



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
**DEPARTMENT OF ADMINISTRATION**

**OFFICE of REGULATORY REFORM**

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TO: Governor Gina M. Raimondo  
House Speaker Nicholas A. Mattiello  
Senate President Dominick J. Ruggerio  
FROM: Erik Godwin, Director of the Office of Regulatory Reform  
SUBJECT: Office of Regulatory Reform Quarterly Report: FY 2017 Q2

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FY 2017 Quarter 2 Report: October 1, 2016 – December 31, 2016

Quarterly Summary Data

Total Submissions by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 27
- Regular Rulemaking, Post-Comment Review: 37
- Direct Final Rulemaking: 9
- Emergency Rulemaking: 5
- Codifications: 0

Unique Regulations by Type of Action

- Adoption: 5
- Amendment: 22
- Repeal: 5
- Technical Revisions: 0

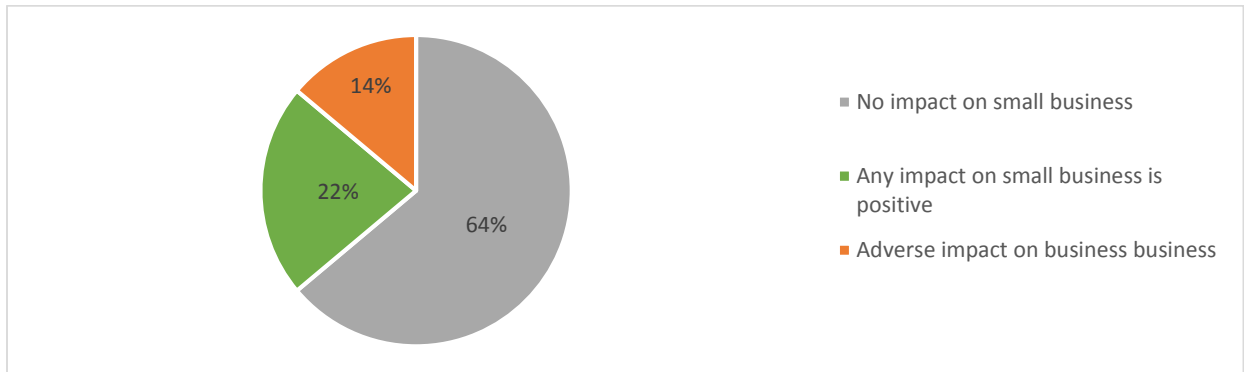
ORR Review Time by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 8.0 days
- Regular Rulemaking, Post-Comment Review: 5.4 days
- Direct Final Rulemaking: 3.8 days
- Emergency Rulemaking: 0.0 days

ORR Interventions

- Submissions where analysis was changed: 5.1%
- Submissions where regulatory language was changed: 12.8%

## Small Business Impact Analysis



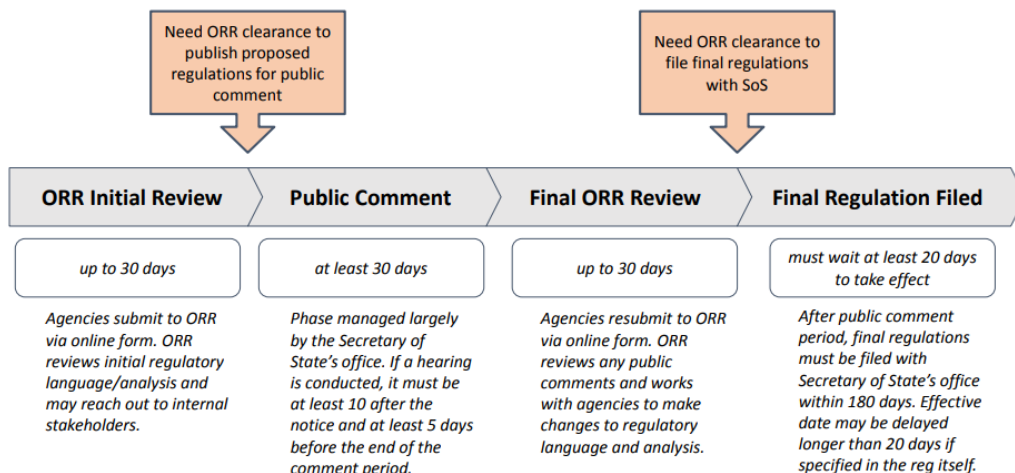
## Regulatory Oversight

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 the ORR’s role in the regulatory review process. 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

While this is the official process outlined in Executive Order 15-07, ORR frequently works with agencies early by reviewing draft regulations and assisting with the development of regulatory analysis.





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**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 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.

