



OFFICE OF MANAGEMENT & BUDGET

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To: Governor Gina M. Raimondo
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Senate President Dominick J. Ruggerio

From: Erik Godwin, Director of the Office of Regulatory Reform

Subject: Office of Regulatory Reform Quarterly Report: FY 2020 Q4

FY 2020 Quarter 4 Report: April 1, 2020 – June 30, 2020

Quarterly Summary Data

Total Submissions by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 9
- Regular Rulemaking, Post-Comment Review: 19
- Direct Final Rulemaking: 6
- Emergency Rulemaking: 45

Unique Regulations by Type of Action

- Adoption: 18
- Amendment: 42
- Repeal: 0

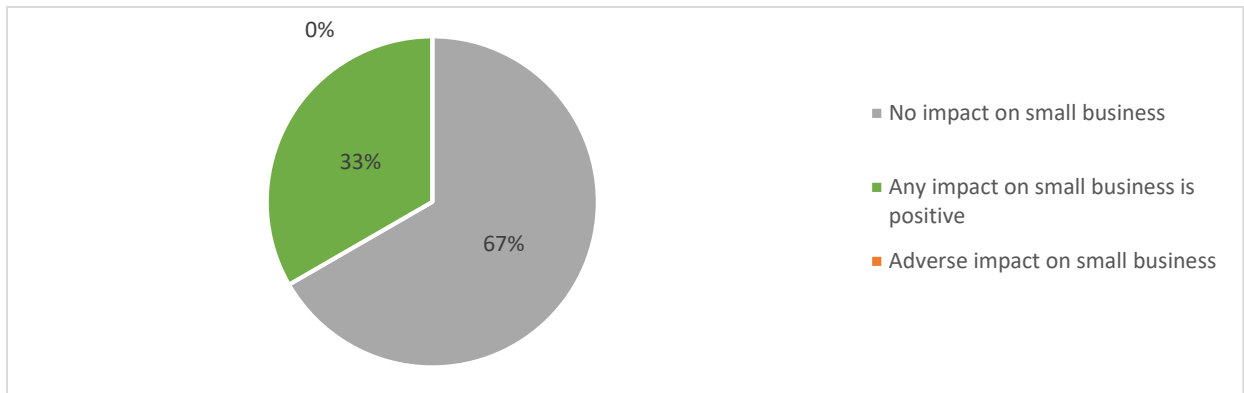
ORR Review Time by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 12.7 days
- Regular Rulemaking, Post-Comment Review: 1.4 days
- Direct Final Rulemaking: 5.2 days
- Emergency Rulemaking: 2.8 days

ORR Interventions

- Submissions where analysis was changed: 3.8%
- Submissions where regulatory language was changed: 41.8%

Small Business Impact Analysis



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

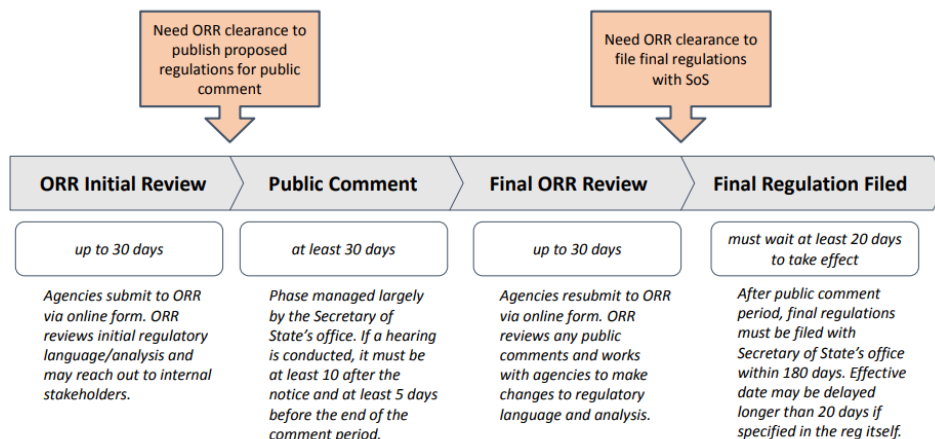
Regulatory Oversight

As part of the Office of Management and Budget, the Office of Regulatory Reform’s (ORR) mission is to review new and amended regulations with a focus on minimizing adverse impacts on Rhode Island businesses, large and small. Since February 2015, ORR has been operating under [Executive Order 15-07](#), which requires all Executive Branch regulations to be reviewed by ORR using a model similar to the federal regulatory model. EO 15-07 outlines a process to ensure regulations are not imposing unnecessary burdens on businesses and citizens.

