



OFFICE OF MANAGEMENT & BUDGET

One Capitol Hill
Providence, RI 02908-5890

Office: (401) 574-8430
Fax: (401) 222-6436

To: The Honorable Daniel J. McKee, Governor
The Honorable K. Joseph Shekarchi, Speaker of the House
The Honorable Dominick J. Ruggerio, President of the Senate

From: Erik Godwin, Deputy Director, Office of Management and Budget

Subject: Office of Regulatory Reform Quarterly Report: FY 2024 Q2

FY 2024 Quarter 2 Report: October 1, 2023 – December 31, 2023

Quarterly Summary Data

Total Submissions by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 34
- Regular Rulemaking, Post-Comment Review: 26
- Direct Final Rulemaking: 6
- Emergency Rulemaking: 0

Unique Regulations by Type of Action

- Adoption: 5
- Amendment: 35
- Repeal: 0

ORR Review Time by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 7.3 days
- Regular Rulemaking, Post-Comment Review: 2.0 days
- Direct Final Rulemaking: 4.3 days
- Emergency Rulemaking: 0.0 days

ORR Interventions

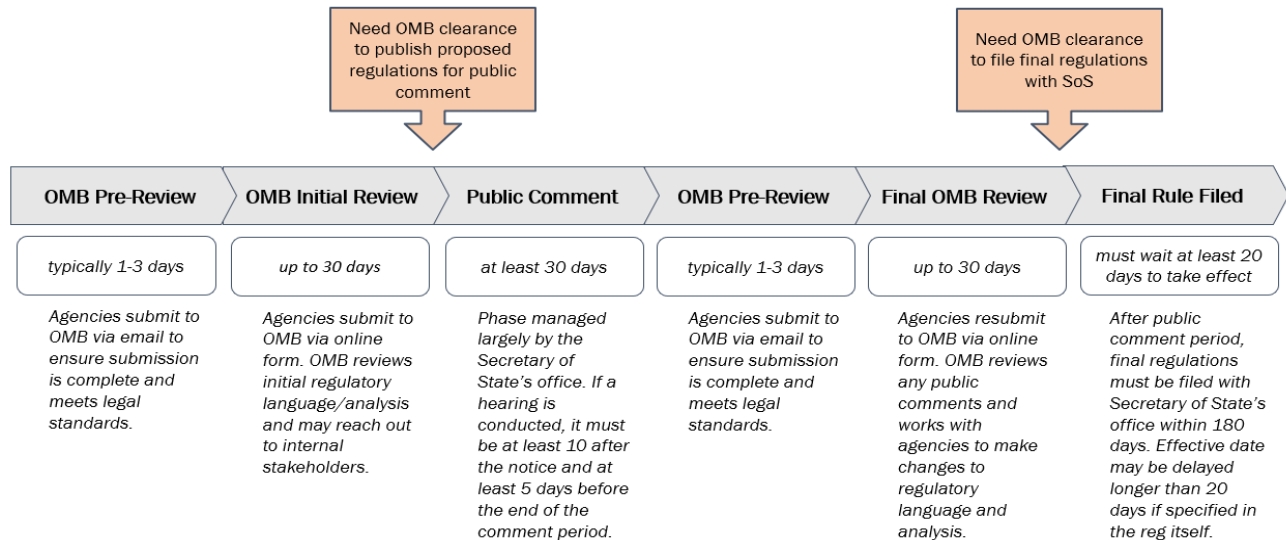
- Submissions where analysis was changed: 40.9%
- Submissions where regulatory language was changed: 42.4%

Regulatory Oversight

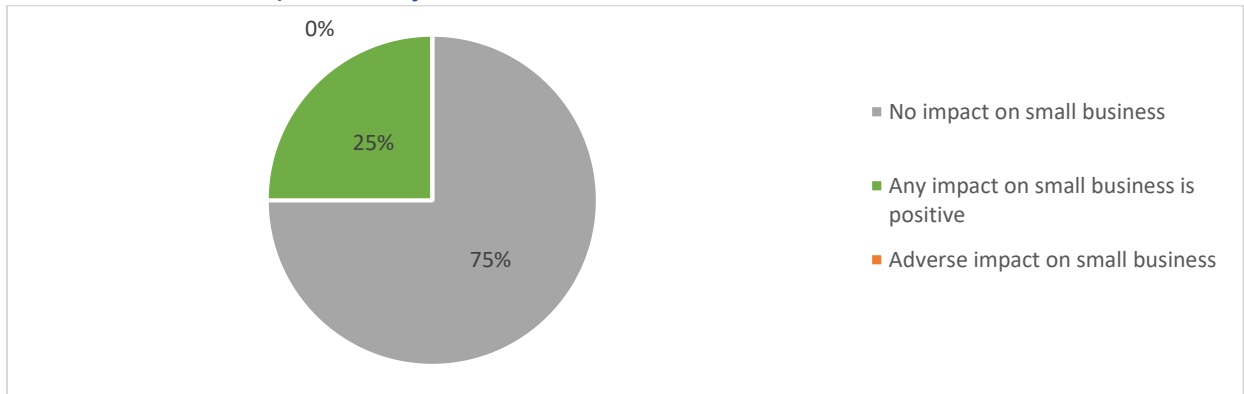
As part of the Office of Management and Budget, the Office of Regulatory Reform’s (ORR) mission is to review new and amended regulations with a focus on minimizing adverse impacts on Rhode Island businesses, large and small. Since February 2015, ORR has been operating under [Executive Order 15-07](#), which requires all executive branch regulations to undergo ORR review 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 process established by Executive Order, agencies must submit all 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 may proceed through a public comment process. Any input from that process goes directly back to ORR for final consideration. Below is an outline of the regulatory review process. While this is the official process outlined in EO 15-07, ORR frequently works with agencies early by reviewing draft regulations and assisting with the regulatory analysis.

