



OFFICE OF MANAGEMENT & BUDGET

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To: Governor Daniel J. McKee
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From: Erik Godwin, Director of the Office of Regulatory Reform

Subject: Office of Regulatory Reform Quarterly Report: FY 2021 Q2

FY 2021 Quarter 2 Report: October 1, 2020 – December 31, 2020

Quarterly Summary Data

Total Submissions by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 22
- Regular Rulemaking, Post-Comment Review: 18
- Direct Final Rulemaking: 6
- Emergency Rulemaking: 52

Unique Regulations by Type of Action

- Adoption: 13
- Amendment: 65
- Repeal: 2

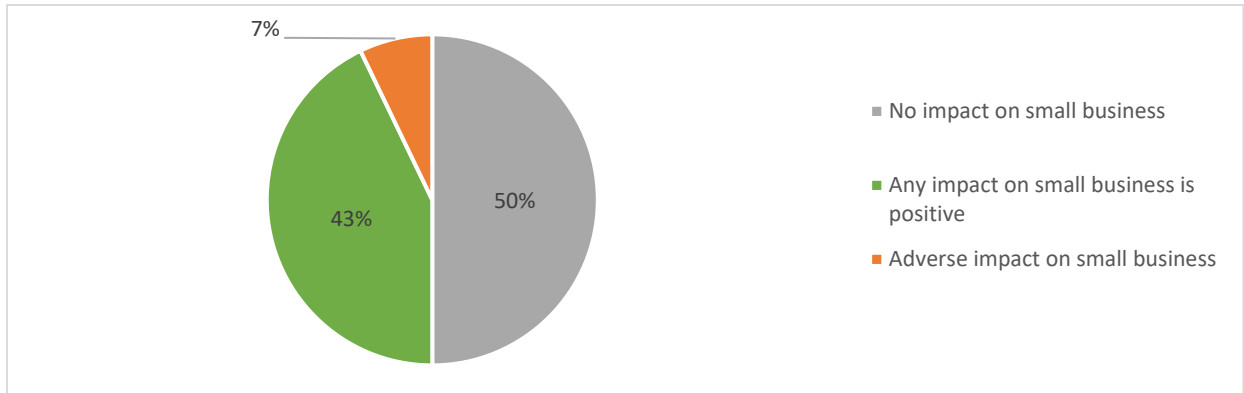
ORR Review Time by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 12.6 days
- Regular Rulemaking, Post-Comment Review: 1.9 days
- Direct Final Rulemaking: 8.8 days
- Emergency Rulemaking: 0.5 days

ORR Interventions

- Submissions where analysis was changed: 2.0%
- Submissions where regulatory language was changed: 17.3%

Small Business Impact Analysis



Note: Emergency regulations are not included in this summary chart.

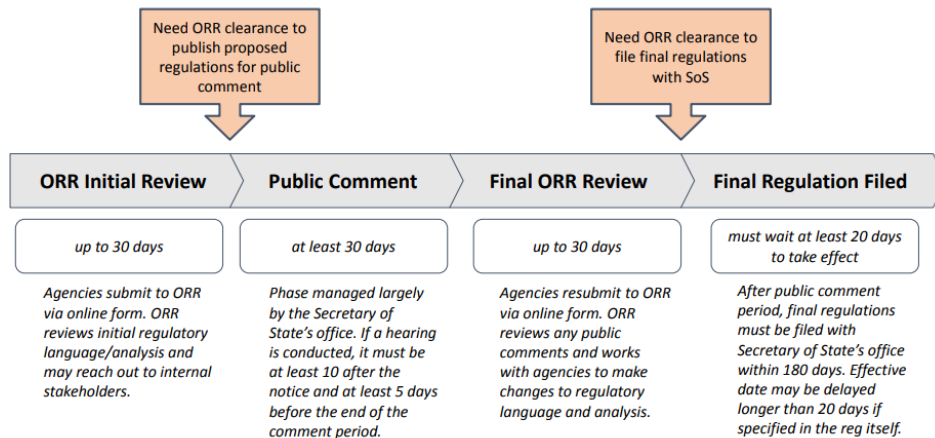
Regulatory Oversight

As part of the Office of Management and Budget, the Office of Regulatory Reform’s (ORR) mission is to review new and amended regulations with a focus on minimizing adverse impacts on Rhode Island businesses, large and small. Since February 2015, ORR has been operating under [Executive Order 15-07](#), which requires all Executive Branch regulations to be reviewed by ORR using a model similar to the federal regulatory model. EO 15-07 outlines a process to ensure regulations are not imposing unnecessary burdens on businesses and citizens.

Prior to EO 15-07 the Director of Regulatory Reform had the authority to intervene on any individual regulatory or permitting issue. With the new process dictated by Executive Order agencies must submit all of their proposed regulatory actions to ORR providing a systematic way to address regulatory issues. ORR reviews an agency’s regulatory package, and if approved, those proposed rules and impact statements go through a public comment process. Any input from that process goes directly back to ORR for final consideration. Below is an outline of the ORR’s role in the regulatory review process. The second round of review is primarily to ensure the agencies take into consideration public comments and amend the regulation as necessary.