Prior to EO 15-07 the Director of Regulatory Reform had the authority to intervene on any individual regulatory or permitting issue. With the new process dictated by Executive Order agencies must submit all of their proposed regulatory actions to ORR providing a systematic way to address regulatory issues. ORR reviews an agency’s regulatory package, and if approved, those proposed rules and impact statements go through a public comment process. Any input from that process goes directly back to ORR for final consideration. Below is an outline of 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
Direct Final	Environmental Management	PART 5 – Lobsters, Crabs and Other Crustaceans	Amendment	12	1. Change “bycatch” to “incidental catch” for American lobster (section 5.8.1(L): Change proposed consistent with proposed addition of term “incidental catch” in Part 1, and changes to sections 3.29.2(B)(3) and 4.12.2(J)(2). Propose change is non-substantive in nature, meant to clarify only. 2. Clarify control date for Horseshoe Crab (section 5.10(I): Clarify that rule as no bearing at this time, but that date may be used for future management purposes. Propose change is non-substantive in nature, meant to clarify only. 3. Correct rules for Jonah Crab consistent with the FMP (section 5.11(B): Proposed changes for consistency with the FMP. Propose change is non-substantive in nature, meant to clarify only. 4. Clarify control date for Atlantic Rock Crab (section 5.12(A): Clarify that rule as no bearing at this time, but that date may be used for future management purposes. Propose change is non-substantive in nature,	NO, this regulation DOES NOT IMPACT small business	2020-04-01

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					meant to clarify only. 5. Other non-substantive clarifications		
Emergency	Human Services	CHILD CARE ASSISTANCE PROGRAM RULES AND REGULATIONS DUE TO COVID-19	Adoption	2	COVID-19 and National/ State Emergency		2020-04-01
Preliminary Draft	Environmental Management	PART 4 – Shellfish	Amendment	9	1. Whelk minimum size (section 4.9(G): Proposal to delete shell length and add option of shell height or shell width as metric to measure whelk minimum size, and to provide language to specify how to measure width and height. 2. Clarification of boundary descriptions of Shellfish Management Areas (section 4.12.2): Proposed addition of coordinates (latitude and longitude decimal degrees) to area descriptions for Shellfish Management Areas, in order to more accurately describe these areas. No significant changes to area boundaries are proposed, however small changes may result due to changes to landmarks used in the descriptions. Common landmark descriptions are proposed to remain, with amendments proposed in instances where landmarks have changed (i.e., are no longer present). The following shellfish management areas will be included in this proposed amendment: 3. Change “bycatch” to “incidental catch” for Sakonnet River bay quahaug possession limit (section 4.12.2)J(2): Change proposed consistent with proposed addition of term “incidental catch”	NO, this regulation DOES NOT IMPACT small business	2020-04-01

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					in Part 1, and changes to sections 3.29.2(B)(3) and 5.8.1(L)(1). Propose change is non-substantive in nature, meant to clarify only. 4. Other non-substantive clarifications		
Preliminary Draft	Administration	PART 6 – Negotiation	Amendment	19	The reason for this regulatory change is to increase government transparency by releasing proposals and rationale for the selection of a vendor sooner in the procurement process. These records would be available for release at time of tentative selection instead of at time of award of the contract. This amendment will increase transparency and will also allow any protests to be submitted prior to the issuance of a contract. Under the current process, if the records are not released until issuance of a contract, the State's Chief Purchasing Officer is placed in a difficult position where a contract may need to be cancelled in order to resolve a protest. Releasing the records sooner in the process will allow protests to be resolved prior to a final award. Finally, this change is concurrent with the implementation of the Ocean State Procures system which will facilitate these records being posted on the Division's website further increasing government transparency.	NO, this regulation DOES NOT IMPACT small business	2020-04-01
Emergency	Environmental Management	Park and Management Area Rules and Regulations	Amendment	0	To give the RIDEM Director discretion to close or alter the operating hours of the state's parks, beaches, and management areas during the COVID_19 emergency.		2020-04-02

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 6 – General Equipment Provisions	Amendment	1	1. Liberalize date which triggers use of 6" mesh size when trawling in the upper bay (section 6.8.2(D)(2): Industry proposal to change date from November 1 to December 1 to provide for improved access to mantis shrimp fishery. 2. Establish permit application form for commercial fyke net operations (section 6.8.4(A) and (B): Require a permit application form for record-keeping purposes for the issuance of commercial fyke net permits issued by the Division, consistent with process established for all other permits types issued by the Division. There is no change to eligibility requirements proposed. 3. Clarify locations of floating fish traps (section 6.8.6(P): Replace verbiage in rule which does not provide for precise locations with a table and coordinates to clarify locations. All operators have been notified of the proposed coordinates with opportunity provided to offer feedback. No objections were received. 4. A few other non-substantive clarifications.	NO, any small business impact is POSITIVE	2020-04-03
Direct Final	Environmental Management	Part 1 – Definitions and General Provisions	Amendment	1	1. Weekly and bi-weekly possession limits (section 1.6(E): Provide a standardized rule regarding aggregate (e.g., weekly, bi-weekly) possession limits to address instances when the sub-period opens and/or closes on a shortened week or bi-week (e.g., Summer Flounder Aggregate, Bluefish). Proposed change is non-substantive	NO, this regulation DOES NOT IMPACT small business	2020-04-03

