RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2026-37

Approved: November 10, 2026

Re: Richard Charest

QUESTION PRESENTED:

The Petitioner, the former secretary of the Rhode Island Executive Office of Health and Human Services, a state appointed position, requests an advisory opinion regarding what limitations, if any, the Code of Ethics places upon him in his new private employment as the chief executive officer of CharterCARE Health of Rhode Island, a private community-based health system.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, the former secretary of the Rhode Island Executive Office of Health and Human Services, a state appointed position, is prohibited by the Code of Ethics from representing himself or others, including his new private employer, or from acting as an expert witness, before the entire: Executive Office of Health and Human Services and all of its departments, divisions, offices, sections; the Department of Administration; the Office of the Governor; and/or state or municipal boards and/or commissions on which he personally served or had appointed a designee to serve in his place, until the expiration of one year after leaving state service.

The Petitioner is the former secretary of the Rhode Island Executive Office of Health and Human Services (EOHHS). The Petitioner represents that he was appointed to that position by Governor McKee in 2023 and that he served in that position until October 31, 2026. The Petitioner explains that as secretary he was the state's senior executive responsible for coordinating health and human services policy, overseeing the administration of the state's Medicaid program as the designated single state Medicaid agency, and ensuring that the state's health and human services agencies work together effectively. The Petitioner states that the secretary provides executive leadership and coordination among the state agencies that administer Medicaid-funded services and programs, including the Department of Human Services (DHS), the Department of Children, Youth & Families (DCYF), the Department of Behavioral Healthcare, Developmental Disabilities & Hospitals (BHDDH),

and the Department of Health (RIDOH). He further states that the secretary sets strategic direction, coordinates policy and financing, integrates budgets and systems, resolves disputes, reviews major Medicaid initiatives, and holds department directors accountable. The Petitioner represents that although the secretary exercises broad coordination and policy responsibilities with respect to Medicaid and the state's health and human services system, the departments assigned to EOHHS retain their respective statutory authorities and responsibilities pursuant to R.I. Gen. Laws § 42-7.2-6.[1] In addition to overseeing RIDOH, DHS, DCYF, and BHDDH, EOHHS is also responsible for managing the Office of Healthy Aging (OHA) and the Office of Veterans Services (VETS).[2]

The Petitioner states that the duties of the secretary are set forth in R.I. Gen. Laws § 42-7.2-5, which, in addition to the ones described above include, but are not limited to: serving as the governor's chief advisor and liaison to federal policymakers on Medicaid reform issues; resolving administrative, jurisdictional, operational, program, or policy conflicts among departments and their executive staff and making necessary recommendations to the governor; preparing and integrating comprehensive budgets for the health and human services departments; providing regular and timely reports to the governor and making recommendations with respect to the state's health and human services agenda; and holding the director of each health and human services department accountable for their administrative, fiscal, and program actions in the conduct of the respective powers and duties of their agencies. In performing his duties, the secretary is "subject to the direction and supervision of the governor for the oversight, coordination, and cohesive direction of state-administered health and human services and in ensuring the laws are faithfully executed." Id.

The Petitioner notes that as secretary he either personally served on or had a designee serving on his behalf on various boards. Among the boards on which the Petitioner served in his capacity as secretary are the following: Independent Advisory Council; Health Care Accountability and Transparency Program; Health Care Planning and Accountability Advisory Council; Health Care System Planning Cabinet; and RI Children's Cabinet.

[1] As an example, the Petitioner explains that RIDOH serves as the state's independent hospital licensing and regulatory authority through its own established legal and administrative processes. However, while the secretary of EOHHS provides executive leadership and oversight to the RIDOH, the RIDOH continues to carry out its independent regulatory responsibilities with respect to hospital oversight, licensure, and review of healthcare transactions in accordance with the statutory authority specifically conferred to the RIDOH.

[2] See https://eohhs.ri.gov/about-eohhs (last visited October 27, 2026).

