, and physician ambulatory-surgery centers and podiatry ambulatory-surgery centers providing surgical treatment. The term “health-care facility” also includes organized ambulatory-care facilities that are not part of a hospital but that are organized and operated to provide health-care services to outpatients, such as: central-services facilities serving more than one health-care facility or health-care provider; treatment centers; diagnostic centers; outpatient clinics; infirmaries and health centers; school-based health centers, and neighborhood health centers. The term “health-care facility” also includes a mobile, health-screening vehicle as defined in this section. The term “health-care facility” shall not apply to organized, ambulatory-care facilities owned and operated by professional service corporations as defined in chapter 5.1 of title 7, as amended (the “professional service corporation law”), or to a practitioner’s (physician, dentist, or other health-care provider) office or group of practitioners’ offices (whether owned and/or operated by a hospital or an affiliate of a hospital or an individual practitioner, alone or as a member of a partnership, professional service corporation, organization, or association); provided, however, notwithstanding any other provision herein or in the general laws, any hospital or any affiliate of a hospital that owns and/or operates a practitioner’s office shall ensure that such practitioner’s office complies with licensing or accreditation requirements that may be applicable to the practitioner’s office. Individual categories of health-care facilities shall be defined in rules and regulations promulgated by the licensing agency with the advice of the health services council. Rules and regulations concerning hospice care shall be promulgated with regard to the “Standards of a Hospice Program of Care”, promulgated by the National Hospice Organization. Any provider of hospice care who provides hospice care without charge shall be exempt from the licensing provisions of this chapter but shall meet the “Standards of a Hospice Program of Care.” Facilities licensed by the department of

behavioral healthcare, developmental disabilities and hospitals and the department of human services, and clinical laboratories licensed in accordance with chapter 16.2 of this title, as well as Christian Science institutions (also known as Christian Science Nursing Facilities) listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc. shall not be considered health-care facilities for purposes of this chapter.

(9) “Homemaker”, or however else called, means a trained, non-professional worker who performs related housekeeping services in the home for the sick, disabled, dependent, or infirm, and as further defined by regulation; the director shall establish criteria for training.

(10) “Hospital” means a person or governmental entity licensed in accordance with this chapter to establish, maintain, and operate a hospital.

(11) “Licensing agency” means the Rhode Island state department of health.

(12) “Medical services” means any professional services and supplies rendered by, or under the direction of, persons duly licensed under the laws of this state to practice medicine, surgery, or podiatry that may be specified by any medical service plan. Medical service shall not be construed to include hospital services.

(13) “Mobile, health-screening vehicle” means a mobile vehicle, van, or trailer that delivers primary and preventive health-care screening services, and:

(i) Does not maintain active contracts or arrangements with any health insurer subject to regulation under chapters 20 or 42 of title 27;

(ii) Does not maintain active contracts or arrangements with another licensed health care facility as that term is defined within this section; and

(iii) Does not provide medical services free of charge.

(14) “Non-English speaker” means a person who cannot speak or understand, or has difficulty in speaking or understanding, the English language, because he/she uses only, or primarily, a spoken language other than English, and/or a person who uses a sign language and requires the use of a sign-language interpreter to facilitate communication.

(15) “Person” means any individual, trust or estate, partnership, corporation (including associations, joint stock companies, and insurance companies), state, or political subdivision or instrumentality of a state.

(16) “Physician ambulatory-surgery center” means an office, or portion of an office, that is utilized for the purpose of furnishing surgical services to the owner and/or operator's own patients on an ambulatory basis, and shall include both single-practice, physician ambulatory-surgery centers and multi-practice, physician ambulatory-surgery centers. A “single-practice, physician ambulatory-surgery center” is a physician ambulatory center owned and/or operated by a physician-controlled professional service corporation as defined in chapter 5.1 of title 7 (the “professional service corporation law”), or a physician-controlled limited-liability company (as defined in chapter 16 of title 7 (the “limited liability company act”)) in which no physician is an officer, shareholder, director, or employee of any other corporation engaged in the practice of the same profession, or a private physician's office (whether owned and/or operated by an individual practitioner, alone or as a member of a partnership, professional service corporation, limited-liability company, organization, or association). A “multi-practice, physician ambulatory-surgery center” is a physician ambulatory-surgery center owned and/or operated by a physician-controlled professional service corporation (as defined in the

professional service corporation law) or a physician-controlled limited-liability company (as defined in the limited liability company act) in which a physician is also an officer, shareholder, director, or employee of another corporation engaged in the practice of the same profession, or a group of physicians' offices (whether owned and/or operated by an individual practitioner, alone or as a member of a partnership, professional service corporation, limited-liability company, organization, or association).

(17) “Podiatry ambulatory-surgery center” means an office or portion of an office that is utilized for the purpose of furnishing surgical services to the owner and/or operator's own patients on an ambulatory basis, and shall include both single-practice, podiatry ambulatory-surgery centers and multi-practice podiatry ambulatory-surgery centers. A “single-practice podiatry ambulatory-surgery center” is a podiatry ambulatory center owned and/or operated by a podiatrist-controlled professional service corporation (as defined in chapter 5.1 of title 7 (the “professional service corporation law”)), or a podiatrist-controlled limited-liability company (as defined in chapter 16 of title 7 (the “limited liability company act”)) in which no podiatrist is an officer, shareholder, director, or employee of any other corporation engaged in the practice of the same profession, or a private podiatrist's office (whether owned and/or operated by an individual practitioner, alone or as a member of a partnership, professional service corporation, limited-liability company, organization, or association). A “multi-practice, podiatry ambulatory-surgery center” is a podiatry ambulatory-surgery center owned and/or operated by a podiatry-controlled professional service corporation (as defined in the professional service corporation law) or a podiatry-controlled, limited-liability company (as defined in the limited liability company act) in which a podiatrist is also an officer, shareholder, director, or employee of another corporation engaged in the practice of the same profession, or a group of podiatrists' offices (whether owned and/or operated by a an individual practitioner, alone or as a member of a partnership, professional service corporation, limited-liability company, organization, or association).

(18) “Qualified interpreter” means a person who, through experience and/or training, is able to translate a particular foreign language into English, with the exception of sign-language interpreters who must be licensed in accordance with chapter 71 of title 5.

(19) “Qualified, sign-language interpreter” means one who has been licensed in accordance with the provisions of chapter 71 of title 5.

(20) “School-based health center” means a facility located in an elementary or secondary school that delivers primary and preventive health-care services to students on site.