



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ADMINISTRATION

OFFICE of REGULATORY REFORM

One Capitol Hill
Providence, RI 02908-5890

Office: (401) 574-8430

Fax: (401) 222-6410

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 2019 Q4

FY 2019 Quarter 4 Report: April 1, 2019 – June 30, 2019

Quarterly Summary Data

Total Submissions by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 15
- Regular Rulemaking, Post-Comment Review: 17
- Direct Final Rulemaking: 8
- Emergency Rulemaking: 1

Unique Regulations by Type of Action

- Adoption: 3
- Amendment: 21
- Repeal: 0

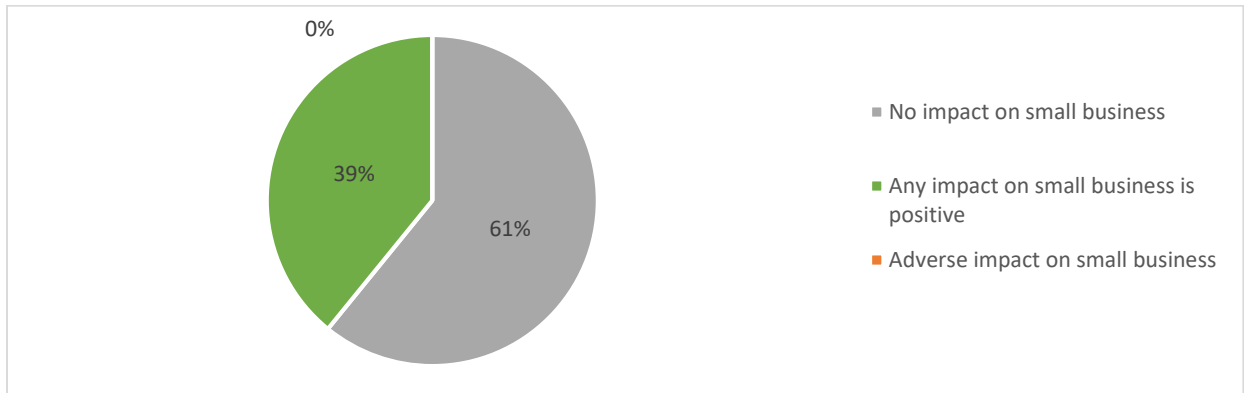
ORR Review Time by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 14.1 days
- Regular Rulemaking, Post-Comment Review: 5.9 days
- Direct Final Rulemaking: 13.9 days
- Emergency Rulemaking: 0.0 days

ORR Interventions

- Submissions where analysis was changed: 7.3%
- Submissions where regulatory language was changed: 24.4%

Small Business Impact Analysis



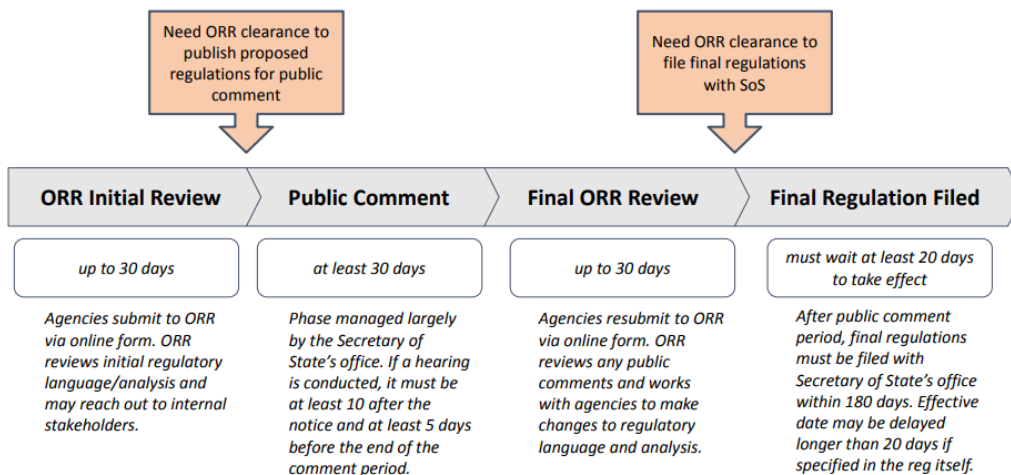
Regulatory Oversight

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.