Regular Rulemaking and ORR Review:



Small Business Impact Analysis



Note: Emergency and post-comment regulations are not included in this summary chart.

ORR collects data from agencies regarding the projected effect of regulatory amendments and rescissions on small businesses in Rhode Island. The chart above illustrates the estimated aggregate impact of such amendments. Agencies consider a number of factors when evaluating a regulation's impact on small business entities. These include whether the regulation may assist small businesses through actions such as targeted deregulation, adversely impact small businesses relative to their larger counterparts, or result in the absence of discernable effects. Several considerations inform these determinations, including the amount of discretion an agency has to reduce adverse impacts, the universe and diversity of the small businesses affected by the regulation, and exogenous factors impacting the small business's economic sector. These factors include economic climate, firms' expectations of future economic conditions (which may or may not align with signals from the broader market), national or global events or supply shocks, or technological advancements that transform businesses' cost functions.

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 the agency’s submissions.

The information in the table below differs from the summary data at the beginning of this report, which does not double count regulations re-processed through OMB in response to a technical system error in SOS’s Rhode Island Code of Regulations (RICR) public comment function. The technical system error resulted in the re-promulgation or re-notice of sixteen (16) rulemakings. The same regulatory packages were submitted for re-promulgation, artificially decreasing review times. Thus, the quarterly summary data at the beginning of this report more accurately reflects average review times by omitting re-processed regulations.

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Business Regulation	Liquor Control Administration	Amendment	0	Section 1.4.44(A)(2) is being modified after a Superior Court decision was issued on January 9, 2023, in <i>The Wine and Liquor Co. v. DBR</i> , PC-2022-02539. The Court held that the one-year completion deadline for the “granting order” specified in section 1.4.14 was problematic and the language rendering a license “null and void” without a hearing on the matter was constitutionally defective. Thereafter, DBR amended the Regulation by deleting 1.4.14. The language in 1.4.44(A)(2) regarding a license being “granted but not issued” and rendering an application “null and void” is similarly deficient. The amended language will address the deficiency and clarify the procedure.	2023-10-02

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Health	Licensing Analytical Laboratories for Sampling and Testing Cannabis	Amendment	0	The Rhode Island Department of Health (RIDOH) is proposing to revise Licensing for Sampling and Testing Cannabis [216-RICR-60-05-6] to add several references, definitions, and sections regarding the testing of cannabis among other amendments.	2023-10-03
Preliminary Draft	Health	Rules and Regulations for the Licensing of Kidney Disease Treatment Centers	Amendment	0	The Rhode Island Department of Health (RIDOH) is proposing to revise § 12.5.8(C) of the Rules and Regulations for the Licensing of Kidney Disease Treatment Centers (216-RICR-40-10-12) to align more closely with the Interpretive Guidelines of the Centers for Medicare and Medicaid Services (“CMS”). CMS aligns the number, timing, and frequency of home visits with patients’ individual needs. These amendments are being promulgated in response to a petition for regulatory action from a member of the public.	2023-10-03
Preliminary Draft	Health	Genetic Counselors	Amendment	0	The Rhode Island Department of Health (RIDOH) is proposing to adopt Genetic Counselors (216-RICR-40-05-36) in response to the passing of the Genetic Counselors Licensing Act (R.I. Gen. Laws Chapter 5-92) which was enacted on June 29, 2022. According to R.I. Gen. Laws § 5-92-5(2): “the Department shall have the following powers and duties...to promulgate regulations and adopt such rules as are necessary to regulate genetic counselors.	2023-10-03