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
<b>Post-Comment Draft</b>	Labor and Training	Workers' Compensation Medical Fee Schedule	Amendment	8	add sections to address compound medications and massage therapy	NO, this regulation DOES NOT IMPACT small business	2016-10-06
<b>Preliminary Draft</b>	Revenue	Rule 2016- Methodology for determining the presumptive value of motor vehicles subject to excise tax as of December 31, 2016	Adoption	2	Annual update to dates/model years listed in regulation.	NO, this regulation DOES NOT IMPACT small business	2016-10-07
<b>Preliminary Draft</b>	Environmental Management	Rhode Island Marine Fisheries Regulations - Part 6 General Equipment Provisions	Amendment	0	The proposed amendments involves correcting the location of Fish Trap Site #29. As currently written, the latitude and longitude are inaccurate. We believe the regulation was inadvertently edited during a previous amendment. Several other locations are in need of editing, and will be addressed in the near term. This location	NO, this regulation DOES NOT IMPACT small business	2016-10-07

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					presents an immediate need for clarification		
<b>Preliminary Draft</b>	Environmental Management	Rhode Island Marine Fisheries Regulations - Part 4 Shellfish	Amendment	0	<p>1. Section 4.2.7 Transiting: The amendment is needed to include gear used in the harvest of shellfish. As written, which was taken from the Finfish regulations, the regulation includes the use of nets, rather than dredges and other shellfish harvest gear.</p> <p>2. Section 4.3.13 Dredging of surf clams and ocean quahaugs: As written, the regulation omits ocean quahaugs in areas allowed for dredging. Areas allowed for such activity is necessary for ocean quahaugs in addition to surf clams.</p> <p>3. Section 4.63(F) Daily possession limits of Ocean quahaugs: Regulation is archaic and unsupported by data. Management in federal waters is quota based.</p> <p>4. Section 4.7.3(D) Temporary Shellfish Limit: Not needed to specify as the temporary possession limit as written is the same as the current possession limit – is one in the same already. Director also has very broad authority to effectuate management changes in Shellfish Management Areas, so indication of a specific management approach is unnecessary.</p> <p>5. Section 4.7.4 - Clarification of process to amend commercial boat harvest schedule in Shellfish Management Areas: Proposed amendment seeks to broaden scope of the language and apply to other Shellfish</p>	NO, any small business impact is POSITIVE	2016-10-07

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					Management Areas where such process for changes to harvest schedules is not currently provided.		
<b>Preliminary Draft</b>	Environmental Management	Rules and Regulations Governing Livestock Welfare	Adoption	8	The purpose of this document is to provide minimum standards for the humane treatment and care of livestock with the state of Rhode Island.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2016-10-12
<b>Post-Comment Draft</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0372, "Special Treatment Coverage Groups"	Repeal	7			2016-10-14
<b>Post-Comment Draft</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0370, "SSI-Related Coverage Groups"	Repeal	7			2016-10-14
<b>Post-Comment Draft</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0368, "Flexible Test of Income"	Repeal	7			2016-10-14
<b>Post-Comment Draft</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0366, "SSI-Related Deeming of Income"	Repeal	7			2016-10-14
<b>Post-Comment Draft</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0364, "Treatment of Income"	Repeal	7			2016-10-14
<b>Post-Comment Draft</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0362, "Income Generally"	Repeal	7			2016-10-14

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
<b>Post-Comment Draft</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0358, "SSI-Related Deeming of Resources"	Repeal	7			2016-10-14
<b>Post-Comment Draft</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0356, "Evaluation of Resources"	Repeal	7			2016-10-14
<b>Post-Comment Draft</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0354, "Resources Generally"	Repeal	7			2016-10-14
<b>Post-Comment Draft</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0352, "Characteristic Requirements"	Repeal	7			2016-10-14
<b>Post-Comment Draft</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0351, "Overview of Medical Assistance"	Repeal	7			2016-10-14
<b>Post-Comment Draft</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #1400, "Medicaid Integrated Health Care Coverage"	Adoption	7	This chapter establishes the Medicaid "Integrated Health Care Coverage (IHCC)" groups for elders, adults with disabilities, and certain individuals who qualify for as medically needy (MN) due to high health care expenses. In addition, sections of this chapter set forth the basic tenets of the SSI methodology for determining Medicaid eligibility in general and, specifically, for those applicants and beneficiaries seeking coverage through an IHCC Community Medicaid eligibility pathway. This newly-adopted rule	NO, this regulation DOES NOT IMPACT small business	2016-10-14