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
Preliminary Draft	Health	Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health	Amendment	19	Revise various professional licensing fees.	NO, any small business impact is POSITIVE	2019-04-01
Direct Final	Business Regulation	Automobile Body Shop Storage Rates	Amendment	19	The Division of Public Utilities has changed the storage rates and this regulation must be updated for consistency.	NO, any small business impact is POSITIVE	2019-04-02
Preliminary Draft	Narragansett Bay Commission	Use of the Wastewater Facilities (835-RICR-20-00-1)	Amendment	9	This rule is being amended to align with the NBC's practice and clarify that the NBC may charge the costs of construction of main sewer lines to those connecting to the sewer.	NO, this regulation DOES NOT IMPACT small business	2019-04-03
Preliminary Draft	Environmental Management	Rhode Island State Pilotage Commission Rules and Regulations	Amendment	22	The purpose of this amendment to correct typo's and internal references within the regulations, and set the pilot rate for the five year period from 2020 through 2024.	NO, this regulation DOES NOT IMPACT small business	2019-04-04
Direct Final	Human Services	Supplemental Nutrition Assistance Program	Amendment	4	To implement Federally mandated increase to the homeless shelter deduction	NO, this regulation DOES NOT IMPACT small business	2019-04-09
Preliminary Draft	Coastal Resources Management Council	Salt Pond Region Special Area Management Plan	Amendment	7	Amend § 3.4.12(A)(1) to extend a regulatory deadline 5-years until 10/7/2024 for the filing of an	NO, this regulation DOES NOT IMPACT small business	2019-04-09

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					experimental coastal erosion control application.		
Preliminary Draft	Health	Pain Management, Opioid Use, and the Registration of Distributors of Controlled Substances in Rhode Island	Amendment	29	Implements requirements for electronic prescriptions and voluntary non-opiate directive forms, removes superfluous language, and makes grammatical corrections.	NO, any small business impact is POSITIVE	2019-04-09
Direct Final	Human Services	Child Care Assistance Program	Amendment	25	To fulfill the requirements of the Federal Re-Authorization, as well as reflect the RI State Plan for Child Care, and to remove non-policy content per the RICR formatting requirements. Also, wording and terminology has been updated or added to provide clarification of the program expectations regarding providers. Changes have been implemented in order to increase grace periods for the homeless population and for parents who experience temporary loss of employment. Minor changes have been made to keep in line with the October, 2017 updates and to align with current licensing regulations.	NO, this regulation DOES NOT IMPACT small business	2019-04-12
Direct Final	Human Services	Rhode Island Veterans Home: Administrative Procedures for the Billing and Collection of Maintenance Fees	Amendment	7	This proposed amendment updates the cost-of-living scale and per diem cost of maintenance for residents of the RI Veterans Home to align with the annual change in the Consumer Price Index.	NO, this regulation DOES NOT IMPACT small business	2019-04-15
Post-Comment Draft	Environmental Management	PART 6 – General Equipment Provisions	Amendment	0			2019-04-15
Post-Comment Draft	Environmental Management	PART 5 – Lobsters, Crabs and Other Crustaceans	Amendment	0			2019-04-15

