

Rhode Island Code of Regulations



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The amendments to the APA have introduced several new resources and procedures to the Rhode Island regulatory world, already seen in other states and on the federal level.

Until recently, Rhode Island was part of a minority of states that had yet to adopt a uniform code of administrative rules. Without uniformity, agencies throughout the State used different methods for drafting, styling and citing rules.¹ This inconsistency resulted in a statewide regulatory scheme that was difficult to navigate from a legal standpoint and from a business perspective. The lack of uniformity made legal research inefficient and challenging.

In 2016, the sections of the Rhode Island Administrative Procedures Act (APA) that control the administrative rulemaking process were amended.² The amendments required the implementation of a new uniform code structure for all administrative rules and modernized the rule promulgation process. The amendments were based on the Revised Model State Administrative Procedures Act (Model Act). The Model Act was published by the Uniform Law Commission, a non-partisan organization founded in 1892 that drafts model codes “to promote uniformity in law among the states.”³ In developing the Model Act, the Uniform Law Commission researched “best practices in states” with the goal of developing a body of law that promoted “fairness, efficiency, and ensur[ed] public access to agency information.”⁴

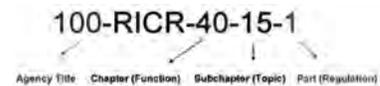
A New Uniform Code

The 2016 amendments to the APA required that agencies review, reformat, and publish all State regulations in a comprehensive and uniform administrative code by December 31, 2018.⁵ The Rhode Island Department of State was tasked with organizing the code structure.⁶ This new ad-

ministrative code is called the Rhode Island Code of Regulations (RICR). The structure of the RICR is similar to the Code of Federal Regulations. Each Title is followed by a Chapter, Subchapter and Part. Each “Part” is the rule in its entirety.

< The Table of Contents page of the Rhode Island Code of Regulations (RICR).

The amendments to the APA also required the Department of State to assign an official administrative code number to each rule.⁷ Previously, each time a rule was amended, the Department of State issued a new identifier called an Electronic Rule Location Identifier (ERLID). Since the ERLID number changed with every new promulgation, it further complicated tracking a rule’s history. In the new RICR, each rule has a unique identifier that stays with the rule throughout its existence. The identifying code number indicates the agency Title, Chapter, Subchapter and Part number.



^ Each rule has its own unique identifying code number, that stays with the rule throughout its existence.

Since February 2015, the Office of Regulatory Reform (ORR) within the Rhode Island Department of Administration (DOA) has been responsible for the centralized review of most executive branch rules.⁸ ORR reviews regulations both before and after the public-comment period to ensure that rules are “clearly written, relevant, and up-to-date.”⁹ Building upon ORR’s ongoing task of reviewing rules, the APA amendments required ORR “to coordinate and direct agencies in the effort to develop [the RICR].”¹⁰

ORR developed a phased approach to the work, requiring each agency to review and reformat each agency rule. Agencies then submitted each rule for ORR review. ORR worked closely with the executive branch agencies over the course of two years, ultimately reviewing more than twenty-five thousand pages of regulation. “In July 2016, we were staring down tens of thousands of pages of regulatory material and it felt like an impossible task. Our success is due to the hard work and support of staff at every regulatory agency and a dedicated team of analysts in ORR who never wavered from this ambitious goal,” said DOA Chief of Staff Amanda Clarke. Approximately eight thousand pages of antiquated, redundant or non-regulatory provisions were repealed. Rules that remain on the books have been updated to increase clarity and efficacy, while also reducing

Agency Title	Chapter (Function)	Subchapter (Topic)	Part (Regulation)
100	216	Department of Health	
100	218	Department of Human Services	
100	220	Department of Administration	
View Agency Info			
100	10	Management and Budget	
100	20	Accounts and Control	
100	30	Purchases	
100	40	Human Resources	
100	50	Legal Services	
100	05	General	
100	10	Administrative Adjudication	
100		Part 1	Rules Governing Declaratory Rulings and Petitions (220-RICR-50-10-1)
100		Part 2	Rules of Procedure for Administrative Hearings (220-RICR-50-10-2)

regulatory burden.

Executive Order 15-07, signed by Governor Gina M. Raimondo, charges ORR with the ongoing responsibility of regulatory review and coordinating the process of interagency review.¹¹ Through interagency review, ORR serves as a liaison among state agencies to ensure that there is communication when multiple agencies have been granted legislative authority to regulate on a single topic or single policy area. This communication forestalls conflicting regulatory language that could lead to confusion and loopholes.

The Department of State created the new online interface to house the RICR, which can be accessed at <https://rules.sos.ri.gov/organizations>. The database is searchable by agency or keyword and has an easy-to-use, interactive Table of Contents page. The search feature returns results for all rules relating to the word or phrase entered, including currently effective rules, proposed rules, emergency rules, and inactive rules. Members of the public can now easily subscribe for e-mail notifications when an agency takes any rulemaking action or when there are proposed changes to an individual rule. The new interface also makes the public-comment period more accessible and transparent, allowing users to make comments directly through the website, which then displays the number of comments submitted for that proposed rule through the application. Notably, for all rules filed from August 14, 2018 onward, the official version of the rule is now the electronic copy found on the Department of State's database.



^ The new RICR interface allows members of the public to comment on a rule directly through the website.

on one, user-friendly page...[t]he application also allows users to have digital access to supporting documentation and aims to increase accessibility by making rulemaking documents fully searchable and translatable.”¹²

Closer to home, Rhode Island attorneys have already been utilizing the new code and website since its 2018 launch. “Rhode Island’s new administrative code is yet another step toward helping make Rhode Island a friendlier place to do business,” said Attorney Nicole Benjamin, a shareholder in the litigation practice group at Adler Pollock & Sheehan, “Having Rhode Island’s regulations organized in one uniform Code of Regulations makes it possible to easily search regulations across all agencies, allowing lawyers to streamline their research. This new tool allows us to be better informed and to more efficiently serve our clients.”

The RICR website has already garnered national attention. The Administrative Codes and Registers section of the National Association of Secretaries of State awarded the Rhode Island Code of Regulations the 2018 Robert J. Colborn, Jr. Innovation Award. In bestowing this honor, the Association noted that “[t]he RICR features up-to-the-minute rulemaking data, includes an online public comment module, and displays complete version histories for each rule

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