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					<p>in nature, meant only to provide for standardization of applicability of rules. 2. Proposed addition/deletion of terms (section 1.7):</p> <ul style="list-style-type: none"> • “Bi-week” as it applies to possession limits to mean a two week period rather than a twice/week. • “Circle hooks”: Term is currently defined in Part 3, section 3.19.2 “Coastal sharks”; re-locating to Part 1 where all terms are located. • “Incidental catch” to differentiate from “bycatch”. • “Whelk pot” to replace “conch pot”. All instances of “conch pot” in Part 4 – Shellfish have previously been changed to “whelk pot”. <p>3. Addition of species to species list (section 1.9): Proposed addition of “American shad”, Atlantic salmon”, “Atlantic sturgeon”, “River herring”, and “Weakfish”.</p>		
Emergency	Environmental Management	Fishing Regulations for the Season	Amendment	0	<p>The purpose of the justification is the protection of public health from imminent peril. Traditionally, the opening day of freshwater fishing season generates high public participation and crowded conditions in many public fishing areas. Given the unanticipated occurrence of the COVID-19 pandemic, and the Centers for Disease Control and Prevention guidelines for “social distancing” to minimize transmission of the virus, DEM seeks to eliminate/reduce to the greatest extent possible the crowded conditions of opening day for the 2020 freshwater fishing</p>		2020-04-03

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					season by timing the opening of fishing season to April 1, 2020, an earlier, mid-week opportunity. This change is designed to support a more gradual opening to the freshwater fishing season, lessening the crowding that poses a risk to public health from COVID-19.		
Emergency	Executive Office of Health and Human Services	MEDICAID PROGRAM INSTITUTIONS FOR MENTAL DISEASES	Adoption	0	This is a new regulation created to address ways to indentify IMDs		2020-04-06
Emergency	Children, Youth and Families	CHILD PROTECTIVE SERVICES	Amendment	7	The Department of Children, Youth and Families is proposing an emergency amendment to the Child Protective Services regulation to minimize face to face contact between families and Department Child Protective Investigators unless there is a determination that the child or youth is at substantial risk of harm and face to face contact is essential.		2020-04-06
Post-Comment Draft	Executive Office of Health and Human Services	Medicaid Integrated Health Care Coverage, SSI Financial Eligibility Determinations	Amendment	0			2020-04-06
Post-Comment Draft	Business Regulation	Rules and Regulations for Professional Engineering	Amendment	1	The Board of Registration for Professional Engineers ("Board") has been issuing registrations to professional engineers ("PEs") by specific discipline since 1994. In accordance with R.I. Gen. Laws § 5-8-3(c), the Board currently recognizes seven (7) engineering disciplines: civil, chemical, electrical, mechanical, structural, environmental, and fire protection. However, the Board regularly receives applications for persons	NO, any small business impact is POSITIVE	2020-04-07

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					<p>who have passed exams and are seeking licensure in the other nine (9) disciplines for which national licensing exams are offered. As of data reported in 2016, RI offered the least number of national exams in the state (5 of the 7 recognized disciplines), closely followed only by Hawaii which tested for 1 more discipline. Currently, the National Council of Examiners for Engineers and Surveyors (NCEES), which prepares and administers all national engineering and surveying licensing exams. NCEES has committed to converting all exams to computer-based exams by 2024, which will continue to make it easier for RI based applicants to have access to all of the tests. In accordance with the authority granted to the Board and the Department in R.I. Gen. Laws § 5-8-3, the Board has decided to registered PEs in all disciplines for which NCEES offers PE exams. In addition to these amendments, the Board also updated out-of-date information, and added a definition and fee table for increased clarity and transparency within the licensing process.</p>		
Preliminary Draft	Environmental Management	PART 3 – Finfish	Amendment	15	<p>1. Require use of circle hooks for recreational striped bass management (section 3.9.1(E): FMP compliance matter. Required January 1, 2021. 2. Clarify control date for commercial Summer flounder (section 3.10.2(G): Clarify</p>	NO, any small business impact is POSITIVE	2020-04-07

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					<p>that rule as no bearing at this time, but that date may be used for future management purposes. Propose change is non-substantive in nature, meant to clarify only. 3. Re-establish sub-period dates for commercial Bluefish possession limit: Consistent with proposed changes to section 1.6(E). Propose change is non-substantive in nature, meant to clarify only. 4. Amend sections 3.13.2 (commercial American plaice), 3.20.1 (commercial Cod), 3.21.2 (commercial Haddock), 3.24.2 (commercial Pollock), 3.28.2 (commercial Yellowtail flounder), and 3.31.2 (commercial Witch flounder) to replace language for minimum sizes and possession limits with language referencing federal rules (Code of Federal Regulations): Proposed amendment provides for consistency with federal rules. Propose change is non-substantive in nature, meant to clarify only. 5. Change "bycatch" to "incidental catch" for Weakfish (section 3.29.2(B)(3): Change proposed consistent with proposed addition of term "incidental catch" in Part 1, and changes to sections 4.12.2(J)(2) and 5.8.1(L)(1). Propose change is non-substantive in nature, meant to clarify only. 6. Other non-substantive clarifications.</p>		

