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- Substance Use Disorder Impatient Rehabilitation
- Residential and Non-Residential Services to Victims of Domestic Violence
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Rule Review

State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 60 days following publication in the Register of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 30 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the Register. When a public hearing is required by statute, the hearing cannot be held until 60 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:
- the 60-day period expires on February 17, 2019
- the 30-day period expires on January 18, 2019
Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online Register (www.dos.ny.gov) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 60-day public comment period after publication in the Register of every Notice of Proposed Rule Making, and a 30-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after expiration of the public comment period.

The Administrative Regulations Review Commission (ARRC) reviews newly proposed regulations to examine issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission
State Capitol
Albany, NY 12247
Telephone: (518) 455-5091 or 455-2731

Each paid subscription to the New York State Register includes one weekly issue for a full year and four “Quarterly Index” issues. The Quarterly is a cumulative list of actions that shows the status of every rule making action in progress or initiated within a calendar year.

The Register costs $80 a year for a subscription mailed first class and $40 for periodical (second) class. Prepayment is required. To order, send a check or money order payable to the NYS Department of State to the following address:

NYS Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
Telephone: (518) 474-6957
Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the Register and follow the procedures on the website (www.dos.ny.gov)

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RULE MAKING ACTIVITIES

Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

AAM -the abbreviation to identify the adopting agency
01 -the State Register issue number
96 -the year
00001 -the Department of State number, assigned upon receipt of notice.
E -Emergency Rule Making — permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

NOTICE OF ADOPTION

Proposed Rule Consolidates and Updates Regulatory Requirements Regarding HIV/AIDS for Patients Admitted to OASAS Programs

I.D. No. ASA-37-18-00002-A
Filing No. 1126
Filing Date: 2018-12-04
Effective Date: 2018-12-19

Pursuant to the provisions of the State Administrative Procedure Act, Notice is hereby given of the following action:

Action taken: Repeal of Parts 309, 1070, 1072; addition of Part 807 to Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 19.07, 19.09, 32.07; Public Health Law, art. 27F

Subject: Proposed rule consolidates and updates regulatory requirements regarding HIV/AIDS for patients admitted to OASAS programs.

Purpose: The proposed rule clarifies the statutory and regulatory obligations of OASAS programs pertaining to HIV/AIDS.

Text or summary was published in the September 12, 2018 issue of the Register, I.D. No. ASA-37-18-00002-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Carmelita Cruz, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Avenue, Albany, NY 12203, (518) 485-2312, email: carmelita.cruz@oasas.ny.gov

Initial Review of Rule
As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment
One public comment was submitted from the NYC Department of Health and Mental Hygiene. They proposed some minor technical corrections and language uniformity as well as the addition of two definitions, all of which have been made. They also recommended alignment with the NY Plan to End the AIDS Epidemic by adding additional guidance to the HIV prevention counseling and testing sections. The Office does not include medical guidance in regulation however, an intent section was added to the regulation to clarify the Office’s policy alignment on HIV-related services conforms with the NY Plan to End AIDS.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

General Provisions
I.D. No. ASA-51-18-00019-P

Pursuant to the provisions of the State Administrative Procedure Act, Notice is hereby given of the following proposed rule:

Proposed Action: Amendment of Part 800 of Title 14 NYCRR. This rule is proposed pursuant to SAPA section 207(3), 5-Year Review of Existing Rules.

Statutory authority: Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01 and 32.07(a)

Subject: General provisions.

Purpose: Update provisions consistent with treatment developments; definitions; technical gender language.

Substance of proposed rule (Full text is posted at the following State website: www.oasas.ny.gov): The Proposed Rule amends certain provisions of Part 800 applicable to all OASAS programs.

§ 800.3(d) and (t) Definitions. Amends the definition of “Medical Director” to remove references to specific certifying entities due to discontinuation of the subspecialty by one certifying entity; certification is still required from a certifying entity appropriate to the director’s primary or subspecialty certifying Board. Requires all medical directors to have or to acquire a federal DATA 2000 waiver (buprenorphine certified). Also consolidates language related to medical director responsibilities.

Adds a definition of “addiction services” consistent with language used by the federal Center for Medicare and Medicaid Services.

§ 800.4 Access to Medication Assisted Treatment. Adds a new section requiring all programs certified by the Office to facilitate access to medication assisted treatment through direct provision of such medication or by contract or linkage with private prescribing professionals. Requires all practitioners employed in a treatment program who are eligible for a DATA 2000 waiver to acquire such certification. Requires all programs to maintain an emergency medical kit including at least one naloxone emergency overdose prevention kit available during all hours of operation.

§ 800.5 and § 800.6 Waiver and Severability. Both renumbered to accommodate the new section 800.4.

