



OFFICE OF MANAGEMENT & BUDGET

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To: Governor Daniel J. McKee
House Speaker K. Joseph Shekarchi
Senate President Dominick J. Ruggerio

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

Subject: Office of Regulatory Reform Quarterly Report: FY 2021 Q3

FY 2021 Quarter 3 Report: January 1, 2021 – March 31, 2021

Quarterly Summary Data

Total Submissions by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 21
- Regular Rulemaking, Post-Comment Review: 8
- Direct Final Rulemaking: 9
- Emergency Rulemaking: 68

Unique Regulations by Type of Action

- Adoption: 14
- Amendment: 84
- Repeal: 0

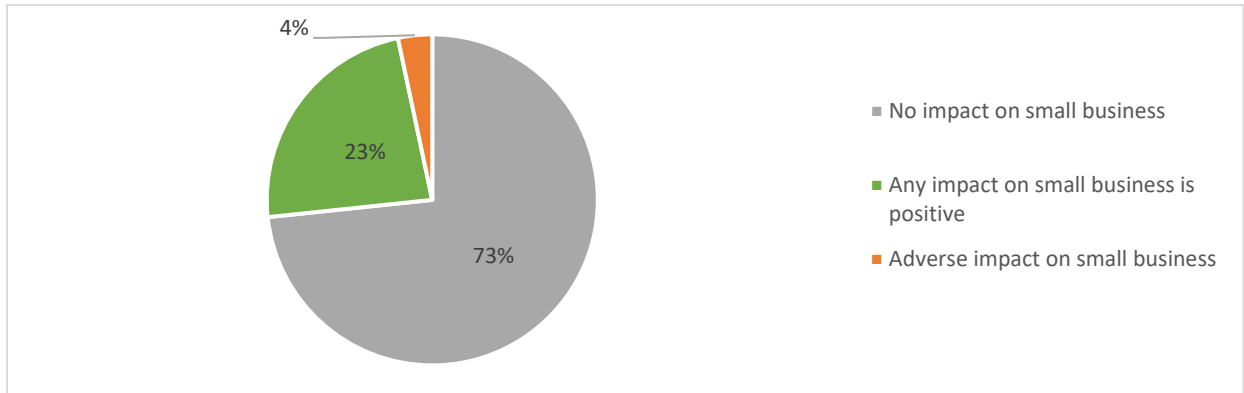
ORR Review Time by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 9.3 days
- Regular Rulemaking, Post-Comment Review: 1.1 days
- Direct Final Rulemaking: 10.3 days
- Emergency Rulemaking: 2.3 days

ORR Interventions

- Submissions where analysis was changed: 3.8%
- Submissions where regulatory language was changed: 14.2%