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Preliminary Draft	Administration	Vendor Suspension and Debarment	Adoption	1	Creating a separate regulation for vendor discipline as part of procurement regulation reorganization. Changes to the vendor discipline are for the purpose of strengthening the State's ability to discipline vendors and also to clarify responsibilities, prohibitions, sanctions and appeals procedures.	NO, any small business impact is POSITIVE	2019-04-16
Preliminary Draft	Administration	Negotiation	Amendment	1	Organizational change (see form submitted with Section 5). Reference in Section 6 to Section 5. Section 5 deals with RFQ's and Section 6 deals with RFP's. Reference in Section 5 to Section 6 is for the purpose of applying the concepts to RFP's.	NO, any small business impact is POSITIVE	2019-04-16
Preliminary Draft	Administration	Competitive Bid and Competitive Sealed Bid Review and Source Selection	Amendment	1	Regulatory provisions from Section 4 have been put in Section 5 for organizational reasons. With the amendment to Section 4, it will only pertain to prequalification. Since the provisions added to Section 5 pursuant to this amendment pertain to rejection of specific bids and not regarding prequalification, it was more appropriate in Section 5.	NO, any small business impact is POSITIVE	2019-04-16
Preliminary Draft	Administration	VENDOR QUALIFICATION, PREQUALIFICATION, AND SOLICITATION	Adoption	17	Adopting new version	NO, any small business impact is POSITIVE	2019-04-16
Post-Comment Draft	Environmental Management	Rules and Regulations for Enforcement of the Farm, Forest, and Open Space Act	Amendment	0	The purpose of this amendment is to reformat the regulation in accordance with the RICR, to add an Incorporated Materials section, and to make additional non-technical changes.	NO, this regulation DOES NOT IMPACT small business	2019-04-17

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Post-Comment Draft	Business Regulation	State Registration of Mobile Food Establishments	Adoption	20	To implement the registration process of Mobile Food Establishments (“MFEs”) in accordance RI Gen Laws Chapter 5-11.1 entitled the State Mobile Food Establishment Registration Act, which was enacted in the 2018 legislative session and will take effect on Jan. 1, 2019.	NO, any small business impact is POSITIVE	2019-04-18
Post-Comment Draft	Business Regulation	Insurance Claim Adjusters	Amendment	1	The rule sets forth the regulatory requirements for Insurance Claim Adjusters. In the last legislative session, the legislature amended one of the statutes upon which the regulation is based by virtue of 2018 P.L. chs. 298 and 321. The Department proposes to make the changes to the regulation to comport with the statutory changes and, in one instance, to clarify existing language.	NO, this regulation DOES NOT IMPACT small business	2019-04-24
Preliminary Draft	Business Regulation	Rules and Regulations for Landscape Architects	Amendment	10	To add and update definitions of all relevant terms. To streamline and reorganize all content related to registrations for firms and individuals into 2 new sections. To establish standards for professional conduct that are consistent with the Council of Landscape Architectural Registration Boards (“CLARB”) national model and the 3 other design professions regulated by DBR. To remove outdated language. To correct any fees in the table that did not match the fees set in statute or the fees actually charged by the board, R.I. Gen. Laws § 5-51-14.	NO, any small business impact is POSITIVE	2019-04-25

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Direct Final	Environmental Management	PART 3 – Finfish	Amendment	12	1. Proposed correction to inaccurate dates regarding reporting requirements for the Scup floating fish trap fishery (section 3.8.2(B)(2)(b)(4)(AA)&(BB): Dates in this section were inadvertently not amended when the sub-period date changed from October 31 to September 30 resulting from a public hearing held February 19, 2018, which was made to maintain consistency with the FMP for Scup. 2. Proposed correction to seasons for the Licensed Party/ Charter for Tautog (section 3.11.1(B)): Correction of inadvertent errors in sub-period season dates in two locations. 3. Proposed removal of language regarding reporting requirements for Tautog for the party/charter sector (section 3.11.1(B)(9)): Language in this section is redundant with section 2.9.2(F) of Part 2 - Commercial and Recreational Saltwater Fishing Licensing Regulations (250-RICR-90-00-2).	NO, this regulation DOES NOT IMPACT small business	2019-04-29
Direct Final	Human Services	Supplemental Security Income and State Supplemental Payment Rules and Regulations	Amendment	19	This rule of being amended to reflect the federal Social Security cost-of-living increase that was implemented and went into effect on January 1, 2019.	NO, this regulation DOES NOT IMPACT small business	2019-05-01
Direct Final	Human Services	Child Support Program Rules and Regulations	Amendment	25	Per Federal Regulations, custodial parents now have an option to chose to receive their payments via direct deposit to a savings or checking bank account or ATM "Kid's Card."	NO, this regulation DOES NOT IMPACT small business	2019-05-03