Text of proposed rule and any required statements and analyses may be obtained from: Carmelita Cruz, Senior Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Avenue, Albany, NY 12203, (518) 485-2317, email: Carmelita.Cruz@oasas.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.
The proposed rulemaking is part of concurrent revisions to six (6) OASAS regulations, applicable to all programs, and to specific treatment modalities. These amendments are proposed in response to the current and ongoing opioid crisis in New York. Developments in treatment practice and philosophy have warranted a more aggressively confront this crisis. The revisions to Parts 800 (General Provisions), 815 (Patient Rights), 816 (Crisis services), 817 (Rehabilitation Services for Youth), 818 (Inpatient Rehabilitation), and 822 (Outpatient Services) are all based on the following general guiding principles:

1. Addiction is a chronic disease: regulatory language reflects a punitive and strict abstinence model that does not fit current understanding of the disease or treatment options, including harm reduction when appropriate;
2. OASAS regulations and standards of services to be staffed by clinical and medical professionals with scopes of practice prescribed by their licenses or credentials. Therefore, regulatory language should not include unnecessary clinical instruction which restricts professionals acting within their scope of practice and hinders immediate engagement with clients;
3. Regulatory language is unnecessarily repetitive: rather than clarity, this causes more paperwork and administrative burden which takes time away from treatment needs of patients; repetitive language also burdens agency regulators’ compliance reviews;
4. Regulatory language and structuring perpetuates the stigma that attaches to patients receiving replacement therapies and medication assisted treatment. These revisions complete the Office’s goal begun in 2007 to unify all outpatient treatment (no more “methadone clinics”);
5. Some regulatory functions, such as utilization review, are carried out by third party payors: duplication of administrative effort restricts patients’ rapid access to the clinical services they need.

This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients seeking services from OASAS treatment programs during this crisis. Some of these patterns are rooted in tensions within the treatment field between persons whose primary addiction is to alcohol and those whose primary substance is illegal or prescription medication. For example, this can manifest as a reluctance to utilize medication assisted treatment even as it is universally recognized as a best practice.

The goal of these revisions is to remove regulatory obstacles at a pre-admission or admission stage to facilitate rapid access to care, and to remove residual biases in the treatment field that are reflected in regulatory language. Once a person has acknowledged they need help, unless that help is as readily available as soon as possible, in the form of an understanding clinician, vs. a checklist of regulatory requirements, a critical opportunity to save a life may have been lost. Regulatory language has trained treatment providers to be careful regulators; these revisions are intended to enable them to be more effective treatment providers first and foremost. Meeting the standards of regulatory language, always intended as a minimum standard, had become the goal; these revisions do not lower the standard, but rather encourage the application of clinical judgment, expertise, and human contact so essential to treat any chronic disease.

Technical amendments include use of gender neutral language. This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

Regulatory Impact Statement
1. Statutory Authority: (a) Section 19.07(a) of the Mental Hygiene Law charges the Office of Alcoholism and Substance Abuse Services (OASAS or “Office”) with assuring the development of comprehensive plans, programs and services for research, prevention, care, treatment, rehabilitation, education and training related to substance use disorder and compulsive gambling.
   (b) Section 19.09 (b) of the Mental Hygiene Law allows the commissioner to adopt regulations necessary and proper to implement any matter under the commissioner’s jurisdiction.
2. Section 32.01 of the Mental Hygiene Law states the commissioner may adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.
3. Section 32.07 of the Mental Hygiene Law states the commissioner may adopt regulations to effectuate the provisions and purposes of article 32 of the Mental Hygiene Law.
   2. Legislative Objectives: The proposed rulemaking is related to concurrent revisions to multiple OASAS regulations in response to the opioid crisis and the implementation of Medicaid Managed care. Recent important developments in treatment practice and philosophy have emerged to confront this crisis as aggressively as possible. These amendments ensure agency regulations reflect current standards of treatment for persons with substance use disorder and/or gambling disorder, parity between behavioral and physical health, and changes in options available for Board certification required of medical directors. The revisions to Parts 800 are based on the following general guiding principles: (1) that addiction is a chronic disease; (2) that medication assisted treatment is a best practice for treatment of substance use disorder; (3) and that all providers must be prepared and must prepare the patient and their family, to address emergency overdose situations.

This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

3. Needs and Benefits: This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients entering treatment programs during the current opioid crisis. Outdated regulatory language drives practices and attitudes toward patients that may discourage persons from seeking treatment and treatment providers from implementing current clinical best practices.

These revisions seek to remove residual biases in the treatment field reflected in regulatory language stigmatizing medication assisted treatment and focusing on abstinence as a primary goal. Language related to medical directors’ Board certifications is amended due to changes in existing pathways to such certifications.
4. Costs: No additional administrative costs to the agency are anticipated since regulatory oversight and program review are standard agency operations. No additional costs to programs/providers are anticipated since the obligation to provide basic services is not changed. The requirement for DATA 2000 waivers for some staff is an extension of current requirements and is a fee paid by the practitioner. Keeping a naloxone emergency overdose prevention kit on site is not an additional cost since many programs are DOH registered Opioid Overdose Prevention Programs (OOPPs), or this medication is covered by Medicaid and some private insurances and fillable at most pharmacies pursuant to a non-patient specific prescription.
5. Local Government Mandates: This regulation imposes no new mandates on local governments operating certified OASAS programs.
6. Paperwork: The proposed regulation will not require any additional paperwork because no new reporting requirements are required of all providers.
7. Duplication: This proposed rule does not duplicate any State or federal statute or rule.
8. Alternatives: Continue with outdated regulations that are not consistent with current standards. The new rule does not reduce standards but consolidates language into a more concise regulation and clarifies expectations for best practices.
9. Federal Standards: This regulation does not conflict with federal standards.
10. Compliance Schedule: This rulemaking will be effective upon publication in the State Register.