Small Business Impact Analysis



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

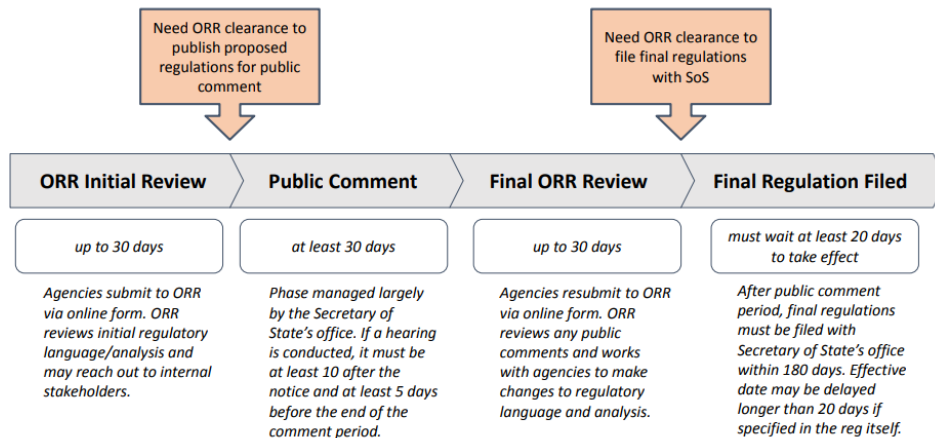
Regulatory Oversight

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
Post-Comment Draft	Labor and Training	PART 1 – Rhode Island State Labor Relations Board - Policies and Procedures	Amendment	0	The Rhode Island State Labor Relations Board amended its general rules and regulations in order to conform elections to COVID-19 mail ballot procedures under Part 1.14(R), conform to existing board procedures, and amend language for clarification.	NO, this regulation DOES NOT IMPACT small business	2021-01-05
Emergency	Executive Office of Health and Human Services	- Long-Term Services and Supports Application and Renewal Process	Amendment	1	Access to care during COVID -19 emergency		2021-01-07
Emergency	Executive Office of Health and Human Services	Medicaid LTSS overview and Eligibility Pathways	Amendment	1	Access to care during COVID-19 emergency		2021-01-07
Emergency	Executive Office of Health and Human Services	Working Adults with Disabilities	Amendment	1	Access to care during COVID-19 emergency		2021-01-07
Emergency	Executive Office of Health and Human Services	Managed Care Service Delivery Arrangements	Amendment	1	Access to care during COVID-19 emergency		2021-01-07
Emergency	Executive Office of Health and Human Services	Application and Renewal Process for IHCC Groups	Amendment	1	Access to care during COVID-19 emergency		2021-01-07
Emergency	Executive Office of Health and Human Services	Rite Share Premium Assistance Program	Amendment	1	Access to care during COVID-19 emergency		2021-01-07

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	Medicaid Managed Care Delivery Options	Amendment	1	Access to care during COVID-19 emergency		2021-01-07
Emergency	Executive Office of Health and Human Services	Medicaid Application and Renewal Process	Amendment	1	Access to care during COVID-19 emergency		2021-01-07
Emergency	Executive Office of Health and Human Services	Medicaid Payments for Out-of-State Care	Amendment	1	Access to care during COVID-19 emergency		2021-01-07
Emergency	Executive Office of Health and Human Services	Payments and Providers	Amendment	1	Access to care during COVID-19 emergency		2021-01-07
Emergency	Human Services	Child Care Center and School Age Program Regulations for Licensure	Amendment	0	The current language is not in compliance with CCDF regulations. This change is in accordance with 45 CFR 98.41(a)(1)(x) which requires "pediatric" first aid training.		2021-01-08
Emergency	Human Services	General Provisions	Amendment	0	COVID-19 and National / State Emergency		2021-01-08
Emergency	Human Services	General Public Assistance	Amendment	0	Due to a potential threat to public health and safety declared in the Emergency Executive Order as a result of COVID-19, the Department is waiving some requirements. As such, the provisions herein must be promulgated		2021-01-08
Emergency	Health	Licensing of Hospitals	Amendment	2	To ensure persons with disabilities are not denied support persons when visitation is restricted during the COVID-19 pandemic.		2021-01-08
Post-Comment Draft	Health	Food Code	Amendment	0			2021-01-08
Emergency	Human Services	Child Care Assistance Program Rules and Regulations Due to COVID-19	Adoption	0	Extending the existing Emergency Rule for the Child Care Assistance Program due to COVID-19 and the RI State of Emergency.		2021-01-11

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	Medicaid Long-Term Services and Supports: Financial Eligibility	Amendment	13	Implementing eligibility waivers/exemptions due to the COVID-19 PHE		2021-01-11
Emergency	Health	Licensing of Nursing Homes	Amendment	4	To require personnel be routinely tested in order to mitigate COVID-19		2021-01-12
Emergency	Health	Licensing of Nursing Homes	Amendment	4	To require nursing home residents be tested for COVID-19 once every seven days		2021-01-12
Post-Comment Draft	Health	Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health	Amendment	0	To correct for fees determined in statute and to memorialize RIDOH's licensing fee system into the regulation.	NO, this regulation DOES NOT IMPACT small business	2021-01-12
Emergency	Health	Licensing of Aquatic Venues	Amendment	0	To align with capacity requirements of EO 20-108		2021-01-13
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.		2021-01-14
Emergency	Health	Licensing of Aquatic Venues	Amendment	0	to align with capacity requirements of EO 20-108		2021-01-14
Emergency	Executive Office of Health and Human Services	Post-Eligibility Treatment of Income (PETI)	Amendment	24	Access to care, rebalancing efforts to increase Assisted Living utilization, come into federal compliance with how Assisted Living room and board is paid.		2021-01-14
Preliminary Draft	Health	Rules and Regulations Regarding Vital Records	Amendment	2	To allow self-attestation for persons born in RI requesting a gender change to a vital record. This process will eliminate the required notarized physician's letter to	NO, this regulation DOES NOT IMPACT small business	2021-01-14