The Petitioner represents that, on October 14, 2026, the board of directors of CharterCARE Health of Rhode Island voted to appoint him, in his private capacity, as CharterCARE's chief executive officer with a start date of November 1, 2026. He explains that CharterCARE is a community-based health system that includes Roger Williams Medical Center, Our Lady of Fatima Hospital, Roger Williams Cancer Center and Southern New England Rehabilitation Center, as well as CharterCARE Medical Associates, a multi-specialty physician organization. The Petitioner further explains that CharterCARE's board of directors is responsible for overseeing the organization's mission, strategy, financial stewardship, and executive leadership. He states that as CharterCARE's chief executive officer, he serves as the senior executive responsible for implementing the strategic direction approved by the board, managing the system's day-to-day operations, overseeing financial and operational performance, supervising executive leadership, ensuring compliance with applicable laws and regulations, and advancing CharterCARE's clinical, business, and community health objectives. The Petitioner represents that, in performing his duties, he is overseen by the board of directors. Cognizant of the Code of Ethics and desirous of acting in conformance therewith, the Petitioner states that, in his capacity as CharterCARE's chief executive officer, he will refrain from interacting with state agencies during the pendency of his request for the instant advisory opinion. However, given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding what limitations, if any, the Code of Ethics places upon his new private employment as the chief executive officer of CharterCARE.

Under the Code of Ethics, a public official shall not represent himself or any other person, or act as an expert witness, before any state agency of which he is a member or by which he is employed. R.I. Gen. Laws § 36-14-5(e)(1)-(3). Furthermore, the Code of Ethics prohibits any director or head of a state department from representing himself or any other person before the Office of the Governor or the Department of Administration (DOA). 520-RICR-00-00-1.5.5(B) State Executive/Administrative Revolving Door (36-14-5015) (Regulation 1.5.5(B)). These "revolving door" restrictions were enacted to minimize any undue influence a former public official might have in a matter before his former agency or, in the case of an executive branch department head, before the DOA or the Office of the Governor. Additionally, these prohibitions apply to the entire agency, including all of its offices, sections, programs, or divisions and last while the public official is serving and for a period of one year thereafter. § 36-14-5(e)(4); Regulation 1.5.5(B)(3).

A person represents himself or another person before a state agency if he participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in his own favor or in favor of another person. R.I. Gen. Laws § 36-14-2(12) & (13); 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined

(36-14-5016).[3] The above prohibitions do not extend to the performance of ministerial acts, duties, or functions involving neither adversarial hearings nor the authority to exercise discretion or render decisions.[4] A person is defined as "an individual or a business entity." § 36-14-2(7). Additionally, §§ 36-14-5(c) & (d) prohibit the use and/or disclosure of confidential information acquired by a public official during the course of, or by reason of, his official employment, particularly for the purpose of obtaining financial gain.

The Ethics Commission has issued numerous advisory opinions interpreting the requirements of § 36-14-5(e)(4) or Regulation 1.5.5 with respect to former state employees or officials interacting with their former agencies during the one-year period following the severance of their state employment. In Advisory Opinion 2019-72, for example, the Ethics

[3] See, e.g., A.O. 2024-13 (opining that a DCYF social caseworker was not prohibited from accepting private employment as a clinician with The Inner You Counseling Center offering therapeutic services to adolescents, provided that she was prohibited, among other things, from appearing before DCYF as an Inner You clinician, which included, but was not limited to, reporting to DCYF on an Inner You client who subsequently became open to DCYF services; acting as an expert witness on behalf of an Inner You client or Inner You; or submitting to DCYF documentation from Inner You that contained the petitioner's name, or which was identifiable as the petitioner's work product); A.O. 2008-62 (opining that a former social caseworker in the Long Term Care Unit within the DHS, was not prohibited from working as an independent contractor assisting a private attorney with the preparation of medical assistance applications on behalf of the attorney's clients, given that the attorney was the one filing the applications with DHS, and provided that the petitioner did not have any direct contact with or appear to represent the clients, the attorney, or anyone else, before DHS or any of its members or staff, for a period of one year after the date of her official severance from her position).

[4] See, e.g., A.O. 2013-28 (opining that a former principal policy associate for the Rhode Island Office of the Health Insurance Commissioner (OHIC) could accept private employment, provided that he did not represent his private employer before the OHIC during that year and any contacts that he had with the OHIC were purely ministerial in nature, such as hand-delivering documents, reviewing public records, and requesting public information); A.O. 2010-23 (opining that the former chief administrative officer of the Rhode Island Board of Medical Licensure and Discipline for the RIDOH, who was then employed as the chief medical officer for Landmark Medical Center, was not prohibited from making informational inquiries to the RIDOH and from reporting information to it, including information mandated by state statute or regulation to be reported, such as information about illness or communicable diseases, or the treatment of impaired physicians, since he would not be "representing" himself or another before his former agency).