Regular Rulemaking and ORR Review

While this is the official process outlined in Executive Order 15-07, ORR frequently works with agencies early by reviewing draft regulations and assisting with the development of regulatory analysis.



Regulatory Submissions Reviewed By ORR

The following regulatory submissions were cleared by ORR during the fiscal year quarter covered by this report. Regulations cleared by ORR are not immediately effective, regulations must go through the formal rulemaking process administered by the Secretary of State’s Office (SOS). In some cases regulations cleared by ORR are not filed with SOS.

The information in this table (except “Days Under Review” and “Clearance Date”) is self-reported by regulatory agencies with their submissions, although ORR can suggest changes to agency’s submissions. Please note that for any post-comment entries with empty cells, the agency was not required to resubmit this information because the regulation received no public comment and no changes were made to the proposed regulation. Emergency regulations might also have missing data because these submissions are exempt from some reporting requirements.

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Emergency	Health	Safe Activities by Covered Entities During the COVID-19 Pandemic	Amendment	0	Establishing certain criteria for safe activity by and at certain entities in Rhode Island during the COVID-19 state of emergency in the interest of the public’s health.		2020-10-01
Preliminary Draft	Labor and Training	Workforce Regulations and Safety	Amendment	5	Clarity in eligibility for Apprenticeship program registration	NO, any small business impact is POSITIVE	2020-10-05
Emergency	Health	Safe Activities by Covered Entities during the COVID-19 Emergency	Amendment	1	Establishing certain criteria for safe activity by and at certain entities in Rhode Island during the COVID-19 state of emergency in the interest of the public’s health.		2020-10-06
Preliminary Draft	Health	Emergency Medical Services	Amendment	13	To update references and to allow EMS practitioners to collect specimens to test for the presence of COVID-19.	NO, this regulation DOES NOT IMPACT small business	2020-10-06
Post-Comment Draft	Executive Office of Health and Human Services	COMMUNITY MEDICAID	Amendment	0			2020-10-13
Post-Comment Draft	Executive Office of Health and Human Services	INTEGRATED COVERAGE GROUPS	Amendment	0			2020-10-13
Preliminary Draft	Environmental Management	Port Operations Regulations and Berthing Management System	Amendment	4	The purpose of this regulation is to align the regulations governing dockside sales at Pier 9 in Newport	NO, this regulation DOES NOT IMPACT small business	2020-10-13

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					with the new, statewide licensing opportunities for direct sales of seafood afforded by 250-RICR-90-00-15. The alignment addresses, on a limited basis, the economic hardships facing the RI commercial and seafood industry, and food insecurities facing RI consumers, by supporting the development of new, local supply chains for RI seafood.		
Preliminary Draft	Commerce Corporation	Rules and Regulations for the City of Pawtucket Downtown Redevelopment Project Act	Adoption	18	To implement the enactment of P.L. 2019, ch.143, §2	NO, this regulation DOES NOT IMPACT small business	2020-10-13
Direct Final	Environmental Management	Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems	Amendment	26	The purpose of these amendments is to incorporate revisions made to R.I. Gen. Laws § 5-56.1-4 (Designers of Individual Sewage Disposal Systems- Conditions for obtaining a designer's license) by the R.I. General Assembly in the 2019 session. The change in statute states that professional engineers, registered and authorized to practice engineering in Rhode Island, meet the minimum qualifications, experience, and education requirements for an OWTS designer's license. This has the effect of eliminating the Class III Designer's License.	NO, this regulation DOES NOT IMPACT small business	2020-10-14
Emergency	Executive Office of Health and Human Services	Medically Needy Eligibility	Amendment	1	Access to care during COVID-19		2020-10-14
Emergency	Executive Office of Health and Human Services	Medicaid MAGI Financial Eligibility Determinations and Verification During	Amendment	1	Access to care during COVID -19		2020-10-14

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
		the COVID-19 Emergency					
Emergency	Executive Office of Health and Human Services	Medicaid and Children's Health Insurance Program (CHIP) Non-Financial General Eligibility Requirements	Amendment	1	Access to care during COVID-19		2020-10-14
Emergency	Human Services	Rhode Island Works Program Rules and Regulations	Amendment	6	COVID-19 and National / State Emergency		2020-10-14
Post-Comment Draft	Administration	Rules of Practice and Procedure For Hearings of Complaints Issued By the State Equal Opportunity Administrator	Amendment	1			2020-10-15
Emergency	Health	Safe Activities by Covered Entities during the COVID-19 Emergency	Amendment	0	To provide procedures for use of breakrooms.		2020-10-16
Emergency	Human Services	Child Care Center, Family Child Care Home and Group Family Child Care Home Licensing Changes Due to COVID-19	Adoption	0	COVID-19 and RI State of Emergency		2020-10-16
Preliminary Draft	Student Loan Authority	Knowledge for College Scholarship	Amendment	7	RISLA is amending this scholarship because it has been offering the Access scholarship since 2004 and we've changed it to focus the scholarship on improving financial literacy skills, which is an important component of RISLA's mission to help student's plan and pay for college.	NO, this regulation DOES NOT IMPACT small business	2020-10-20
Preliminary Draft	Human Services	Office of Child Support Services	Amendment	21	- To implement changes to the Child Support regulation due to the passage of the Uniform Parentage Act by the State of Rhode Island. - To bring the Child Support	NO, this regulation DOES NOT IMPACT small business	2020-10-22