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					accompany the signed affidavit. This proposal promotes an equitable process to amend the documents.		
Emergency	Children, Youth and Families	Child Protective Services	Amendment	4	The Child Protective Services regulation is being amended in response to the COVID-19 pandemic to allow for a longer response time for reports of child abuse and neglect if it is determined that the child is not at substantial risk of harm, and the perpetrator does not have access to the victim.		2021-01-15
Post-Comment Draft	Executive Office of Health and Human Services	Long-term Services and Supports (LTSS) Medically Needy Eligibility Pathway	Amendment	0			2021-01-15
Emergency	Human Services	Child Care Assistance Program - Temporary Rate Enhancements for Licensed Providers During COVID-19 Reopening	Adoption	1	COVID-19, the RI State of Emergency, and RI Executive Order 20-39		2021-01-20
Post-Comment Draft	Coastal Resources Management Council	Management Procedures	Amendment	1			2021-01-20
Direct Final	Health	Processing and Distribution of Shellfish	Amendment	14	To provide updates to references and minor tweaks to languages	NO, this regulation DOES NOT IMPACT small business	2021-01-22
Emergency	Human Services	General Public Assistance Program related to COVID-19	Adoption	0	The Department of Human Services is expanding some requirements during the Novel Corona Virus to prepare for the increased need of GPA Burial Assistance.		2021-01-22
Emergency	Health	Enforcement of Certain COVID-19 related Executive Orders	Amendment	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.		2021-01-22

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Emergency	Health	Clinical Laboratories and Stations	Amendment	0	Due to a shortage of medical technologists in testing COVID-19 samples, the minimum qualifications for personnel are being lowered.		2021-01-22
Preliminary Draft	Environmental Management	Part 24 Removal of Lead Based Paint from Exterior Surfaces	Amendment	11	The changes being proposed make definitions and applicability standards consistent with the Rhode Department of Health Lead Poisoning Prevention regulation, 216-RICR-50-15-3.	NO, this regulation DOES NOT IMPACT small business	2021-01-25
Preliminary Draft	Narragansett Bay Commission	Use of the Wastewater Facilities (835-RICR-20-00-1)	Amendment	14	This rule is being amended to comply with the NBC's revised RIPDES Permits issued by the RI Department of Environment Management (RIDEM); specifically to incorporate revised local limits that were preliminarily approved by RIDEM, and to provide clarification to existing sections in the rule and incorporate existing practices not currently delineated in the rule.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2021-01-25
Emergency	Human Services	Rhode Island Works Program Rules and Regulations	Amendment	1	COVID-19 and RI State Emergency		2021-01-26
Emergency	Health	INSTITUTIONS FOR HIGHER EDUCATION	Adoption	1	To provide IHE's procedures to reopen safely during COVID-19.		2021-01-27
Preliminary Draft	Human Services	Child Care Center and School Age Program Licensing Regulations	Amendment	1	The current language is not in compliance with CCDF regulations. This change is in accordance with 45 CFR 98.41(a)(1)(x) which requires "pediatric" first aid training.	NO, any small business impact is POSITIVE	2021-01-29
Preliminary Draft	Executive Office of Health and Human Services	Community Medicaid	Amendment	2	Including Williams settlement language explaining the steps of MART review and clarifying retro eligibility for QI-1 population	NO, this regulation DOES NOT IMPACT small business	2021-01-29
Direct Final	Environmental Management	Dealers	Amendment	9	Addition of rules currently contained in Part 2 "Commercial and Recreational Saltwater Fishing	NO, any small business impact is POSITIVE	2021-02-05

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					Licenses” (250-RICR-90-00-2) section 2.7.9 “Dealers Licenses”, in conjunction with simultaneous amendment to delete these rules from Part 2, for elimination of similar rules in different Parts and improved clarity of marine fisheries rules. There is no net effect or actual change to the rules resulting from this amendment.		
Direct Final	Environmental Management	Commercial and Recreational Saltwater Fishing Licensing Regulations	Amendment	9	1. Deletion of sections 2.7.9 “Dealers Licenses” and section 2.9 “Vessel regulations”, in conjunction with simultaneous amendments to re-locate these rules to Part 7 “Dealers” (250-RICR-90-00-7) and Part 1 “Definitions and General Provisions (250-RICR-90-00-1) respectively for elimination of similar rules in different Parts and improved clarity of marine fisheries rules. There is no net effect or actual change to the rules resulting from this proposed amendment.	NO, this regulation DOES NOT IMPACT small business	2021-02-05
Direct Final	Environmental Management	Definitions and General Provisions	Amendment	9	1. Minor re-structuring of rule and addition of regulations currently contained in section 2.9 of Part 2 - Commercial and Recreational Saltwater Fishing Licensing Regulations (in conjunction with deletion of section 2.9 in Part 2) for elimination of similar rules in different Parts and improved clarity of marine fisheries rules. 2. Addition of Shellfish and Marine Life Management Area descriptions currently contained in Part 4 – Shellfish and Part 6 - General Equipment Provisions for improved	NO, any small business impact is POSITIVE	2021-02-05