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Direct Final	Environmental Management	Rules and Regulations Governing the Importation of Domestic Animals	Amendment	8	To update the standard for animals being imported for the purpose of fair, show or exhibition, including the addition of a definition of "Responsible party," as well as to update outdated hyperlinks, addresses, and terminology.	NO, this regulation DOES NOT IMPACT small business	2020-04-09
Emergency	Health	Enforcement of Certain COVID-19-Related Executive Orders	Adoption	0	To restrict the spread of COVID-19 and assure the public health, safety, and welfare by promoting compliance and deterring noncompliance with the Executive Orders.		2020-04-09
Emergency	Environmental Management	Direct Sale Dealer License	Adoption	0	To establish a temporary Direct Sale Dealer License to address, on a limited basis, the economic hardship faced by the commercial fishing and seafood industries as a result of the COVID-19 pandemic.		2020-04-17
Post-Comment Draft	Coastal Resources Management Council	RI Coastal Resources Management Program – Red Book	Amendment	2	The CRMC proposed to amend the Red Book shoreline protection section, § 1.3.1(G), in its entirety to provide coastal property owners with alternative non-structural and hybrid shoreline protection options, and to supplement existing structural shoreline protection provisions within the section. The amendments include new and modified definitions in § 1.1.2(A) associated with shoreline protection. There are additional amendments throughout other sections of the Red Book to simplify existing language and provide better clarity and specificity regarding policies and standards, and other proposed changes to correct text and citations.	NO, this regulation DOES NOT IMPACT small business	2020-04-17

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Emergency	Health	Emergency Medical Services	Amendment	0	To allow EMS practitioners to collect specimens to test for the presence of COVID-19.		2020-04-18
Emergency	Human Services	Rhode Island Works Program Rules and Regulations	Amendment	7	COVID-19 and National / State Emergency		2020-04-20
Emergency	Health	Pharmacist, Pharmacies, and Manufacturers, Wholesalers and Distributors	Amendment	0	To prevent delays in necessary actions to combat the COVID-19 emergency response related to pharmacy practices and procedures.		2020-04-21
Emergency	Business Regulation	Department of Business Regulation Medical Marijuana Program Emergency Regulations – Extension of Expired Registry Identification Cards	Adoption	22	In Rhode Island, licensed compassion centers may only sell medical marijuana to qualifying registered patients, registered caregivers and authorized purchasers who possess a valid registry identification card in accordance with the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act, R.I. Gen. Laws § 21-28.6-1, et seq. (the “Act”) and the regulations promulgated thereunder by the Department of Business Regulation (“Department”) and the Rhode Island Department of Health (“RIDOH”). Pursuant to R.I. Gen. Laws § 21-28.6-5, the Department registers primary caregivers and qualifying patients and authorized purchasers are registered by RIDOH. As a result of the State of Emergency issued by Governor Gina M. Raimondo on March 9, 2020, (Executive Order 20-02), these registry identification cardholders may not be able to renew registry identification cards that have expired since March 1, 2020. The inability to renew these		2020-04-22

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					registry identification cards would prevent licensed compassion centers from selling medical marijuana to anyone with an expired registry identification card.		
Emergency	Health	Medical Marijuana Program	Amendment	21	As a result of the State of Emergency issued by Governor Gina M. Raimondo on March 9, 2020, (Executive Order 20-02), the registry identification cardholders may not be able to renew registry identification cards that have expired since March 1, 2020. The inability to renew these registry identification cards would prevent qualified patients, primary caregivers and authorized purchasers from obtaining medical marijuana. Accordingly, the Department has prepared these emergency regulations to extend the expiration date of any caregiver or authorized registry identification cards that expired or expires on or after March 1, 2020 until June 30, 2020.		2020-04-22
Preliminary Draft	Executive Office of Health and Human Services	MEDICAID PROGRAM INSTITUTIONS FOR MENTAL DISEASES	Adoption	0	The State of Rhode Island Executive Office of Health and Human Services (EOHHS), as the single state agency responsible for the State of Rhode Island's Medicaid Program, has an ongoing mandate to review compliance with federal requirements. This includes Institutions for Mental Disease (IMD) determinations. 42 CFR 435.1010 provides that any hospital, nursing facility, or other institution of more than sixteen (16)	NO, this regulation DOES NOT IMPACT small business	2020-04-23

