

## Removal of “Comment on Open Rules” page from HHS.gov

Website Monitoring Report (Mini-report 6<sup>1</sup>)

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### Summary of findings and context:

Between June 1, 2019, and June 8, 2019, the Department of Health and Human Services (HHS) removed the “Comment on Open Rules” page (Webpage 2) from HHS.gov. Two prominent links to the page were removed from the “Laws & Regulations” page (Webpage 1), including a link at the center of the page which read “Comment on Open Rules.”

**Update:** *Shortly after an inquiry from the Web Integrity Project (WIP), HHS restored the “Comment on Open Rules” page (Webpage 1) on July 3, 2019. An HHS spokesperson told WIP that the page was inadvertently removed while “in the process of being updated to insure (sic) information ... was not out of date,” and noted that the page had been restored.*

The “[Comment on Open Rules](#)” page included several useful resources for the public:

- The “[HHS Regulations Toolkit](#)” page, which answers basic questions about the rulemaking process and provides links to resources. The “HHS Regulations Toolkit” page is [still live](#), but it is effectively orphaned. There appears to be no way to navigate to the page using menus and links on the site.
- An [infographic](#), titled “5 Things You Need to Know About HHS Regulations,” which provided succinct information about commenting on rules. This page is still live, but appears to be orphaned.
- A series of links to Regulations.gov, which is the federal government’s centralized portal for publishing and seeking public comment on open rules. These links led to an index of rules open for comment, organized by HHS office or subagency.
- A section called “More on Regulations” with links to more technical resources and the Regulations.gov homepage.

While some members of the public may know to head directly to Regulations.gov to comment on proposed rules, many may not. The “Comment on Open Rules” page and the links to it from the “Laws & Regulations” page provided an additional avenue for the public to get to Regulations.gov, and provided additional resources for those less familiar with the rulemaking process.

Links to Regulations.gov were tailored to return only rules open for comment. A confusingly named and [still live](#) page from the same section of the website, the “[Find Rules by Operating](#)

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<sup>1</sup> The purpose of “mini-reports” is to inform journalists, experts, and the public about a reported or developing news story. A “mini-report” is a condensed version of one of the Web Integrity Project’s [website monitoring reports](#), created on a rapid timeline to explain a narrowly scoped alteration, and is not a comprehensive analysis of a website.

[Division](#)” page, is superficially similar, in that it contains links to Regulations.gov. However, those links are to searches of all rules (whether in force or proposed) by HHS office or subagency. Additionally, the page does not contain or link to educational resources like the “HHS Regulations Toolkit” or the “5 Things You Need to Know About HHS Regulations” infographic.

This removal comes at a time when more members of the public than usual are likely to be looking to comment on HHS proposed rules. On [May 24, 2019](#), HHS publicly announced a significant proposed rule, related to nondiscrimination in health and health education programs or activities, made pursuant to Section 1557 of the Affordable Care Act (ACA.) The public comment period for that rule began on [June 14, 2019](#), since which time [9,868 comments](#) on the proposed 1557 rule had been submitted on Regulations.gov.

#### Webpage 1:

**Page title:** Laws & Regulations

**Page status:** Altered (*this occurred between **June 1, 2019**, and **June 8, 2019**, according to WIP’s website monitoring software. The Internet Archive’s Wayback Machine versions of the page, which correspond to a wider time window due to less frequent captures of snapshots, are provided below.*)

- Before: [May 31, 2019](#)
- After: [June 8, 2019](#)