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					clarity of marine fisheries rules. Description of Shellfish and Marine Life Management Area descriptions currently contained in Part 4 – Shellfish and Part 6 - General Equipment Provisions are to be subsequently removed at a later date 3. Removal of terms “designated temperature control area”, medical incapacitation”, and “qualifying period” as terms are not currently found or used in marine fisheries (i.e., Chapter 90 – Marine Fisheries) regulations 4. Addition of term “recreational fishing” consistent with statute.		
Emergency	Health	Pharmacists, 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.		2021-02-08
Emergency	Health	Communal Living Arrangements	Amendment	0	To provide operational information to business who provide communal living arrangements for their seasonal workers during the COVID-19 pandemic		2021-02-08
Emergency	Health	Safe Activities by Covered Entities during the COVID-19 Emergency	Amendment	18	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.		2021-02-08
Post-Comment Draft	Health	Pharmacists, Pharmacies, and Manufacturers, Wholesalers, and Distributors	Amendment	5	The purpose of this regulation is to create definitions for active ingredient, auto substitute, covid-19 and dispense as written; It permits prescription drugs to be returned to a pharmacy in the event of a recall or medication error and the pharmacy must maintain a record of	NO, this regulation DOES NOT IMPACT small business	2021-02-08

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					returned medications and make the record available to the Department upon request; allows pharmacists to dispense an amount of non-controlled substance medication beyond the face amount not to exceed the total amount of authorized refills; allows for one-time emergency refill up to 90 days excluding schedules II, III, and IV drugs; allows pharmacists and pharmacy technicians to work remotely as operationally feasible; allows institutional pharmacies to store patients' personal medications in the patients' rooms; and permits certain pharmacy procedures in the event of a state of emergency.		
Direct Final	Human Services	Supplemental Security Income and State Supplemental Payment Rules and Regulations	Amendment	1	This Amendment is implementing the 2021 Cost-of-Living adjustment of 1.3% as determined by the Social Security Administration. This rule will update the Federal Benefit Rate provided by the SSA and implemented by the Executive Office of Health and Human Services (210-RICR-40-00-3 § 3.1.7), effective January 1, 2021.	NO, this regulation DOES NOT IMPACT small business	2021-02-10
Emergency	Executive Office of Health and Human Services	Medically Needy Eligibility	Amendment	1	Access to care during COVID-19 emergency		2021-02-10
Emergency	Executive Office of Health and Human Services	Medicaid MAGI Financial Eligibility Determinations and Verification During the COVID-19 Emergency	Amendment	1	Access to care during COVID-19 emergency		2021-02-10
Emergency	Human Services	Child Care Center, Family Child Care Home and	Adoption	1	COVID-19 and RI State of Emergency		2021-02-10

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
		Group Family Child Care Home Licensing Changes Due to COVID-19					
Emergency	Executive Office of Health and Human Services	Medicaid and Children's Health Insurance Program (CHIP) Non-Financial General Eligibility Requirements	Amendment	1	Access to care during COVID-19 emergency		2021-02-10
Emergency	Health	Licensing of Aquatic Venues	Amendment	3	To increase capacity for aquatic venues in accordance with EO 21-11		2021-02-15
Direct Final	Environmental Management	Rules and Regulations for Assessment of Administrative Penalties	Amendment	10	The purpose of this amendment is to correct an error that was made the last time this regulation was amended. The figures in the the column labeled "Type Of Violation: III" in the table in section 1.14(C) were wrong. They were most likely copied & pasted from the wrong place. The sole purpose of this amendment is to correct that error by replacing the erroneous figures in that column with the correct figures.	NO, this regulation DOES NOT IMPACT small business	2021-02-16
Preliminary Draft	Environmental Management	Control of Volatile Organic Compound Emissions from Fiberglass Boat Manufacturing	Amendment	6	Clarification of the definition of fiberglass boat manufacturing facility is needed as there is some confusion as to who the emissions limitations apply to as currently written. Addition of NAICS codes of affected sources, consistent with the CTG, and simplifying applicability language clarifies the intent of the rule.	NO, this regulation DOES NOT IMPACT small business	2021-02-16
Emergency	Human Services	Child Care Assistance Program Rules and Regulations	Amendment	1	Implementation of the 2021 increase to the Federal Poverty Level gross income guidelines for the Child Care Assistance Program eligibility and cost sharing levels.	NO, this regulation DOES NOT IMPACT small business	2021-02-20