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Health	Physical Therapists and Physical Therapist Assistants	Amendment	0	This regulation is being promulgated in response to a petition for rulemaking action and is proposing to add "Courses that have been presented, accepted, or approved by other state licensing boards of physical therapy" to the list of continuing education programs accepted by the Board.	2023-10-03
Preliminary Draft	Health	Immunization, Testing, and Health Screening for Health Care Workers	Amendment	6	The Rhode Island Department of Health ("RIDOH"; "The Department") is proposing to amend "Immunization, Testing, and Health Screening for Health Care Workers" [216-RICR-20-15-7] to update references, revise tuberculosis testing requirements, and update COVID-19 protocols and infection control provisions.	2023-10-03
Preliminary Draft	Executive Office of Health and Human Services	Medicaid Payments and Providers	Amendment	19	Language has been added to include individual personal care attendants, homemakers, and shared living caregivers providing direct care as high-risk providers. It is necessary to revise this language to ensure proper screening of providers.	2023-10-03
Post-Comment Draft	Environmental Management	Rules and Regulations for the Plastic Waste Reduction Act	Adoption	0	These regulations establish the requirements for the Plastic Waste Reduction Act. This program is to be administered by the Rhode Island Department of Environmental Management in cooperation with the Rhode Island Resource Recovery Corporation, Rhode Island Secretary of State, and the thirty-nine (39) municipalities within the State of Rhode Island.	2023-10-04

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Human Services	Supplemental Nutrition Assistance Program	Amendment	0	To comply with and implement Federally mandated increases to the Cost-of-Living Adjustments (COLA) for recipients of the Supplemental Nutrition Assistance Program (SNAP) program. Other amendments include the Federally mandated implementation of modified Able-Bodied Adults Without Dependents (ABAWD) time limit exceptions per FNS under the Fiscal Responsibility Act 2023, and implementation of the Excessive Replacement Card Notice per FNS policy (276.6b.6). Lastly, a change to gender-neutral pronouns throughout the regulation to be more inclusive.	2023-10-04
Direct Final	Human Services	Rhode Island Works Program Rules and Regulations	Amendment	0	The Department of Human Services will file this rule as a Direct Final Amendment to update the category of pregnant applicant. This change was approved with the 2024 State Budget and was effective July 1, 2023. The Rhode Island Works program will now review and determine eligibility based on pregnancy from the time verification of the pregnancy is received.	2023-10-05
Preliminary Draft	Human Services	Child Care Assistance Program for Child Care Educators and Child Care Staff	Amendment	0	Passage of the Fiscal Year 2024 Rhode Island State Budget created a pilot program allowing the Department of Human Services (DHS) to provide funding for child care for eligible child care educators and child care staff with family income up to three hundred percent (300%) of the Federal Poverty Level (FPL), who work in a licensed child care center, licensed family child care home, or a licensed group family child care home.	2023-10-05

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Human Services	Rhode Island Works Program Rules and Regulations	Amendment	0	The Department of Human Services will file this rule as a Direct Final Amendment to update the category of pregnant applicant. This change was approved with the 2024 State Budget and was effective July 1, 2023. The Rhode Island Works program will now review and determine eligibility based on pregnancy from the time verification of the pregnancy is received.	2023-10-05
Post-Comment Draft	Environmental Management	Dealers	Amendment	0	(1) Update tautog tagging procedures for consistency with harvester requirements, (2) Delete summer flounder packaging requirements based on redundancy and undue hindrance to Division of Law Enforcement inspection operations, (3) Remove striped bass finning requirement, as recently adopted recreational slot limit removes overlap, and the rule is no longer needed.	2023-10-10
Preliminary Draft	Environmental Management	Definitions and General Provisions	Amendment	6	Clarifications to the rule to more accurately reflect actual and current regulations	2023-10-10
Preliminary Draft	Behavioral Healthcare, Developmental Disabilities and Hospitals	Rules and Regulations for Behavioral Healthcare Organizations	Amendment	0	These regulations are being issued so that BHDDH may immediately license Enhanced Mental Health Psychiatric Rehabilitative Residences (E-MHPRR) group home beds which will allow discharge of psychiatric inpatients who no longer require "hospital level of care." On December 19, 2022 (and updated on January 17, 2023), the federal Centers for Medicare and Medicaid Services (CMS) approved BHDDH to begin licensing a new type of group home, Enhanced Mental Health Psychiatric Rehabilitative Residences (E-MHPRRs). E-MHPRRs will allow for the discharge of psychiatric inpatients who no longer require hospital-level care but need more intensive services than those provided in traditional group homes.	2023-10-11

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Coastal Resources Management Council	Administrative Penalty Matrix	Amendment	4	The Coastal Resources Management Council has interpreted the policies, standards, and text of the Red Book (650-RICR-20-00-1) to include the administrative penalty matrix guidance for violations of the Rhode Island Coastal Resources Management Program within the state of the Rhode Island.	2023-10-16
Preliminary Draft	Coastal Resources Management Council	Red Book	Amendment	4	The Coastal Resources Management Council has interpreted the policies, standards, and text of the Red Book (650-RICR-20-00-1) to include the administrative penalty matrix guidance for violations of the Rhode Island Coastal Resources Management Program within the state of the Rhode Island.	2023-10-16
Post-Comment Draft	Executive Office of Health and Human Services	Uniform Accountability Procedures for Title XIX Resident Personal Needs Funds in Community Nursing Facilities, ICF/DD Facilities, and Assisted Living Residences	Amendment	0	Effective 7/1/23, as part of the FY2024 Budget, the RI legislature directed EOHHS to raise the personal needs allowance for institutionalized individuals from \$50 to \$75.	2023-10-17
Post-Comment Draft	Executive Office of Health and Human Services	Post-Eligibility Treatment of Income (PETI)	Amendment	0	Effective 7/1/23, as part of the FY2024 Budget, the RI legislature directed EOHHS to raise the personal needs allowance for institutionalized individuals from \$50 to \$75.	2023-10-17
Post-Comment Draft	Executive Office of Health and Human Services	Medicaid for Elders and Adults with Disabilities: Community Medicaid	Amendment	0	Effective 7/1/23, as part of the FY2024 Budget, the RI legislature directed EOHHS to raise the personal needs allowance for institutionalized individuals from \$50 to \$75.	2023-10-17