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					beds, that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, including medical attention, nursing care, and related services shall be considered an IMD and be excluded from Medicaid reimbursement. The purpose of this new regulation is to outline the process by which EOHHS shall identify facilities that are at risk of becoming IMDs and the course of action to be taken if a facility is identified as an IMD. EOHHS shall make the final determination as to whether any hospital, nursing facility, or other institution of more than sixteen (16) beds is an IMD.		
Emergency	Executive Office of Health and Human Services	Post-Eligibility Treatment of Income (PETI)	Amendment	5	COVID		2020-04-29
Emergency	Executive Office of Health and Human Services	Medicaid MAGI Financial Eligibility Determinations and Verification During a COVID Emergency	Adoption	5	COVID		2020-04-29
Emergency	Executive Office of Health and Human Services	Medicaid and Children's Health Insurance Program (CHIP) Non-Financial General Eligibility Requirements	Amendment	5	Will ensure access to care during COVID-19 Emergency		2020-04-29
Preliminary Draft	Health	Newborn Metabolic, Endocrine, and Hemoglobinopathy Screening Program and Newborn Hearing Loss Screening Program	Amendment	22	Requires screening for Spinal Muscular Atrophy (SMA)	NO, this regulation DOES NOT IMPACT small business	2020-04-29
Emergency	Human Services	Supplemental Nutrition Assistance Program	Amendment	3	COVID-19		2020-04-30

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Emergency	Executive Office of Health and Human Services	Medically Needy Eligibility	Amendment	6	COVID		2020-04-30
Emergency	Human Services	Child Care Center, Family Child Care Home and Group Family Child Care Home Licensing Changes Due to COVID-19	Adoption	1	COVID-19 and National/State Emergency		2020-05-01
Emergency	Children, Youth and Families	CHILD PROTECTIVE SERVICES	Amendment	3	To minimize the potential spread of Coronavirus and conduct essential contact within the social distancing guidelines from the Rhode Island Department of Health.		2020-05-01
Direct Final	Environmental Management	Rules and Regulations for Dam Safety	Amendment	5	To add a specific definition for "Control structure"	NO, this regulation DOES NOT IMPACT small business	2020-05-05
Emergency	Human Services	Child Care Center, Family Child Care Home, and Group Family Child Care Home Licensing Changes Due to COVID-19	Adoption	0	COVID-19 and Rhode Island State of Emergency		2020-05-06
Emergency	Health	Safe Activities By covered Entities During the COVID-19 Emergency	Adoption	0	Establishing certain criteria for safe activity by and at certain entities in Rhode Island during the COVID-19 state of emergency in the interest of the public's health.		2020-05-07
Post-Comment Draft	Environmental Management	Rhode Island State Pilotage Commission Rules and Regulations	Amendment	0			2020-05-08
Emergency	Human Services	General Public Assistance Program Related to COVID-19	Adoption	27	COVID-19 and the National/State Emergency		2020-05-13
Preliminary Draft	Environmental Management	"Control of Volatile Organic Compounds from Architectural and Industrial Maintenance Coatings	Amendment	12	Rhode Island is a member state of the Ozone Transport Commission (OTC), an organization set up by Congress under the Clean Air Act (CAA) which is composed of 13 entities in the Northeast and mid-Atlantic regions. The OTC	NO, any small business impact is POSITIVE	2020-05-13

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					<p>developed model rules for the member states to use to reduce the emissions of ground-level ozone precursors. Adoption of OTC Model Rules by all member States ensures regulatory consistency throughout the region to address these pollutants. RI adopted the most recent AIM VOC emissions limitations from the OTC model rule in 2018. These limitations have not been adopted in Massachusetts creating an unfair economic advantage for bordering retailers located in RI. In particular the wood coatings emissions limitations and specialty primer emissions limitations are problematic. Professionals using the lower VOC coatings in these categories have reported that the lower VOC coatings are inferior products not producing the same result and, in many instances, are travelling to neighboring Massachusetts retail locations to purchase the higher VOC products for use in RI. Retail locations bordering Massachusetts have reported a drop in sales of these particular products because the low-VOC product is inferior, and professionals can easily obtain the higher VOC coatings by crossing the state line to purchase.</p>		
Post-Comment Draft	Environmental Management	Part 6 – General Equipment Provisions	Amendment	0			2020-05-18

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Post-Comment Draft	Environmental Management	Part 1 – Definitions and General Provisions	Amendment	0			2020-05-18
Emergency	Health	Safe Operations of Summer Camps During the COVID-19 Pandemic	Adoption	0	Establishing criteria for summer camps to operate in Rhode Island during the COVID-19 state of emergency.		2020-05-20
Emergency	Taxation	Withholding for Employees Working Remotely During the COVID-19 State of Emergency	Adoption	0	The purpose of these rules and regulations is to provide guidance to employers who have implemented remote working requirements for their employees, some of whom are performing services on behalf of their employer from a location outside the state where their employees were based prior to the COVID-19 State of Emergency.		2020-05-20
Emergency	Accountancy	Rules and Regulations for the Rhode Island Board of Accountancy	Amendment	2	Without these emergency regulations, some Certified Public Accountants (“CPAs”) will not be able to comply with the existing Continuing Professional Education (“CPE”) rules. Non-compliance with CPEs in the absence of these emergency regulations could harm the public interest by reducing the number of qualified CPAs available to retain for critical services. These emergency regulations modernize the rules and ease compliance burdens for CPAs to prevent a reduction in number of active licensees. These emergency regulations also provide a regulatory environment that supports efforts to build CPA competence through expanded virtual learning to maintain public		2020-05-20