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Direct Final	Business Regulation	RISBC 9 - Enforcement and Implementation Procedure for Projects Under the Jurisdiction of the State of Rhode Island	Amendment	10	The proposed changes serve to amend fee structure changes which were made in 2014, but never formally adopted and promulgated.	NO, this regulation DOES NOT IMPACT small business	2021-02-22
Emergency	Human Services	Family Child Care Home and Group Family Child Care Home Adjustments to Capacity During COVID-19	Adoption	1	COVID-19 Crisis and the RI State of Emergency		2021-02-23
Preliminary Draft	Human Services	Group Family Child Care Home Regulations for Licensure	Amendment	13	These changes were made to incorporate the DHS Corrective Action Plan for the Child Care Development Fund Plan (Fiscal Year 2019 – 2021) as approved by the Federal Administration for Children and Families. In addition, best practice has changed over the last fifteen years and the regulations for health and safety in child care need to be updated to reflect those changes.	NO, any small business impact is POSITIVE	2021-02-25
Preliminary Draft	Human Services	Family Child Care Home Regulations for Licensure	Amendment	13	These changes were made to incorporate the DHS Corrective Action Plan for the Child Care Development Fund Plan (Fiscal Year 2019 – 2021) as approved by the Federal Administration for Children and Families. In addition, best practice has changed over the last fifteen years and the regulations for health and safety in child care need to be updated to reflect those changes.	NO, any small business impact is POSITIVE	2021-02-25
Emergency	Health	Licensing of Aquatic Venues	Amendment	0	to align with capacity requirements in EO 21-8		2021-02-26
Emergency	Health	Licensing of Nursing Homes	Amendment	0	To require personnel be routinely tested in order to mitigate COVID-19		2021-02-26

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Emergency	Health	Safe Activities by Covered Entities During the COVID-19 Pandemic	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.		2021-02-26
Emergency	Environmental Management	Emergency Regulations Governing the Administration of Federal Fisheries Relief Funding Provided to the State of Rhode Island Under the CARES Act	Adoption	0	The purpose of these rules and regulations is to administer the \$3,267,923 allocation of federal fisheries relief provided to Rhode Island under Sec. 12005 of the CARES Act, P.L. 116-136 by expeditiously and equitably disbursing it in the form of direct payments to eligible fishery participants in the four sectors used by NOAA Fisheries to establish Rhode Island's allocation: commercial fishing, commercial aquaculture, seafood processing/wholesaling, and for-hire businesses.		2021-03-03
Emergency	Labor and Training	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.		2021-03-03

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Emergency	Human Services	General Provisions	Amendment	2	COVID-19 and National / State Emergency		2021-03-06
Emergency	Human Services	General Public Assistance	Amendment	2	Due to a potential threat to public health and safety declared in the Emergency Executive Order as a result of COVID-19, the Department is waiving some requirements. As such, the provisions herein must be promulgated		2021-03-06
Emergency	Executive Office of Health and Human Services	Chapter 50 Medicaid Long-Term Services, Part 1 Medicaid LTSS overview and Eligibility Pathways	Amendment	5	Governor's Executive Order - COVID-19, Emergency Regulations		2021-03-06
Emergency	Executive Office of Health and Human Services	Chapter 40 Medicaid for Elders and Adults with Disabilities, Part 1 Working Adults with Disabilities	Amendment	5	Governor's Executive Order - COVID-19, Emergency Regulations		2021-03-06
Emergency	Executive Office of Health and Human Services	Chapter 40 Medicaid for Elders and Adults with Disabilities, Part 1 Managed Care Service Delivery Arrangements	Amendment	5	Governor's Executive Order - COVID-19, Emergency Regulations		2021-03-06
Emergency	Executive Office of Health and Human Services	Chapter 30 Medicaid for Children, Families and Affordable Care Act (ACA) Adults, Part 2 Medicaid Managed Care Delivery Options	Amendment	5	Governor's Executive Order - COVID-19, Emergency Regulations		2021-03-06
Emergency	Executive Office of Health and Human Services	Chapter 30 Medicaid for Children, Families and Affordable Care Act (ACA) Adults, Part 3 Medicaid Application and Renewal Process	Amendment	5	Governor's Executive Order - COVID-19, Emergency Regulations		2021-03-06
Emergency	Executive Office of Health and Human Services	Chapter 20 Medicaid Payments and Providers, Part 3 - Medicaid	Amendment	5	Governor's Executive Order - COVID-19, Emergency Regulations		2021-03-06

