



OFFICE OF MANAGEMENT & BUDGET

One Capitol Hill
Providence, RI 02908-5890

Office: (401) 574-8170
Fax: (401) 222-6436

MEMORANDUM

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

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

Subject: Office of Regulatory Reform Quarterly Report: FY 2024 Q4

FY 2024 Quarter 4 Report: April 1, 2024 – June 30, 2024

Quarterly Summary Data

Total Submissions by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 20
- Regular Rulemaking, Post-Comment Review: 18
- Direct Final Rulemaking: 5
- Emergency Rulemaking: 0

Unique Regulations by Type of Action

- Adoption: 8
- Amendment: 35
- Repeal: 0

ORR Review Time by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 11.8 days
- Regular Rulemaking, Post-Comment Review: 1.4 days
- Direct Final Rulemaking: 7.2 days
- Emergency Rulemaking: N/A – None this quarter

ORR Interventions

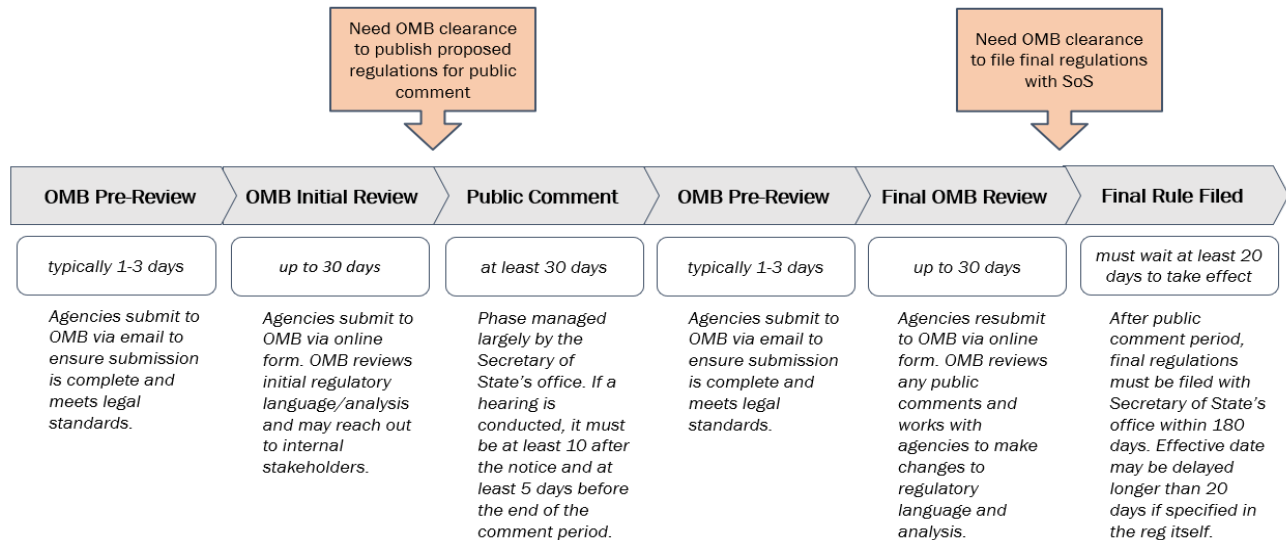
- Submissions where analysis was changed: 53.5%
- Submissions where regulatory language was changed: 69.8%

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.

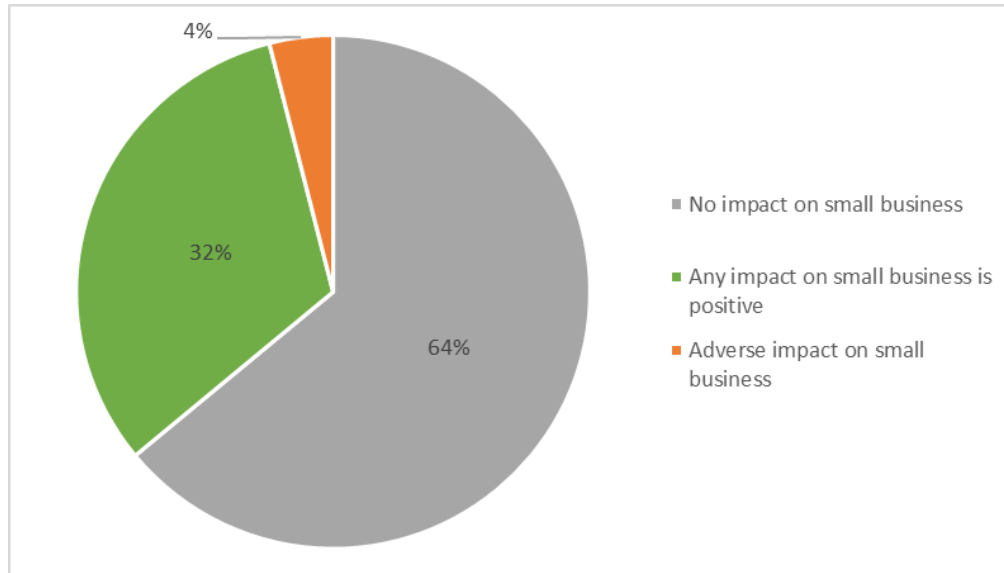
Prior to EO 15-07, the Director of Regulatory Reform had the authority to intervene on any individual regulatory or permitting issue. With the process established by Executive Order, agencies must submit all proposed regulatory actions to ORR, providing a systematic way to address regulatory issues. 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

