



# OFFICE OF MANAGEMENT & BUDGET

One Capitol Hill  
Providence, RI 02908-5890

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

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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. Ruggiero, President of the Senate

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

**Subject:** Office of Regulatory Reform Quarterly Report: FY 2025 Q1

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### FY 2025 Quarter 1 Report: July 1, 2024 – September 30, 2024

#### Quarterly Summary Data

##### Total Submissions by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 28
- Regular Rulemaking, Post-Comment Review: 10
- Direct Final Rulemaking: 6
- Emergency Rulemaking: 0

##### Unique Regulations by Type of Action

- Adoption: 4
- Amendment: 40
- Repeal: 0

##### ORR Review Time by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 9.6 days
- Regular Rulemaking, Post-Comment Review: 4.1 days
- Direct Final Rulemaking: 4.0 days
- Emergency Rulemaking: N/A – None this quarter

##### ORR Interventions

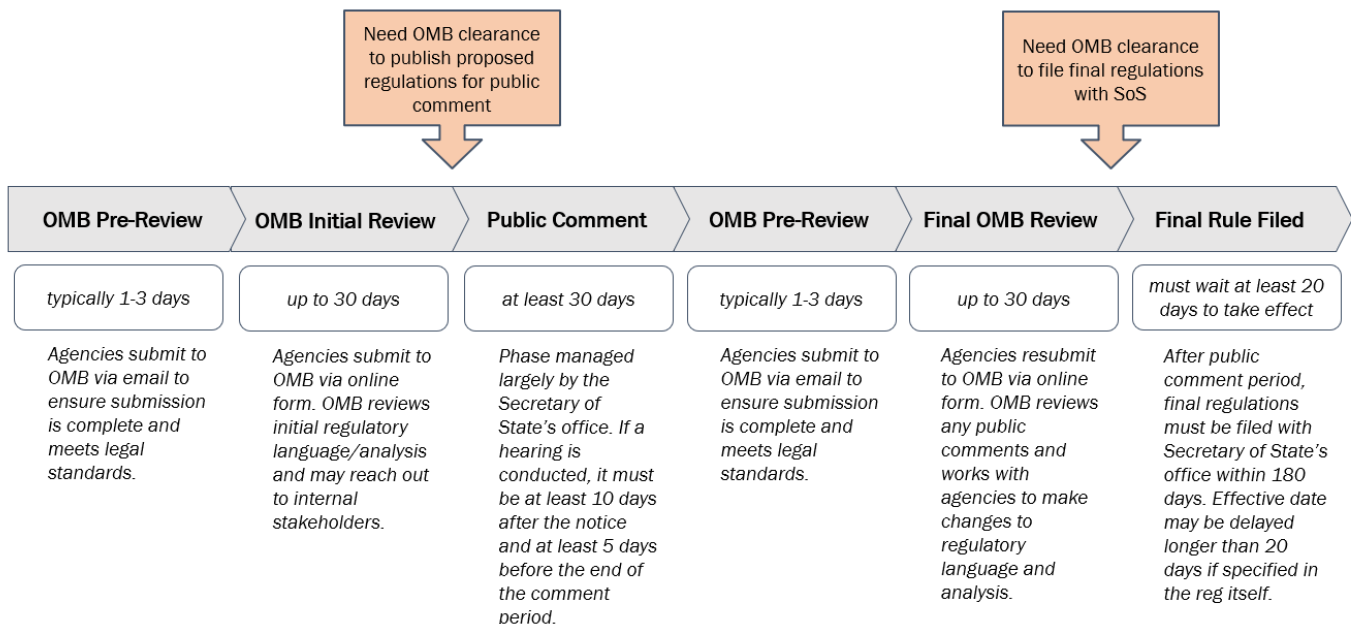
- Submissions where analysis was changed: 36.4%
- Submissions where regulatory language was changed: 43.2%

## Regulatory Oversight

As part of the Office of Management and Budget, the mission of the Office of Regulatory Reform (ORR) 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 \(EO\) 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.