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					trust in the profession. Retaining licensed CPAs in the profession and furthering their competence through virtual CPE are critical goals in furtherance of public welfare. CPAs provide critical services that address business and personal financial interests of Rhode Islanders. Such services are especially important during a health pandemic that has been hard-hitting to financial interests of some Rhode Islanders.		
Post-Comment Draft	Human Services	Group Family Child Care Home Regulations for Licensure	Amendment	3	Changes are being made to incorporate the DHS Corrective Action Plan for the Child Care Development Fund Plan (FY2019 – 2021) as approved by the Federal Administration for Children and Families. The State of Rhode Island has been out of compliance with the requirements of the Child Care and Development Block Grant (CCDBG) since the expiration of our waiver (September 30, 2019). Full implementation of the CCDBG Final Rule was required by October 1, 2019. The implementation delay occurred during the transfer of authorization from DCYF to DHS.	NO, this regulation DOES NOT IMPACT small business	2020-05-21
Post-Comment Draft	Human Services	Family Child Care Home Regulations for Licensure	Amendment	3	Changes are being made to incorporate the DHS Corrective Action Plan for the Child Care Development Fund Plan (FY2019 – 2021) as approved by the Federal Administration for Children and Families. The State of Rhode Island has been out of compliance with the requirements of the Child Care	NO, this regulation DOES NOT IMPACT small business	2020-05-21

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					and Development Block Grant (CCDBG) since the expiration of our waiver (September 30, 2019). Full implementation of the CCDBG Final Rule was required by October 1, 2019. The implementation delay occurred during the transfer of authorization from DCYF to DHS.		
Emergency	Health	Safe Activities by Covered Entities During the COVID-19 Emergency	Amendment	0	Establishing certain criteria for safe activity by and at certain entities in Rhode Island during the COVID-19 state of emergency in the interest of the public's health.		2020-05-22
Emergency	Health	Licensing of Nursing Facilities	Amendment	1	Due to the dangers to health and life posed by COVID-19, and to support long term care settings (LTS), where there are critical health care worker staffing challenges and to allow for rapid recruitment, training, credentialing and placement of these workers into critical settings, the requirement of national criminal records check can be completed within 30 days of employment.		2020-05-26
Emergency	Environmental Management	Port Operations Regulations and Berthing Management System	Amendment	0	The purpose of this emergency amendment is to align the regulations governing dockside sales at Pier 9 in Newport with the new, statewide licensing opportunities for direct sales of seafood afforded by 250-RICR-90-00-15. The alignment addresses, on a limited basis, the COVID-19-based economic hardships facing the RI commercial and seafood industry, and food insecurities facing RI consumers, by supporting the		2020-05-28

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					development of new, local supply chains for RI seafood.		
Post-Comment Draft	Health Insurance Commissioner	Powers and Duties of the Office of the Health Insurance Commissioner	Amendment	16	The Office of the Health Insurance Commissioner is revising its Affordability Standards. The Affordability Standards are designed to improve the affordability of health insurance by ensuring that health insurance companies regulated by OHIC are taking necessary action to improve the efficiency and quality of health care in the state. As part of its statutory powers and duties (RIGL 42-14.5 et seq.), OHIC has set several requirements for insurers which embrace increased investments in primary care and practice transformation, expanded use of alternative payment models, and regulatory guardrails on provider contracting which seek to limit cost inflation. OHIC periodically revises the Standards to bring them up to date with emerging approaches to improving health care delivery. Furthermore, Rhode Island residents and employers continue to struggle with cost of health care. The revised Standards incorporate new policies to address the cost and quality of health care.	NO, this regulation DOES NOT IMPACT small business	2020-05-28
Preliminary Draft	Accountancy	ules and Regulations for the Rhode Island Board of Accountancy	Amendment	2	The Rhode Island Board of Accountancy ("Board") has proposed these amendments to the Continuing Professional Education ("CPE") provisions of its regulation in §§ 1.2 and 1.8. These	NO, any small business impact is POSITIVE	2020-05-28