ORR collects data from agencies regarding the projected effect of regulatory amendments and rescissions on small businesses in Rhode Island. The chart below illustrates the estimated aggregate impact of such amendments.



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

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 agencies’ submissions. In this report, minor, non-substantive revisions of agencies’ regulatory summaries have been made for some of the information presented below for the sake of grammatical correctness, clarity, and brevity.

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Direct Final	Turnpike and Bridge Authority	Rules and Regulations Governing Procurement	Amendment	14	To bring agency regulations closer in line with Small Purchase threshold dollar amounts per R.I. Gen. 37-2-22 and sole source procurement amounts.	2024-04-02
Preliminary Draft	Environmental Management	Fishing Regulations for the Season	Amendment	3	Updates the upcoming Freshwater Fishing season with the correct season dates and bag limits.	2024-04-05
Preliminary Draft	Environmental Management	RI Falconry Regulations	Amendment	3	Makes a minor change to Licensed Falconers who capture and raise falcons in the state for hunting and regulations associated with the use of these birds.	2024-04-05
Preliminary Draft	Environmental Management	Hunting and Trapping Regulations	Amendment	3	Sets season dates and bag limits for hunting and trapping in the 2024-25 and 2025-26 seasons.	2024-04-05
Preliminary Draft	Environmental Management	General Provisions for State Parks and Conservation Management Areas	Amendment	10	To revise the regulation to allow both the Beavertail Lighthouse Museum Association and Coggeshall Farm Museum/Old Sturbridge Village to host fundraising events where alcohol can be served and/or sold.	2024-04-05
Preliminary Draft	Human Services	Group Family Child Care Home Regulations for Licensure	Amendment	22	The Rhode Island Department of Human Services is promulgating updated Family Child Care and Group Family Child Care regulations in order to stay in line with federal guidelines as well as best practice in the field. The reason for updated regulations is two-fold. Rhode Island's Family Child Care regulations were out of compliance for several of the federally mandated regulatory items that need to be included. In addition, best practice has changed over the last year and the regulations for health and safety in child care need to be updated to reflect those changes.	2024-04-05
Preliminary Draft	Human Services	Family Child Care Home Regulations for Licensure	Amendment	22	The Rhode Island Department of Human Services is promulgating updated Family Child Care and Group Family Child Care regulations in order to stay in line with federal guidelines as well as best practice in the field. The reason for updated regulations is two-fold. Rhode Island's Family Child Care regulations were out of compliance for several of the federally mandated regulatory items that need to be included. In addition, best practice has changed over the last year and the regulations for health and safety in childcare need to be updated to reflect those changes.	2024-04-05

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Post-Comment Draft	Environmental Management	Part 7 - Dealers	Amendment	2	<p>1. Jonah crab (proposed new section 7.17): Division proposal to require that dealers only accept whole Jonah crabs, consistent with harvester requirements (as found in Part 5 - Lobsters, Crabs, and Other Crustaceans section 5.11(C)(2)) that specify only whole Jonah Crab may be retained and sold, consistent with the Fishery Management Plan for Jonah Crab.</p> <p>2. Striped Bass tagging clarification (section 7.13(A)): Division proposal to clarify that striped bass shall be tagged immediately “at the location of sale”. As currently written, the rule does not specify that tagging must take place no later than at the time and location of sale.</p> <p>3. Striped Bass reporting requirements (section 7.11(F)(2)): This rule was previously adopted (effective April 30, 2023) but was then inadvertently omitted in a subsequent filing (effective November 20, 2023). This proposal seeks to re-establish this omitted rule as previously adopted.</p>	2024-04-10
Preliminary Draft	Environmental Management	Rules and Regulations Governing Wildlife Rehabilitation	Amendment	8	Updates the use of permits to control and manage wildlife rehabilitation.	2024-04-10
Preliminary Draft	Environmental Management	Rules and Regulations Governing Nuisance Wildlife Control Specialists	Amendment	8	Updates the use of permits to control and manage nuisance wildlife.	2024-04-10
Post-Comment Draft	Health	Licensing Home Nursing Care Providers and Home Care Providers	Amendment	3	RIDOH proposes amending “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.	2024-04-15

