

210-RICR-10-05-06

TITLE 210 – Executive Office of Health and Human Services

CHAPTER 10 – EOHHS General Provisions

SUBCHAPTER 05 - Consumer Rights, Responsibilities, and Protections

PART 6 – Petition for Promulgation of Rules

6.1 Purpose

The purpose of this regulation is to prescribe the form of a petition for promulgation of rules pursuant to R.I. Gen. Laws § 42-35-6 and the procedure for its submission, consideration, and disposition.

6.2 Authority

This regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws § 42-35-6.

6.3 Definitions

A. The following definitions shall apply to this regulation:

1. "Petition" means a request for the promulgation of a rule.
2. "Petitioner" means a person requesting a Declaratory Order.
3. "Promulgate" means the process of writing a new rule, or amending or repealing an existing rule.
4. "State agency" means the Executive Office of Health and Human Services (EOHHS).

6.4 Request for the Promulgation of a Rule

A. A request for the promulgation of a rule must be in writing and include the following information:

1. The name and address of the Petitioner;

2. A plain statement identifying the rule or proposed new rule at issue;
 3. A detailed statement of all facts relied upon by the Petitioner;
 4. A copy of any and all documents relied upon by Petitioner that are not otherwise accessible to the State Agency; and
 5. A plain statement requesting the promulgation of a rule, and further indicating whether Petitioner seeks a new rule or the amendment or repeal of an existing rule.
 - a. In the case of a request for promulgation of a new rule or the repeal of an existing rule, the Petitioner shall identify the rule by title and/or Rhode Island Code of Regulations (RICR) citation.
 - b. In the case of a request for an amendment to an existing rule, the Petitioner must identify with specificity the proposed language to be added or removed by redlining or similar means.
- B. A request for the promulgation of a rule must be submitted to: EOHHS Medicaid Policy Office, Hazard Building, Second Floor, 74 West Road, Cranston, RI 02920.

6.5 Consideration and Disposition of Request for the Promulgation of a Rule

- A. The State Agency shall promptly consider and respond to the request for the Promulgation of a Rule as provided in R.I. Gen. Laws § 42-35-6.
- B. The agency may, at its discretion:
 1. Hold a hearing for further consideration and discussion on the Petition; or
 2. Request further information or documents from the Petitioner necessary for the full evaluation of his or her petition.
- C. A Petitioner may appeal the State Agency's final disposition of the request for the promulgation of a rule as provided in R.I. Gen. Laws § 42-35-15.

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PART 6 - Petition for Promulgation of Rules (210-RICR-10-05-06)

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