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					regulation into alignment with the IRS Federal Regulation intercept timeline for holding offsets.		
Emergency	Health	Safe Activities by Covered Entities during the COVID Pandemic	Amendment	0	To revise exceptions on wearing masks.		2020-10-23
Emergency	Environmental Management	Port Operations Regulations and Berthing Management System	Amendment	0	The purpose of this emergency amendment is to align the regulations governing dockside sales at Pier 9 in Newport with the new, statewide licensing opportunities for direct sales of seafood afforded by 250-RICR-90-00-15. The alignment addresses, on a limited basis, the COVID-19-based economic hardships facing the RI commercial and seafood industry, and food insecurities facing RI consumers, by supporting the development of new, local supply chains for RI seafood.		2020-10-23
Preliminary Draft	Administration	Rules and Regulations Pertaining to HealthSource RI	Amendment	7	The proposed amendment is in support of the Exchange's COVID-19 mitigation efforts. By permitting individuals to claim the exemption established by 220-RICR-90-00-1(11)(B)(6) directly on their tax return without applying for a general hardship exemption through the Exchange, it will increase flexibility and decrease burdens for eligible individuals affected by the COVID-19 pandemic.	NO, this regulation DOES NOT IMPACT small business	2020-10-23
Emergency	Labor and Training	EMERGENCY REGULATIONS FOR THE WAIVER OF EMPLOYEES' AND EMPLOYERS' DUTIES AND	Adoption	0	These emergency rules and regulations: 1) add definitions which define the current potential threat to the health, safety, or resources of the people of the state		2020-10-28

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
		OBLIGATIONS DURING A POTENTIAL HEALTH THREAT RELATED TO THE INFECTIOUS COVID-19 VIRUS PURSUANT TO TITLE 28 OF RHODE ISLAND GENERAL LAWS			created by the infectious "SARS-CoV-2 virus" which causes "Coronavirus Disease-2019" (COVID-19) as a state of emergency; 2) waive the waiting periods for unemployment insurance and temporary disability insurance benefits; and 3) waive the certification by a qualified healthcare provider for temporary disability insurance benefits eligibility.		
Direct Final	Revenue	Methodology For Determining the Presumptive Value of Motor Vehicles Subject To Excise Tax of December 31, 2020	Adoption	2	The RI Vehicle Value Commission is required to annually adopt the Methodology For Determining the Presumptive Value of Motor Vehicles Subject To Excise Tax of December 31.	NO, this regulation DOES NOT IMPACT small business	2020-10-29
Preliminary Draft	Environmental Management	Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act	Repeal	9	The entire regulation will be repealed and simultaneously replaced with a new regulation that has already been submitted to ORR.	NO, this regulation DOES NOT IMPACT small business	2020-10-29
Preliminary Draft	Environmental Management	Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act	Adoption	27	See the attached document entitled, "SUMMARY OF DRAFT REVISIONS TO STATE FRESHWATER WETLAND REGULATIONS"	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2020-10-29
Post-Comment Draft	Business Regulation	Suitability in Annuity Transactions	Amendment	2	These amendments are based on the National Association of Insurance Commissioners (NAIC) model and clarify the obligations of insurers and producers. The NAIC model was drafted to be consistent with the SEC standard so that a	NO, any small business impact is POSITIVE	2020-10-30

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					product that is both insurance and a security will not be subject to two different standards. By following the NAIC model the Department is simplifying compliance for producers that sell in multiple states.		
Preliminary Draft	Business Regulation	Rules and Regulations for Professional Land Surveying	Amendment	9	Due to restrictions on in-person gatherings during the Covid-19 pandemic, the PLS Board is amending the continuing education requirements for the biennial licensing cycle due 6/30/2021, by both reducing the number of Professional Development Hours (PDHs) required and allowing all PDHs to be obtained through remotely delivered online courses. The PLS Board is also making two minor amendments for clarification and adding in long-standing presumptions of practice which were inadvertently left out of the regulation when the technical standards were previously consolidated into the regulation.	NO, any small business impact is POSITIVE	2020-10-30
Preliminary Draft	Business Regulation	Real Estate Brokers and Salespersons	Amendment	11	Currently, in order to become licensed as a real estate salesperson or broker in Rhode Island, everyone was required to take an in-person pre-licensing classes pursuant to R.I. Gen. Laws § 5-20.5-4(b). The salespersons pre-licensing course is 45 hours and the brokers pre-licensing course is 90 hours. As a result of the Covid-19 pandemic, it became impossible for approved Real Estate Schools to offer pre-licensing courses in person. In	NO, any small business impact is POSITIVE	2020-10-30

