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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 24-H 7643, RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS – HEALTHCARE SERVICE PROVIDER ABUSER REGISTRY – HOLLY’S LAW March 5, 2024

The ACLU of Rhode Island opposes this legislation which seeks to institute a “healthcare service provider abuser registry” for any employee that is “found in violation of or disciplined for any felony offense, any misdemeanor crime of dishonesty or offense involving the use of any illegal substance.” Not only does this legislation not even require a *conviction* to be listed in the registry, but the imposition of an employer-wide database of individuals who are deemed to be “abusers” is stigmatizing and is entirely antithetical to tenets of criminal justice reform and rehabilitative efforts for justice-involved individuals.

First, it is unclear by what mechanism this registry may be assembled. Any employee whose role requires that they undergo a criminal record check will have already undergone and passed through such a check at the point of employment, meaning that they are qualified for their job and that the Department does not consider anything on their criminal record check to preclude them from being able to perform their duties. As such, any registry that lists any criminal record concerns that have already been interrogated internally by the Department is unnecessary and needlessly stigmatizing for those individuals. Even worse, if this registry is created – as the language of the bill implies – to encompass any individual who is simply “found to be in violation” of a number of offenses regardless of whether that is accompanied by a criminal conviction, then this registry has extremely concerning due process concerns.

Even beside the practical issues with this legislation, the ACLU has long held, along with many organizations concerned with criminal justice reform and the reintegration and rehabilitation of justice-involved individuals, that registries are an ineffective way of preventing criminal offenses and only serve to shame individuals who have otherwise served their time in the carceral system or have already begun the process of recompense to their communities. As justice-involved individuals seek employment, housing, or other integral resources to their recoveries and rehabilitation, registries may only stymie these attempts. The registry referenced within this bill has no parameters for how long names may remain in the system, nor does it require an oversight of the legal system through a criminal conviction. If any such offense arises during the course of an individual’s employment, it is appropriate for these offenses to be addressed between the employee and their supervisor, and not by the expansive environment of a public registry.

For these reasons, we strongly urge opposition to this stigmatizing bill. Thank you for your consideration.