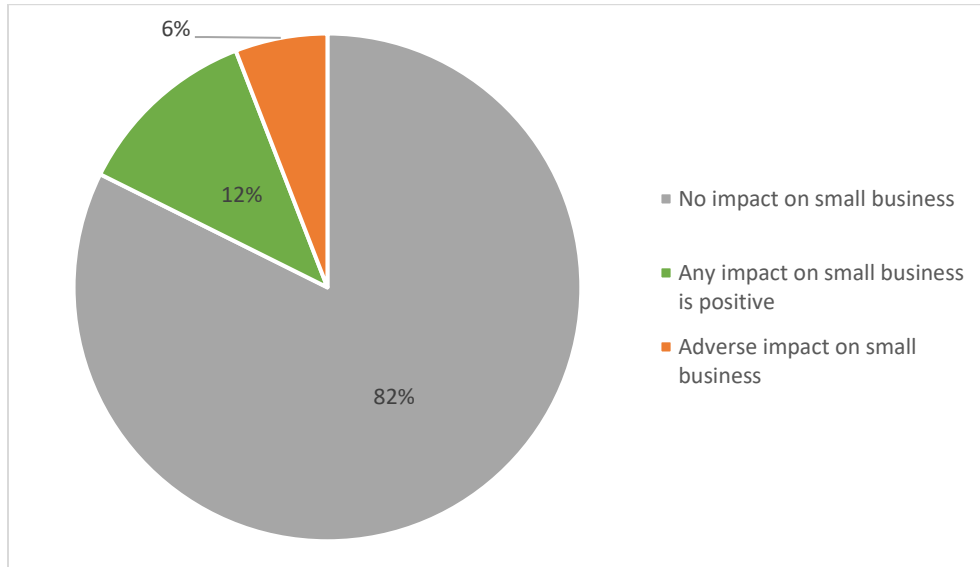
Prior to EO 15-07, the Director of Regulatory Reform had the authority to intervene on any individual regulatory or permitting issue. With the process established by Executive Order, agencies must submit all proposed regulatory actions to ORR, providing a systematic way to address regulatory issues. 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’ 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 |
|--------------------|---|--|-------------------|-------------------|--|----------------|
| Preliminary Draft  | Executive Office of Health and Human Services | Katie Beckett Program  | Amendment         | 6                 | Section 5112 of the Consolidated Appropriations Act (CAA, 2023) requires states to provide 12 months of continuous eligibility to children in Medicaid and CHIP.   | 2024-07-01     |
| Preliminary Draft  | Executive Office of Health and Human Services | Medicaid MAGI Financial Eligibility Determinations and Verifications                               | Amendment         | 6                 | Section 5112 of the Consolidated Appropriations Act (CAA, 2023) requires states to provide 12 months of continuous eligibility to children in Medicaid and CHIP.   | 2024-07-01     |
| Preliminary Draft  | Executive Office of Health and Human Services | Medicaid Application and Renewal Process   | Amendment         | 6                 | Section 5112 of the Consolidated Appropriations Act (CAA, 2023) requires states to provide 12 months of continuous eligibility to children in Medicaid and CHIP.   | 2024-07-01     |
| Post-Comment Draft | Human Services                                | Child Care Assistance Program Rules and Regulations  | Amendment         | 3                 | These amendments include language to streamline the CCAP application process and meet the new federal guidelines that are required as of April 30, 2024.   | 2024-07-05     |
| Preliminary Draft  | Public Safety                                 | Rules and Regulations Establishing Statewide Policy for the Use and Operation of Body-Worn Cameras | Amendment         | 6                 | The revisions suggested for this administrative rule are for clarification purposes only.  | 2024-07-16     |
| Post-Comment Draft | Environmental Management                      | Aquaculture of Marine Species in Rhode Island Waters   | Amendment         | 1                 | 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, a shellfish-related Vibrio illness outbreak was associated with people who ate oysters grown in Rhode Island waters. The proposed regulatory changes are consistent with the NSSP guidance on the response after a Vibrio illness outbreak and are required to maintain compliance with Federal shellfish public health requirements. | 2024-07-19     |