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					will replace 11 related rules that are outdated and are being repealed.		
<b>Emergency</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0392, "Post Eligibility Treatment of Income"	Amendment	0	The Executive Office of Health & Human Services (EOHHS) is re-filing (for a 60-day extension) this "emergency" amendment to rule #0392 "Post-Eligibility Treatment of Income" in order to incorporate recent changes to the federal 2016 Medicaid "Spousal Impoverishment Standards", the updated minimum monthly maintenance needs allowance (MMMNA), and the monthly housing allowances for community spouses that became effective July 1, 2016.		2016-10-17
<b>Post-Comment Draft</b>	Coastal Resources Management Council	RI Coastal Resources Management Program - Management Procedures	Amendment	0			2016-10-18
<b>Preliminary Draft</b>	Administration	REGULATIONS GOVERNING PARTICIPATION BY SMALL BUSINESS ENTERPRISES IN STATE PURCHASING OF GOODS AND SERVICES AND PUBLIC WORKS PROJECTS	Amendment	15	The reason for this regulatory action is to adopt a criterion and formula to be used by State agencies when evaluating responses to Request for Proposals for State goods and services that will measure the utilization of businesses owned and controlled by individuals who are minorities, individuals who are women, and individuals with disabilities. In addition the regulatory action is being taken to update the rules regarding participation by businesses owned and controlled by individuals who are minorities and individuals who are women in State public works projects.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2016-10-19

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
<b>Preliminary Draft</b>	Labor and Training	Rules and Regulations Relating to Exemptions for Work On Holidays And Sundays	Amendment	23	The proposed amendment adds Regulation 14, which exempts certain employers that provide a telephonic call center for motorists to use to obtain motor-vehicle roadside assistance services from paying Sunday and holiday premium pay.	NO, any small business impact is POSITIVE	2016-10-19
<b>Direct Final</b>	Business Regulation	161-RICR-200-45-10 - Corporate Governance Annual Disclosure	Adoption	10	This regulation is based on the National Association of Insurance Commissioners (NAIC) model which is designed to implement R.I. Gen. Laws §§ 27-1.2. R.I. Gen. Laws §§ 27-1.2 was also based on an NAIC model and was enacted in the last legislative session and goes into effect on January 1, 2017	NO, this regulation DOES NOT IMPACT small business	2016-10-21
<b>Preliminary Draft</b>	Business Regulation	161-RICR-300-5-3 (or Motor Vehicle Glass Repair)	Amendment	0	Major overhaul to CL Reg. 5 (aka 161-RICR-300-5-3) based on enactment of chapter 38.5 of title 5, which for the first time set forth specific statutory requirements for motor vehicle glass repair and replacement. Some modernization of existing 15+ year old provisions.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2016-10-21
<b>Direct Final</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0392, "Post-Eligibility Treatment of Income"	Amendment	2	These amendments incorporate changes to the federal 2016 Medicaid "Spousal Impoverishment Standards", the updated minimum monthly maintenance needs allowance (MMMNA), and the monthly housing allowances for community spouses that became effective July 1, 2016. All of the proposed changes are pursuant to the revised standards published by the federal Centers for Medicare and Medicaid Services (CMS) on May 31, 2016 and that took effect	NO, this regulation DOES NOT IMPACT small business	2016-10-25



Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					on July 1, 2016. Finally, the Direct Final Rule further seeks to adopt these provisions in a timely manner in order to prevent wrongful denial, discontinuance, or interruption of benefits for Medicaid applicants and beneficiaries.		
<b>Emergency</b>	Business Regulation	Department Of Business Regulation Medical Marijuana Program Emergency Regulation 1 - Licensed Cultivators	Adoption	0	The scope and purpose of these emergency regulations is to set forth temporary regulatory parameters for licensed cultivators and to initiate the application process for cultivator licenses to enable the state and the industry to be prepared to address patient need as the medical marijuana market shifts with the December 31, 2016 prohibition on patient and caregiver sale of excess marijuana to the compassion centers. No later than one hundred and eighty (180) days from the effective date of these emergency regulations, medical marijuana program regulations will be introduced subject to the full public comment process, which, upon adoption, will supersede these emergency regulations.		2016-10-25
<b>Post-Comment Draft</b>	Environmental Management	RHODE ISLAND MARINE FISHERIES REGULATIONS - Part 1 Definitions	Amendment	5			2016-10-25
<b>Preliminary Draft</b>	Health	Radiographers, nuclear medicine technologists, radiation therapists and radiologist assistants	Amendment	8	This amendment clarifies an alternative path to licensure: allows radiographers who, prior to 8/1/2015, did not use national certification to document required education and experience the ability to renew their license based	NO, this regulation DOES NOT IMPACT small business	2016-10-25