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Post-Comment Draft	Executive Office of Health and Human Services	Medicaid Integrated Health Care Coverage, SSI Financial Eligibility Determinations	Amendment	0	EOHHS is revising regulatory language to replace dollar values with definitions and publishing information for the following values: Monthly Federal Benefit Rates (FBR), Optional State Supplement Payment (SSP) Limits, Student Earned Income Exclusion (SEIE), Minimum and Maximum Monthly Maintenance of Need Allowance, Community Spouse Monthly Housing Allowance, Minimum and Maximum Community Spouse Resources, and Home Equity Limit. Regulatory language is also being revised to provide updated amounts that better reflect current costs of receiving services at private nursing facilities, intermediate care facilities, and long-term care hospitals. Finally, regulatory language regarding the personal needs allowance is being updated to reflect the \$25 increase required by the FY24 Budget as enacted.	2023-10-17
Preliminary Draft	Executive Office of Health and Human Services	Self-Directed Care	Amendment	7	EOHHS is amending this regulation to merge two existing self-directed programs (Personal Choice and Independent Provider) into a single program, called Personal Choice. This amendment is pursuant to 2023-H-5991Aaa which requires EOHHS to merge its two self-directed programs into one and add the formal training/registry feature of the Independent Provider program to the Personal Choice program.	2023-10-23

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Environmental Management	Operation of Air Pollution Control Systems	Amendment	7	The DEM OAR is proposing to amend 250-RICR-120-05-16, in response to the EPA's final action, Findings of Failure to Submit (FFS) State Implementation Plan (SIP) Revisions in Response to the 2015 Findings of Substantial Inadequacy and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction, 87 Fed. Reg. 1680 (January 12, 2022). The final FFS action went into effect on February 11, 2022, and gave DEM OAR 18 months from that date to submit an amendment to DEM OAR's SIP or face sanctions under Clean Air Act § 109.	2023-10-24
Preliminary Draft	Revenue	Limited Power of Attorney Form	Adoption	7	R.I.G.L. 31-3-3(c) as amended during the 2023 legislative session requires the Department of Revenue/Division of Motor Vehicles to publish rules and regulations in order to effectuate the publication and use of a limited power of attorney form for registration transactions.	2023-10-27
Post-Comment Draft	Health	Medical Diagnostic and Interventional X-Ray and Imaging Systems	Amendment	0	This regulation is being amended to revise the requirements for Retention of Mammography X-rays to be in accordance with state statutes.	2023-10-30

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Post-Comment Draft	Environmental Management	Commercial Marine Fishing Licenses, Landing Permits, and Party and Charter Licenses	Amendment	6	(1) Allow commercial harvest and sale of marine species other than finfish, shellfish, and crustaceans (e.g., kelp). (2) Elimination of Standard Resident License with Three Fishery Endorsements: This license type is no longer issued; holders converted to multipurpose fishing licenses in 2023. (3) Mid-Water/Pair Trawl Endorsement Issuance halted when midwater trawling is prohibited in state waters. (4) Industry proposal to change Exit:Entry ratio for Standard License with Unlimited Finfish from 1:1 to 2:1, resulting in 18 new licenses available after 33 licenses were not renewed/retired in 2023. (5) Changes in Exit:Entry Ratio for Standard License with Unlimited Shellfish Endorsement: Industry proposal to change ratio from 1:1 to 3:1, resulting in 46 new licenses available after 138 licenses were not renewed/retired in 2023. (6) Multipurpose Vessel License (MVL) Issuance: Discussion of different proposals from the Division and industry representatives. (7) Elimination of New License Issuance for Family Members or Crew: Unnecessary due to less restrictive license transfer requirements. (8) Elimination of Appeal Process for License Renewal Denials Due to Medical Hardship: Unnecessary; the process is administered by other entities with specified conditions in statute. (9) Prioritization Categories for New Licenses/Endorsements: Statutory; Proposal to include priority categories for military veterans and individuals completing approved commercial fishing training programs.	2023-10-30

