

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF HEALTH

Title of Rule: Equal Access to Justice (216-RICR-10-05-3)

Rule Identifier: 216-RICR-10-05-3

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 10/29/2019

End of Public Comment: 11/28/2019

Authority for this Rulemaking:

R.I. Gen. Laws § 42-92

Summary of Rulemaking Action:

In accordance with R.I. Gen. Laws § 42-35-2.7, notice is hereby given that the Rhode Island Department of Health (RIDOH) proposes to amend the rules and regulations for Equal Access to Justice (216-RICR-10-05-3). RIDOH is proposing rulemaking in order to 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. Please see the attached Concise Statement of Non-technical Amendments for a full description of all proposed revisions.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until November 28, 2019 by contacting the appropriate party at the address listed below:

Paula Pullano
Department of Health
3 Capitol Hill
Room 410
Providence, RI 02908
Paula.Pullano@health.ri.gov

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 an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Regulatory Analysis Summary and Supporting Documentation:

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 this rule justify its costs.

For full regulatory analysis or supporting documentation see agency contact person above.