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					<p>response to this problem, the Department temporarily granted permission for all pre-licensing courses to be remotely delivered through December 31, 2020. After discussions with the DBR's RI Real Estate Commission and representatives of the Rhode Island Association of Realtors (RIAR), DBR has decided to amend its regulation to permanently allow for remotely delivered pre-licensing courses, provided certain standards are met by the course provider. Real Estate licensees also have to complete continuing education requirements for the biennial renewal of their licenses. DBR has allowed for remotely delivered instruction of CE courses but that was not included in the regulation. The amendments include specific language allowing for remotely-delivered CE instruction and clarify the distinctions between remotely delivered pre-licensing instruction and remotely delivered CE instruction.</p>		
Emergency	Health	Licensing of Nursing Facilities	Amendment	0	To provide instructions for operating a nursing home during COVID-19		2020-11-02
Emergency	Health	Licensing of Aquatic Venues	Amendment	0	To provide instructions to licensed pool operators for how to operate during COVID-19.		2020-11-02
Emergency	Human Services	General Public Assistance	Amendment	0	Due to a potential threat to public health and safety declared in the Emergency Executive Order as a result of COVID-19, the Department is waiving some requirements. As		2020-11-02

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					such, the provisions herein must be promulgated.		
Emergency	Human Services	General Provisions	Amendment	0	COVID-19 and National / State Emergency		2020-11-02
Preliminary Draft	Executive Office of Health and Human Services	Long-term Services and Supports (LTSS) Medically Needy Eligibility Pathway	Amendment	4	The first, in section 2.6, entitled "Projected Monthly Private Pay Costs by Institutional Level of Care", is used to calculate the penalty period for someone who has made an illegal transfer. The amount of the illegal transfer is divided by the private pay rate of the setting in which the individual is seeking Medicaid coverage. The second table in section 2.6 is used when someone who is community medically needy is in a penalty period and the Medicaid Monthly Reimbursement rate is used to calculate the individual's spenddown. Numbers have been updated.	NO, this regulation DOES NOT IMPACT small business	2020-11-03
Emergency	Health	Enforcement of Certain COVID-19 Related Executive Order	Amendment	0	To restrict the spread of COVID-19 and assure the public health, safety, and welfare by promoting compliance and deterring noncompliance with the Executive Orders.		2020-11-04
Emergency	Executive Office of Health and Human Services	Medicaid Payments and Providers	Amendment	0	Access to care during COVID-19		2020-11-05
Emergency	Human Services	Child Care Assistance Program Rules and Regulations Due to COVID-19	Amendment	1	COVID-19 and the RI State of Emergency		2020-11-05
Post-Comment Draft	Public Transit Authority (RIPTA)	Rules of Conduct for RIPTA Passengers and Patrons	Adoption	3	The Rhode Island Public Transit Authority (RIPTA) seeks formal adoption of agency practice and expectations of passenger conduct	NO, this regulation DOES NOT IMPACT small business	2020-11-05

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					<p>to ensure safety and wellbeing of the public and RIPTA personnel. RIPTA intends to use this rule as a means to regulate passenger behavior and as a tool for our operators to equitably convey and enforce requirements. Testimony and comments were submitted by the Rhode Island Homeless Bill of Rights Defense Committee. The testimony largely sought clarity of term definitions and intent of some sections, such as enforcement parameters and penalties. RIPTA addressed all of the concerns by amending the pertinent language to better clarify the intent of the section. Attached is the red-lined version of the proposed rule, identifying the testimony and RIPTA's response and language changes. The testimony and comments did not seek any substantive changes to the proposed rule. Therefore, the changes made to the proposed rule in response to the public testimony and comments were for clarification only and not substantive. The final rule incorporating these changes remains consistent with and a logical outgrowth of the original rule proposed in the notice. There are no anticipated changes to regulatory status quo with the adoption of this rule because it is only memorializing existing internal agency practice and expectations of passenger conduct. There are no</p>		

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					significant anticipated costs related to this proposed rule. Costs may include those associated with notification/publication, such as printing costs. Such costs will be substantially less than \$1,000,000 annually. The societal benefits will include the increased safety and wellbeing of our passengers and RIPTA personnel which may encourage an increase in ridership. Setting clear expectations may also decrease the likelihood of disparate or unequal treatment.		
Preliminary Draft	Executive Office of Health and Human Services	Community Medicaid	Amendment	1	Compliance with Williams Settlement as well as with federal Medicaid law requiring application of the SSI disability standard	NO, this regulation DOES NOT IMPACT small business	2020-11-05
Emergency	Health	Safe Activities By Covered Entites During the COVID-19 Pandemic	Amendment	0	Establishing certain criteria for safe activity by and at certain entities in Rhode Island during the COVID-19 state of emergency in the interest of the public's health.		2020-11-06
Emergency	Executive Office of Health and Human Services	Long-Term Services and Supports Application and Renewal Process	Amendment	0	Access to care during COVID-19		2020-11-06
Emergency	Executive Office of Health and Human Services	Medicaid LTSS overview and Eligibility Pathways	Amendment	0	Access to care during COVID-19		2020-11-06
Emergency	Executive Office of Health and Human Services	Working Adults with Disabilities	Amendment	0	Access to care during COVID-19		2020-11-06
Emergency	Executive Office of Health and Human Services	Managed Care Service Delivery Arrangements	Amendment	0	Access to care during COVID-19		2020-11-06
Emergency	Executive Office of Health and Human Services	Application and Renewal Process for IHCC Groups	Amendment	0	Access to care during COVID-19		2020-11-06

