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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 Q1

FY 2024 Quarter 1 Report: July 1, 2023 – September 30, 2023

Quarterly Summary Data

Total Submissions by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 23
- Regular Rulemaking, Post-Comment Review: 16
- Direct Final Rulemaking: 8
- Emergency Rulemaking: 6

Unique Regulations by Type of Action

- Adoption: 5
- Amendment: 31
- Repeal: 1

ORR Review Time by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 9.6 days
- Regular Rulemaking, Post-Comment Review: 1.8 days
- Direct Final Rulemaking: 6.9 days
- Emergency Rulemaking: 0.0 days

ORR Interventions

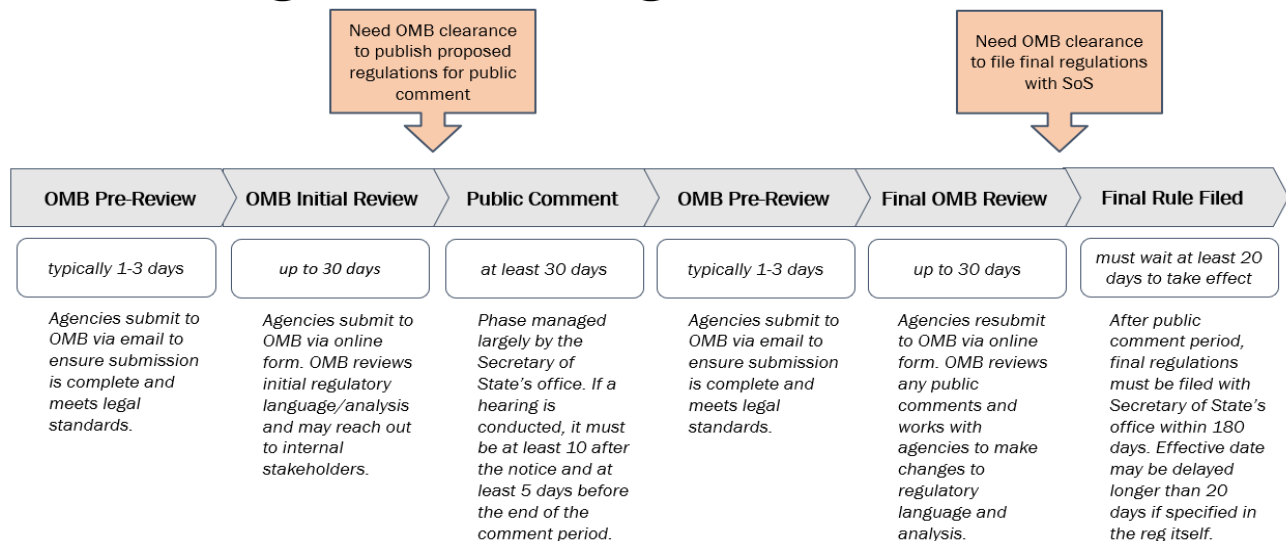
- Submissions where analysis was changed: 24.5%
- Submissions where regulatory language was changed: 49.1%

Regulatory Oversight

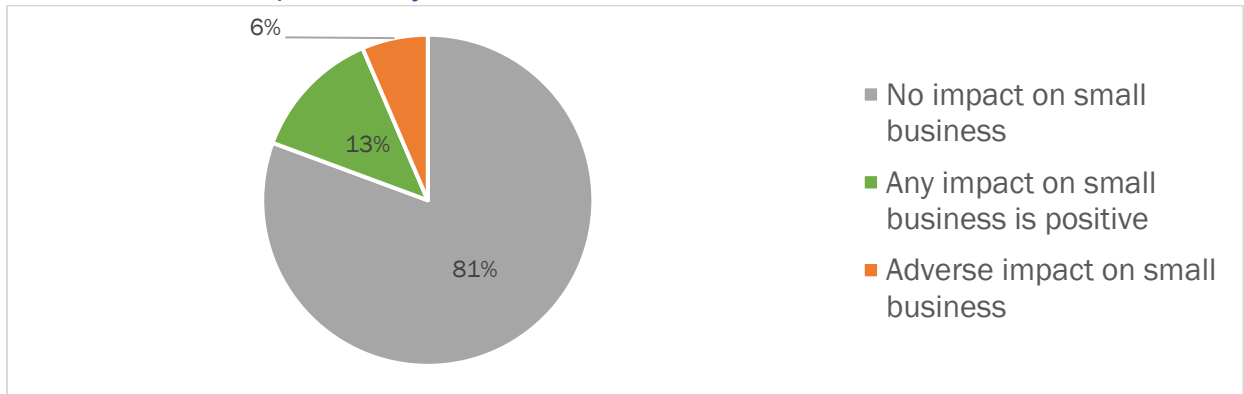
As part of the Office of Management and Budget, the Office of Regulatory Reform’s (ORR) mission is to review new and amended regulations with a focus on minimizing adverse impacts on Rhode Island businesses, large and small. Since February 2015, ORR has been operating under [Executive Order 15-07](#), which requires all Executive Branch regulations 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 dictated 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 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 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. 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:



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 will assist small businesses through actions such as targeted deregulation, whether the regulation may adversely impact small businesses relative to their larger counterparts, and whether the regulatory action will result in the absence of discernable effects. These determinations are based on a number of factors, 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' 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.