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Post-Comment Draft	Labor and Training	Workers' Compensation Rules pursuant to 28-36-15 (Lack of Insurance)	Amendment	0	The Rhode Island Department of Labor and Training ("Department") is promulgating amendments to its regulations for Workers' Compensation rules pertaining to lack of insurance under R.I. Gen. Laws § 28-36-15. This section of the state law covers the Department's enforcement powers in matters where an employer fails to have workers' compensation insurance. The Department is proposing these changes to bring the regulations into conformance with the law. In addition, the proposed revisions will also clarify in regulation that out of state employers with no Rhode Island employees can operate in Rhode Island for six (6) months with workers' compensation insurance issued by the employer's home state that covers Rhode Island claims generally.	2024-04-18
Preliminary Draft	Public Utilities and Carriers Division	Standards of Acceptable Performance for Emergency Preparation and Restoration of Electric Distribution and Gas Distribution Companies	Adoption	13	The Regulation is proposed in response to a statutory requirement that electric and gas utilities file annual Emergency Response Plans with the Division is necessary for the Division to review and enforce terms of this statutory requirement.	2024-04-18
Direct Final	Business Regulation	Insurance Claim Adjusters	Amendment	3	Amended to include continuing education requirement, 2023 legislative changes and scrivener changes.	2024-04-25
Preliminary Draft	Health	Licensing Nursing Service Agencies	Amendment	8	RIDOH proposes amendments to (1) implement the required provisions of Public Law 23-102; (2) require RIDOH to provide a notice of all deficiencies reported as a result of an inspection or investigation; and (3) require that if an employee has been found to have a quality-of-care violation or substandard quality of care deficiency, the nursing service agency must provide re-education pursuant to the nursing service agency's policy on training, including a re-evaluation of competency. The re-education must also be documented in the employee's personnel file.	2024-04-26

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	Effective 1/1/2024, the Medically Needy Standards by Family Size are increased in accordance with the yearly increase in CPI-U. Technical edits are also being made to fix errors and clarify the regulation.	2024-04-29
Post-Comment Draft	Environmental Management	Conservation Management Areas	Amendment	1	To make technical corrections and a change to the Bowditch Boat Ramp horsepower restrictions to allow landowners to use high horsepower boats on the pond during the off season.	2024-04-30
Preliminary Draft	Human Services	Child Care Assistance Program Rules and Regulations	Amendment	14	These amendments include language to streamline the CCAP application process and meet the new federal guidelines that are required as of April 30, 2024.	2024-05-01
Post-Comment Draft	Housing Resources Commission	Rules and Regulations Governing the Implementation of an Approved Monitoring Agent Program	Adoption	3	To implement the approved monitoring agent program established pursuant to R.I. Gen. Laws Sec. 45-53-3.2 for municipally subsidized housing developments.	2024-05-02
Post-Comment Draft	Public Utilities Commission	Implementation of a Renewable Energy Standard	Amendment	0	The rules are amended to reflect the changes enacted on June 27, 2022 (2022 P.L. Ch. 218)	2024-05-03
Direct Final	Environmental Management	Rhode Island's Low-Emission and Zero Emission Vehicle Programs	Amendment	2	The Department is proposing to remove the email address listed in §37.12.4 (B). The email address is not currently valid and must be removed. Additionally, the email address is limiting should a manufacturer need to submit documentation in a manner other than email.	2024-05-09
Post-Comment Draft	Environmental Management	General Provisions for State Parks and Conservation Management Areas	Amendment	0	To revise the regulation to allow both the Beavertail Lighthouse Museum Association and Coggeshall Farm Museum/Old Sturbridge Village to host fundraising events where alcohol can be served and/or sold.	2024-05-09
Direct Final	Administration	Rules and Regulations for Grant-Making Involving Federal Funds	Amendment	7	The proposed amendment to the Regulation expands the grounds for modifications to the Subaward Agreement template.	2024-05-17

