

Regulation v. Non-Regulatory Documents: Quick Reference Guide for Agency Rule Writers

	DEFINING FEATURES	PURPOSE	EXAMPLE
Regulations	<ul style="list-style-type: none"> • Agency has statutory authority to promulgate a rule with the full force of law which implements a requirement or prohibition and sanction upon members of the public. • An agency should limit self-regulation, unless the regulation affects the private rights of the public. For example: A regulation setting forth the right of appeal and procedure for appeal for a member of the public denied benefits by an agency. 	Imposes requirements, prohibitions, sanctions and/or private rights/procedures.	RIDOH regulation requiring pharmacists to pass a written examination as a condition of licensure.
Guidance Documents	<ul style="list-style-type: none"> • Tool to ease compliance with regulations. • Explains the agency's current approach to, or interpretation of the law. • Describes how and when the agency will exercise discretionary functions. • Does not have the full force of law. 	Explains the agency's interpretation of a rule.	Document providing various examples of home renovation scenarios to contractors to assist in compliance with lead poisoning prevention regulations.
Declaratory Order	Interprets or applies a statute administered by the agency, or states whether or in what manner a rule, guidance document, or order issued by the agency applies to the petitioner.	A mechanism for a member of the public to receive clarification regarding the requirements or agency interpretation of a regulation/rule, guidance document, or other declaratory order.	Order issued by the RIDOH following a petition requesting clarification on the exemption criteria for immunization of a child entering preschool.
Internal Policies and Procedures	An intergovernmental or interagency memorandum, directive, or communication that concerns only the internal management of an agency. These do not affect private rights of the public.	Informs the employees of the agency or department what policies are expected and what procedures should be utilized when performing their jobs.	RIDOH's internal process for complying with the federal Health Insurance Portability and Accountability Act (HIPPA) Privacy Rule.
Communications Documents	Documents utilized to educate the public in the subject matter in which the agency specializes.	Increasing the education and understanding of the public.	Public health informational brochures, pamphlets, or posters.

*Agency staff should always consult with legal counsel for full requirements of each document type before publishing information.