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Health	Pharmacists, Pharmacies, and Manufacturers, Wholesalers, and Distributors	Amendment	11	On June 30, 2022, Rhode Island Public Law 22-402, the "Pharmaceutical Redistribution Program Act", was enacted. The law requires that the Rhode Island Department of Health (RIDOH) establish a pharmaceutical redistribution program utilizing donated drugs. RIDOH is proposing to amend the pharmacy regulations (216-RICR-40-15-1 Pharmacists, Pharmacies, and Manufacturers, Wholesalers, and Distributors) at section 1.14.3, creating a new section on the Drug Redistribution Program. These regulations would require redistributors to be licensed by RIDOH as distributors in accordance with the provisions of Chapter 21-28 of the R.I. Gen. Laws.	2023-10-30
Preliminary Draft	Water Resources Board	PART 8 – Rules of Procedure for Administrative Hearings	Adoption	11	Implement new statutory requirement.	2023-10-30
Preliminary Draft	Education - Council of Elem and Sec Ed	Regulations Governing the Intervention and Support for Failing Schools	Adoption	6	Promulgated pursuant to R.I. Gen Laws § 16-7.1-5.1	2023-10-31
Direct Final	Human Services	Supplemental Security Income and State Supplemental Payments Rules and Regulations	Amendment	7	This rule is being amended to reflect the Federal Social Security Administration's Cost of Living increase scheduled for January 1, 2024.	2023-11-02
Post-Comment Draft	Health	Barbers, Hairdressers/Cosmeticians, Manicurists, Estheticians, and Instructors	Amendment	0	These regulations are being amended to comply with amendments to R.I. Gen. Laws section 5-10-9 which reduces the number of hours required for a course of instruction in hairdressing and cosmetology.	2023-11-06

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Post-Comment Draft	Health	Licensing Analytical Laboratories for Sampling and Testing Cannabis	Amendment	0	The Rhode Island Department of Health (RIDOH) is proposing to revise Licensing for Sampling and Testing Cannabis [216-RICR-60-05-6] to add several references, definitions, and sections regarding the testing of cannabis among other amendments.	2023-11-06
Post-Comment Draft	Health	Physical Therapists and Physical Therapist Assistants	Amendment	0	This regulation is being promulgated in response to a petition for rulemaking action and is proposing to add "Courses that have been presented, accepted, or approved by other state licensing boards of physical therapy" to the list of continuing education programs accepted by the Board.	2023-11-06
Post-Comment Draft	Health	Genetic Counselors	Adoption	0	The Rhode Island Department of Health (RIDOH) is proposing to adopt Genetic Counselors (216-RICR-40-05-36) in response to the passing of the Genetic Counselors Licensing Act (R.I. Gen. Laws Chapter 5-92) which was enacted on June 29, 2022. According to R.I. Gen. Laws § 5-92-5(2): "the Department shall have the following powers and duties...to promulgate regulations and adopt such rules as are necessary to regulate genetic counselors."	2023-11-06

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Post-Comment Draft	Health	Rules and Regulations for the Licensing of Kidney Disease Treatment Centers	Amendment	0	The Rhode Island Department of Health (RIDOH) is proposing to revise § 12.5.8(C) of the Rules and Regulations for the Licensing of Kidney Disease Treatment Centers (216-RICR-40-10-12) to align more closely with the Interpretive Guidelines of the Centers for Medicare and Medicaid Services (“CMS”). CMS aligns the number, timing, and frequency of home visits with patients’ individual needs. These amendments are being promulgated in response to a petition for regulatory action from a member of the public.	2023-11-06
Post-Comment Draft	Health	Therapeutic Radiation Machines	Amendment	7	These amendments are being proposed as the existing regulations were written in the 1990s, with only minor amendments (specifically the inclusion of electronic brachytherapy devices) in 2009. The state-of-the-art for therapeutic radiation machines has evolved over the past thirty years to a point where the radiation control program cannot effectively regulate some of the newer technology. These proposed amendments would allow for effective regulation of all current technology and has provisions to address future technological advances in therapeutic radiation machines. These proposed amendments will allow the program to properly achieve its goals of properly protecting patients, the general public and occupationally exposed workers from unnecessary exposure to the harmful effects of ionizing radiation.	2023-11-06
Preliminary Draft	Environmental Management	Petroleum Liquids Marketing and Storage	Amendment	5	To remove outdated sections and provide clarification to the rule.	2023-11-06

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Post-Comment Draft	Human Services	Child Care Assistance Program for Child Care Educators and Child Care Staff	Adoption	0	Passage of the FY 2024 Rhode Island State Budget included a pilot program allowing the Department of Human Services (DHS) to provide funding for childcare for eligible child care educators and child care staff with family income up to three hundred percent (300%) of the Federal Poverty Level (FPL), who work in a licensed child care center, licensed family child care home, or a licensed group family child care home.	2023-11-07
Post-Comment Draft	Human Services	Child Care Center and School Age Program Licensing Regulations	Amendment	0	This amendment brings this regulation into compliance with Administration of Children and Families, Child Care Development plan.	2023-11-07
Direct Final	Human Services	Supplemental Nutrition Assistance Program	Amendment	0	This rule is being amended to comply with and implement Federally mandated increases to the Cost-of-Living Adjustments (COLA) for recipients of the Supplemental Nutrition Assistance Program (SNAP) program. Other amendments include the Federally mandated implementation of modified Able-Bodied Adults Without Dependents (ABAWD) time limit exceptions per FNS under the Fiscal Responsibility Act 2023, and implementation of the Excessive Replacement Card Notice per FNS policy (276.6b.6). Lastly, a change to gender-neutral pronouns throughout the regulation to be more inclusive.	2023-11-08
Preliminary Draft	Infrastructure Bank	Clean Energy Fund Policies and Procedures	Adoption	8	Required by R.I. Gen. Laws §46-12.2-4.3(a)(2)	2023-11-08
Preliminary Draft	Housing Resources Commission	Rules and Regulations Governing the Implementation of an Approved Monitoring Agent Program	Adoption	3	Implements the approved monitoring agent program established pursuant to R.I.G.L. Sec. 45-53-3.2 for municipally subsidized housing developments.	2023-11-09