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
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.	2023-07-12
Direct Final	Human Services	Rhode Island Works Program Rules and Regulations	Amendment	7	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.	2023-07-14
Preliminary Draft	Human Services	Child Care Assistance Program for Child Care Educators and Child Care Staff Rules and Regulations	Adoption	1	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.	2023-07-14
Preliminary Draft	Environmental Management	Rules and Regulations for the Prohibited Release of Balloons	Adoption	5	RIDEM required to promulgate new regulations pursuant to R.I. Gen. Laws § 23-96-3.	2023-07-17

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	1	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.	2023-07-19
Post-Comment Draft	Environmental Management	Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act	Repeal	0	Repeal of outdated regulation. This regulation has been replaced with Wetlands Regulation 3, which has been effective since July of 2022.	2023-07-20
Post-Comment Draft	Building Code Standards	Process for Establishing Statewide Building Permit Fees	Amendment	1	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.	2023-07-21
Post-Comment Draft	Health Insurance Commissioner	Powers and Duties of the Office of the Health Insurance Commissioner	Amendment	4	OHIC is amending 230-RICR-20-30-4 to reflect policy priorities inclusive of health equity, mandated investment in behavioral health care services for children and adolescents and contracting transparency.	2023-07-24

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Health	Genetic Counselors	Adoption	7	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.”	2023-07-25
Preliminary Draft	Environmental Management	Rhode Island's Low-Emission Vehicle Program	Amendment	13	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's 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. Rhode Island has 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 that contribute to climate change. The adoption of California's emissions standards is an imperative piece of the puzzle to RI's response and action on climate change.	2023-07-25

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.	2023-07-27
Emergency	Human Services	Supplemental Security Income and State Supplemental Payment Rules and Regulations	Amendment	0	The Department of Human Services has updated this rule to comply with the passage of the Rhode Island State Budget for Fiscal Year 2024. The passage of the budget has increased the State Supplemental Payment for individuals who qualify for payment based on Category E living arrangement, from \$20 per month to \$45 per month. This increase to the payment was effective July 1st, 2023.	2023-07-28
Emergency	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.	2023-07-28
Emergency	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.	2023-07-28
Emergency	Executive Office of Health and Human Services	Medicaid for Elders and Adults with Disabilities:	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.	2023-07-28

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
		Community Medicaid				
Emergency	Executive Office of Health and Human Services	Medicaid Integrated Health Care Coverage, SSI Financial Eligibility Determinations	Amendment	0	Effective 7/1/23, as part of the FY 2024 Budget, the RI legislature directed EOHHS to raise the personal needs allowance for institutionalized individuals from \$50 to \$75.	2023-07-28
Preliminary Draft	Health	Licensing of Lactation Consultants	Amendment	6	The Rhode Island Department of Health (RIDOH) is proposing to amend Licensing of Lactation Consultants [216-RICR-40-05-27] to incorporate new information including updated certifications and terminology as well as revised requirements for licensees.	2023-07-31

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Environmental Management	Rhode Island's Low-Emission Vehicle Program	Amendment	0	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.	2023-08-03
Preliminary Draft	Health	Rules and Regulations for the Licensing of Kidney Disease Treatment Centers	Amendment	6	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.	2023-08-03
Preliminary Draft	Environmental Management	Rules and Regulations for the Prohibited Release of Balloons	Adoption	4	RIDEM required to promulgate new regulations pursuant to R.I. Gen. Laws § 23-96-3.	2023-08-04

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Direct Final	Human Services	Supplemental Security Income and State Supplemental Payment Rules and Regulations	Amendment	22	The Department of Human Services has updated this rule to comply with the passage of the Rhode Island State Budget for Fiscal Year 2024. The passage of the budget has increased the State Supplemental Payment for individuals who qualify for payment based on Category E living arrangement, from \$20 per month to \$45 per month. This increase to the payment was effective July 1st, 2023.	2023-08-09
Post-Comment Draft	Environmental Management	Petroleum Liquids Marketing and Storage	Amendment	1	To remove outdated sections and add clarification to the rule.	2023-08-09
Post-Comment Draft	Health	Licensing Analytical Laboratories for Sampling and Testing Cannabis	Amendment	10	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.	2023-08-11
Preliminary Draft	Health	Barbers, Hairdressers/ Cosmeticians, Manicurists, Estheticians, and Instructors	Amendment	7	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.	2023-08-15
Preliminary Draft	Environmental Management	Rules and Regulations for the Plastic Waste Reduction Act	Adoption	13	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.	2023-08-16
Direct Final	Human Services	Supplemental Nutrition Assistance Program	Amendment	7	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.	2023-08-18