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
		Payments for Out-of-State Care					
Emergency	Executive Office of Health and Human Services	Chapter 20 Medicaid Payments and Providers, Part 1 Payments and Providers	Amendment	5	Governor's Executive Order - COVID-19, Emergency Regulations		2021-03-06
Post-Comment Draft	Health	Rules and Regulations Regarding Vital Records	Amendment	2	To allow self-attestation for persons born in RI requesting a gender change to a vital record. This process will eliminate the required notarized physician's letter to accompany the signed affidavit. This proposal promotes an equitable process to amend the documents.	NO, this regulation DOES NOT IMPACT small business	2021-03-10
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.		2021-03-11
Emergency	Human Services	Child Care Assistance Program - Temporary Rate Enhancements for Licensed Providers During COVID-19 Reopening	Adoption	1	COVID-19, the RI State of Emergency, and RI Executive Order 20-39 and it's successors.		2021-03-11
Emergency	Human Services	Child Care Assistance Program Rules and Regulations Due to COVID-19	Adoption	6	Extending the existing Emergency Rule for the Child Care Assistance Program due to COVID-19 and the RI State of Emergency.		2021-03-11
Emergency	Human Services	SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM RULES AND	Adoption	8	Federal Regulatory Provisions due to COVID-19		2021-03-11

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
		REGULATIONS DUE TO COVID-19					
Emergency	Health	Safe Activities by Covered Entities During the COVID-19 Pandemic	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.		2021-03-12
Preliminary Draft	Coastal Resources Management Council	Management Procedures	Amendment	6	The CRMC proposes to amend its Management Procedures to delete some filing fees, add specifically required information for petitions for regulatory change, and increase the number of days for the filing of new information in contested cases prior to a scheduled hearing.	NO, this regulation DOES NOT IMPACT small business	2021-03-12
Emergency	Health	Licensing of Aquatic Venues	Amendment	0	To modify capacity requirements and provide clarity regarding physical distancing.		2021-03-15
Preliminary Draft	Environmental Management	Definitions and General Provisions	Amendment	4	1. Section 1.9(D): Amend the transiting provision to provide for the harvest of summer flounder and black sea bass in the marine waters of Rhode Island while in possession of the current authorized possession limit as provided by the Massachusetts Pilot Program. 2. Section 1.15: Add Sand lance to species list	NO, any small business impact is POSITIVE	2021-03-15
Preliminary Draft	Environmental Management	RI Falconry Regulations for the Season	Amendment	9	There are no changes to the regulations this season	NO, this regulation DOES NOT IMPACT small business	2021-03-15
Direct Final	Turnpike and Bridge Authority	Rules and Regulations Governing Procurement	Amendment	13	B1: Reason for Regulatory Action/Change * The proposed rule revises RITBA's current regulations regarding its procurement process. The proposed rule is intended to reduce unnecessary administrative costs and streamline the procurement process, while	NO, this regulation DOES NOT IMPACT small business	2021-03-16

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					ensuring that competition remains among those submitting bids and proposals for procurement.		
Emergency	Human Services	General Public Assistance Program related to COVID-19	Adoption	0	The Department of Human Services is expanding some requirements during COVID-19 to prepare for the increased need of GPA Burial Assistance.		2021-03-17
Preliminary Draft	Executive Office of Health and Human Services	Chapter 50, Subchapter 00, Part 6 Medicaid Long-Term Services and Supports: Financial Eligibility	Amendment	7	The CARES Act enabled any taxpayer with a Required Minimum Distribution (RMD) due in 2020 from a defined-contribution retirement plan, including a 401(k) or 403(b) plan, or an IRA, to skip those RMDs in 2020. This amendment describes the IRS waiver and is included in this regulation because it affects treatment of retirement funds for financial eligibility for LTSS. The second amendment in this regulation allows nursing facility residents to claim a hardship exemption for penalty periods that would otherwise be imposed due to transferring up to \$10,000 of assets during the COVID-19 PHE due to the temporary prohibition on Cost of Care.	NO, this regulation DOES NOT IMPACT small business	2021-03-17
Preliminary Draft	Executive Office of Health and Human Services	Chapter 40, Subchapter 00, Part 3 Medicaid Integrated Health Care Coverage, SSI Financial Eligibility Determinations	Amendment	8	These amendments reflect this year's COLA increases as well as the 2021 SSI and Spousal Impoverishment Standards and updates the Projected Monthly Private Pay Costs by Institutional Level of Care.	NO, this regulation DOES NOT IMPACT small business	2021-03-17
Preliminary Draft	Environmental Management	Fishing Regulations for the Season	Amendment	11	The purpose for this regulatory change is the update the upcoming	NO, this regulation DOES NOT IMPACT small business	2021-03-17