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Health	Veterinarians	Amendment	3	The Rhode Island Department of Health (“RIDOH”; “The Department”) is proposing to amend “Veterinarians” [216-RICR-40-15-14] to fulfill the provisions of R.I. Gen. Laws Chapter 4-9.1 “Donation of Medications for Use by Nonprofit, State, and Local Facilities.” R.I. Gen. Laws § 4-9.1-8 states: “The board of veterinary medicine shall promulgate any rules or regulations deemed necessary to carry out the provisions of this chapter, including, without limitation: (1) Requirements for reissuing drugs pursuant to this chapter, including, without limitation, requirements that provide appropriate safeguards for ensuring that the drugs are not compromised or illegally diverted before being reissued; (2) Requirements for accepting drugs donated to a licensed veterinarian or facility in which veterinary medicine is practiced pursuant to this chapter; and (3) Requirements for maintaining records relating to the acceptance and use of drugs to fill other prescriptions pursuant to this chapter.”	2023-11-10

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Post-Comment Draft	Behavioral Healthcare, Developmental Disabilities and Hospitals	Rules and Regulations for Behavioral Healthcare Organizations	Amendment	0	These regulations are being issued so that BHDDH may immediately license Enhanced Mental Health Psychiatric Rehabilitative Residences (E-MHPRR) group home beds which will allow discharge of psychiatric inpatients who no longer require “hospital level of care.” On December 19, 2022 (and updated on January 17, 2023), the federal Centers for Medicare and Medicaid Services (CMS) approved BHDDH to begin licensing a new type of group home, Enhanced Mental Health Psychiatric Rehabilitative Residences (E-MHPRRs). E-MHPRRs will allow for the discharge of psychiatric inpatients who no longer require hospital-level care but need more intensive services than those provided in traditional group homes.	2023-11-14
Post-Comment Draft	Building Code Standards	Process for Establishing Statewide Building Permit Fees	Amendment	0	In accordance with § 21.8 of 510-RICR-00-00-21, East Providence and Westerly submitted requests to the Building Code Commissioner to change their statewide permitting fees. After review, the State Building Code Commissioner presented the proposed fee changes for East Providence and Westerly to the Building Code Standards Committee. The Building Code Standards Committee approved the fee changes for East Providence and Westerly at meetings held on 1/13/2022 and 8/25/2021, respectively.	2023-11-15

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Post-Comment Draft	Business Regulation	Liquor Control Administration	Amendment	0	Section 1.4.44(A)(2) is being modified after a Superior Court decision was issued on January 9, 2023, in <i>The Wine and Liquor Co. v. DBR</i> , PC-2022-02539. The Court held that the one-year completion deadline for the “granting order” specified in section 1.4.14 was problematic and the language rendering a license “null and void” without a hearing on the matter was constitutionally defective. Thereafter, DBR amended the Regulation by deleting 1.4.14. The language in 1.4.44(A)(2) regarding a license being “granted but not issued” and rendering an application “null and void” is similarly deficient. The amended language will address the deficiency and clarify the procedure.	2023-11-15
Preliminary Draft	Design Professionals	Rules and Regulations for Professional Engineering	Amendment	7	The Board of Registration for Professional Engineers (“Board”) at the Department of Business Regulation is proposing some amendments to its Rules and Regulations for Professional Engineering to streamline procedures and remove redundant or unnecessary regulatory provisions. These changes also reflect 2021 amendments to the Professional Engineering Act which updated the licensing requirements and provided a pathway for engineering technology degree applicants.	2023-11-17

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Health	Licensing of Nursing Facilities	Amendment	9	The intent of the proposed amendments is to clarify the following provisions established in statute: (1) The owner of a nursing facility is the person who holds title to the real property; (2) The operator of a nursing facility is the person that is responsible for the operation of the facility and answering to its governing body, which is ultimately responsible for compliance with the regulations and the health and safety of the nursing facility's residents; (3) Historically, the owner of a nursing facility was its operator; in recent years, ownership has often been separated from operation; (4) Managers, contracted by the operator of a nursing facility, should only assist the operator of the nursing facility; (5) A lessee usually operates a nursing facility under a lease from the owner or operator; (6) A lessee can be the operator of a nursing facility; (7) Equity interests must be maintained for the life of the license; (8) A nursing facility license is usually held by the operator.	2023-11-17