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					on proof of continuing education credits rather than through proof of ARRT certification. It also describes acceptable continuing education courses.		
<b>Post-Comment Draft</b>	Education - Council of Elem and Sec Ed	Middle and High School Learning Environments and the Rhode Island Diploma System	Amendment	14	To ensure the greatest opportunity for students in the class of 2021 and beyond to earn diplomas by meeting graduation requirements that are aligned with current best practice.	NO, this regulation DOES NOT IMPACT small business	2016-10-27
<b>Emergency</b>	Public Utilities Commission	Rules and Regulations Governing the Termination of Residential Electric, Gas and Water Utility Service	Amendment	4	Request from House Speaker and Senate President to reduce downpayments and extend payment terms to restore electric and/or gas utility service. Also associated with earlier similar request from low income advocates. The public health safety and welfare would be protected by allowing more customers to have service restored prior to the cold winter period.		2016-10-31
<b>Preliminary Draft</b>	Executive Office of Health and Human Services	"Program of All-Inclusive Care for the Elderly (PACE) State Plan Amendment	Repeal	7	Repeal	NO, this regulation DOES NOT IMPACT small business	2016-10-31
<b>Preliminary Draft</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0318, "Medicaid Redetermination"	Repeal	7	Repeal	NO, this regulation DOES NOT IMPACT small business	2016-10-31
<b>Preliminary Draft</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0310, "Retroactive Coverage"	Repeal	7	Repeal	NO, this regulation DOES NOT IMPACT small business	2016-10-31
<b>Preliminary Draft</b>	Health	Birth Defects Registry	Amendment	6	1) To improve birth defects surveillance of prenatally ascertained cases, including genetic	NO, this regulation DOES NOT IMPACT small business	2016-11-02

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					abnormalities diagnosed less than 20 weeks gestation that would not be identified due to termination of pregnancy or spontaneous abortion and 2) update medical coding nonclemature from ICD-9 CM to ICD-10 CM		
<b>Preliminary Draft</b>	Health	Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health [R23-1-17-Fee]	Amendment	0	These amendments adjust the medical marijuana license fees for consistency with the provisions of the revised Rules and Regulations Related to the Medical Marijuana Program Administered by the Department of Health [R21-28.6-MMP]	NO, this regulation DOES NOT IMPACT small business	2016-11-07
<b>Preliminary Draft</b>	Health	Medical Marijuana Program Administered By the Department of Health	Amendment	4	The proposed amendments comply with statutory requirements enacted that impact the Medical Marijuana Act. In addition, the amendments clarify "full assessments" to ensure that patients receive such "full assessments" as required by the statute.	NO, this regulation DOES NOT IMPACT small business	2016-11-07
<b>Preliminary Draft</b>	Business Regulation	Rules and Regulations Related to the Medical marijuana Program Administered by the Department of Business Regulation	Adoption	4	This regulatory action is being taken to comply with RI General Laws Chapter 21-28.6 and to ensure the medical marijuana program has sufficient oversight while maintaining a safe and accessible supply of medicine.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2016-11-07
<b>Direct Final</b>	Human Services	Supplemental Nutrition Assistance Program	Amendment	10	This is an annual adjustment to the cost of living allowance as required by federal regulations along with an annual update to the Standard Utility Allowance (SUA) which is a deduction from a customer's gross income for heating and cooling	NO, this regulation DOES NOT IMPACT small business	2016-11-14

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					expenses that are incurred. The SUA used to determine a customer's net income and eligibility for SNAP benefits. The amount of the SUA will be decreased due to a decrease in the cost of fuel and utilities as calculated by the annual Consumer Price Index (CPI). Included in this revision is a change to the timeframes for Treasury Offset Program (TOP) referrals as required by a change in federal statute.		
<b>Preliminary Draft</b>	Health	Licensure of Hospitals	Amendment	19	2015 PL 115 established the Caregiver Advise, Record, and Enable Act which creates the reason for these regulations.	NO, this regulation DOES NOT IMPACT small business	2016-11-14
<b>Post-Comment Draft</b>	Energy Resources	Commercial Renewable Energy Tangible Tax Value for Municipalities	Adoption	0			2016-11-15
<b>Post-Comment Draft</b>	Education - Council of Elem and Sec Ed	Regulations Governing the Certification of Educators in Rhode Island	Amendment	4	To provide more flexibility to school districts, RIDE is proposing the elimination of two (2) current required permits: Athletic Coach and Substitute Teacher. For Fiscal Year 2016, these two permits were identified for elimination during a statewide OMB review (R.I.G.L. 16-11.1-1) was modified to eliminate the RIDE coach permit requirement). RIDE is also proposing a change to the Career and Technical Educator Preliminary Certificate timeframe in order to eliminate a barrier in seeking qualified teachers for school district positions.	NO, this regulation DOES NOT IMPACT small business	2016-11-18
<b>Preliminary Draft</b>	Public Utilities Commission	New England Telephone Collections Procedures	Repeal	2	These rules only apply to one telephone carrier in RI. Given the fact that Verizon (formerly New	NO, this regulation DOES NOT IMPACT small business	2016-11-18

