

RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING

**DEPARTMENT OF BUSINESS REGULATION (INCLUDES THE OFFICE OF THE
HEALTH INSURANCE COMMISSIONER)**

Title of Rule: Rules of Procedure for Administrative Hearings

Rule Identifier: 230-RICR-10-00-2

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: December 4, 2023

End of Public Comment: January 3, 2024

Rulemaking Authority:

R.I. Gen. Laws § 42-92-4

R.I. Gen. Laws § 42-14-17

Summary of Rulemaking Action:

The Department recently amended this regulation effective March 22, 2023. In § 2.4(A), it deleted a paragraph containing, among other things, the requirement to respond to a Department complaint within 15 business days or some other time specified by the Department. While some licensing areas have a specific time for responses to complaints/inquiries in their statutes, not all areas have such a requirement. Therefore, the Department is adding this timeline into the regulation in § 2.4(B) as a general rule for the agency.

Additional Information and Public Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until January 3, 2024 by contacting the appropriate party at the address listed below:

Amy Stewart

Department of Business Regulation (includes the Office of the Health Insurance Commissioner)

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In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by a governmental agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within ten (10) days of the publication of this notice.

Regulatory Analysis Summary and Supporting Documentation:

There are no costs to society because of this amendment. The Department previously had this requirement in its regulation and has been routinely following it, despite the deletion of this timeline in the March 2023 amendments to this regulation. Thus, this amendment will not result in a change to the status quo. The Department's ability to investigate and pursue administrative enforcement actions in a timely manner is essential to its consumer protection mission. This amendment helps to standardize response times for licensing areas that do not otherwise provide for a response time by statute. This amendment clarifies that Respondents and others in receipt of an investigatory inquiry get 15 business days (or three weeks) to respond to an inquiry. This is a reasonable amount of time and extensions are readily granted when warranted.

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

For full regulatory analysis or supporting documentation contact the agency staffperson listed above.