

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

DIVISION: N/A

RULE IDENTIFIER: 216-RICR-10-05-4

RULE TITLE: Practices and Procedures Before the Rhode Island Department of Health

REASON FOR RULEMAKING: This regulation is being amended to establish procedures pursuant to and consistent with R.I. Gen. Laws § 28-5.1-14 relative to the licensure of individuals with criminal records.

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

TESTIMONY AND COMMENTS:

A comment was received requesting inclusion of a statement that, for any regulation or statute under which a regulation is authorized, that includes a defined list of criminal offenses deemed potentially disqualifying for a license, permit, certificate, or registration, the Department shall not request additional information on any other offenses. The language of R.I. Gen. Laws § 28-5.1-14 is clear, however, and contrary to the language of the requested inclusion, for R.I. Gen. Laws §§ 28-5.1-14(d) and (e) expressly provide that state law to the contrary of those provisions is superseded, the legislative intent clearly being to provide for uniform provisions across all license types. A contrary reading of the statute would yield an inequitable result across license types. As a result, this comment will not be accepted at this time.

CHANGES TO THE TEXT OF THE RULE:

§ 4.21 Creates a new section for licensure review for individuals convicted of a crime.

§ 4.21 Provides procedures, in accordance with R.I. Gen. Laws § 28-5.1-14, for licensure applicants who have a criminal record.

REGULATORY ANALYSIS:

In 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.