Regulatory Flexibility Analysis
OASAS has determined that the rule will not impose any adverse impact on small businesses or local governments. This proposed rulemaking does not affect businesses or local governments as it includes provisions applicable to all programs certified, licensed, funded or otherwise authorized by the Office to provide addiction services regardless of location, size, modality or operator.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

Rural Area Flexibility Analysis
OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. This proposed rulemaking does not affect businesses or local governments in any geographic area, including rural areas, since it relates to provisions applicable to all programs certified, licensed, funded or otherwise authorized by the Office to provide services regardless of location, size, modality or operator.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

Job Impact Statement
No change in the number of jobs and employment opportunities is anticipated as a result of the proposed new regulation because the proposed amendments apply to qualifications of current staff or future staff and do not require additional programs to hire additional staff. Programs or the Office will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State.
PROPOSED RULE MAKING

NO HEARING(S) SCHEDULED

Substance Use Disorder Withdrawal and Stabilization Services

I.D. No. ASA-51-18-00020-P

PURSUANT TO THE PROVISIONS OF THE STATE Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Repeal of Part 816; addition of new Part 816 to Title 14 NYCRR. This rule is proposed pursuant to SAPA A section 207(3), 5-Year Review of Existing Rules.

Statutory authority: Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01 and 32.07(a)

Subject: Substance Use Disorder Withdrawal and Stabilization Services.

Purpose: Update provisions consistent with treatment developments; definitions; technical gender language.

Substance of proposed rule (Full text is posted at the following State website: www.oasas.ny.gov):

- The Proposed Rule repeals Part 816 and replaces with a new Part 816 relating to “crisis services” for persons suffering from substance use disorder.

- § 816.1 Background and intent. Edits for grammar, repetitive text, and subjective adjectives.

- § 816.2 Sets forth the statutory authority for promulgation of this regulation; gender neutral terms and updated terminology.

- § 816.3 Applicability. Providers certified and/or funded by the Office that provide gambling treatment as a secondary diagnosis to substance use disorder, or have received a waiver or designation to provide gambling treatment without a substance use disorder diagnosis.

- § 816.4 Definitions. Edits for grammar, repetitive text; deletion of definitions that have been moved to Part 800 applicable to all providers (“prescribing professional,” and “qualified health professionals”).

- § 816.5 Standards applicable to all withdrawal and stabilization services. Edits for grammar, gender neutral language, and updated terminology; consolidating repetitive or extraneous language regarding requirements for programs; streamlining procedures and program goals. Subjects include: Screening, linkages and referral; policies and procedures; co-location; capacity; admission, including level of care determinations, medical exams, and pharmacology; initial services and initial evaluations; development and review of a patient-centered recovery/care plan; discharge and planning for level of care transitions; case records; utilization review and quality improvement; staffing.

- § 816.6 Additional requirements for medically managed withdrawal and stabilization. Edits deleting repetitive and extraneous text or provisions covered in other sections of this Part or other Parts of this Chapter; staffing specific to this modality.

- § 816.7 Additional requirements for medically supervised inpatient withdrawal and stabilization. Edits deleting repetitive and extraneous text or provisions covered in other sections of this Part or other Parts of this Chapter; staffing specific to this modality.

- § 816.8 Additional requirements for medically managed inpatient withdrawal and stabilization. Edits deleting repetitive and extraneous text or provisions covered in other sections of this Part or other Parts of this Chapter; staffing specific to this modality.

- § 816.9 Additional requirements for medically monitored inpatient withdrawal and stabilization. Edits deleting repetitive and extraneous text or provisions covered in other sections of this Part or other Parts of this Chapter; staffing specific to this modality.

- § 816.10 Standards pertaining to Medicaid reimbursement. Edits to consolidate repetitive language or text covered in other Parts of this Chapter. § 816.11 Savings and renewal clause.

- § 816.12 Severality.

Text of proposed rule and any required statements and analyses may be obtained from: Carmelita Cruz, Senior Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203, (518) 485-2317, email: Carmelita.Cruz@oasas.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Reasoned Justification for Modification of the Rule

The proposed rule is part of concurrent revisions to six (6) OASAS regulations, applicable to all programs, and to specific treatment modalities. These amendments are proposed in response to the current and ongoing opioid crisis in New York. Developments in treatment philosophy and practice have emerged to more aggressively confront this crisis. The revisions to Parts 800 (General Provisions), 815 (Patient Rights), 816 (Crisis services), 817 (Rehabilitation Services for Youth), 818 (Inpatient Rehabilitation), and 822 (Outpatient Services) are all based on the following guiding principles:

1. Addiction is a chronic disease: regulatory language reflects a punitive and strict abstinence model that does not fit current understanding of the disease. Treatment options addressing harm reduction are appropriate.

