



OFFICE OF MANAGEMENT & BUDGET

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MEMORANDUM

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 2023 Q1

FY 2023 Quarter 1 Report: July 1, 2022 – September 30, 2022

Quarterly Summary Data

Total Submissions by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review:..... 10
- Regular Rulemaking, Post-Comment Review:.....9
- Direct Final Rulemaking:4
- Emergency Rulemaking:.....5

Unique Regulations by Type of Action

- Adoption:.....2
- Amendment:..... 16
- Repeal:.....1

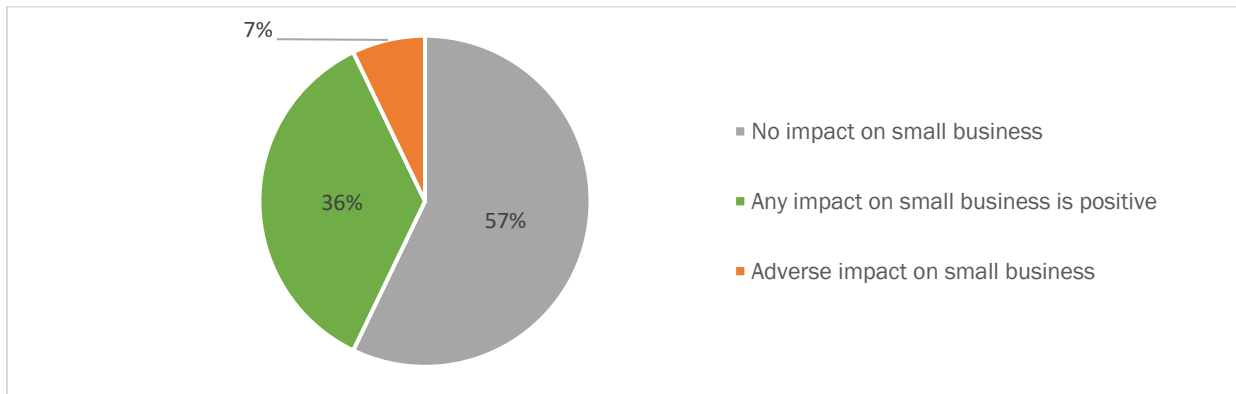
ORR Review Time by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review:..... 10.3 days
- Regular Rulemaking, Post-Comment Review:.....2.3 days
- Direct Final Rulemaking:5.8 days
- Emergency Rulemaking:7.2 days

ORR Interventions

- Submissions where analysis was changed:..... 5.3%
- Submissions where regulatory language was changed: 26.3%

Small Business Impact Analysis



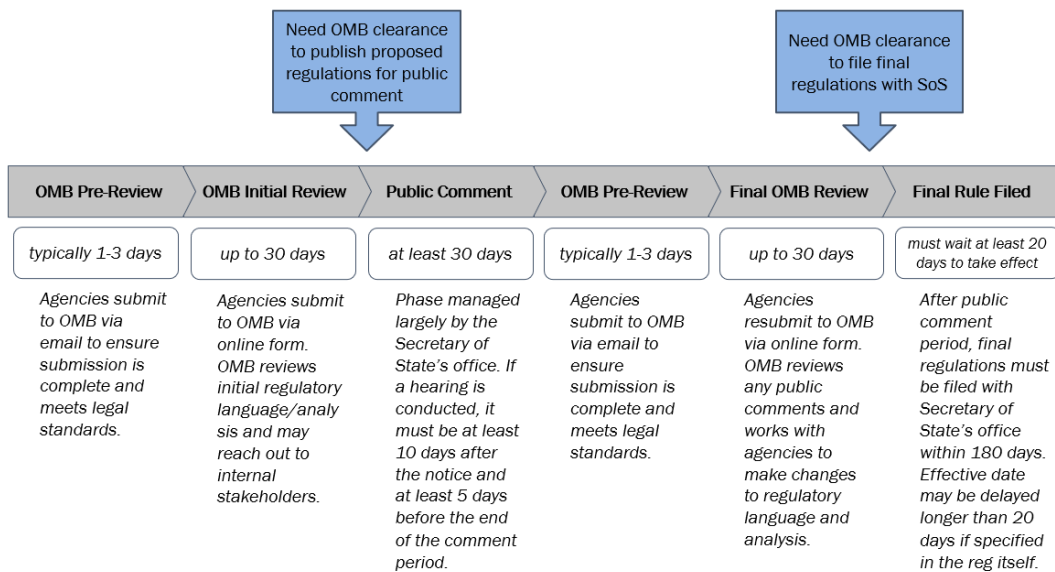
Note: Emergency regulations are not included in this summary chart.

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 ORR’s role in 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:



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. 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.