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Preliminary Draft	Education - Council of Elem and Sec Ed	Regulations on Comprehensive Early Childhood Education (CECE) Programs	Amendment	25	To support expansion to Universal Pre-K	NO, this regulation DOES NOT IMPACT small business	2019-05-03
Preliminary Draft	East Providence Waterfront Commission	East Providence Waterfront Commission Application and Processing Fees	Adoption	11	To codify fee schedule to provide transparency for developer applicants and the general public. The East Providence Waterfront Commission has been charging development fees as part of the regulatory process for project approvals for the past 15 years.	NO, any small business impact is POSITIVE	2019-05-07
Preliminary Draft	Environmental Management	PART 37 - Rhode Island's Low-Emission Vehicle Program	Amendment	29	The purpose of this regulation is to specify the requirements for Rhode Island's Low Emission Vehicle Program. The Department of Environmental management (DEM) is proposing to amend the passenger vehicle greenhouse gas (GHG) provisions to comply with the Clean Air Act section 177 "identity" provisions which require Rhode Island to remain identical to the California program. As a result the California Air Resources Board's approval on September 28, 2018, of Resolution 19-35 to amend Title 13 of the California Code of Regulations Section 1961.2 and 1961.3 (which sections also apply to vehicles sold in Rhode Island), compliance with federal greenhouse gas standards for 2021 through 2025 model year passenger cars, light-duty trucks, and medium-duty passenger vehicles will not constitute compliance with the Rhode Island Low Emission Vehicle Program rules	NO, this regulation DOES NOT IMPACT small business	2019-05-09

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					if the federal standards are altered by a final rule published in the Federal Register after October 25, 2016.		
Preliminary Draft	Environmental Management	PART 19 - Control of Volatile Organic Compounds from Surface Coating Operations	Amendment	29	On March 6, 2017 EPA issued a finding of failure to submit to Rhode Island for failure to submit required State Implementation Plan (SIP) components to address Clean Air Act requirements for the 2008 Ozone National Ambient Air Quality Standard. The finding establishes deadlines by which states either must submit complete SIP revisions or become subject to sanctions. The offset sanction is currently in place. Specifically, 40 CFR § 51.1116 required RI to submit a SIP revision that meets the requirements of Section 184(b) of the Clean Air Act. Section 184(b) requires states in the ozone transport region to implement or update reasonably available control technology (RACT) controls on all major VOC and NOx emission sources and on source categories covered by a Control Technique Guideline (CTG) document. In 2008 EPA published a CTG recommending VOC controls for miscellaneous metal and plastic parts coatings, "Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings." In 2006 EPA published a CTG recommending VOC controls for flatwood paneling coating, "Control Techniques Guidelines for Flat Wood Paneling	NO, this regulation DOES NOT IMPACT small business	2019-05-10

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					Coatings.” In 2007 EPA published CTG’s recommending VOC controls for paper, film and foil coating “Control Techniques Guidelines for Paper, Film, and Foil Coatings,” metal furniture coating, “Control Techniques Guidelines for Metal Furniture Coating,” and large appliance coating, “Control Techniques Guidelines for Large Appliance Coating.” The Department is proposing to incorporate these CTG’s into Part 19, “Control of Emissions from Surface Coating Operations,” which will be submitted to the U.S. Environmental Protection Agency for approval in Rhode Island’s State Implementation Plan. RI must make a complete SIP submission, including incorporation of the requirements in the above CTG’s to remove the offset sanction.		
Post-Comment Draft	Business Regulation	Benefit Determination and Utilization Review	Adoption	0	During the 2017 Legislative Session, RIGL Chapter 23-17.12 was repealed, effected January 1, 2018, and replaced with a new RIGL Chapter RIGL 27-18.9, effective January 1, 2018. This resulted in the transfer of the certification of Benefit Determination and Utilization Review from the Department of Health to the Office of the Health Insurance Commissioner. OHIC proposes this new regulation in order to clarify and implement this new area of OHIC’s jurisdiction.	NO, this regulation DOES NOT IMPACT small business	2019-05-15