| Review Stage       | Agency              | Regulation Title  | Rulemaking Action | Days Under Review | Reason for Regulatory Action   | Clearance Date |
|--------------------|---------------------|---|-------------------|-------------------|--|----------------|
| Post-Comment Draft | Business Regulation | Rhode Island Industrial Hemp Program  | Amendment         | 4                 | The amendments presented in this proposed regulation are largely motivated by changes to the federal rule that govern the states' abilities to monitor and regulate hemp programs as administered through and by the Agricultural Marketing Service of the United States Department of Agriculture. Apart from the proposed amendments related to requirements of the final version of 7 C.F.R. § 990, the Department is clarifying the following general areas for the ease of the licensees and consumers: packaging, labelling, registry identification cards, outdoor sales' variances, and inhalation products. The two most significant changes are the expansion of the definition of "consumables" and the setting of per serving and per package THC limits in hemp derived products. | 2024-07-19     |
| Post-Comment Draft | Health              | Harm Reduction Centers  | Amendment         | 0                 | RIDOH is amending § 25.3.3(A) to reflect statutory changes generated in the 2023 legislative session.  | 2024-07-24     |
| Direct Final       | Human Services      | Child Care Assistance Program for Child Care Educators and Child Care Staff Rules and Regulations | Amendment         | 3                 | Passage of the Fiscal Year 2025 Rhode Island State budget extended the CCAP for Child Care Providers and Staff Pilot, initially a one-year pilot program, for an additional year. In addition, due to ACF regulations, regulatory language was removed around ending the certificate at any point in the middle of a 12-month period for any reason.   | 2024-07-29     |
| Post-Comment Draft | Health              | Masking in School   | Adoption          | 3                 | The Rhode Island Department of Health is proposing to adopt Masking in School (216-RICR-30-05-4) for the purpose of publicly setting forth the rationale for a masking requirement in the event a future masking requirement is promulgated by the Rhode Island Department of Health for students in grades Kindergarten through twelve in Rhode Island.   | 2024-07-29     |

| Review Stage      | Agency                               | Regulation Title  | Rulemaking Action | Days Under Review | Reason for Regulatory Action  | Clearance Date |
|-------------------|--------------------------------------|---|-------------------|-------------------|---|----------------|
| Preliminary Draft | Business Regulation                  | Post Licensing Requirements   | Amendment         | 6                 | The Securities Division is proposing this amendment to adopt the North American Securities Supervisor Association (NASAA) model rule requiring Investment Adviser Representatives to complete continuing education. The NASAA model rule and this amendment are intended to help investment adviser representatives better serve their clients by remaining knowledgeable of current regulatory compliance requirements and best practices in their areas of expertise. | 2024-07-29     |
| Preliminary Draft | Business Regulation                  | Mortgage Foreclosure Disclosure   | Amendment         | 6                 | The proposed changes reflect legislative changes set forth in Public Law 2024 Chapter 403.  | 2024-07-29     |
| Preliminary Draft | Environmental Management             | Dealers   | Amendment         | 7                 | Amends direct sale provisions for consistency with the National Shellfish Sanitation Program (NSSP), clarifies authorizations for transport of shrimp and scallops, and provides storage and handling requirements for scallops.  | 2024-08-05     |
| Preliminary Draft | Environmental Management             | General Equipment Provisions  | Amendment         | 7                 | Amends areas of commercial netting prohibition in Upper Pt. Judith Pond and the Narrow River and clarifies the area of the Foster Cove Channel and the Narrows of Charlestown Pond by using landmarks to define the area.   | 2024-08-05     |
| Preliminary Draft | Environmental Management             | Commercial Marine Fishing Licenses, Landing Permits, and Party and Charter Licenses | Amendment         | 7                 | Removes the issuance of, fees for, and reporting requirements for the Dockside Sales Endorsement as an open license available to Multipurpose License holders, Resident Standard License holders with Limited or Unlimited Crustacean Endorsement.  | 2024-08-05     |
| Preliminary Draft | Environmental Management             | Definitions and General Provisions  | Amendment         | 7                 | Amends existing coordinates and introduces coordinates for landmarks proposed to be added to Part 6 (General Equipment Provisions) in order to better describe areas of gear restrictions and removes a redundant landmark.   | 2024-08-05     |
| Preliminary Draft | Coastal Resources Management Council | Red Book (650-RICR-20-00-1)   | Amendment         | 7                 | 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.  | 2024-08-14     |
| Preliminary Draft | Coastal Resources Management Council | Management Procedures   | Amendment         | 7                 | 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.  | 2024-08-14     |

