

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, the following is a concise explanatory statement:

AGENCY: Rhode Island Department of Health (RIDOH)

DIVISION: N/A

RULE IDENTIFIER: 216-RICR-10-05-3

RULE TITLE: Equal Access to Justice

REASON FOR RULEMAKING:

Revise definitions section for consistency, revise the definitions for “adjudicatory proceeding,” “reasonable litigation expenses,” and “substantial justification,” clarify the requirements for applications for awards of reasonable litigation expenses, allowance of awards, and disallowance of awards, and revise the appeals section to directly cite to applicable statute.

ANY FINDINGS REQUIRED BY LAW AS A PREEQUISITE TO THE EFFECTIVENESS OF THE RULE: N/A

TESTIMONY AND COMMENTS: No testimony or comments were received.

CHANGES TO THE TEXT OF THE RULE:

§ 3.1: Removes superfluous statutory citation and revises “purposes” for grammatical correctness.

§ 3.2: Revises to include the full name of the authorizing statute, and revises the definitions for “adjudicatory proceeding,” “reasonable litigation expenses,” and “substantial justification.”

§ 3.3: Clarifies requirements for application of awards of reasonable litigation expenses.

§ 3.4: Clarifies requirements for allowance of awards

§ 3.5: Clarifies requirements for disallowance of awards.

§ 3.6: Revises to directly cite to R.I. Gen. Laws § 42-92-5.

REGULATORY ANALYSIS:

In the development of this rule, 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 on available information. RIDOH has determined that the benefits of the rule justify its costs.

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