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Direct Final	Environmental Management	Commercial Marine Fishing Licenses Issued between January 1, 2022, and June 30, 2022 that remain in effect through December 31, 2022	Repeal	3	Rule is obsolete. Was meant to be in place during the temporary transitional period when 2 different license structures were in place.	2023-08-21
Preliminary Draft	Environmental Management	Dealers	Amendment	5	(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.	2023-08-21

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Environmental Management	Commercial Marine Fishing Licenses, Landing Permits, and Party and Charter Licenses	Amendment	5	(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.	2023-08-21
Preliminary Draft	Taxation	Exemption of Sales by Writers, Composers and Artists	Amendment	10	To make clarifying and organizational updates due to the passage of time.	2023-08-21
Preliminary Draft	Taxation	Modification of Certain Income of Writers, Composers and Artists	Amendment	10	To make clarifying and organizational updates due to the passage of time.	2023-08-21
Direct Final	Commerce Corporation	Rules and Regulations for the Innovation Voucher Program	Amendment	6	The budget for FY2024 revised the award maximum amount allowable from \$50,000 to \$75,000	2023-08-23

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary 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	12	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.	2023-08-23
Preliminary Draft	Executive Office of Health and Human Services	Post-Eligibility Treatment of Income (PETI)	Amendment	12	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.	2023-08-23
Preliminary Draft	Executive Office of Health and Human Services	Medicaid for Elders and Adults with Disabilities	Amendment	12	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.	2023-08-23
Preliminary Draft	Executive Office of Health and Human Services	Long-term Services and Supports (LTSS) Medically Needy Eligibility Pathway	Amendment	12	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.	2023-08-23

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Executive Office of Health and Human Services	Medicaid Integrated Health Care Coverage, SSI Financial Eligibility Determinations	Amendment	12	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.	2023-08-23
Post-Comment Draft	Human Services	Child Care Center and School Age Program Regulations for Licensure	Amendment	3	This amendment brings this regulation into compliance with Administration of Children and Families, Child Care Development plan.	2023-08-28
Direct Final	Human Services	Supplemental Nutrition Assistance Program	Amendment	4	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.	2023-08-29
Post-Comment Draft	Human Services	Child Care Assistance Program for Child Care Staff Rules and Regulations Educators and Child Care	Amendment	7	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.	2023-08-29

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Post-Comment 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.	2023-08-30
Direct Final	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.	2023-08-31
Preliminary Draft	Health	Therapeutic Radiation Machines	Amendment	13	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.	2023-09-06
Preliminary Draft	Health	Medical Diagnostic and Interventional X-Ray and Imaging Systems	Amendment	13	This regulation is being amended to revise the requirements for Retention of Mammography X-rays to be in accordance with state statutes.	2023-09-06

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 Managed Care Delivery Options	Amendment	0	Effective 1/1/23, the SUPPORT Act directed states to provide Medicaid eligibility for individuals turning 18 after January 1, 2023 who qualify under the former foster care children (FFCC) eligibility group if they were enrolled in Medicaid at the time they aged out of the foster care system in any state. Previously, this only applied to individuals who aged out of the Rhode Island foster care system. As part of the FY23 Budget: EOHHS is required to provide 12 months of full benefit medical assistance to postpartum women. As a result, postpartum individuals would not need be eligible for EFP benefits until after the 12-month postpartum period. This regulation is being amended to reflect these changes.	2023-09-07
Post-Comment Draft	Executive Office of Health and Human Services	Medicaid Affordable Care Coverage Groups Overview and Eligibility Pathways	Amendment	0	Effective 1/1/23, the SUPPORT Act directed states to provide Medicaid eligibility for individuals turning 18 after January 1, 2023, who qualify under the former foster care children (FFCC) eligibility group if they were enrolled in Medicaid at the time, they aged out of the foster care system in any state. Previously, this only applied to individuals who aged out of the Rhode Island foster care system. This regulation is being amended to reflect this change in policy.	2023-09-07
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.	2023-09-07
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.”	2023-09-08
Direct Final	Environmental Management	PART 4 – Shellfish	Amendment	6	Reorganization of the rule for improved readability and clarity	2023-09-11

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Environmental Management	Groundwater Quality Rules	Amendment	21	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.	2023-09-22
Preliminary Draft	Environmental Management	Water Quality Regulations	Amendment	21	Regulation revised to include surface water action levels for PFAS.	2023-09-22
Post-Comment Draft	Environmental Management	Rules and Regulations for the Prohibited Release of Balloons	Adoption	1	RIDEM required to promulgate new regulations pursuant to R.I. Gen. Laws § 23-96-3.	2023-09-27
Emergency	Health	Licensure of Nursing Facilities	Amendment	0	The Rhode Island Department of Health (RIDOH) is filing this emergency amendment to the Licensure of Nursing Facility regulations (216-RICR-40-10-1) to improve nursing home safety and quality and mitigate any imminent threats to the residents of these facilities.	2023-09-29