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					England Telephone) is no longer the dominant telecommunications carrier in Rhode Island, most Verizon customers receive service through FiOS (unregulated), and the Division has applied the rules minimally in the past year, the rationale for continuing the mandate payment plans and collections procedures to only one company arguably no longer seems to apply. Repeal of the rule would put Verizon in the same competitive position as other telecommunications carriers. Verizon currently has only 14% of the lines in service to which these rules apply.		
<b>Preliminary Draft</b>	Public Utilities Commission	Rules Governing the Acceptance of Credit Cards by Utility Companies	Repeal	2	There is no longer a justification for the rule because the rule is no longer being consistently applied. These rules require utilities who accept credit cards to charge the processing fee directly to the credit card user. The cost justification may or may not exist any longer. The PUC will review the cost justification of including/excluding credit card processing fees from all customers' rates in the utilities' next rate cases as it does with costs related to all other payment options.	NO, this regulation DOES NOT IMPACT small business	2016-11-18
<b>Preliminary Draft</b>	Environmental Management	Rules and Regulations for the NARRAGANSETT BAY AND WATERSHED RESTORATION BOND FUND	Amendment	22	To amend rules governing a current financial assistance program in order to make available \$3 million in voter approved bond funds for flood prevention through ecological restoration and related projects.	NO, any small business impact is POSITIVE	2016-11-18

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					The funds will be awarded as matching grants following a future competitive solicitation. The amendment adds a new sub-fund entitled "Flood Prevention and Mitigation Fund" and specifies the eligibility of projects that reduce or eliminate the long-term risk of flooding and enhance ecological functioning of natural ecosystems. DEM needs to move forward expeditiously with the rules in order to ensure RI derives the benefit of projects being carried out during the 2017 construction season.		
<b>Direct Final</b>	Administration	Rules and Standards of the State Planning Council	Amendment	7	Rule Five is being revised to reflect changes in the process for formulating and administering the State's Transportation Improvement Program	NO, this regulation DOES NOT IMPACT small business	2016-11-21
<b>Preliminary Draft</b>	Commerce Corporation	Rules and Regulations for the Renewable Energy Development Fund Programs	Amendment	21	The new House bill H8354A and Senate bill S2450B extended the REF program until 2022. Within the bill, a new addition to the renewable energy sector was implemented, called community solar. The REF program will be implementing this new option for the eligible citizens of Rhode Island. In addition, the REF is due for in update to keep up with the fast changing renewable energy technologies and market. Also, the current loan programs would benefit businesses more with the amendments made in order to stay up to date with the market and stay economically advantageous in RI.	NO, any small business impact is POSITIVE	2016-11-21

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
<b>Emergency</b>	Children, Youth and Families	Foster and Adoptive Regulations for Licensure	Amendment	0	The emergency revisions to the Foster Care and Adoption Regulation for Licensure will allow DCYF to hold families with a foster child in the home to the same safety standards as other Rhode Island families. This will ensure that children in the care of DCYF are living with kin in fully licensed homes and there is an adequate supply of family foster and adoptive homes. Without this regulation, DCYF will have to consider placing children in a home that is too restrictive for the child's needs. Moving forward, these updated regulations will help DCYF license kinship homes in a timely manner and remove a significant barrier towards recruiting and licensing foster and adoptive parents.		2016-11-22
<b>Post-Comment Draft</b>	Environmental Management	Rules and Regulations Governing Livestock Welfare	Adoption	4	The Department made minor changes to the proposed rules and regulations based on public comments. Some amendments were for points of clarification and others helped to define standards for livestock welfare consistent with departmental goals and without any negative impact on the regulated entities.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2016-11-22
<b>Post-Comment Draft</b>	Environmental Management	RIMFR - Commercial and Recreational Saltwater Fishing Licensing Regulations	Amendment	22	Annual review of Licensing regulations for exit/entry ratios; relocation of terms to Part 1 - Definitions; easing of regulatory requirements to RI licensed commercial fishing regarding ion regarding Issuance of New Licenses upon Sale of Vessel and Gear;	NO, any small business impact is POSITIVE	2016-11-22

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					easing of regulatory requirements to RI licensed commercial fishing regarding ion regarding Activity Standard requirement		
<b>Preliminary Draft</b>	Children, Youth and Families	FOSTER CARE AND ADOPTION REGULATIONS FOR LICENSURE	Amendment	4	This proposed rule is amended to comply with the new requirements of the Rhode Island Administrative Procedures Act (APA), RIGL 42-35, by removing explanatory and procedural language and creating a succinct rule. Additionally, updates reflect applicable state requirements for fire and lead safety.	NO, this regulation DOES NOT IMPACT small business	2016-11-29
<b>Direct Final</b>	Public Utilities and Carriers Division	Rules and regulations Establishing Non-Profit Affordable Housing Certification Application Process and Eligibility Criteria as Required Under Rhode Island General Laws, Section 39-262(19)	Repeal	0	SECTION B: REGULATORY DETAIL The Rule was enacted in response to a statutory directive that has since be repealed.	NO, this regulation DOES NOT IMPACT small business	2016-11-30
<b>Direct Final</b>	Human Services	Rhode Island Veterans' Home: Administrative Procedures for the Billing and Collection of Maintenance Fees	Amendment	7	This amended rule updates the cost-of-living scale and per diem cost of maintenance for residents of the RI Veteran's Home due to the annual change in the Consumer Price Index.	NO, this regulation DOES NOT IMPACT small business	2016-12-06
<b>Post-Comment Draft</b>	Labor and Training	RULES AND REGULATIONS RELATING TO EXEMPTIONS FOR WORK ON HOLIDAYS AND SUNDAYS	Amendment	1			2016-12-06
<b>Post-Comment Draft</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0318, "Medicaid Redetermination"	Repeal	2			2016-12-07



Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
<b>Preliminary Draft</b>	Health	Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health [R23-1-17-Fee]	Amendment	6	These amendments add fees associated with the licensing of Public Health Dental Hygienists and DAANCE-Certified Maxillofacial Surgery Assistants	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2016-12-07
<b>Preliminary Draft</b>	Health	Dentists, Dental Hygienists, & Dental Assistants [R5-31.1-DHA] and Fee Structure for Licensing, Laboratory, & Administrative Services [R23-1-17-FEE]	Amendment	8	The proposed amendments adopt prevailing standards governing: <ul style="list-style-type: none"> <li>The licensure of dentists and dental hygienists</li> <li>The practice of dentistry as it pertains to dentists, dental hygienists, and dental assistants</li> <li>Continuing education for dentists and dental hygienist</li> <li>The administration of general anesthesia/deep sedation, moderate sedation, minimal sedation, and/or nitrous oxide analgesia, and</li> <li>Administrative procedures for the implementation of the statutory and regulatory provisions</li> </ul>	NO, this regulation DOES NOT IMPACT small business	2016-12-07
<b>Direct Final</b>	Behavioral Healthcare, Developmental Disabilities and Hospitals	Rules and Regulations for the Licensing of Developmental Disabilities Organizations	Amendment	8	The Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH) is requesting a change in the BHDDH Licensing Regulations section 36.00-36.02 and Appendix One, The Billing Criteria. These changes are necessary for the Division to move forward with systems changes. The Supports Intensity Scale regulations in section 36.00-36.02 needs to be removed to allow the Division to lengthen the time frame in which the Division performs an assessment on individuals receiving	NO, any small business impact is POSITIVE	2016-12-09

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					funded services. The change from 3 to 5 years is based on national best practices, recommendations from expert consultants, and extensive feedback from the community and families and individual we serve. This regulation change is critical so our practice is not in violation of the Divisions own regulations. In attempting to address this issue, the Division believes we should not have any of the Supports Intensity Scale (SIS) policies in regulation. They are policies and internal practices that are adopted and the SIS assessment is only one of many assessments that could be used for this evaluative purpose. The Division will update the SIS Tier Handbook to reflect the review cycle change and we are also updating all SIS policies that will reflect the current and future process. Lastly, many of the regulations in this section are repeated in other sections within our regulations and are duplicative.		
<b>Post-Comment Draft</b>	Health Insurance Commissioner	Regulation 2: Powers and Duties of the Office of the Health Insurance Commissioner	Adoption	1	To adopt use of aligned measure sets by commercial Health Insurers in their contracts with health care providers and to propose modifications to the limitation on price inflation for hospital inpatient and outpatient services.	NO, this regulation DOES NOT IMPACT small business	2016-12-09
<b>Post-Comment Draft</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Program of All-Inclusive Care for the Elderly State Plan Amendment	Repeal	2			2016-12-09

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
<b>Post-Comment Draft</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0310, "Retroactive Coverage"	Repeal	2			2016-12-09
<b>Post-Comment Draft</b>	Environmental Management	Rhode Island Air Pollution Control General Definitions Regulation	Amendment	0	The Department is proposing to revise this regulation to amend the definition of "volatile organic compound" to be consistent with the current, federal definition. The proposed change does not impose any new requirements for the entities covered by the air pollution control regulations.	NO, any small business impact is POSITIVE	2016-12-09
<b>Post-Comment Draft</b>	Environmental Management	Air Pollution Control Regulation No. 36, "Control of Emissions from Organic Solvent Cleaning"	Amendment	8	The Department is proposing to revise this regulation to: • provide an exemption from certain requirements for small cold cleaners (internal volume less than 1 liter) • provide an alternative means of compliance for spray gun cleaning operations • clarify the performance standard when an air pollution control system is used as an alternative to low vapor pressure solvents, and • Revise recordkeeping requirements to allow users of certain machines additional time to compile monthly records to be consistent with the requirements we impose in other regulations and permits. The proposed changes do not impose any new requirements for the entities covered by this regulation.	NO, any small business impact is POSITIVE	2016-12-09
<b>Post-Comment Draft</b>	Environmental Management	Air Pollution Control Regulation No. 35, "Control of Volatile Organic Compounds and Volatile Hazardous Air	Amendment	8	The Department is proposing to revise this regulation to revise the applicability threshold. Currently this regulation applies to any wood products facility which has the	NO, any small business impact is POSITIVE	2016-12-09