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Post-Comment Draft	Narragansett Bay Commission	Use of the Wastewater Facilities	Amendment	0			2019-05-16
Post-Comment Draft	Environmental Management	User Fees at State Beaches, Parks and Recreational Areas	Adoption	1	The rule changes fees for camping and park use at state campgrounds and parks and creates tiering for camping rates.	NO, this regulation DOES NOT IMPACT small business	2019-05-22
Post-Comment Draft	Agricultural Lands Preservation Commission	Rules and Regulations of the Agricultural Lands Preservation Commission	Amendment	21	1) The current rules contain many provisions that would be better suited in a guidance document. Removing these provisions will make the rules easier to understand and comply with. 2) The Commission wishes to update its scoring system by eliminating some criteria that it no longer believes to be useful. 3) Allow for greater flexibility in the administration of the program so that staff resources may be used more efficiently.	NO, any small business impact is POSITIVE	2019-05-22
Emergency	Human Services	Child Care Assistance Program	Amendment	0	To fulfill the requirements of the Federal Re-Authorization, as well as reflect the RI State Plan for Child Care. Also, working and training terminology has been updated or added to provide clarification of the program expectations regarding providers. Changes have been implemented in order to increase grace periods for the homeless population and for parents who experience temporary loss of employment. Minor changes have been made to keep in line with the October, 2017 updates and to align with current licensing regulations. Finally, to implement federally mandated 2019 Federal Poverty Level figures.	NO, this regulation DOES NOT IMPACT small business	2019-05-24

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Post-Comment Draft	Coastal Resources Management Council	RI Coastal Resources Management Program – Salt Pond Region SAMP	Amendment	0			2019-05-29
Direct Final	Executive Office of Health and Human Services	Medicaid for Elders and Adults with Disabilities- Integrated Coverage Groups	Amendment	0	CMS sent updated spousal impoverishment numbers on 5.30.19 to be effective 7.1.19	NO, this regulation DOES NOT IMPACT small business	2019-05-31
Post-Comment Draft	Environmental Management	RI Falconry Regulations for the Season (250-RICR-60-00-7)	Amendment	4			2019-06-03
Post-Comment Draft	Business Regulation	Rules and Regulations for Landscape Architects	Amendment	0			2019-06-04
Post-Comment Draft	Administration	Certification and Decertification of Veteran Business Enterprises by the State of Rhode Island and Participation by Veteran Business Enterprises in State Purchases of Goods and Services and Public Works Projects	Adoption	8			2019-06-05
Post-Comment Draft	Environmental Management	Hunting and Trapping Regulations for the 2019 - 2020 and 2020 - 2021 Seasons (250-RICR-60-00-9)	Amendment	10	To set season and bag limits for the 2019 - 2020 and 2020 - 2021 seasons	NO, this regulation DOES NOT IMPACT small business	2019-06-10
Post-Comment Draft	Environmental Management	Fishing Regulations for the Season	Amendment	10	The purpose for this regulatory action / change is to update the upcoming Freshwater Fishing season with the correct season dates and bag limits.	NO, this regulation DOES NOT IMPACT small business	2019-06-10
Preliminary Draft	Coastal Resources Management Council	RICRMP: Ocean SAMP – Chapter 11 –Policies of the Ocean SAMP	Amendment	1	To amend policies and standards of Ocean SAMP Chapter 11 to improve predictability of state permitting and federal consistency review process for offshore renewable energy projects.	NO, this regulation DOES NOT IMPACT small business	2019-06-11

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Post-Comment Draft	Executive Office of Health and Human Services	Rlte Share Premium Assistance Program	Amendment	26	The enacted SFY 2019 budget amended RIGL Chapter RIGL 40-8.4-12 to expand the population that is included in the Rite Share program, to adults that are aged 19-64 years old, without dependent children. EOHHS proposes this amendment to the applicable regulation to effectuate the expansion as soon as feasible.	NO, this regulation DOES NOT IMPACT small business	2019-06-17
Post-Comment Draft	Environmental Management	PART 37 - Rhode Island's Low-Emission Vehicle Program	Amendment	0			2019-06-24