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Emergency	Executive Office of Health and Human Services	Rite Share Premium Assistance Program	Amendment	0	Access to care during COVID-19		2020-11-06
Emergency	Executive Office of Health and Human Services	Medicaid Managed Care Delivery Options	Amendment	0	Access to care during COVID-19		2020-11-06
Emergency	Executive Office of Health and Human Services	Medicaid Application and Renewal Process	Amendment	0	Access to care during COVID-19		2020-11-06
Emergency	Executive Office of Health and Human Services	Medicaid Payments for Out-of-State Care	Amendment	0	Access to care during COVID-19		2020-11-06
Preliminary Draft	Health	Pharmacists, Pharmacies, and Manufacturers, Wholesalers, and Distributors	Amendment	17	The purpose of this regulation is to create definitions for active ingredient, auto substitute, covid-19 and dispense as written; It permits prescription drugs to be returned to a pharmacy in the event of a recall or medication error and the pharmacy must maintain a record of returned medications and make the record available to the Department upon request; allows pharmacists to dispense an amount of non-controlled substance medication beyond the face amount not to exceed the total amount of authorized refills; allows for one-time emergency refill up to 90 days excluding schedules II, III, and IV drugs; allows pharmacists and pharmacy technicians to work remotely as operationally feasible; allows institutional pharmacies to store patients' personal medications in the patients' rooms; and permits certain pharmacy procedures in the event of a state of emergency.	NO, any small business impact is POSITIVE	2020-11-09

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Preliminary Draft	Health	Good Manufacturing Practices for Food	Amendment	18	To update incorporated by reference materials to the newest editions and technical changes to conform with standard regulatory language.	NO, any small business impact is POSITIVE	2020-11-09
Emergency	Human Services	Child Care Assistance Program Rules and Regulations Due to COVID-19	Adoption	0	Extending the existing Emergency Rule for the Child Care Assistance Program due to COVID-19 and the RI State of Emergency.		2020-11-10
Post-Comment Draft	Executive Office of Health and Human Services	Self-Directed Care	Amendment	0	Access to care	NO, this regulation DOES NOT IMPACT small business	2020-11-10
Emergency	Taxation	Withholding for Employees Working Remotely During the COVID-19 State of Emergency	Adoption	0	The purpose of these rules and regulations is to provide guidance to employers who have implemented remote working requirements for their employees, some of whom are performing services on behalf of their employer from a location outside the state where their employees were based prior to the COVID-19 State of Emergency.		2020-11-13
Preliminary Draft	Health	Food Code	Amendment	22	To update the incorporation by reference of the FDA food code from the 2013 version to the 2017 version; create various new definitions; provide procedures for excluding employees when the have salmonella; provide procedures regarding obtaining drinking water; provide details on food donations and approved sources of romaine lettuce,=.	NO, any small business impact is POSITIVE	2020-11-13
Emergency	Environmental Management	Emergency Regulations – Direct Sale Dealer License	Amendment	0	To establish a temporary Direct Sale Dealer License to address, on a limited basis, the economic hardship faced by the commercial fishing and seafood industries as a result of the COVID-19 pandemic.		2020-11-16

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Post-Comment Draft	Environmental Management	Part 2 – Commercial and Recreational Saltwater Fishing Licensing Regulations	Amendment	10	<ul style="list-style-type: none"> • Correction to activity standard criteria for the issuance of a new license in instances of Incapacity (section 2.7.5(D)(1)(b)(2)): Rule incorrectly refers to “medical hardship”. A new license is only issued in instances of incapacity; a temporary “operator permit” is issued in instances of medical hardship. • Change the activity standard criteria for the date that landings must have occurred from 2006 to 2010 for the issuance of new licenses in instances of incapacity (section 2.7.5(D)(1)(b)(2)): 2006 was adopted in 2016 due to reliability of reporting data since 2006 and to capture most recent 10 yrs. Updating rule to reflect the most recent 10 yrs. • Clarify eligibility requirements regarding the issuance of a new license in instances of incapacity (section 2.7.5(E)(6)(a)): Clarify that an activity standard must be met as a requirement for eligibility. The activity standard required per R.I. Gen Laws §20-2.1-5(5). • Add prioritization criteria for the issuance of new licenses and endorsements for veterans to account for fishing activity lost during active duty (section 2.7.5(G)(1)(f)): There is currently no mechanism to use prior history to meet the activity standard for prioritization and lottery for the issuance of new licenses and 	NO, any small business impact is POSITIVE	2020-11-16

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					<p>endorsements for veterans returning from active military service. • Clarify meaning of control dates for the soft-shell clam fishery and the purse seine/mid-water/pair trawl fisheries: Clarify that the established control dates are for the potential use in establishing eligibility criteria for future access to the fishery, but that no rule is currently in effect relative to the control date. This proposal does not establish a new or amend an existing control date. • Section 2.7.5(G): Other proposed amendments to this section other than the proposed amendment to section 2.7.5(G)(1)(e) are clarifications to the language only, no actual changes to the requirements are proposed. • Direct Sale Dealer License (proposed new section 2.7.9(F)): o Background: • Rule adopted in April 2020 via emergency action in response to Covid-19. • Authorizes the direct sale of allowable finfish and crustacean species from the fisherman directly to consumers and licensed seafood retailers dockside from the vessel on which they were harvested. • Proposed rule establishes applicability, eligibility, general requirements, prohibited activities not authorized by the license, storage and handling requirements, reporting requirements, and fee. • Other non-</p>		