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					amendments were promulgated as emergency amendment effective on May 21, 2020. Through this full rulemaking, the Board is proposing to make these amendments permanent. The proposed amendments modify the Continuing Professional Education (CPE) requirements for Certified Professional Accountants (CPAs) by: streamlining the requirements to make compliance easier for CPA licensees; incorporating the updated national CPE standards which allow for virtual learning; and providing a mechanism for CPAs to request extensions of time to complete CPEs during the current or future state of emergencies declared by the Governor.		
Emergency	Health	Licensing of Aquatic Venues	Amendment	0	To provide instructions to licensed pool operators for how to operate during COVID-19		2020-05-29
Emergency	Health	Safe Activities by Covered Entities	Amendment	0	Establishing certain criteria for safe activity by and at certain entities in Rhode Island during the COVID-19 state of emergency in the interest of the public's health.		2020-06-01
Post-Comment Draft	Environmental Management	Produce Safety Rule	Amendment	0			2020-06-01
Emergency	Health	Licensing Adult Day Care Programs	Amendment	0	To provide operation instructions to Adult Day Care Centers during the COVID-19 Pandemic		2020-06-03
Emergency	Human Services	Supplemental Nutrition Assistance Program	Amendment	0	COVID-19		2020-06-03
Post-Comment Draft	Environmental Management	Fishing Regulations for the season	Adoption	0	The purpose for this regulatory action / change is to update the upcoming Freshwater Fishing	NO, this regulation DOES NOT IMPACT small business	2020-06-04

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					season with the correct season dates and bag limits.		
Post-Comment Draft	Environmental Management	RI Falconry Regulations for the Season	Adoption	0	The reason for this regulatory change is to make a minor change to make an exemption for Licensed Falconers able to possess Native Wildlife, Falcons without violating the regulations.	NO, this regulation DOES NOT IMPACT small business	2020-06-04
Post-Comment Draft	Environmental Management	R.I. Hunting and Trapping Regulations for the 2020 - 2021 and 2021 - 2022 Seasons	Adoption	0	To set season and bag limits for the 2020 - 2021 and 2021 - 2022 season.	NO, this regulation DOES NOT IMPACT small business	2020-06-04
Post-Comment Draft	Environmental Management	PART 3 – Finfish	Amendment	1			2020-06-04
Post-Comment Draft	Environmental Management	PART 4 – Shellfish	Amendment	1	1. Whelk minimum size (section 4.9(G): Proposal to delete shell length and add option of shell height or shell width as metric to measure whelk minimum size, and to provide language to specify how to measure width and height. 2. Clarification of boundary descriptions of Shellfish Management Areas (section 4.12.2): Proposed addition of coordinates (latitude and longitude decimal degrees) to area descriptions for Shellfish Management Areas, in order to more accurately describe these areas. No significant changes to area boundaries are proposed, however small changes may result due to changes to landmarks used in the descriptions. Common landmark descriptions are proposed to remain, with amendments proposed in instances where landmarks have changed (i.e., are	NO, any small business impact is POSITIVE	2020-06-05

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					no longer present). The following shellfish management areas will be included in this proposed amendment: 3. Change “bycatch” to “incidental catch” for Sakonnet River bay quahaug possession limit (section 4.12.2)J(2): Change proposed consistent with proposed addition of term “incidental catch” in Part 1, and changes to sections 3.29.2(B)(3) and 5.8.1(L)(1). Propose change is non-substantive in nature, meant to clarify only. 4. Other non-substantive clarifications		
Post-Comment Draft	Health	Newborn Genetic, Metabolic, Endocrine, and Hemoglobinopathy Screening Program and Newborn Hearing Loss Screening Program	Amendment	0			2020-06-08
Post-Comment Draft	Executive Office of Health and Human Services	MEDICAID PROGRAM INSTITUTIONS FOR MENTAL DISEASES	Adoption	0			2020-06-10
Post-Comment Draft	Executive Office of Health and Human Services	Medicaid MAGI Financial Eligibility Determinations and Verification	Amendment	0	Federal compliance	NO, any small business impact is POSITIVE	2020-06-10
Emergency	Human Services	Child Care Assistance Program-Temporary Rate Enhancements For Licensed Providers During COVID-19 Reopening	Adoption	1	RI Executive Order 20-39 COVID-19 RI State of Emergency		2020-06-11
Direct Final	Business Regulation	Standards for Safeguarding Customer Information	Amendment	4	The Department is proposing these direct final amendments to correct citations to R.I. Gen. Laws Chapter 11-49.2, the Identity Theft Protection Act of 2005, which was repealed in 2015 and replaced with R.I. Gen. Laws Chapter 11-49.3, the	NO, any small business impact is POSITIVE	2020-06-12