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
		Pollutants from Wood Products Manufacturing Operations”			potential to emit 25 tons per year or more of volatile organic compounds (VOC) from wood products manufacturing operations or which is located at a major source of Hazardous Air Pollutants (HAP). Under the proposed revisions, this regulation would change the applicability threshold with respect to HAPs. To be subject to the regulation a facility would have to be a major source of Hazardous Air Pollutants (HAP) from wood products manufacturing operations as opposed to all operations at the facility. Currently the regulation applies to several facilities that are major sources of HAPs, however, their wood products manufacturing operations are a very small part of the business.		
<b>Post-Comment Draft</b>	Environmental Management	Air Pollution Control Regulation No. 27, “Control of Nitrogen Oxide Emissions”	Amendment	8	The Department is proposing to revise this regulation to: <ul style="list-style-type: none"> <li>• reduce the frequency of compliance testing required under the regulation from annually to once every five years</li> <li>• reduce the frequency of tune-ups required for industrial-commercial-institutional boilers from annually to biennially</li> <li>• allow the tune-up procedure for boilers specified in federal regulations (40 CFR 63, Subpart JJJJJ) as an acceptable substitute procedure for the procedure specified in Appendix A of the regulation</li> <li>• revise the method for determining compliance with the emission limits to allow</li> </ul>	NO, any small business impact is POSITIVE	2016-12-09

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					compliance be demonstrated based upon the average results of three-one hour test runs, rather than demonstrating compliance with each individual test run to be consistent with federal requirements • Update/eliminate some outdated provisions of the regulation • Add Figures 1 and 2 back into Appendix A, as they were inadvertently omitted from the regulation.		
<b>Post-Comment Draft</b>	Environmental Management	Air Pollution Control Regulation No. 19, "Control of Volatile Organic Compounds from Surface Coating Operations"	Amendment	8	The emission limits in this regulation and Air Pollution Control Regulation No. 44 "Control of Volatile Organic Compounds from Adhesives and Sealants" can apply to the same processes. Regulatory language is being added to clarify that the emission limitations in this regulation do not apply if you are subject to the requirements in APC Regulation No. 44. The registration requirements in this regulation are being revised to be consistent with the requirements in our Air Pollution Control Regulation No. 14 "Record Keeping and Reporting.	NO, any small business impact is POSITIVE	2016-12-09
<b>Post-Comment Draft</b>	Environmental Management	Air Pollution Control Regulation No. 8, "Sulfur Content of Fuels"	Amendment	8	The proposed amendment will correct a mistake that was made when this regulation was revised in 2014. This regulation was revised in 2014 to lower the allowable sulfur content of fuels. Prior to that revision, the allowable sulfur content of alternative fuels was the same as that for residual fuel oils. In the 2014 revision, the allowable sulfur content of alternative fuels	NO, any small business impact is POSITIVE	2016-12-09

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					was changed to be the same as that for distillate fuel oils. This was a mistake and evidence has been provided to the Department to show that it is impossible to achieve those limits for waste oils. The change will restore the allowable sulfur content for alternative fuels to be the same as that for residual fuel oils as it was prior to 2014.		
<b>Post-Comment Draft</b>	Business Regulation	Rules and Regulations Related to the Medical marijuana Program Administered by the Department of Business Regulation	Adoption	1	This regulatory action is being taken to comply with RI General Laws Chapter 21-28.6 and to ensure the medical marijuana program has sufficient oversight while maintaining a safe and accessible supply of medicine.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2016-12-12
<b>Post-Comment Draft</b>	Revenue	Rule 2016- Methodology for Determining the Presumptive Value of Motor Vehicles Subject to Excise Tax as of December 31, 2016	Adoption	0	Annual update to sates/model years listed in regulation	NO, this regulation DOES NOT IMPACT small business	2016-12-12
<b>Preliminary Draft</b>	Education - Dept of Elem and Sec Ed	Regulations Governing the Education of English Learners	Amendment	17	The triennial review section of these regulations (L-4-31) requires the RI Department of Education to review them every three years. As such, RIDE organized a work group comprised of constituents in the field to offer suggestions in the revisions of the regulations starting in Fall of 2015. New federal guidance has also become available since the last revision of this regulation, in the form of a Dear Colleagues letter issued by the US Department of Education in January 2015 and an English Learner Tool Kit	NO, this regulation DOES NOT IMPACT small business	2016-12-12