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					Freshwater Fishing Season with the correct season dates and bag limits.		
Preliminary Draft	Environmental Management	Rules and Regulations Governing Wildlife Rehabilitation	Amendment	11	The language in this regulations was old and outdated. This was a total rework of the existing language in the document.	NO, this regulation DOES NOT IMPACT small business	2021-03-17
Emergency	Environmental Management	Fishing Regulations for the Season	Amendment	0	The purpose and justification for the proposed emergency rule is the protection of public health from imminent peril. Traditionally, the opening day of freshwater fishing season generates high public participation and crowded areas and conditions in many public fishing areas. Given the continued health concerns and state of emergency regarding the COVID-19 pandemic, and the guidelines from the Centers for Disease Control and Prevention and the Rhode Island Department of Health regarding the need to continue to practice “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 2021 freshwater fishing season by timing the opening of fishing season to April 7, 2021, providing an earlier, mid-week opportunity for opening day. 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.		2021-03-18

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Preliminary Draft	Environmental Management	Rules and Regulations for Wastewater Treatment Facility Operators	Amendment	12	Proposed changes are a response to wastewater sector input regarding licensure equity among varying positions within the industry, as well as updates that will benefit program administrative workflow and examination integrity.	NO, this regulation DOES NOT IMPACT small business	2021-03-18
Emergency	Health	Clinical Laboratories and Stations	Amendment	0	Due to a shortage of medical technologists in testing COVID-19 samples, the minimum qualifications for personnel are being lowered.		2021-03-19
Preliminary Draft	Executive Office of Health and Human Services	Chapter 50, Subchapter 00, Part 8 Medicaid Long-Term Supports (LTSS) Post-Eligibility Treatment of Income (PETI)	Amendment	12	This amendment clarifies the calculation for Assisted Living Special Maintenance of Need Allowance for room and board for all Medicaid LTSS beneficiaries residing in assisted living (other than D and F), should be the federal benefit rate + supplemental payment for Category F, less the applicable personal needs allowance, as adjusted for a single versus double room. This amendment also proposes increasing the personal needs allowance (PNA) for category D from \$100 to \$120 to align with category F.	NO, this regulation DOES NOT IMPACT small business	2021-03-22
Preliminary Draft	Environmental Management	R.I. Hunting and Trapping Regulations for the 2021 - 2022 and 2022 - 2023 Seasons	Amendment	17	To set season and bag limits for the 2021 - 2022 and 2022 - 2023 season.	NO, this regulation DOES NOT IMPACT small business	2021-03-23
Preliminary Draft	Environmental Management	Rules and Regulations Governing the Importation, Feeding, and Baiting of Cervids in Rhode Island	Amendment	17	The reason for the regulatory action / change was to clean up the language to provide definition for the regulations as well as protecting the State's wild animal from diseases.	NO, this regulation DOES NOT IMPACT small business	2021-03-23