2. OASAS regulations require providers of services to be staffed by clinical and medical professionals with scopes of practice prescribed by their licenses or credentials. Therefore, regulatory language should not include unnecessary clinical instruction which restricts professionals acting within their scope of practice and hinders immediate engagement with clients.

3. Regulatory language is unnecessarily repetitive: rather than clarity, this creates more paperwork and administrative burden which takes time away from treatment needs of patients; repetitive language also burdens agency regulators’ compliance reviews.

4. Regulatory language and structure perpetuates the stigma that attaches to patients receiving replacement therapies and medication assisted treatment. These revisions complete the Office’s goal begun in 2007 to unify all outpatient treatment (no more “methadone clinics”).

5. Some regulatory functions, such as utilization review, are carried out by third party payors: duplication of administrative effort restricts patients’ rapid access to the clinical services they need.

This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients seeking services from OASAS treatment programs during this crisis. Some of these patterns are rooted in tensions within the treatment field between persons whose primary addiction is to alcohol and those whose primary substance is illegal or prescription medication. For example, this can manifest as a reluctance to utilize medication assisted treatment even as it is universally recognized as a best practice.

The goal of these revisions is to remove regulatory obstacles at a pre-admission or admission stage to facilitate rapid access to care, and to remove residual biases in the treatment field that are reflected in regulatory language. Once a person has acknowledged they need help, unless that help is as readily available as soon as possible, in the form of an understanding clinician, vs. a checklist of regulatory requirements, a critical opportunity to save a life may have been lost. Regulatory language has trained treatment providers to be careful regulators; these revisions are intended to enable them to be more effective treatment providers first and foremost. Meeting the standards of regulatory language, always intended as a minimum standard, had become the goal; these revisions do not lower the standard, but rather encourage the application of clinical judgment, expertise, and human contact so essential to treat any chronic disease.

Technical amendments include use of gender neutral language. This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

Regulatory Impact Statement

1. Statutory Authority:
   (a) Section 19.09 of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt regulations necessary and proper to implement any matter under their jurisdiction.
   (b) Section 19.15 of the Mental Hygiene Law bestows upon the Commissioner of such Office the responsibility of promoting, establishing, coordinating, and conducting programs for the prevention, diagnosis, treatment, aftercare, rehabilitation, and control in the field of substance use disorder.
   (c) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner of such Office to issue operating certificates for the provision of chemical dependence services.
   (d) Section 22.09 of the Mental Hygiene Law directs the Commissioner of such Office to designate hospitals and other appropriate facilities as providers of emergency detoxification and stabilization services for persons needing or seeking emergency treatment.

2. Legislative Objectives: By vesting the commissioner with rulemaking authority, the legislature intended the commissioner to adopt standards, including necessary rules and regulations pertaining to chemical dependence services which will ensure persons who abuse or are dependent on alcohol and/or substances and their families are provided with care and treatment which is effective and of high quality. Mental Hygiene Law Articles 19 and 32 authorize the commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by such statutes.

These amendments ensure agency regulations reflect current statutory requirements and standards, including necessary rules and regulations pertaining to chemical dependence services which will ensure persons who abuse or are dependent on alcohol and/or substances and their families are provided with care and treatment which is effective and of high quality. Mental Hygiene Law Articles 19 and 32 authorize the commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by such statutes. This proposal was reviewed by the Behavioral Health Services Advi-
proposed changes will not result in the loss of any jobs within New York State.

5. Local Government Mandates: This regulation imposes no new mandates on local governments operating certified OASAS programs.

6. Paperwork: The proposed regulation will not require any additional paperwork because reporting requirements have not changed from the current requirements.

7. Duplication: This proposed rule does not duplicate any State or federal statute or rule.

8. Alternatives: Continue with outdated regulations that are not consistent with current standards. The new rule does not reduce standards but consolidates language into a more concise regulation.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

**Regulatory Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on small businesses or local governments. This proposed rulemaking does not affect small businesses or local governments since it does not require any services additional to services already provided by programs regardless of size or operator.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

**Rural Area Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. This proposed rulemaking does not affect businesses or local governments in any geographic area, including rural areas, since it does not require any services additional to services already provided by programs in such locations.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

**Job Impact Statement**

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed new regulation because this proposed rulemaking does not require any services additional to services already provided by programs regardless of size or operator and therefore current staffing is not affected.