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					substantive clarifications throughout rule.		
Post-Comment Draft	Commerce Corporation	Rules and Regulations for the City of Pawtucket Downtown Redevelopment Project Act.	Adoption	0			2020-11-17
Preliminary Draft	Labor and Training	Payment of Wages, Employer Exemptions from Weekly Pay and Exemptions for Work on Holidays and Sundays	Amendment	19	One exempt class of employers no longer qualifies for the exemption from paying employees Sunday and holiday premium pay, while an additional employer now does qualify for the exemption.	NO, any small business impact is POSITIVE	2020-11-17
Preliminary Draft	Health	Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health	Amendment	9	To correct for fees determined in statute and to memorialize RIDOH's licensing fee system into the regulation.	NO, any small business impact is POSITIVE	2020-11-18
Preliminary Draft	Coastal Resources Management Council	Coastal Resources Management Program – Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast	Adoption	14	To comply with R.I. Gen. Laws § 2-1-20.1(c) requiring CRMC and DEM to promulgate new rules for freshwater wetlands within each agency's respective regulatory jurisdiction. See the attached document entitled, "Summary of CRMC Draft Revisions to State Freshwater Wetland Regulations" (650-RICR-20-00-2).	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2020-11-18
Preliminary Draft	Coastal Resources Management Council	Coastal Resources Management Program – Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast	Repeal	14	The entire regulation will be repealed and simultaneously replaced with a new regulation that will be submitted to ORR.	NO, this regulation DOES NOT IMPACT small business	2020-11-18
Direct Final	Business Regulation	Suitability in Annuity Transactions	Amendment	2	The Department recently completed rulemaking on amendments to this regulation that	NO, any small business impact is POSITIVE	2020-11-20

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					were based on the National Association of Insurance Commissioners (NAIC) model and sought to clarify the obligations of insurers and producers. Since those amendments were finalized on November 4, 2020, the Department has discovered an internal inconsistency with the effective date. This Direct final rulemaking fixes that internal inconsistency and corrects one internal cross-reference. The Department does not expect these amendments to be controversial.		
Emergency	Health	Enforcement of Certain COVID-19 Executive Orders	Amendment	0	To restrict the spread of COVID-19 and assure the public health, safety, and welfare by promoting compliance and deterring noncompliance with the Executive Orders.		2020-11-20
Emergency	Health	Communal Living Arrangements	Amendment	1	To provide operational information to business who provide communal living arrangements for their seasonal workers during the COVID-19 pandemic		2020-11-24
Emergency	Health	Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health	Amendment	1	To allow the state to recover some of the cost of testing for COVID-19 through insurance claims		2020-11-24
Emergency	Health	Clinical Laboratories and Stations	Amendment	1	Due to a shortage of medical technologists in testing COVID-19 samples, the minimum qualifications for personnel are being lowered.		2020-11-24
Emergency	Health	Pharmacist, Pharmacies, and Manufacturers,	Amendment	1	To prevent delays in necessary actions to combat the COVID-19		2020-11-24

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		Wholesalers, and Distributors			emergency response related to pharmacy practices and procedures		
Emergency	Human Services	Child Care Assistance Program - Temporary Rate Enhancements for Licensed Providers During COVID-19 Reopening	Adoption	2	COVID-19, the RI State of Emergency, and RI Executive Order 20-39		2020-11-25
Emergency	Human Services	General Public Assistance Program related to COVID-19	Adoption	2	The Department of Human Services is expanding some requirements during the Novel Corona Virus to prepare for the increased need of GPA Burial Assistance		2020-11-25
Preliminary Draft	Labor and Training	PART 1 – Rhode Island State Labor Relations Act	Amendment	23	The Rhode Island State Labor Relations Board proposes to amend its general rules and regulations in order to conform elections to COVID-19 mail ballot procedures under Part 1.14(R), conform to existing board procedures, and amend language for clarification. See attached explanation of amendments.	NO, this regulation DOES NOT IMPACT small business	2020-11-27
Post-Comment Draft	Human Services	Office of Child Support Services	Amendment	1			2020-12-02
Post-Comment Draft	Taxation	Implementation of the Rhode Island Individual Health Insurance Mandate	Adoption	1	The purpose of these rules and regulations is to implement various provisions of R.I. Gen. Laws Title 44 as they relate to the individual health insurance mandate. Under R.I. Gen. Laws § 44-30-101, Rhode Island residents are required, beginning after December 31, 2019, to maintain minimum essential coverage or be subject to a tax known as the shared responsibility payment penalty. Rhode Island’s individual health insurance	NO, this regulation DOES NOT IMPACT small business	2020-12-02