Commission opined that the former Director of Administration for the State of Rhode Island was prohibited by the Code of Ethics from representing himself or his new private employer before the Office of the Governor, the DOA and its divisions, all agencies within the Executive Branch of Government with which he had "substantial involvement" as defined by the Code of Ethics, and all state or municipal boards and/or commissions on which he personally served or had appointed a designee to serve in his place, until the expiration of one year after leaving his public position. See also A.O. 2022-20 (opining that former chief of staff to the Lieutenant Governor of the State of Rhode Island and former interim chief financial officer for the RIDOH was prohibited from representing himself or the Rhode Island League of Cities and Towns, a private non-profit organization for which he was the executive director, before the Office of the Lieutenant Governor and the RIDOH for one year following the severance of his public employment from each of those agencies, respectively, but was not prohibited from representing himself or the Rhode Island League of Cities and Towns before the Rhode Island General Assembly, the Governor's Office, and the various other State Departments under the control or appointing authority of the Governor); A.O. 2017-4 (opining that a former deputy budget officer in the Office of Management and Budget, a division of the DOA, was prohibited from representing his new private employer, the Rhode Island League of Cities and Towns, before the Office of the Governor, the DOA and its divisions, including the Office of Management and Budget, as well as any other state agencies with which he had substantial involvement as part of his prior public duties, until the expiration of one year after leaving his public position); A.O. 2017-2 (opining that a former chief strategy officer for the EOHHS who performed the duties of the Director of the DCYF, was not permitted to represent her new private employer before the DCYF, EOHHS, DOA, or the Office of the Governor for a period of one year after leaving state service).

Here, based on the Petitioner's representations, the applicable provisions of the Code of Ethics, and a review of prior advisory opinions issued, it is the opinion of the Ethics Commission that the Petitioner is prohibited by the Code of Ethics from representing himself or others, including his new private employer, or from acting as an expert witness, before the entire: EOHHS and all of its departments, divisions, offices, sections, and programs including, but not limited to, the RIDOH, DHS, OHA, VETS, DCYF, and BHDDH; the DOA; and the Office of the Governor for a period of one year after leaving state service. The Petitioner is further prohibited by the Code of Ethics from representing himself or others before state or municipal boards and/or commissions on which he personally served or appointed a designee to serve in his place, until the expiration of one year after leaving his public positions including, but not limited to: Independent Advisory Council; Health Care Accountability and Transparency Program; Health Care Planning and Accountability Advisory Council; Health Care System Planning Cabinet; and RI Children's Cabinet.

The Petitioner is cautioned that prohibited interactions are not limited to business meetings, and could occur at a restaurant, on the phone, in an email, or at any social or political gathering. It is the content of a discussion, rather than its venue, that is most relevant in applying the Code of Ethics' post-employment revolving door restrictions. On the other hand, contacts involving purely personal or ministerial matters that do not involve discretion or decision-making on the part of the aforementioned public agencies are not prohibited.

Additionally, consistent with §§ 36-14-5(c) and (d) of the Code of Ethics, the Petitioner may not use and/or disclose confidential information acquired by him during the course of, or by reason of, his public employment, particularly for the purpose of obtaining financial gain. Lastly, until the expiration of one year following the date of his severance from state service, the Petitioner is advised, when in doubt, to seek further guidance from the Ethics Commission regarding the Code of Ethics' potential application to his interactions with public agencies.

This Advisory Opinion is strictly limited to the facts stated herein and relates only to the application of the Rhode Island Code of Ethics. An advisory opinion rendered by the Commission, until amended or revoked by a majority vote of the Commission, is binding on the Commission in any subsequent proceedings concerning the person who requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion. Under the Code of Ethics, advisory opinions are based on the representations made by, or on behalf of, a public official or employee and are not adversarial or investigative proceedings. Finally, this Commission offers no opinion on the effect that any other statute, regulation, agency policy, ordinance, constitutional provision, charter provision, or canon of judicial or professional ethics may have on this situation.

Code Citations:
§ 36-14-2(7)
§ 36-14-2(12)
§ 36-14-2(13)
§ 36-14-5(e)
§ 36-14-5(c)
§ 36-14-5(d)
520-RICR-00-00-1.5.5 State Executive/Administrative Revolving Door (36-14-5015)
520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5016)

Other Related Authority:
§ 42-7.2-5
§ 42-7.2-6

Related Advisory Opinions:
A.O. 2024-13
A.O. 2022-20
A.O. 2019-72
A.O. 2017-4
A.O. 2017-2
A.O. 2013-28
A.O. 2010-23
A.O. 2008-62

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