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-20-10-6

RULE TITLE: Termination of Pregnancy

REASON FOR RULEMAKING: The Department of Health is proposing to repeal these regulations. The repeal of these regulations would not affect access to, or the provision of, reproductive healthcare in Rhode Island. The Rhode Island Department of Health (RIDOH) does not have regulations specific to the tens of thousands of medical procedures that happen throughout the state. Instead, healthcare providers are held to an established standard of care when doing all procedures within their scope of practice. Additionally, RIDOH has regulations that require facilities to provide all care in a manner that is healthy and safe. As an exception to this approach of doing oversight at the provider and facility level (as opposed to the procedure level), RIDOH promulgated regulations in 1973 related to an induced termination of a pregnancy. This was because of the Roe vs. Wade Supreme Court decision issued that year. Terminations were not happening in facilities prior to Roe, so RIDOH promulgated these regulations to provide structure to facilities. These regulations are now clinically outdated, and the portions of these regulations that are still applicable are all covered under existing requirements for facilities or within the standard of care for healthcare providers.

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

TESTIMONY AND COMMENTS: RIDOH did not receive any comments in response to this repeal.

CHANGES TO THE TEXT OF THE RULE: No additional changes were made and the rule is being repealed as proposed.

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.