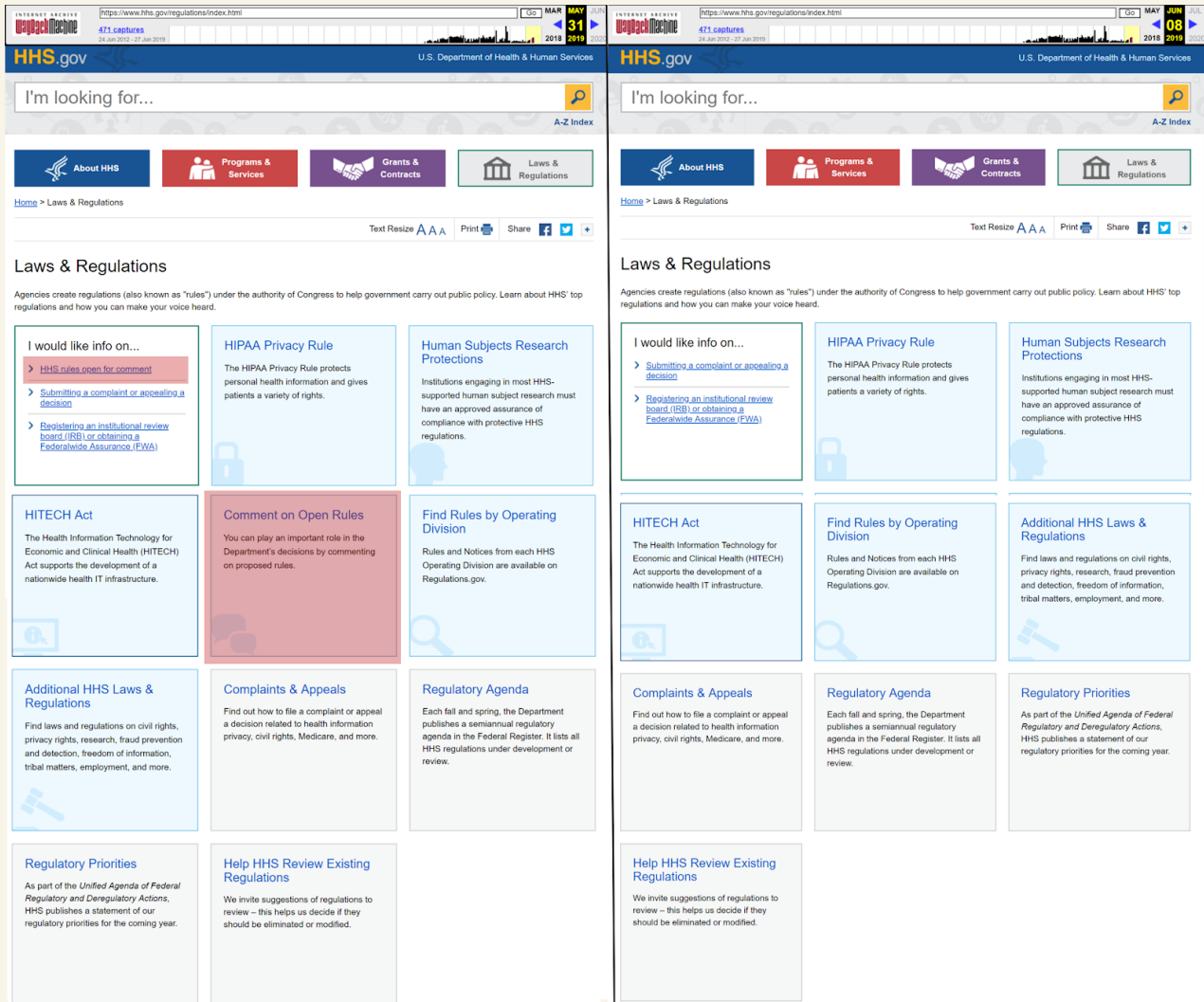
**URL:** <https://www.hhs.gov/regulations/index.html>

#### **Description of change:**

1. The “Laws & Regulations” page was altered between June 1, 2019 and June 8, 2019 ([Screenshot 1](#)):
  - a. **Removed** the text “HHS rules open for comment,” which linked to the “Comment on Open Rules” page (Webpage 2) from the “I would like info on...” panel.
  - b. Removed panel called “Comment on Open Rules”.
    - i. The panel contained the following text and link:

[“Comment on Open Rules](#)  
You can play an important role in the Department’s decisions by commenting on proposed rules.”
    - ii. The text “[Comment on Open Rules](#)” linked to Webpage 2.

**Screenshot 1:** A side-by-side comparison of the “Laws & Regulations” page as captured by the Internet Archive’s Wayback Machine on [May 31, 2019](#), and [June 8, 2019](#). Red highlights indicate removed content.



## Webpage 2:

**Page title:** Comment on Open Rules

**Page status:** Removed (*this occurred between **June 1, 2019** and **June 8, 2019** according to WIP's website monitoring software. The Internet Archive's Wayback Machine versions of the page, which correspond to a wider time window due to sporadic captures of snapshots, are provided below*)

- Before: [January 9, 2019](#)
- After: [June 18, 2019](#)

**URL:** <https://www.hhs.gov/regulations/comment-on-open-rules/index.html>

### **Description of change:**

1. The "Comment on Open Rules" page was removed between June 1, 2019 and June 8, 2019 ([Screenshot 2](#)).
2. The page contained:
  - a. The following introductory text:

"The public plays an important role in the rulemaking process by commenting on proposed rules. Your comments can help shape the Department's decisions."
  - b. A link to the "[HHS Regulations Toolkit](#)" page.
    - i. The toolkit answers basic questions about the rulemaking process, like "What is a rule?" and "How do public comments influence the development of a rule?," and provides links to additional resources.
    - ii. The page is still live.
  - c. An [infographic](#) titled '5 Things YOU Need To Know About HHS Regulations.'
    - i. The infographic is still live.
  - d. Links to all HHS rules that are open for comment on Regulations.gov.
  - e. Links to rules open for comment by HHS office and subagency on Regulations.gov.
  - f. A "More on Regulations" section with links to more resources relating to Executive Order 12866 (Regulatory Review) and Executive Order 13563 (Improving Regulation and Regulatory Review).

