



RI Department of Health
Three Capitol Hill
Providence, RI 02908-5097

TTY: 771
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March 26, 2024

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

RE: H 7564 -- An Act Relating to Health and Safety -- Licensing of Nursing Service Agencies

Dear Chair Donovan:

Please accept this letter of support for H 7564, legislation that would remove the exemption from licensure for certain nursing service agencies (NSA) accredited by the Joint Commission. The proposed legislation was introduced at the request of the Rhode Island Department of Health (RIDOH) and would take effect upon passage.

In Rhode Island, a nursing service agency is an entity business within the State of Rhode Island that temporarily supplies registered nurses, licensed practical nurses, or nursing assistants to a hospital, nursing home, or other facility requiring the services of such persons.

This proposal would remove the exemption from licensure for certain NSAs accredited by the Joint Commission that only staff Rhode Island hospitals. Due to the existing exemption, RIDOH has no regulatory authority over these nursing service agencies. Currently, 44 nursing service agencies are exempted by state law and would be required to obtain licensure if H 7564 were enacted. Licensure ensures that quality care is being provided by registered nurses, licensed practical nurses, or nursing assistants in Rhode Island's healthcare facilities and agencies.

Massachusetts provides no exemptions to nursing service agency licensure ([105 CMS 157.000](#)) nor does Connecticut ([Conn. Gen. Stat. § 368a – 19a-118](#)). In Maine, nursing service agencies are exempt if the agency is a licensed home care service provider ([Title 22, Subtitle 2, Part 4 Chapter 417](#)). There are no exemptions in New York City ([Chapter 20 Article 11](#)), New Jersey ([Chapter 45B Subchapter 13](#)), or Pennsylvania ([Chapter 801-A of P.L. 130 No 48](#)).

Since RIDOH requires all nursing service agencies to obtain Joint Commission accreditation as a condition of licensure, it is unclear why nursing service agencies that only staff Rhode Island hospitals are exempt, by statute, from licensure and RIDOH oversight requirements. Hospitals provide care to some of the most vulnerable populations and temporary staff provided by nursing service agents should not be exempt from Rhode Island licensure. Further, RIDOH has no authority to conduct investigations of the agencies and is not able to determine if the facility is hiring competent staff, is providing in-service training as necessary, or is correcting any deficient practices.

Thank you for the opportunity to comment on this important legislation aimed at protecting patient safety and ensuring the provision of quality healthcare services.

Sincerely,



Utpala Bandy, MD, MPH
Interim Director

CC: The Honorable Members of the House Committee on Health and Human Services
The Honorable Julie A. Casimiro
Nicole McCarty, Chief Legal Counsel
Lynne Urbani, Director of House Policy