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Preliminary Draft	Environmental Management	Rules and Regulations Governing Importation and Possession of Wild Animals	Amendment	17	To add clarification language to the regulations as well as to updated the scientific names for the different species listed throughout the document.	NO, this regulation DOES NOT IMPACT small business	2021-03-23
Emergency	Human Services	Rhode Island Works Program Rules and Regulations	Amendment	2	COVID-19 and RI State Emergency		2021-03-24
Post-Comment Draft	Human Services	Child Care Center and School Age Program Licensing Regulations	Amendment	1	The current language is not in compliance with CCDF regulations. This change is in accordance with 45 CFR 98.41(a)(1)(x) which requires "pediatric" first aid training.	NO, this regulation DOES NOT IMPACT small business	2021-03-24
Emergency	Health	Licensing of Aquatic Venues	Amendment	0	To align with new EO requirements		2021-03-25
Preliminary Draft	Business Regulation	Rules and Regulations for Architects	Amendment	3	This regulation was advertised for public comment from January 8, 2020 to February 7, 2021. We received 11 comments and in response to those comments, the Board and the Department have made some additional changes to the Continuing Education section to clarify existing practices. All post-comment changes are highlighted in yellow in the draft submitted to ORR. The impetus for the original amendments was when the Board received an inquiry from the Emerging Professionals Network of AIA Rhode Island regarding the Board's policy for the National Council of Architectural Registration Boards (NCARB) Integrated Path to Architectural Licensure (IPAL). The IPAL option allows students in the process of earning an accredited architecture degree to complete the experience requirements and	NO, any small business impact is POSITIVE	2021-03-25

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					<p>portions of the Architectural Registration exam (ARE) concurrently. (The ARE is a multi-part exam given in 6 divisions, which are administered in separate sittings. The exam length is a total of 21 hours.) The goals of IPAL are to streamline and hopefully shorten the path to licensure for architecture students and provide them with work experience prior to graduation. There are currently 21 schools nationwide that have established an IPAL option, with U Mass Amherst and Boston Architectural College being the closest to RI. R.I. Gen. Laws § 5-1-8, last amended in 2011, states that persons holding a degree in architecture can sit for the registration exam. NCARB has interpreted this to mean that RI will not allow IPAL applicants to take exams prior to graduation. After considering the Emerging Professionals request and reviewing the NCARB's IPAL program, the Board concluded that the IPAL program is beneficial to architectural students and supports such students being able to take the ARE prior to graduation from an accredited architecture degree program. Accordingly, the Board has proposed an amendment to make an exception for applicants enrolled in an IPAL program to begin to take the ARE divisions prior to graduation. While reviewing</p>		

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					the regulation, the Board has also proposed some continuing education amendments to allow members of state architect licensing boards and RI planning boards, zoning boards, historic district commissions, the RI Building Code Standards Committee, and the RI Fire Safety Code Board of Appeal and Review to get up to 4 CEHs per year for attending board meetings. Only one credit will be awarded per meeting, provided that the meeting was at least 50 minutes long and the architect can prove that they were in attendance. A few other minor changes were made for clarity throughout the regulation.		
Direct Final	Environmental Management	Rules and Regulations for Solid Waste Management Facilities and Organic Waste Management Facilities	Amendment	18	The regulation has been amended to add a definition of "street sweepings" and to update the acceptable and unacceptable uses for street sweepings.	NO, this regulation DOES NOT IMPACT small business	2021-03-26
Emergency	Health	Safe Activities by Covered Entites During the COVID-19 Pandemic	Amendment	0	To align with new EO		2021-03-26
Emergency	Executive Office of Health and Human Services	Chapter 40, Subchapter 05, Part 2 - MEDICAID FOR ELDERS AND ADULTS WITH DISABILITIES, Medically Needy Eligibility	Amendment	3	This rule discusses the "medically needy" eligibility pathway for Community Medicaid beneficiaries. The amendments include a new section 2.5(B)(2), "conditions on application", related to allowable expenses for a Medicaid spenddown. The scope, amount, and duration of the service determines whether it qualifies as an allowable expense as a Medicaid covered or non-covered service and, therefore, the order in which it		2021-03-29

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					is deducted from excess income. The sequence of deductions for allowable expenses is set forth in this section.		
Emergency	Executive Office of Health and Human Services	Chapter 30, Subchapter 00, Part 6, Medicaid MAGI Financial Eligibility Determinations and Verification During the COVID-19 Emergency	Amendment	3	MAGI Financial Eligibility Determinations and Verification During the COVID-19 Emergency		2021-03-29
Emergency	Executive Office of Health and Human Services	Chapter 10, Subchapter 00, Part 3 - Medicaid and Children's Health Insurance Program (CHIP) Non-Financial General Eligibility Requirements	Amendment	3	In accordance with Title XIX and XXI, all Medicaid applicants and beneficiaries must meet certain non-financial general eligibility requirements related to: identity, date of birth/age, Social Security Numbers (SSNs), residency, U.S. citizenship, and immigration status. In addition, applicants must agree to meet certain cooperation requirements pertaining to child support, liens and estate recovery, providing application information, and reporting changes, among others. These proposed regulations set forth those requirements.		2021-03-29