| Review Stage      | Agency                   | Regulation Title                          | Rulemaking Action | Days Under Review | Reason for Regulatory Action   | Clearance Date |
|-------------------|--------------------------|---|-------------------|-------------------|--|----------------|
| Direct Final      | Human Services           | Supplemental Nutrition Assistance Program | Amendment         | 3                 | The proposed changes are for compliance with and implementation of the Federally mandated increases to the Cost-of-Living Adjustments (COLA) for recipients of the Supplemental Nutrition Assistance Program (SNAP) program. In addition, an amendment has been made which adds the new qualified non-citizen category to COFA applicants under the Consolidated Appropriations Act of 2024 (CAA), Pub. Law 118-42, signed by the President on March 9, 2024. Lastly, language has also been amended at §1.21 (Replacement of Food Caused by Disaster or Household Misfortune) to include verbal notification of a loss of food destroyed in a disaster per FNS regulation.          | 2024-08-22     |
| Preliminary Draft | Health                   | Rhode Island Food Code                    | Amendment         | 7                 | The proposed changes (1) adopt the 2022 FDA Food Code, (2) add a requirement for three-compartment sinks at the bar, and (3) extend the exclusion restriction from 24 hours to 48 hours for food workers who have general symptoms of vomiting and diarrhea.   | 2024-08-22     |
| Direct Final      | Environmental Management | Lobsters, Crabs, and Other Crustaceans    | Amendment         | 2                 | Proposes removal of the citation to R.I. Gen. Laws § 20-7-15, which was recently amended to remove the harvest prohibition of blue crabs between the hours of sunset and sunrise, thus rendering the statutory citation no longer accurate with the rule that currently includes the harvest prohibition of blue crabs between the hours of sunset and sunrise. DEM's Division of Law Enforcement has requested this rule change indicating that the rule may no longer enforceable as written. It is anticipated that this rule will be visited in an upcoming regulatory cycle (i.e., public workshop, public notice and hearing, RI Marine Fisheries Council) in the near future. | 2024-08-23     |

| Review Stage       | Agency | Regulation Title      | Rulemaking Action | Days Under Review | Reason for Regulatory Action   | Clearance Date |
|--------------------|--------|-----------------------|-------------------|-------------------|--|----------------|
|                    |        |                       |                   |                   | <p>Pursuant to the PFAS in Drinking Water, Groundwater, and Surface Waters Act (R.I. Gen. Laws § 46-32-1 et seq., amended June 2023), RIDOH is amending its regulations to establish a final MCL of 20 ppt for the total of the 6 PFAS contaminants identified in the PFAS Act: perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), and perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA). RIDOH believes that regulating these 6 PFAS constitutes regulating PFAS as a class/subclass based on the data and information RIDOH has collected from water systems in the State to date and the analysis it developed a few years ago to support draft regulations that were never published. RIDOH's data indicate that those 6 PFAS are the only PFAS detected in Rhode Island drinking water at levels that are expected to significantly impact human health. RIDOH believes that regulating the 6 PFAS named in the PFAS Act is the best approach to reduce human health risks from PFAS.</p>  |                |
| Post-Comment Draft | Health | Public Drinking Water | Amendment         | 7                 | <p>RIDOH chose an approach to regulating PFAS that extends the interim drinking water standard for PFAS of 20 ppt established in the PFAS Act in large part because public water systems have had to work to come into compliance with the interim standard and it does not make sense to make them meet a new set of rules at this time. After review and consideration of the public comments received in response to the proposed rule, RIDOH made some modifications to the proposed rule.</p> <p>At the time RIDOH published its advanced notice of proposed rulemaking in November 2023 and published its notice of proposed rulemaking in March 2024, the federal Environmental Protection Agency (EPA) was expected to publish a final rule for PFAS in 2024, which RIDOH acknowledged it would need to adopt. Since that time, on April 26, 2024, EPA published its final PFAS National Primary Drinking Water Regulation (PFAS NPDWR) which requires, among other things, PWS to conduct their initial monitoring within three years (by April 26, 2027) and to make any necessary capital improvements and comply with the federal PFAS MCLs within five years (by April 26, 2029). See 89 Fed. Reg. 32532. RIDOH will review the PFAS NPDWR more closely and plans to consider what, if any, other future rulemaking actions to take in advance of implementing rules in accordance with the PFAS NPDWR.</p> | 2024-08-23     |