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					from the Office of English Language Acquisition, among other things. Furthermore, RIDE's observations about LEAs' program models from monitoring visits, performance reports, and EL Director meetings have shaped the decisions that the work group came to in proposing changes.		
<b>Direct Final</b>	Environmental Management	Rhode Island Aqua Fund Rules and Regulations	Repeal	5	The subject regulations are proposed to be repealed because they were designed to establish the process for award of grants from the Rhode Island Aqua Fund, and the entirety of the allocation to the Aqua Fund has been expended.	NO, any small business impact is POSITIVE	2016-12-13
<b>Post-Comment Draft</b>	Health	Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health [R23-1-17-Fee]	Amendment	0	These amendments adjust the medical marijuana license fees for consistency with the provisions of the revised Rules and Regulations Related to the Medical Marijuana Program Administered by the Department of Health [R21-28.6-MMP]	NO, any small business impact is POSITIVE	2016-12-13
<b>Post-Comment Draft</b>	Health	Medical Marijuana Program Administered By the Department of Health	Amendment	0	The proposed amendments comply with statutory requirements enacted that impact the Medical Marijuana Act. In addition, the amendments clarify "full assessments" to ensure that patients receive such "full assessments" as required by the statute.	NO, this regulation DOES NOT IMPACT small business	2016-12-13
<b>Emergency</b>	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section 1400, "Medicaid Integrated Health Care Coverage"	Amendment	2	On December 2, 2016, the federal Centers for Medicare & Medicaid Services (CMS) issued an advisory that there will be a 0.3% cost of living adjustment (COLA) for Social Security and Supplemental Security		2016-12-14

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					Income (SSI) beneficiaries in 2017. (See: 2017 SSI and Spousal Impoverishment Standards). Pertinent amounts in section 1403 (F) of the aforementioned regulations have been recalculated, based upon the new CMS standards.		
<b>Preliminary Draft</b>	Health	PROPOSED AMENDMENTS TO RULES AND REGULATIONS FOR PAIN MANAGEMENT, OPIOID USE, AND THE REGISTRATION OF DISTRIBUTORS OF CONTROLLED SUSTANCES IN RHODE ISLAND	Amendment	16	These Regulations govern the use of opioids in the treatment of patients for chronic pain. It is recognized that principles of quality medical practice dictate that the people of the State of Rhode Island have access to appropriate and effective pain relief. The appropriate application of up-to-date knowledge and treatment modalities can serve to improve the quality of life for those patients who suffer from pain as well as reduce the morbidity and costs associated with untreated or inappropriately treated pain. Practitioners are encouraged to view pain management as part of quality medical practice for all patients with pain, acute or chronic, and it is especially urgent for patients who experience pain as a result of terminal illness. All practitioners shall become knowledgeable about assessing patients' pain and effective methods of pain treatment, as well as statutory requirements for prescribing controlled substances. It is recognized that controlled substances including opioid	NO, this regulation DOES NOT IMPACT small business	2016-12-15



Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					analgesics may be essential in the treatment of acute pain due to trauma or surgery. Use for chronic pain carries significant risk and the risks of chronic opioid use need to be weighed against limited benefits. Practitioners should always consider the many facets of pain and strongly consider an interdisciplinary or multidisciplinary approach to management of pain, (acute, episodic or chronic). Practitioners shall recognize that tolerance and physical dependence are normal consequences of sustained use of opioid analgesics and are not the same as addiction.		
<b>Post-Comment Draft</b>	Health	Rules and Regulations for the Licensure of Clinical Laboratory Science Practitioners	Repeal	7	Enabling authority [RIGL Chapter 23-16.3] was repealed in 2015	NO, this regulation DOES NOT IMPACT small business	2016-12-19
<b>Post-Comment Draft</b>	Business Regulation	161-RICR-300-5-3 Motor Vehicle Glass Repair	Amendment	1	Major overhaul to CL Reg. 5 based on enactment of chapter 38.5 of title 5, which for the first time set forth specific statutory requirements for motor vehicle glass repair and replacement. Some modernization of existing 15+ year old provisions.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2016-12-22
<b>Preliminary Draft</b>	Labor and Training	RULES AND REGULATIONS RELATING TO PREVAILING WAGES	Amendment	1	This regulation is designed to clarify those contracts that are exempt from public contracts.	NO, any small business impact is POSITIVE	2016-12-22
<b>Direct Final</b>	Human Services	194-RICR-20-00-05 Supplemental Security Income and State Supplemental Payments Rules and Regulations	Amendment	8	Social Security Administration cost-of-living increase. In addition, references to internal procedures have been removed and rules have been reformatted and renumbered as required by RI General Laws, Section 42-35-2.11.	NO, this regulation DOES NOT IMPACT small business	2016-12-28

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
<b>Preliminary Draft</b>	Environmental Management	Air Pollution Control Regulation No. 50 Clean Diesel Fund (old format); 260-RICR-120-00-50 (new format)	Adoption	6	The purpose of this regulation is to fulfill the requirement pursuant to R.I. General Laws Chapter 31-47.3-5.1, the Establishment of the Rhode Island Clean Diesel Fund. The Clean Diesel Fund was created in order to enable the Department of Environmental Management to receive annually appropriated monies and provide reimbursement grants to companies for the purpose of reducing emissions from heavy-duty diesel vehicles operating on Rhode Island roads and improving supply chain efficiency. The Department will solicit projects that undertake eligible clean diesel measures and award grants from the fund to reimburse applicants for undertaking these measures.	NO, any small business impact is POSITIVE	2016-12-29