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Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Direct Final	Human Services	REFUGEE ASSISTANCE PROGRAM	Amendment	5	This proposed change is made in accordance with the Director of ORR's announcement of the expansion of the Refugee Cash Assistance eligibility period from 8 months to 12 months for participants whose date of eligibility for benefits is on or after October 1, 2021. This rule change was made public on 3/28/22 and is being incorporated into the DHS rule to comply with this federal regulation so applicants/recipients receive accurate, timely benefits.	NO, this regulation DOES NOT IMPACT small business	2022-07-06
Post-Comment Draft	Health	Opioid Overdose Prevention and Reporting	Amendment	0			2022-07-06
Preliminary Draft	Public Safety	Rules and Regulations Establishing Statewide Policy for the Use and Operation of Body-Worn Cameras	Adoption	10	New state statute created the Statewide Body-Worn Camera Program and authorized the Department of Public Safety to develop the criteria and manner in which funds are awarded to municipal and state law enforcement agencies under the law.	NO, this regulation DOES NOT IMPACT small business	2022-07-07
Post-Comment Draft	Health	Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health	Amendment	0			2022-07-11
Post-Comment Draft	Coastal Resources Management Council	Management Procedures	Amendment	0			2022-07-12
Post-Comment Draft	Health	Licensing of Aquatic Venues	Amendment	6	to permit private engineers to review and approve pools	NO, this regulation DOES NOT IMPACT small business	2022-07-18
Preliminary Draft	Commerce Corporation	Rules and Regulations for the Industry Cluster Grants Program	Repeal	4	As a result of § 42-64.29-8., http://webserver.rilegislature.gov//Statutes/TITLE42/42-64.29/42-64.29-8.htm this incentive of the Rhode Island Commerce Corporation has sunset and we are repealing the regulations.	NO, any small business impact is POSITIVE	2022-07-19
Post-Comment Draft	Energy Resources	Appliance and Equipment Energy and Water Energy Efficiency Standards Regulation	Adoption	1	The Office of Energy Resources has promulgated these regulations to implement and comply with R.I. Gen. Laws 39-27.1.	NO, this regulation DOES NOT IMPACT small business	2022-07-21
Direct Final	Health	Licensing Assisted Living Residences	Amendment	5	to provide for procedures of BCIs for Minors	NO, this regulation DOES NOT IMPACT small business	2022-07-25
Direct Final	Health	Licensing of Nursing Homes	Amendment	5	To provide procedures for BCI checks of minors	NO, this regulation DOES NOT IMPACT small business	2022-07-25
Post-Comment Draft	Public Utilities Commission	Minimum Efficiency Standards for Certain New Products	Repeal	0			2022-07-25

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Preliminary Draft	Business Regulation	Short-Term Rental Property Registration	Adoption	12	<p>Pursuant to the enactment of R.I. Gen. Laws § 42-63.1-14 (effective 1/4/2022), the Department is required to create an online registration database for short-term rental properties. This legislation was initially vetoed by Governor McKee but the veto was then overridden by the legislature at the beginning of the 2022 Legislative Session.</p> <p>R.I.G.L. § 42-63.1-14(g) authorizes the Department to promulgate rules and regulations to enforce this section and states that the Department may charge a registration fee to register with the database</p>	YES, there is ADVERSE IMPACT on small businesses (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2022-07-25
Preliminary Draft	Health	2. Pharmacists, Pharmacies, and Manufacturers. Wholesalers and Distributors	Amendment	13	To implement standing orders, administration of medication and to clarify procedures for collaborative practice agreements	NO, this regulation DOES NOT IMPACT small business	2022-08-09
Direct Final	Human Services	Child Care Assistance Program Rules and Regulations	Amendment	8	Passage of the FY2023 RI State Budget	NO, this regulation DOES NOT IMPACT small business	2022-08-10
Preliminary Draft	Environmental Management	Commercial Marine Fishing Licenses, Landing Permits, and Party and Charter Licenses	Amendment	9	<p>1. Issuance of the new Multipurpose Vessel License. The license was created by statute effective 7/1/22, which we are now charged with writing rules for (§ 20-2.1-5 (1)(v)). We are looking to notice 2 proposals based on workshop feedback: Proposal; #1 – no issuance in 2023; and proposal # 2 – new rules for issuance in 2023</p> <p>2. Exit:entry ratios for Unlimited Finfish Endorsement): We received a proposal at the workshop to amend this ratio from the current 1:2 to 1:1. We are looking to notice 2 proposals: Proposal #1 – status quo; and proposal # 2 – amend to 1:1</p> <p>3. Exit:entry ratios for Unlimited Shellfish Endorsement: We have not received a proposal to amend, but feel compelled to notice the status quo to allow for new proposals during the comment period and provide the opportunity for our Council to discuss and provide a recommendation.</p> <p>4. Prioritization: This is almost a housekeeping measure simply to identify the former license types that prior year landings are attributed to, and thus are needed for the Activity Standard. These former license types as identified in this section would be removed in the future once rendered obsolete. The proposed change in section 2.7.5(A)(2)(d) is also related to identifying the former license types for the purpose of the Activity Standard, so more or less a housekeeping measure as well</p>	NO, any small business impact is POSITIVE	2022-08-10

