

## CONCISE EXPLANATORY STATEMENT

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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-40-10-11

**RULE TITLE:** Licensing Hospice Care

**REASON FOR RULEMAKING:** RI Department of Health received a petition for rulemaking from the RI Physician Assistant Academy requesting to add physician assistants as an attending provider to the hospice regulations. RI Department of Health is in agreement with the request.

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

### TESTIMONY AND COMMENTS:

- A comment was received questioning the necessity of the words “may” [§ 11.3(A)(1)] and “limited to” [§§ 11.3(A)(1) and 11.5.8(A)], specifically: “Attending practitioner may also mean a physician assistant (who may or may not be on the hospice staff), as long as the physician assistant’s role is limited to providing medical and surgical services in collaboration with physicians, as set forth in the provisions of R.I. Gen. Laws Chapter 5-54.” The Department agrees that the words “limited to” are superfluous and have been removed as a technical correction. R.I. Gen. Laws § 5-54-2(10) state that “a physician assistant means a person who is qualified by academic and practical training to provide medical and surgical services in collaboration with physicians”. The Department agrees with this comment and the word “may” has been removed.
- A comment was received requesting that the phrase “as appropriate” be removed from §§ 11.5.8(A)(1), (2), and 11.5.8(J)(1). The Department agrees with this comment and has removed the words “as appropriate” from these sections.
- A comment was received requesting to add citations to the R.I. Gen. Laws in §§ 11.3(A)(1) and 11.5.8(A) for physicians and certified nurse practitioners. The Department agrees with these comments and has added the citations for physicians and certified nurse practitioners.

## **CHANGES TO THE TEXT OF THE RULE:**

The following changes were made to the text of this rule:

- § 1.3(A)(1):
  - The words “limited to” were removed.
  - The word “may” was removed
  - Citations were added referencing R.I. Gen. Laws Chapters 5-34 and 5-37.
- § 11.5.8(A):
  - The words “limited to” were removed.
  - Citations were added referencing R.I. Gen. Laws Chapters 5-34 and 5-37.
- §§ 11.5.8(A)(1) and (2) – The words “as appropriate” were removed.
- § 11.5.8(J)(1) – The words “as appropriate” were removed.

## **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.