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Post-Comment Draft	Health	Licensing Nursing Service Agencies	Amendment	0	RIDOH proposes amendments to (1) implement the required provisions of Public Law 23-102; (2) require RIDOH to provide a notice of all deficiencies reported as a result of an inspection or investigation; and (3) require that if an employee has been found to have a quality-of-care violation or substandard quality of care deficiency, the nursing service agency must provide re-education pursuant to the nursing service agency's policy on training, including a re-evaluation of competency. The re-education must also be documented in the employee's personnel file.	2024-05-28
Post-Comment Draft	Coastal Resources Management Council	Management Procedures	Amendment	0	<p>The proposed regulation amendment to Section 1.1.4.6(A)(10) (Beach Vehicle Permits) was initiated due to conversations between Staff and municipal police departments. During the impromptu discussion, local police departments inquired about CRMC's 3-day beach vehicle pass program as there have been a disproportionate number of instances for 3-day beach vehicle pass holders as opposed to annual beach vehicle pass holders.</p> <p>After reviewing our beach vehicle permit history over the past 3 years, Staff estimates that CRMC issues approximately 2,000 annual beach passes per year and less than fifty (50) 3-day beach passes per year. Due to the limited participation in the 3-day beach vehicle pass program and the ability for 3-day users to still apply for an annual beach vehicle pass, CRMC has initiated the proposed rulemaking.</p> <p>The proposed regulation amendment to Section 1.5.12 (Permit Extensions) proposes to eliminate the fourth extension request, which is required to be heard before the Council, but retain the three administrative extension requests, each at one-year maximum. This proposed revision would allow for a more efficient and timely processing of such requests. Additionally, the requirement that all extension requests must demonstrate "good cause" will remain as is.</p>	2024-05-29
Post-Comment Draft	Human Services	Group Family Child Care Home Regulations for Licensure	Amendment	1	The Rhode Island Department of Human Services is promulgating updated Family Child Care and Group Family Child Care regulations in order to stay in line with federal guidelines as well as best practice in the field. The reason for updated regulations is two-fold. Rhode Island's Family Child Care regulations were out of compliance for several of the federally mandated regulatory items that need to be included. In addition, best practice has changed over the last year and the regulations for health and safety in childcare need to be updated to reflect those changes.	2024-05-29

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Post-Comment Draft	Human Services	Family Child Care Home Regulations for Licensure	Amendment	1	The Rhode Island Department of Human Services is promulgating updated Family Child Care and Group Family Child Care regulations in order to stay in line with federal guidelines as well as best practice in the field. The reason for updated regulations is two-fold. Rhode Island's Family Child Care regulations were out of compliance for several of the federally mandated regulatory items that need to be included. In addition, best practice has changed over the last year and the regulations for health and safety in childcare need to be updated to reflect those changes.	2024-05-29
Direct Final	Administration	IRS Publication 1075 - Background Check Process and Criteria	Amendment	10	The Division of Human Resources ("HR") is requesting a regulatory change to 220-RICR-40-00-2 (IRS Publication 1075 - Background Check Process and Criteria). This amendment is proposed to reflect an IRS amendment to its Publication 1075 (rev. 2021), which requires the State to conduct a national background check for employees with access to "Federal Tax Information," as defined by the IRS, every five (5) years instead of every ten (10) years, as originally required. The IRS has issued audit findings related to this revised requirement and the State must comply.	2024-05-30
Post-Comment Draft	Public Utilities and Carriers Division	Standards of Acceptable Performance for Emergency Preparation and Restoration of Electric Distribution and Gas Distribution Companies	Adoption	2	<p>These rules are issued pursuant to the authority granted by R.I. Gen. Laws § 39-2-27, and shall apply to any person, firm, corporation, or other entity now or hereafter engaged as an investor-owned public utility in the business of furnishing electric distribution services and/or natural gas distribution services within the State of Rhode Island.</p> <p>There were no comments offered at the Public Hearing, aside from a recitation of the travel of the Docket by a Division staff attorney. Only one series of written comments was received. Those comments, offered by RI Energy, were all accepted.</p>	2024-06-06
Preliminary Draft	Environmental Management	Aquaculture of Marine Species in Rhode Island Waters	Amendment	7	This amendment is a response to a shellfish-related illness outbreak and is required to maintain compliance with Federal shellfish public health requirements. Rhode Island is a signatory to the National Shellfish Sanitation Program (NSSP) and agrees to abide by the guidance in the NSSP in order to engage in interstate shellfish trade. In the summer of 2023, there was an increase in the number of Vibrio illness reports associated with people who ate oysters grown in Rhode Island waters. The regulation changes are required to be consistent with the NSSP guidance on the response after a Vibrio illness outbreak.	2024-06-06