**Screenshot 2:** The “Comment on Open Rules” page as captured by the Internet Archive’s Wayback Machine on [January 9, 2019](#), before its removal.

INTERNET ARCHIVE  
**Wayback Machine**  
47 captures  
25 May 2015 - 27 Jun 2019

https://www.hhs.gov/regulations/comment-on-open-rules/index.html

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**HHS.gov**
U.S. Department of Health & Human Services

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HIPAA Privacy Rule

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Human Subjects Research Protections

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HITECH Act

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**Comment on Open Rules**

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Find Rules by Operating Division

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Additional HHS Laws & Regulations

Text Resize **A A A** | Print | Share

## Comment on Open Rules

The public plays an important role in the rulemaking process by commenting on proposed rules. Your comments can help shape the Department’s decisions.

Learn more with [HHS Regulations Toolkit](#).

HHS Regulations

- [All HHS rules open for comment](#)

HHS Regulations by Operating Division

- [Administration for Children and Families \(ACF\) rules open for comment](#)
- [Administration for Community Living \(ACL, formerly the Administration on Aging, ACF’s Administration on Developmental Disabilities, and the Office on Disability\) rules open for comment](#)
- [Agency for Healthcare Research and Quality \(AHRO\) rules open for comment](#)
- [Centers for Disease Control and Prevention \(CDC\) rules open for comment](#)
- [Centers for Medicare and Medicaid Services \(CMS\) rules open for comment](#)
- [Food and Drug Administration \(FDA\) rules open for comment](#)
- [Health Resources and Services Administration \(HRSA\) rules open for comment](#)
- [Indian Health Service \(IHS\) rules open for comment](#)
- [National Institutes of Health \(NIH\) rules open for comment](#)
- [Substance Abuse Mental Health Services Administration \(SAMHSA\) rules open for comments](#)

More on Regulations

- Learn about [HHS’ efforts to review existing regulations and provide feedback](#).
- View HHS [Regulations under EO 12866 review](#) at the Office of Management and Budget (OMB).
- See all rules and notices at [Regulations.gov](#).

Content created by Immediate Office of the Secretary (IOS)  
Content last reviewed on January 13, 2015

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Things YOU Need To Know About HHS Regulations

**What is a Federal Regulation?**  
Federal regulations are rules that have the force of law. They are created by federal agencies to carry out their responsibilities under the laws passed by Congress.

**Why Should I Comment?**  
You can help shape the rules that affect you and your community. Your comments can help the agency understand your needs and concerns.

**How Do I Comment?**  
You can comment online at [www.regulations.gov](#) or by mail. You can also attend public hearings or meetings.

**When Can I Comment?**  
You can comment during the “comment period” for a rule. This is usually 30 to 60 days after the rule is published in the Federal Register.

**Will My Comment Really Be Considered?**  
Yes, your comment will be considered. The agency is required to respond to your comment and explain how it will be used.

**HHS.gov/Regulations**

HHS.gov  
U.S. Department of Health & Human Services  
200 Independence Avenue, S.W., Washington, DC 20462

**Screenshot 3:** The “Comment on Open Rules” page as captured by the Internet Archive’s Wayback Machine on [June 18, 2019](#), after its removal.

INTERNET ARCHIVE  
Wayback Machine  
48 captures  
25 May 2015 - 3 Jul 2019

https://www.hhs.gov/regulations/comment-on-open-rules/index.html  
Go  
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**HHS.gov** U.S. Department of Health & Human Services

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About HHS Programs & Services Grants & Contracts Laws & Regulations

## Page Not Found

We're sorry, but there is no [www.hhs.gov](http://www.hhs.gov) page that matches your entry. Possible reasons:

- The page may have been moved,
- It no longer exists, or
- The address may have been typed incorrectly.

**Please Try the Following Options**

Search

- Search [HHS Frequently Asked Questions \(FAQs\)](#)
- Search for [Human Research](#) Protections FAQs
- Search for [Health Information Privacy](#) (HIPAA) FAQs
- Browse the [A-Z Index](#)
- Visit the [HHS Homepage](#)
- Visit the [HHS Archive](#)
- [Contact HHS](#)

Note: If you were using a bookmark, reset it once you find the correct page.