The Office will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State.
and philosophy have emerged to more aggressively confront this crisis. The revisions to Parts 800 (General Provisions), 815 (Patient Rights), 816 (Crisis services), 817 (Rehabilitation Services for Youth), 818 (Inpatient Rehabilitation), and 822 (Outpatient Services) are all based on the following guiding principles:

1. Addiction is a chronic disease: regulatory language reflects a punitive and strict abstinence model that does not fit current understanding of the disease or treatment options, including harm reduction when appropriate; 2. OASAS regulations require providers of services to be staffed by clinical and medical professionals with scopes of practice prescribed by their licenses or credentials. Therefore, regulatory language should not include unnecessary clinical instruction which restricts professionals acting within their scope of practice and hinders immediate engagement with clients.

3. Regulatory language is unnecessarily repetitive: rather than clarity, this causes more paperwork and administrative burden which takes time away from treatment needs of patients; repetitive language also burdens agency regulators' compliance reviews;

4. Regulatory language perpetuates the stigma that attaches to patients receiving replacement therapies and medication assisted treatment. These revisions complete the Office's goal begun in 2007 to unify all outpatient treatment (no more “methadone clinics”);

5. Some regulatory functions, such as utilization review, are carried out by third party payors: duplication of administrative effort restricts patients' rapid access to the clinical services they need.

This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients seeking services from OASAS treatment programs during this crisis. Some of these programs are rooted in tensions within the treatment field between persons whose primary addiction is to alcohol and those whose primary substance is illegal or prescription medication. For example, this can manifest as a reluctance to utilize medication assisted treatment even as it is universally recognized as a best practice.

The goal of these revisions is to remove regulatory obstacles at a pre-admission or admission stage to facilitate rapid access to care, and to remove residual biases in the treatment field that are reflected in regulatory language. Once a person has acknowledged they need help, unless that help is as readily available as soon as possible, in the form of an understanding clinician, vs. a checklist of regulatory requirements, a critical opportunity to save a life may have been lost. Regulatory language has trained treatment providers to be careful regulators; these revisions are intended to enable them to be more effective treatment providers first and foremost. Meeting the standards of regulatory language, always intended as a minimum standard, had become the goal; these revisions do not lower the standard, but rather encourage the application of clinical judgment, expertise, and human contact so essential to treat any chronic disease.

Technical amendments include use of gender neutral language. This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register. Regulatory Impact Statement

1. Statutory Authority:
   (a) Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt standards including necessary rules and regulations pertaining to chemical dependence services.
   (b) Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.
   (c) Section 19.15(e) of the Mental Hygiene Law authorizes the Commissioner to implement regulations of children and youth.
   (d) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to issue operating certificates for the provision of chemical dependence services.
   (e) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt regulations reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.
   (f) Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt regulations to effectuate the provisions and purposes of Article 32 of the Mental Hygiene Law.
   (g) Section 32.09 of the Mental Hygiene Law authorizes the Commissioner to issue operating certificates for services that treat chemically dependent individuals.

2. Legislative Objectives: By vesting the commissioner with rulemaking authority, the legislature intended the commissioner to adopt standards, including necessary rules and regulations pertaining to chemical dependence and treatment of persons for children and youth, that will ensure persons who abuse or are dependent on alcohol and/or substances and their families are provided with care and treatment that is effective and of high quality. Mental Hygiene Law Articles 19 and 32 authorize the commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by such statutes.

These amendments ensure agency regulations reflect current statutory requirements and standards of treatment for persons ages 18 and under. The proposed revision is more consistent with treatment best practices that have evolved since this regulation was first adopted.

This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

3. Needs and Benefits: This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients seeking treatment programs during the current opioid crisis. Outdated regulatory language drives practices and attitudes toward patients that may discourage patients from seeking treatment and treatment providers from implementing current clinical best practices.

4. Local Government: To remove residual or hidden biases in regulatory language that stigmatize medication assisted treatment or focus on abstinence as a primary goal. Technical revisions include use of gender neutral language, updated clinical and agency terminology, and clarifications that referrals include connections to alternative treatment when appropriate. Excessive clinical guidance has been removed from regulation. Some regulatory functions, such as utilization review, are now primarily carried out by third party payors; duplication of administrative efforts restricts rapid access to clinical services needed by patients during this crisis.

Except where provisions are specific to the youth population, proposed revisions to this Part are similar to those proposed for 14 NYCRR Part 818 ("Substance Use Disorder Inpatient Rehabilitation") making it easier for agency regulators to conduct oversight of similar regulatory provisions.

5. Costs: No additional administrative costs to the agency are anticipated since regulatory oversite and program review are standard agency operations. No additional costs to programs/providers are anticipated since the obligation to provide basic services is not changed; staffing patterns will be the same as the current regulation. The requirement to notify certain patients and families upon discharge is not an additional cost since many programs are DOH registered Opioid Overdose Prevention Programs (OOPPs), or this medication is covered by Medicaid and some private insurances and fillable at most pharmacies pursuant to a non-patient specific order.

6. Local Government Mandates: This regulation imposes no new mandates on local governments operating certified OASAS programs.

7. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

1. Statutory Authority: This rule will not impose any adverse impact on small businesses or local governments. This proposed rulemaking does not affect businesses or local governments because this proposed rulemaking does not require any services additional to services already provided by programs regardless of size, modality, or operator and therefore current programing is not affected.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

Rulemaking Analysis

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. This proposed rulemaking does not affect businesses or local governments in any geographic area, including rural areas, because this proposed rulemaking does not require any services additional to services already provided by programs regardless of location, size, modality, or operator and therefore current programing is not affected.
The proposed rule will be posted on the agency website. Agency review processes involve input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

Job Impact Statement

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed new regulation because this proposed rulemaking does not require any services additional to services already provided by programs regardless of size, modality, or operator and therefore current staffing is not affected.

The Office will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State.

Proposed Action:

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Repeal of Part 818; addition of new Part 818 to Title 14 NYCRR. This new rule is proposed pursuant to SAPA section 207(3), 5-Year Review of Existing Rules.

Statutory authority: Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01 and 32.07(a)

Subject: Substance Use Disorder Inpatient Rehabilitation

Purpose: Update provisions consistent with treatment developments; definitions; technical gender language.

Substance of proposed rule (Full text is posted at the following State website: www.oasas.ny.gov): The Proposed Rule repeals Part 818 and replaces with a new Part 818 relating to the treatment and recovery for persons suffering an addiction disorder.

§ 818.1 Sets forth the statutory authority for promulgation of this regulation.

§ 818.2 General program standards. Edits for grammar, gender neutral language, and updated terminology; consolidating repetitive or extraneous language regarding requirements for provider policies and procedures and program goals. Subjects include: Policies and procedures; program goals; minimum services; medication assisted treatment; emergency medical kits; food and nutrition; certified capacity; Medicaid; medical emergencies; telepractice.

§ 818.3 Admission procedures. Edits for grammar, gender neutral language, and updated terminology; consolidating repetitive or extraneous language. Subjects include: admission requirements for all programs; level of care determination; prohibition against discrimination; admission criteria.

§ 818.4 Post-admission procedures. Edits for grammar, gender neutral language, and updated terminology; consolidating repetitive or extraneous language. Subjects include: testing or referral for infectious diseases consistent with or exceeding Public Health Law; initial evaluation; initial services; medical history; referral and connection.

§ 818.5 Treatment/recovery plan. This is a new section extracted from text in prior subdivisions. Other edits include grammar, gender neutral language, updated terminology, and consolidating repetitive or extraneous language. Subjects include: requirement for a patient-centered treatment/recovery plan; required content; continuing review; progress notes; discharge planning and discharge summary.

§ 818.6 Patient records. Provisions of this section were extracted from text in prior subdivisions. Other edits include grammar, gender neutral language, updated terminology, and consolidating repetitive or extraneous language. Subjects include required documentation; disclosures; and reporting to the Office. Previous sections 818.5 and 818.6 (utilization review and medical policy and services) were deleted and provisions incorporated elsewhere.

§ 818.7 Staffing. Provisions of this section were extracted from text in prior subdivisions. Other edits include grammar, gender neutral language, updated terminology, and consolidating repetitive or extraneous language. Subjects include: medical director and medical staff; staff sharing; supervision and training; program director; other clinical staff; additional required staff including maintenance and security, volunteers and interns, health coordinator.

§ 818.8 Severability. Declares provisions of this Part to be severable.

§ 818.9 Savings and renewal clause.

Text of proposed rule and any required statements and analyses may be obtained from: Carmelita Cruz, Senior Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203, (518) 485-2317, email: Carmelita.Cruz@oasas.ny.gov

Data, views or arguments may be submitted to: Same as above. Public comment will be received until: 60 days after publication of this notice.

Reasoned Justification for Modification of the Rule

The proposed rule is part of concurrent revisions to six (6) OASAS regulations, applicable to all programs, and to specific treatment modalities. These amendments are proposed in response to the current and ongoing opioid crisis in New York. Development of practice and philosophy have emerged to more aggressively confront this crisis. The revisions to Parts 800 (General Provisions), 815 (Patient Rights), 816 (Crisis services), 817 (Rehabilitation Services for Youth), 818 (Inpatient Rehabilitation), and 822 (Outpatient Services) are all based on the following guiding principles:

1. Addiction is a chronic disease: regulatory language reflects a punitive and strict abstinence model that does not fit current understanding of the disease or treatment options, including harm reduction when appropriate; 2. OASAS regulations require providers of services to be staffed by clinical and medical professionals with scopes of practice prescribed by their licenses or credentials. Therefore, regulatory language should not include unnecessary clinical instruction which restricts professionals acting within their scope of practice and hinders immediate engagement with clients;

3. Regulatory language is unnecessarily repetitive: rather than clarity, this causes more paperwork and administrative burden which takes time away from treatment needs of patients; repetitive language also burdens agency regulators’ compliance reviews;

4. Regulatory language perpetuates the stigma that attaches to patients receiving replacement therapies and medication assisted treatment. These revisions complete the Office’s goal begun in 2007 to unify all outpatient treatment (no more “methadone clinics”);

5. Some regulatory functions, such as utilization review, are carried out by third party payors: duplication of administrative effort restricts patients’ rapid access to the clinical services they need.