| 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 for Elders and Adults with Disabilities: Community Medicaid               | Amendment         | 19                | As part of the FY24 Budget, the RI legislature mandated that OHHS Medicaid establish the Ticket to Work Program for working people with disabilities. | 2024-08-26     |
| Preliminary Draft | Executive Office of Health and Human Services | Medicaid Integrated Health Care Coverage, SSI Financial Eligibility Determinations | Amendment         | 19                | As part of the FY24 Budget, the RI legislature mandated that OHHS Medicaid establish the Ticket to Work Program for working people with disabilities. | 2024-08-26     |
| Preliminary Draft | Executive Office of Health and Human Services | Application and Renewal Process for IHCC Groups                                    | Amendment         | 19                | As part of the FY24 Budget, the RI legislature mandated that OHHS Medicaid establish the Ticket to Work Program for working people with disabilities. | 2024-08-26     |
| Preliminary Draft | Executive Office of Health and Human Services | Overview of the Medicaid Integrated Health Care Coverage                           | Amendment         | 19                | As part of the FY24 Budget, the RI legislature mandated that OHHS Medicaid establish the Ticket to Work Program for working people with disabilities. | 2024-08-26     |
| Preliminary Draft | Executive Office of Health and Human Services | Working Adults with Disabilities   | Amendment         | 19                | As part of the FY24 Budget, the RI legislature mandated that OHHS Medicaid establish the Ticket to Work Program for working people with disabilities. | 2024-08-26     |

| Review Stage       | Agency  | Regulation Title  | Rulemaking Action | Days Under Review | Reason for Regulatory Action   | Clearance Date |
|--------------------|---|---|-------------------|-------------------|--|----------------|
| Preliminary Draft  | Labor and Training                            | Unemployment Insurance and Temporary Disability Insurance Programs (260-RICR-40-05-1) | Amendment         | 5                 | <p>The proposed amendment aims to expand the scope of individuals considered "Qualified healthcare providers" under Rhode Island regulation 260-RICR-40-05-1. This change allows for the inclusion of healthcare professionals licensed outside the United States to provide necessary certifications for a claimant seeking benefits, provided the claimant submits evidence demonstrating the healthcare provider's proper licensure upon request by the Director or his/her designee.</p> <p>The proposed amendment offers significant societal benefits by broadening the pool of healthcare professionals who can certify for claimants, thereby enhancing access to benefits for individuals receiving medical care from providers licensed outside the United States. This expansion promotes inclusivity and accommodates diverse healthcare backgrounds, ensuring equitable access to benefits for all eligible claimants, and streamlines the claims process. Furthermore, the requirement for documentary evidence of licensure serves to uphold the integrity of the system by verifying the qualifications of healthcare providers, reducing the risk of fraudulent claims. This conclusion is supported by the need for fairness and efficiency in benefit distribution, aligning with the objectives of the authorizing statute to provide timely and accurate assistance to claimants.</p> | 2024-08-27     |
| Preliminary Draft  | Environmental Management                      | Petroleum Liquids Marketing and Storage   | Amendment         | 5                 | This regulation is being amended fix incorrect numbering and letters used to reference sections of the regulation.   | 2024-08-27     |
| Post-Comment Draft | Housing                                       | Low-Income Housing Tax Credits  | Adoption          | 19                | Implements a new program enacted by R.I. Gen. Laws 44-71. The program can provide up to \$30 million in tax credits to assist in the production of low-income housing.   | 2024-09-09     |
| Post-Comment Draft | Executive Office of Health and Human Services | Katie Beckett Program   | Amendment         | 0                 | Section 5112 of the Consolidated Appropriations Act (CAA, 2023) requires states to provide 12 months of continuous eligibility to children in Medicaid and CHIP.   | 2024-09-10     |
| Post-Comment Draft | Executive Office of Health and Human Services | Medicaid MAGI Financial Eligibility Determinations and Verifications                  | Amendment         | 0                 | Section 5112 of the Consolidated Appropriations Act (CAA, 2023) requires states to provide 12 months of continuous eligibility to children in Medicaid and CHIP.   | 2024-09-10     |