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Health	Licensing of Nursing Facilities	Amendment	0	The intent of the proposed amendments is to clarify the following provisions established in statute: (1) The owner of a nursing facility is the person who holds title to the real property; (2) The operator of a nursing facility is the person that is responsible for the operation of the facility and answering to its governing body, which is ultimately responsible for compliance with the regulations and the health and safety of the nursing facility's residents; (3) Historically, the owner of a nursing facility was its operator; in recent years, ownership has often been separated from operation; (4) Managers, contracted by the operator of a nursing facility, should only assist the operator of the nursing facility; (5) A lessee usually operates a nursing facility under a lease from the owner or operator; (6) A lessee can be the operator of a nursing facility; (7) Equity interests must be maintained for the life of the license; (8) A nursing facility license is usually held by the operator. The proposed changes further clarify the requirements for the initial contribution of equity, and add new language establishing the effective date of certain provisions.	2023-11-20

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Environmental Management	Operating Permits	Amendment	5	On July 12, 2023, the Environmental Protection Agency (EPA) finalized the removal of the “emergency” affirmative defense provisions from the EPA’s title V operating permit program regulations. These provisions allowed sources to avoid liability in enforcement proceedings by demonstrating that violations of certain emissions limitations in a title V permit were caused by an “emergency” situation. The title V affirmative defense provisions are inconsistent with EPA’s interpretation of the Clean Air Act’s enforcement structure, following the 2014 D.C. Circuits NRDC v. EPA (749 F.3d 1055) decision, and are considered a violation of the Clean Air Act. This decision published July 12, 2023, effective August 21, 2023, requires states to remove affirmative defense provisions from EPA-approved state operating permit programs by August 21, 2024.	2023-11-20
Preliminary Draft	Business Regulation	Rules of Procedure for Administrative Hearings	Amendment	5	The Department recently amended this regulation effective March 22, 2023. In § 2.4(A), it deleted a paragraph containing, among other things, the requirement to respond to a Department complaint within 15 business days or some other time specified by the Department. While some licensing areas have a specific time for responses to complaints/inquiries in their statutes, not all areas have such a requirement. Therefore, the Department is adding this timeline into the regulation as a general rule for the agency.	2023-11-22

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Post-Comment Draft	Environmental Management	Rhode Island's Low-Emission and Zero-Emission Vehicle Program'	Amendment	7	Rhode Island enacted the 2021 Act on Climate, which sets mandatory, enforceable climate emissions reduction goals leading the state to achieve net-zero emissions economy-wide by 2050. The transportation sector is responsible for approximately 39% of RI' greenhouse gas emissions. The federal Clean Air Act (CAA) grants the US EPA original jurisdiction for establishing emission standards for new motor vehicles, including heavy-duty trucks. Section 209(a) of the federal CAA (42 USC § 7543) prohibits states (except California) or other political sub-divisions, such as local or regional governments, from establishing emission standards for new motor vehicles. Under CAA Section 177 (42 USC § 7507), however, states that choose to adopt vehicle emission standards that are more stringent than the federal standards for new vehicles may adopt standards that are identical to any standards adopted by California. RI previously adopted California's emissions standards for passenger cars and trucks and, with this rulemaking, would further opt-in to California's standards by adopting new standards for medium- and heavy-duty vehicles. Reducing emissions from medium- and heavy-duty vehicles is an important part of RI's programs to meet and maintain the health-based National Ambient Air Quality Standards (NAAQS), reduce the risk from exposure to toxic diesel particulate matter, and reduce the GHG emissions. The adoption of California's emissions standards is imperative piece to RI's response and action on climate change.	2023-11-28

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Direct Final	Commerce Corporation	The Main Street Rhode Island Streetscape Improvement Fund	Amendment	4	The budget for FY2024 revised the eligible activities to include Technical Assistance and required the Corporation to set the maximum award amount in the regulations. See article 7, page 21.	2023-12-01
Preliminary Draft	Health	Licensing Home Nursing Care Providers and Home Care Providers	Amendment	6	The Rhode Island Department of Health (“RIDOH”; “The Department”) is proposing to amend “Licensing Home Nursing Care Providers and Home Care Providers” [216-RICR-40-10-17] in order to bring these regulations into conformity with current statutory requirements.	2023-12-04
Preliminary Draft	Health	Licensing Doctors of Acupuncture and Doctors of Acupuncture and Chinese Medicine	Amendment	6	The Rhode Island Department of Health (“RIDOH”; “The Department”) is proposing to amend Licensing Doctors of Acupuncture and Oriental Medicine [216-RICR-40-05-8] to address legislative changes to the licensing process for Doctors of Acupuncture and Doctors of Acupuncture and Chinese Medicine.	2023-12-04
Preliminary Draft	Health	Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health	Amendment	8	The annual licensure fee for nursing service agencies is being increased from \$500.00 to \$1,000.00 in response to the enactment of Public Law 23-102. The amendment proposed is based on statute and therefore, RIDOH does not have discretion regarding the fee change.	2023-12-06