This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients seeking services from OASAS treatment programs during this crisis. Some of these patterns are rooted in tensions within the treatment field between persons whose primary addiction is to alcohol and those whose primary substance is illegal or prescription medication. For example, this can manifest as a reluctance to utilize medication assisted treatment even as it is universally recognized as a best practice.

The goal of these revisions is to remove regulatory obstacles at a pre-admission or admission stage to facilitate rapid access to care, and to remove residual biases in the treatment field that are reflected in regulatory language. Once a person has acknowledged they need help, unless that help is as readily available as soon as possible, in the form of an understanding clinician, vs. a checklist of regulatory requirements, a critical opportunity to save a life may have been lost. Regulatory language has trained treatment providers to be careful regulators; these revisions are intended to enable them to be more effective treatment providers first and foremost. Meeting the standards of regulatory language, always intended as a minimum standard, had become the goal; these revisions do not lower the standard, but rather encourage the application of clinical judgment, expertise, and human contact so essential to treat any chronic disease.

Technical amendments include use of gender neutral language. This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

Regulatory Impact Statement

1. Statutory Authority:

(a) Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt standards including necessary rules and regulations pertaining to chemical dependence services.

(b) Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.

(c) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to issue operating certificates for the provision of chemical dependence services.

(d) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(e) Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to...
adopt regulations to effectuate the provisions and purposes of Article 32 of the Mental Hygiene Law. 

2. Legislative Objectives: By vesting the commissioner with rulemaking authority, the legislature intended the commissioner to adopt standards, including necessary rules and regulations pertaining to chemical dependence services which will ensure persons who abuse or are dependent on alcohol and/or substances and their families are provided with care and treatment which is effective and of high quality. Mental Hygiene Law Articles 19 and 32 authorize the commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by such statutes. 

These amendments ensure agency regulators can receive current statutory requirements and standards of treatment. The proposed revision is more consistent with current treatment best practices. 

This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register. 

3. Needs and Benefits: This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients entering treatment programs during the current opioid crisis. Outdated regulatory language drives practices and attitudes that may discourage persons from seeking treatment and treatment providers from implementing current clinical best practices. 

These revisions seek to remove residual or hidden biases in regulatory language that stigmatizes medication assisted treatment or focuses on abstinence as a primary goal. Technical revisions include use of gender neutral language, updated clinical and agency terminology, and clarifications that referrals include connections to alternative treatment when appropriate. Excessive clinical guidance has been removed from regulations. Some regulatory functions, such as utilization review, are primarily carried out by third party payors; duplication of administrative efforts restricts rapid access to clinical services needed by patients during this crisis. 

These proposed revisions also conform format and language to be substantially similar to regulations for other treatment modalities making it easier for agency regulators to conduct oversight of similar regulatory provisions. 

4. Costs: No additional administrative costs to the agency are anticipated since regulatory oversight and program review are standard agency operations. No additional costs to programs/providers are anticipated since the obligation to provide basic services is not changed; staffing patterns will be the same as the current regulation. The requirement to offer naloxone to certain patients and families upon discharge is not an additional cost since many programs are DOH registered Opioid Overdose Prevention (ODP) providers, and OASAS supports overdose prevention programs to some private insurances and fillable at most pharmacies pursuant to a provision on rural areas because this proposed rulemaking does not affect businesses or local governments in any geographic area, including rural areas because this proposed rulemaking does not require any services additional to services already provided by programs regardless of size, modality, or operator and therefore current programming is not affected. 

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers. 

Job Impact Statement 

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed new regulation because this proposed rulemaking does not require any services additional to services already provided by programs regardless of size, modality, or operator and therefore current staffing is not affected. 

The Office will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency. The proposed changes will not result in the loss of any jobs within New York State. 

PROPOSED RULE MAKING 

NO HEARING(S) SCHEDULED 

Patient Rights 

I.D. No. ASA-51-18-00023-P 

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule: 

Proposed Action: Amendment of Part 815 of Title 14 NYCRR. This rule is proposed pursuant to SAPA section 207(3), 5-Year Review of Existing Rules. 

Statutory authority: Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01 and 32.07(a) 

Subject: Patient Rights. 

Purpose: Update provisions consistent with treatment developments; definitions; technical gender language. 