| 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 Application and Renewal Process   | Amendment         | 0                 | Section 5112 of the Consolidated Appropriations Act (CAA, 2023) requires states to provide 12 months of continuous eligibility to children in Medicaid and CHIP.  | 2024-09-10     |
| Preliminary Draft  | Health  | Licensing of Recreational Facilities and Beaches   | Amendment         | 8                 | RIDOH is proposing to amend these regulations to make mostly non-substantive changes, including clarification of an existing requirement at § 3.5.1(A)(1).  | 2024-09-11     |
| Preliminary Draft  | Environmental Management                      | Rules and Regulations of Furbearing Animals  | Adoption          | 7                 | A statutory change requires the adoption of new regulations to govern the species of wildlife classified as furbearers.   | 2024-09-13     |
| Preliminary Draft  | Environmental Management                      | R.I. Hunting and Trapping Regulations  | Amendment         | 7                 | A statutory change permits an additional harvest opportunity for which constituents have requested a response that would allow implementation this spring.  | 2024-09-13     |
| Direct Final       | Public Utilities Commission                   | Rules and Regulations Governing the Termination of Residential Electric, Gas and Water Service           | Amendment         | 5                 | The General Assembly's enactment of Public Law Chapters 312 and 313 during the 2024 legislative session requires the Commission to amend the end date of the utility termination moratorium period from the current end date, April 15 <sup>th</sup> , to May 1 <sup>st</sup> . | 2024-09-17     |
| Direct Final       | Human Services                                | Supplemental Nutrition Assistance Program  | Amendment         | 5                 | Amendment which increases the Standard Utility Allowance (SUA) to align with the cost of living based on the Consumer Price Index.  | 2024-09-18     |
| Preliminary Draft  | Environmental Management                      | Rules and Regulations Governing the Salvaging of Wildlife that Collided with Vehicles                    | Adoption          | 13                | This regulation governs how wild animals can be salvaged after a collision with a vehicle in Rhode Island.  | 2024-09-19     |
| Preliminary Draft  | Health  | Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health | Amendment         | 3                 | RIDOH is proposing to amend these regulations to comply with statutory amendments.  | 2024-09-20     |

| Review Stage      | Agency  | Regulation Title   | Rulemaking Action | Days Under Review | Reason for Regulatory Action  | Clearance Date |
|-------------------|---|--|-------------------|-------------------|---|----------------|
| Direct Final      | Public Utilities and Carriers Division        | Standards for Water Utilities  | Amendment         | 6                 | The Division seeks to correct a typographical reference error in 1.5(E)(2) (b) and 1.5(E)(2)(c)(1).   | 2024-09-23     |
| Preliminary Draft | Executive Office of Health and Human Services | Presumptive Eligibility for Medicaid as Determined by Rhode Island Hospitals | Amendment         | 10                | The State is federally required to accept applications from qualified hospitals that wish to make presumptive eligibility determinations pursuant to 42 C.F.R. 435.1110. However, there are currently no hospitals that have requested to make these eligibility determinations. EOHHS is amending regulation to clarify the Hospital Presumptive Eligibility status quo and process. | 2024-09-26     |
| Preliminary Draft | Executive Office of Health and Human Services | Medicaid Affordable Care Coverage Groups Overview and Eligibility            | Amendment         | 10                | The State is federally required to accept applications from qualified hospitals that wish to make presumptive eligibility determinations pursuant to 42 C.F.R. 435.1110. However, there are currently no hospitals that have requested to make these eligibility determinations. EOHHS is amending regulation to clarify the Hospital Presumptive Eligibility status quo and process. | 2024-09-26     |
| Preliminary Draft | Children, Youth and Families                  | Foster Care and Pre-Adoptive Regulations for Licensure                       | Amendment         | 21                | Changes are proposed for compliance with national model licensing standards and the Council on Accreditation requirements.  | 2024-09-27     |