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Post-Comment Draft	Environmental Management	Fishing Regulations for the Season	Adoption	2	Updates the upcoming Freshwater Fishing season with the correct season dates and bag limits.	2024-06-13
Post-Comment Draft	Environmental Management	RI Falconry Regulations	Adoption	2	Makes a minor change to Licensed Falconers who capture and raise falcons in the state for hunting and regulations associated with the use of these birds.	2024-06-13
Post-Comment Draft	Environmental Management	R.I. Hunting and Trapping Regulations	Adoption	3	Sets season dates and bag limits for hunting and trapping in the 2024-25 and 2025-26 seasons.	2024-06-14
Post-Comment Draft	Environmental Management	Rules and Regulations Governing Wildlife Rehabilitation	Adoption	3	Updates the use of permits to control and manage wildlife rehabilitation within the state	2024-06-14
Post-Comment Draft	Environmental Management	Rules and Regulations Governing Nuisance Wildlife Control Specialists	Adoption	3	Updates the use of permits to control and manage nuisance wildlife.	2024-06-14
Preliminary Draft	Health	Harm Reduction Centers	Amendment	21	RIDOH is amending § 25.3.3(A) to remove the sentence containing the sunset date for Harm Reduction Center licenses.	2024-06-14
Preliminary Draft	Environmental Management	Regulations Governing Education Certification for Commercial Shellfish Harvesters	Amendment	12	Repeal in conjunction with adding contents to Part 4 – Shellfish. There is no effective change proposed or intended with this rule change	2024-06-18
Preliminary Draft	Environmental Management	General Equipment Provisions	Amendment	12	Removes “Application”, “Severability”, and “Superseded Rules and Regulations” sections consistent with other RIMFR per guidance from OLS; clarifies area descriptions in Sections 6.5, 6.6, and 6.7 3; makes minor clarifications regarding fyke net regulations in Section 6.8; and makes other minor non-substantive clarifications.	2024-06-18

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Clearance Date
Preliminary Draft	Environmental Management	Lobsters, Crabs, and Other Crustaceans	Amendment	12	<p>1) Section 5.5.1(M): Clarifies commercial lobster trap tag rules; establishes consistency with whelk pot tag rules. There is no effective change proposed or intended with this rule change.</p> <p>2) Section 5.5.1(M)(6): Adds valid dates of May 1 through April 30 for federal tags consistent with the FMP. These dates were added to the order form in 2023.</p> <p>3) Other minor non-substantive clarifications. There is no effective change proposed or intended with this rule change.</p>	2024-06-18
Preliminary Draft	Environmental Management	Shellfish	Amendment	12	<p>1) Section 4.8.9: Clarifies whelk pot tag rules; establishes consistency with lobster trap tag rules. There is no effective change proposed or intended with this rule change.</p> <p>2) Section 4.21: Add new section to include contents of Part 11 "Education Certification for Commercial Shellfish Harvesters" in conjunction with repeal of Part 11. Obsolete license types corrected. There is no effective change proposed or intended with this rule change.</p> <p>3) Other minor non-substantive clarifications. There is no effective change proposed or intended with this rule change.</p>	2024-06-18
Preliminary Draft	Environmental Management	Finfish	Amendment	12	<p>1) Section 3.19.1: Proposed changes to minimum size and season for recreational cod management consistent with amendments to the FMP.</p> <p>2) Section 3.18.19(E)&(F), and 3.18.2(G): Proposed change to possession limit of whitetip sharks consistent with amendments to the FMP.</p> <p>3) Other minor non-substantive clarifications. There is no effective change proposed or intended with this rule change.</p>	2024-06-18
Preliminary Draft	Environmental Management	Definitions and General Provisions	Amendment	12	Amend and delete terms; clarifications of descriptions of established Shellfish and Marine Life Management Areas; updates landmark chart to update several landmark locations and to include other areas described in rules that are not SMAs of MLMAs; other minor non-substantive clarifications	2024-06-18
Preliminary Draft	Children, Youth and Families	Foster Care and Pre-Adoptive Regulations for Licensure	Amendment	21	These regulations have been revised to align with national best practice guidelines and the Council of Accreditation's standards.	2024-06-28