

RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING

DEPARTMENT OF HEALTH

Title of Rule: Termination of Pregnancy (216-RICR-20-10-6)

Rule Identifier: 216-RICR-20-10-6

Rulemaking Action: Proposed Repeal

Important Dates:

Date of Public Notice: May 16, 2023

End of Public Comment: June 15, 2023

Rulemaking Authority:

R.I. Gen. Laws § 23-1-1

Summary of Rulemaking Action:

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 These regulations are now clinically outdated, and the portions of these regulations that are still applicable are all covered under existing requirements for facilities or within the standard of care for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.

Additional Information and Public Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed repeal until June 15, 2023 by contacting the appropriate party at the address listed below:

Zachary Garceau
Department of Health
Three Capitol Hill
Providence, RI 02908
zachary.garceau@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 a governmental agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within ten (10) days of the publication of this notice.

Regulatory Analysis Summary and Supporting Documentation:

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.

For full regulatory analysis or supporting documentation contact the agency staffperson listed above.