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					Identity Theft Protection Act of 2015. See P.L. 2015, ch. 138, § 1; P.L. 2015, ch. 148, § 1.		
Emergency	Health	Licensing of Aquatic Venue	Amendment	0	To provide instructions to licensed pool operators for how to operate during COVID-19.		2020-06-15
Emergency	Environmental Management	Park and Management Area Rules and Regulations	Amendment	0	N/A		2020-06-17
Emergency	Environmental Management	Part 15 - Direct Sale Dealer License	Adoption	0	To establish a temporary Direct Sale Dealer License to address, on a limited basis, the economic hardship faced by the commercial fishing and seafood industries as a result of the COVID-19 pandemic.		2020-06-17
Emergency	Health	Medical Marijuana Program	Amendment	0	As a result of the State of Emergency issued by Governor Gina M. Raimondo on March 9, 2020, (Executive Order 20-02), the registry identification cardholders may not be able to renew registry identification cards that have expired since March 1, 2020. The inability to renew these registry identification cards would prevent qualified patients, primary caregivers and authorized purchasers from obtaining medical marijuana. Accordingly, the Department has prepared these emergency regulations to extend the expiration date of any caregiver or authorized registry identification cards that expired or expires on or after March 1, 2020 until June 30, 2020.		2020-06-18
Emergency	Business Regulation	Department of Business Regulation Medical Marijuana Program	Amendment	0	This emergency regulation was adopted effective April 23, 2020, and the Department of Business		2020-06-18

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
		Emergency Regulations – Extension of Expired Registry Identification Cards			Regulation (“Department”) has amended this regulation to further extend expiration dates until July 31st. In Rhode Island, licensed compassion centers may only sell medical marijuana to qualifying registered patients, registered caregivers and authorized purchasers who possess a valid registry identification card in accordance with the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act, R.I. Gen. Laws § 21-28.6-1 et seq. (the “Act”) and the regulations promulgated thereunder by the Department and the Rhode Island Department of Health (“RIDOH”). Pursuant to R.I. Gen. Laws § 21-28.6-5, the Department registers primary caregivers while qualifying patients and authorized purchasers are registered by RIDOH.		
Emergency	Health	Regulations Regarding Communal Living Arrangements	Adoption	0	To provide operational information to business who provide communal living arrangements for their seasonal workers during the COVID-19 pandemic		2020-06-19
Emergency	Executive Office of Health and Human Services	Self-Directed Care	Amendment	2	Need for caregivers, especially during COVID		2020-06-19
Post-Comment Draft	Environmental Management	PART 33 – Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings	Amendment	0			2020-06-22
Emergency	Human Services	CHILD CARE CENTER, FAMILY CHILD CARE	Amendment	0	COVID-19 and the RI State Of Emergency		2020-06-23

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
		HOME AND GROUP FAMILY CHILD CARE HOME LICENSING CHANGES DUE TO COVID-19					
Emergency	Executive Office of Health and Human Services	Medicaid Integrated Health Care Coverage, SSI Financial Eligibility Determinations	Amendment	7	CMS just released number effective 7/1/20		2020-06-24
Emergency	Human Services	CHILD CARE CENTER, FAMILY CHILD CARE HOME AND GROUP FAMILY CHILD CARE HOME LICENSING CHANGES DUE TO COVID-19	Amendment	0	COVID-19 and the RI State Of Emergency		2020-06-29
Emergency	Health	Safe Activities by Covered Entities	Amendment	0	Establishing certain criteria for safe activity by and at certain entities in Rhode Island during the COVID-19 state of emergency in the interest of the public's health.		2020-06-30
Emergency	Labor and Training	PART 2 - EMERGENCY REGULATIONS FOR THE WAIVER OF EMPLOYEES' AND EMPLOYERS' DUTIES AND OBLIGATIONS DURING A POTENTIAL HEALTH THREAT RELATED TO THE INFECTIOUS COVID-19 VIRUS PURSUANT TO TITLE 28 OF RHODE ISLAND GENERAL LAWS	Adoption	0	These emergency rules and regulations: 1) add definitions which define the current potential threat to the health, safety, or resources of the people of the state created by the infectious "SARS-CoV-2 virus" which causes "Coronavirus Disease-2019" (COVID-19) as a state of emergency; 2) waive the waiting periods for unemployment insurance and temporary disability insurance benefits; and 3) waive the certification by a qualified healthcare provider for temporary disability insurance benefits eligibility.		2020-06-30

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Preliminary Draft	Education - Dept of Elem and Sec Ed	Certification of Educators in Rhode Island	Amendment	13	- Establishes regulations to enact fast-track principal legislation - Expands grade span of certificates to address and support districts' needs - Addresses Dept. of Justice mandates for Providence in the area of English as a Second Language - Broaden a certification pathways allowing for greater flexibility in becoming RI certified	NO, this regulation DOES NOT IMPACT small business	2020-06-30
Preliminary Draft	Public Transit Authority (RIPTA)	Rules of Conduct for RIPTA Passengers and Patrons	Adoption	22	To formally adopt agency practice and expectations of passenger conduct to ensure safety and well-being of the public and RITPA personnel. Setting clear expectations may also decrease the likelihood of disparate or unequal treatment.	NO, this regulation DOES NOT IMPACT small business	2020-06-30