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					mandate is based, in part, on the federal mandate established under the Patient Protection and Affordable Care Act (Public Law 111-148). Under R.I. Gen. Laws § 44-30-102, applicable entities providing minimum essential coverage must comply with reporting requirements and make a report whether an applicable individual maintains minimum essential coverage.		
Emergency	Human Services	Rhode Island Works Program Rules and Regulations	Amendment	0	COVID-19 and RI State Emergency		2020-12-03
Post-Comment Draft	Environmental Management	Construction and Demolition Debris Facilities	Amendment	1			2020-12-03
Post-Comment Draft	Environmental Management	Solid Waste Landfills	Amendment	1			2020-12-03
Post-Comment Draft	Environmental Management	Rules and Regulations for Solid Waste Management Facilities and Organic Waste Management Facilities	Amendment	1			2020-12-03
Direct Final	Environmental Management	Commercial and Recreational Saltwater Fishing Licensing Regulations	Amendment	0	Correct inaccurate citation	NO, any small business impact is POSITIVE	2020-12-04
Post-Comment Draft	Health	Emergency Medical Services	Amendment	0			2020-12-04
Emergency	Human Services	Child Care Center, Family Child Care Home and Group Family Child Care Home Licensing Changes Due to COVID-19	Adoption	0	COVID-19 and RI State of Emergency		2020-12-07

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Emergency	Health	Emergency Medical Services	Amendment	0	To allow EMS practitioners to collect specimens to test for the presence of COVID-19.		2020-12-07
Post-Comment Draft	Administration	Rules and Regulations Pertaining to HealthSource RI	Amendment	5	The proposed amendment is in support of the Exchange's COVID-19 mitigation efforts. By permitting individuals to claim the exemption established by 220-RICR-90-00-1(11)(B)(6) directly on their tax return without applying for a general hardship exemption through the Exchange, it will increase flexibility and decrease burdens for eligible individuals affected by the COVID-19 pandemic.	NO, this regulation DOES NOT IMPACT small business	2020-12-07
Post-Comment Draft	Business Regulation	Rules and Regulations for Professional Land Surveying	Amendment	2	Due to restrictions on in-person gatherings during the Covid-19 pandemic, the PLS Board is amending the continuing education requirements for the biennial licensing cycle due 6/30/2021, by both reducing the number of Professional Development Hours (PDHs) required and allowing all PDHs to be obtained through remotely delivered online courses. The PLS Board is also making two minor amendments for clarification and adding in long-standing presumptions of practice which were inadvertently left out of the regulation when the technical standards were previously consolidated into the regulation.	NO, any small business impact is POSITIVE	2020-12-10
Emergency	Executive Office of Health and Human Services	Medicaid Integrated Health Care Coverage, SSI Financial Eligibility Determinations	Amendment	1	Updating COLA and Spousal Impoverishment Standards		2020-12-11

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Post-Comment Draft	Environmental Management	Port Operations Regulations and Berthing Management System	Amendment	7	The purpose of this regulation is to align the regulations governing dockside sales at Pier 9 in Newport with the new, statewide licensing opportunities for direct sales of seafood afforded by 250-RICR-90-00-15. The alignment addresses, on a limited basis, the economic hardships facing the RI commercial and seafood industry, and food insecurities facing RI consumers, by supporting the development of new, local supply chains for RI seafood.	NO, this regulation DOES NOT IMPACT small business	2020-12-11
Direct Final	Health	Rhode Island Cancer Registry	Amendment	7	To update incorporated by references to the most recent editions.	NO, this regulation DOES NOT IMPACT small business	2020-12-14
Emergency	Executive Office of Health and Human Services	Medically Needy Eligibility	Amendment	0	Access to care during COVID		2020-12-14
Emergency	Executive Office of Health and Human Services	Medicaid MAGI Financial Eligibility Determinations and Verification During the COVID-19 Emergency	Amendment	0	Access to care during COVID		2020-12-14
Emergency	Executive Office of Health and Human Services	Medicaid and Children's Health Insurance Program (CHIP) Non-Financial General Eligibility Requirements	Amendment	0	Access to care during COVID		2020-12-14
Emergency	Human Services	Supplemental Security Income and State Supplemental Payment Rules and Regulations	Amendment	0	To implement the 2021 Cost-of-Living adjustment of 1.3% as determined by the Social Security Administration. This rule will update the Federal Benefit Rate provided by the SSA and implemented by the Executive Office of Health and Human Services.		2020-12-15

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Preliminary Draft	Business Regulation	Rules and Regulations for Architects	Amendment	5	<p>The Board received an inquiry from the Emerging Professionals Network of AIA Rhode Island regarding the Board's policy for the National Council of Architectural Registration Boards (NCARB) Integrated Path to Architectural Licensure (IPAL). The IPAL program allows students in the process of earning an accredited architecture degree to complete the experience requirements and portions of the Architectural Registration exam (ARE) concurrently. (The ARE is a multi-part exam given in 6 divisions, which are administered in separate sittings. The exam length is a total of 21 hours.) The goals of IPAL are to streamline and hopefully shorten the path to licensure for architecture students and provide them with work experience prior to graduation. There are currently 21 schools nationwide that have established an IPAL option, with U Mass Amherst and Boston Architectural College being the closest to RI. R.I. Gen. Laws § 5-1-8, last amended in 2011, states that persons holding a degree in architecture can sit for the registration exam. NCARB has interpreted this to mean that RI will not allow IPAL applicants to take exams prior to graduation. After considering the Emerging Professionals request and reviewing the NCARB's IPAL program, the Board concluded that the IPAL</p>	NO, any small business impact is POSITIVE	2020-12-16