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Preliminary Draft	Health	Dentists, Dental Hygienists, and Dental Assistants	Amendment	23	The RIDOH is proposing rulemaking to define caries arresting medicament, distant site, interim therapeutic restoration, originating site, protected health information, tele dentistry, and tele dentistry provider, and revises the definition of public health dental hygienist; revises qualifications for public health dental hygienist; create education licensing requirements for public health dental hygiene practitioner, and provide standards for how tele dentistry may be performed.	NO, this regulation DOES NOT IMPACT small business	2022-08-11
Preliminary Draft	Health	RI Food Code	Amendment	9	Statutory Compliance with statute allowing cottage food manufacture	NO, any small business impact is POSITIVE	2022-08-24
Post-Comment Draft	Commerce Corporation	Rules and Regulations for the Industry Cluster Grants Program	Repeal	0	As a result of § 42-64.29-8., http://webserver.rilegislature.gov//Statutes/TITLE42/42-64.29/42-64.29-8.htm [webserver.rilegislature.gov] this incentive of the Rhode Island Commerce Corporation has sunset and we are repealing the regulations.	NO, any small business impact is POSITIVE	2022-08-29
Preliminary Draft	Disabilities Commission	Rhode Island Livable Home Modifications	Amendment	10	To increase the maximum Livable Home Modification Grant awards from \$4,000 to \$4,500 to offset the increased cost of residential construction.	NO, this regulation DOES NOT IMPACT small business	2022-09-02
Preliminary Draft	Human Services	Child Care Center and School Age Program Licensing Regulations	Amendment	8	These changes were made to incorporate the DHS Corrective Action Plan for the Child Care Development Fund Plan (Fiscal Year 2021-2023) as approved by the Federal Administration for Children and Families. In addition, best practice has changed over the last fifteen years and the regulations for health and safety in child care need to be updated to reflect those changes.	NO, any small business impact is POSITIVE	2022-09-07
Emergency	Executive Office of Health and Human Services	Katie Beckett Program	Amendment	7	As part of the FY23 Budget signed by Governor McKee: EOHHHS is required to provide coverage to all children that are residents of Rhode Island		2022-09-15
Emergency	Executive Office of Health and Human Services	Medicaid Long-Term Services and Supports Overview and Eligibility Pathways	Amendment	7	As part of the FY23 Budget signed by Governor McKee: EOHHHS is required to provide coverage to all children that are residents of Rhode Island.		2022-09-15
Emergency	Executive Office of Health and Human Services	Medicaid and Children's Health Insurance Program (CHIP) Non-Financial General Eligibility Requirements	Amendment	7	As part of the FY23 Budget signed by Governor McKee: EOHHHS is required to provide coverage to all children that are residents of Rhode Island.		2022-09-15
Emergency	Executive Office of Health and Human Services	Medicaid Affordable Care Coverage Groups Overview and Eligibility Pathways	Amendment	7	As part of the FY23 Budget signed by Governor McKee: EOHHHS is required to provide the following: Coverage to all children that are residents of Rhode Island 12 months of full benefit medical assistance to postpartum women		2022-09-15

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Emergency	Human Services	Supplemental Nutrition Assistance Program	Amendment	8	This rule is being amended to implement Federally mandated increases for fiscal year (FY) 2023 to the Federal Poverty Levels (FPLs) and Cost of Living Adjustments (COLAs) which takes effect October 1, 2023.		2022-09-20
Preliminary Draft	Accountancy	Rules and Regulations for the Rhode Island Board of Accountancy	Amendment	5	During the last rulemaking process for this regulation in February 2022, the Board of Accountancy received a comment from the American Institute of Certified Public Accountants (AICPA) that could not be considered at the time because the requested amendment was not a logical outgrowth of the amendments proposed in that rulemaking. However, upon further discussions with AICPA and the Rhode Island Society of CPAs (RISCPA), the Board unanimously voted to proceed with rulemaking to address this comment. In addition, the Board has proposed some additional substantive amendments as outlined below.	NO, any small business impact is POSITIVE	2022-09-21
Post-Comment Draft	Public Safety	Rules and Regulations Establishing Statewide Policy for the Use and Operation of Body-Worn Cameras	Adoption	4	New state statute created the Statewide Body-Worn Camera Program and authorized the Department of Public Safety to develop the criteria and manner in which funds are awarded to municipal and state law enforcement agencies under the law.	NO, this regulation DOES NOT IMPACT small business	2022-09-23
Post-Comment Draft	Business Regulation	Short-Term Rental Property Registration	Adoption	7	Pursuant to the enactment of R.I. Gen. Laws § 42-63.1-14 (effective 1/4/2022), the Department is required to create an online registration database for short-term rental properties. R.I.G.L. § 42-63.1-14(g) authorizes the Department to promulgate rules and regulations to enforce this section and states that the Department may charge a registration fee to property owners who register with the database.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2022-09-23