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Direct Final	Administration	Exceptions to Competitive Bidding Requirements	Amendment	3	<p>During the State of Rhode Island’s 2023 legislative session, HB5463 and SB0709 were passed increasing the thresholds for small purchases delegated authority effective December 31, 2023, codified in statute as R.I. Gen. Laws § 37-2-22. This statutory change requires the Procurement Regulations to be updated via 220-RICR-30-00-5 and 220-RICR-30-00-9. The Division of Purchases has determined that these updates must be addressed in regulation to ensure uniform applicability and compliance throughout the State, and to prevent potential confusion caused by outdated and misaligned information in regulation that no longer comports with the applicable statutory provision. In addition to these changes that directly reflect the statutory updates, the Division of Purchases seeks to update the “micro” purchases procedures set forth in 220-RICR-30-00-5 and 220-RICR-30-00-9 that apply to procurements under \$500 (which are not contemplated in statute but have been historically regulated through regulation and policy as set forth therein). Although micro purchases have been subject to a \$500 threshold for the past several years in practice, the regulations still contain reference to a \$250 threshold in this context. This correction merely memorializes existing long-term policy and incurs no substantive or known changes.</p>	2023-12-07

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Direct Final	Administration	Competitive Bid and Competitive Sealed Bid Review and Source Selection	Amendment	3	During the State of Rhode Island's 2023 legislative session, HB5463 and SB0709 were passed increasing the thresholds for small purchases delegated authority effective December 31, 2023, codified in statute as R.I. Gen. Laws § 37-2-22. This statutory change requires the Procurement Regulations to be updated via 220-RICR-30-00-5 and 220-RICR-30-00-9. The Division of Purchases has determined that these updates must be addressed in regulation to ensure uniform applicability and compliance throughout the State, and to prevent potential confusion caused by outdated and misaligned information in regulation that no longer comports with the applicable statutory provision.	2023-12-07
Post-Comment Draft	Environmental Management	Groundwater Quality Rules	Amendment	6	Proposed amendments are necessary to implement new state law adopted by the R.I. General Assembly during the 2022 legislative session. Specifically, R.I. Gen. Laws § 46-32-5. Groundwater Quality Standards for Per- and Polyfluoroalkyl Substances directs the RIDEM to establish groundwater quality standards for certain per- and polyfluoroalkyl substances by December 31, 2023.	2023-12-07
Post-Comment Draft	Environmental Management	Water Quality Regulations	Amendment	6	Regulation revised to include surface water action levels for PFAS.	2023-12-07
Post-Comment Draft	Executive Office of Health and Human Services	Long-term Services and Supports (LTSS) Medically Needy Eligibility Pathway	Amendment	1	EOHHS is providing updated amounts that better reflect current costs of receiving services at private nursing facilities, intermediate care facilities, and long-term care hospitals as well as the state Medicaid LTSS only monthly reimbursement rates by service.	2023-12-08

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Health	Massage Therapists	Amendment	5	Adding clarifying language based upon current RIDOH procedures, adding language based upon authorizing statute, and updating requirements for licensure based on statutory language	2023-12-11
Post-Comment Draft	Environmental Management	Definitions and General Provisions	Amendment	1	Clarifications to the rule to more accurately reflect actual and current regulations	2023-12-12
Preliminary Draft	Executive Office of Health and Human Services	Overview of the Rhode Island Medicaid and Children's Health Insurance Programs	Amendment	7	On 5/18/23, Governor McKee signed the Equality in Abortion Coverage Act which directed EOHHS to cover abortions for Medicaid beneficiaries. Federal law restricts coverage of abortions to instances of rape, incest, or in order to preserve the life of the mother. The State will pay for coverage of all other abortions with state only dollars.	2023-12-13
Preliminary Draft	Executive Office of Health and Human Services	Medicaid Managed Care Delivery Options	Amendment	7	On 5/18/23, Governor McKee signed the Equality in Abortion Coverage Act which directed EOHHS to cover abortions for Medicaid beneficiaries. Federal law restricts coverage of abortions to instances of rape, incest, or in order to preserve the life of the mother. The State will pay for coverage of all other abortions with state only dollars.	2023-12-13
Preliminary Draft	Health	Licensing Assisted Living Residences	Amendment	5	The Rhode Island Department of Health ("RIDOH") is proposing to amend the aforementioned regulations, 216-RICR-40-10-2, primarily to include the provisions of Public Law 23-353 related to an informal dispute resolution process in assisted living residences (ALRs). Additional amendments are proposed related to variances.	2023-12-18
Post-Comment Draft	Environmental Management	Petroleum Liquids Marketing and Storage	Amendment	0	To remove outdated sections and add clarification to the rule.	2023-12-28

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Post-Comment Draft	Water Resources Board	PART 9 – Rules of Procedure for Administrative Hearings	Adoption	0	Implement new statutory requirement	2023-12-29