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					<p>program is beneficial to architectural students and supports such students being able to take the ARE prior to graduation from an accredited architecture degree program. Accordingly, the Board has proposed an amendment to make an exception for applicants enrolled in an IPAL program to begin to take the ARE divisions prior to graduation. While reviewing the regulation, the Board has also proposed some continuing education amendments to allow members of state licensing boards to get up to 4 CEHs per year for attending board meetings. Only one credit will be awarded per meeting, provided that the meeting was at least 50 minutes long and the architect can prove that they were in attendance. A few other minor changes were made for clarity throughout the regulation.</p>		
Emergency	Human Services	Rhode Island Works Program Rules and Regulations related to COVID-19	Amendment	0	<p>Due to the COVID-19 virus, the Department of Human Services has temporarily suspended all in person transactions as well as all face-to-face interviews for benefit screenings, applications, and recertifications. This adoption will allow the DHS to conduct telephonic interviews, telephonic applications and telephonic signatures, as needed to process both applications and recertifications for the RIW program.</p>		2020-12-18

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Emergency	Health	Safe Activities by Covered Entities During the COVID-19 Pandemic	Amendment	0	Establishing certain criteria for safe activity by and at certain entities in Rhode Island during the COVID-19 state of emergency in the interest of the public's health.		2020-12-18
Emergency	Health	Licensing Assisted Living Residences	Amendment	4	The purpose of this regulation is to more aggressively control the spread of COVID-19 in Rhode Island's congregate care facilities, including assisted living residences, given the morbidity and mortality caused by COVID-19 in such settings since March 2020		2020-12-22
Emergency	Environmental Management	Emergency Regulations Governing the Administration of Federal Fisheries Relief Funding Provided to the State of Rhode Island Under the CARES Act	Amendment	0	The purpose of these rules and regulations is to administer the \$3,267,923 allocation of federal fisheries relief provided to Rhode Island under Sec. 12005 of the CARES Act, P.L. 116-136 by expeditiously and equitably disbursing it in the form of direct payments to eligible fishery participants in the four sectors used by NOAA Fisheries to establish Rhode Island's allocation: commercial fishing, commercial aquaculture, seafood processing/wholesaling, and for-hire businesses.		2020-12-24
Emergency	Human Services	Family Child Care Home and Group Family Child Care Home Adjustments to Capacity During COVID-19	Adoption	0	COVID-19 Crisis and the RI State of Emergency		2020-12-29
Post-Comment Draft	Business Regulation	Real Estate Brokers and Salespersons	Amendment	0	Currently, in order to become licensed as a real estate salesperson or broker in Rhode Island, everyone was required to take an in-person pre-licensing classes pursuant to R.I.	NO, any small business impact is POSITIVE	2020-12-29

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					<p>Gen. Laws § 5-20.5-4(b). The salespersons pre-licensing course is 45 hours and the brokers pre-licensing course is 90 hours. As a result of the Covid-19 pandemic, it became impossible for approved Real Estate Schools to offer pre-licensing courses in person. In response to this problem, the Department temporarily granted permission for all pre-licensing courses to be remotely delivered through December 31, 2020. After discussions with the DBR's RI Real Estate Commission and representatives of the Rhode Island Association of Realtors (RIAR), DBR has decided to amend its regulation to permanently allow for remotely delivered pre-licensing courses, provided certain standards are met by the course provider. Real Estate licensees also have to complete continuing education requirements for the biennial renewal of their licenses. DBR has allowed for remotely delivered instruction of CE courses but that was not included in the regulation. The amendments include specific language allowing for remotely-delivered CE instruction and clarify the distinctions between remotely delivered pre-licensing instruction and remotely delivered CE instruction.</p>		
Direct Final	Environmental Management	Aquaculture of Marine Species in Rhode Island Waters	Amendment	16	<ul style="list-style-type: none"> Section 1.9(H): Change timeframe from six (6) months to one hundred twenty (120) days that cultured 	NO, any small business impact is POSITIVE	2020-12-30

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					shellfish must spend in approved waters if initially grown in other than approved waters, for consistency with the National Shellfish Sanitation Program Chapter VI. Shellfish Aquaculture, section @ .02(A) "Seed Shellstock". <ul style="list-style-type: none"> Section 1.11(B)(4): Require that harvest location tagging area is identified on the harvester tag at time of harvest from the lease site. 		
Emergency	Labor and Training	EMERGENCY REGULATIONS FOR THE WAIVER OF EMPLOYEES' AND EMPLOYERS' DUTIES AND OBLIGATIONS DURING A POTENTIAL HEALTH THREAT RELATED TO THE INFECTIOUS COVID-19 VIRUS PURSUANT TO TITLE 28 OF RHODE ISLAND GENERAL LAWS	Adoption	0	These emergency rules and regulations: 1) add definitions which define the current potential threat to the health, safety, or resources of the people of the state created by the infectious "SARS-CoV-2 virus" which causes "Coronavirus Disease-2019" (COVID-19) as a state of emergency; 2) waive the waiting periods for unemployment insurance and temporary disability insurance benefits; and 3) waive the certification by a qualified healthcare provider for temporary disability insurance benefits eligibility.		2020-12-31