Substantive proposal of rule (Full text is posted at the following State website: www.oasas.ny.gov): 
§ 815.1 Background and intent. Technical amendments to grammar and citations. 
§ 815.2 Legal base. Statutory authority for this Part; amendments to gender pronouns. Added citation to Mental Hygiene Law 32.06 regarding “patient brokering.” 
§ 815.3 Applicability. Amended to include programs authorized by the Office to include programs integrated with services from other agencies; amended to reference “addiction services” to include gambling and language utilized by the Centers for Medicare and Medicaid Services. 
§ 815.4 Provider requirements. Technical amendments to grammar and currently preferred language; gender pronouns. Added reference to prohibition against “patient brokering.” Deleted extraneous or repetitive text. 
§ 815.5 Patient rights. Technical amendments to grammar and currently preferred language; gender pronouns. Deleted language that is punitive or stigmatizing if related to patient disorders or recovery. 
§ 815.6 Patient responsibilities. Technical amendments to grammar and currently preferred language; gender pronouns. Deleted language that is punitive or stigmatizing if related to patient disorders or recovery. 
§ 815.7 Procedure at discharge. Technical amendments to grammar and currently preferred language; gender pronouns. Deleted language that is punitive or stigmatizing if related to patient disorders or recovery including “methadone”. 
§ 815.8 Drug testing. Technical amendments to grammar and currently preferred language; gender pronouns. Deleted language that is punitive or stigmatizing if related to patient disorders or recovery. Clarified staff supervised toxicology screens for trans-gendered persons. 
§ 815.9 Patient use of prescription medicine. Clarifies patient rights to lawfully prescribed and properly monitored medication, including controlled substances. Clinicians may consider a referral and connection to a more appropriate program, rather than simply a discharge, if a client continues prescription medications contrary to practitioner advice. 
§ 815.10 Patient screening. No changes. 
§ 815.11 Research subjects. Technical amendments to grammar and currently preferred language; gender pronouns. Delete unnecessary narrative text. 
§ 815.12 Staff and client relationships. Added a new section prohibiting sexual contact between staff and patients as de facto non-consensual. 
§ 815.13 Severability. No changes. Renumbered from 815.12. 

Text of proposed rule and any required statements and analyses may be obtained from: Carmelita Cruz, Senior Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203, (518) 485-2317, email: Carmelita.Cruz@oasas.ny.gov
Reasoned Justification for Modification of the Rule

The proposed rule is part of concurrent revisions to six (6) OASAS regulations, applicable to all programs, and to specific treatment modalities. These amendments are proposed in response to the current and ongoing opioid crisis in New York. Developments in treatment practice and philosophy have emerged to more aggressively confront this crisis. The revisions to Parts 800 (General Provisions), 815 (Patient Rights), 816 (Crisis services), 817 (Rehabilitation Services for Youth), 818 (Inpatient Rehabilitation), and 822 (Outpatient Services) are all based on the following guiding principles:

1. Addiction is a chronic disease: regulatory language reflects a punitive and strict abstinence model that does not fit current understanding of the disease or treatment options, including harm reduction when appropriate.

2. OASAS regulations require providers of services to be staffed by clinical and medical professionals with scopes of practice prescribed by their licenses or credentials. Therefore, regulatory language should not include unnecessary clinical instruction which restricts professionals acting within their scope of practice and hinders immediate engagement with clients.

3. Regulatory language is unnecessarily repetitive: rather than clarity, this causes more paperwork and administrative burden which takes time away from treatment needs of patients; repetitive language also burdens agency regulators’ compliance reviews.

4. Regulatory language and structure perpetuates the stigma that attaches to patients receiving replacement therapies and medication assisted treatment. These revisions complete the Office’s goal begun in 2007 to unify all outpatient treatment (no more “methadone clinics”);

5. Some regulatory functions, such as utilization review, are carried out by third party payors: duplication of administrative effort restricts patients’ rapid access to the clinical services they need.

6. This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients seeking services from OASAS treatment programs during this crisis. Some of these patterns are rooted in tensions within the treatment field between persons whose primary addiction is to alcohol and those whose primary substance is illegal or prescription medication. For example, this can manifest as a reluctance to utilize medication assisted treatment even as it is universally recognized as a best practice.

7. The goal of these revisions is to remove regulatory obstacles at a pre-admission or admission stage to facilitate rapid access to care, and to remove residual biases in the treatment field that are reflected in regulatory language. Once a person has acknowledged they need help, unless that help is as readily available as soon as possible, in the form of an understanding clinician, vs. a checklist of regulatory requirements, a critical opportunity to save a life may have been lost. Regulatory language has trained treatment providers to be careful regulators; these revisions are intended to enable them to be more effective treatment providers first and foremost. Meeting the standards of regulatory language, always intended as a minimum standard, had become the goal; these revisions do not lower the standard, but rather encourage the application of clinical judgment, expertise, and human contact so essential to treat any chronic disease.

Technical amendments include use of gender neutral language. This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

Regulatory Impact Statement

1. Statutory Authority:
   (a) Section 19.07(c) of the Mental Hygiene Law (“MHL”) charges the Commissioner (“Commissioner”) of the New York State Office of Alcoholism and Substance Abuse Services (“the Office”) with the responsibility of ensuring that the personal and civil rights of persons receiving care, treatment and rehabilitation are adequately protected.
   (b) Section 19.07(e) of the MHL authorizes the Commissioner to adopt standards including necessary rules and regulations pertaining to chemical dependence services.
   (c) Section 19.09(b) of the MHL authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under her or his jurisdiction.
   (d) Section 19.20 of the MHL authorizes the Office to receive and review criminal history information from the Justice Center related to employees or volunteers of treatment facilities certified, licensed, funded or operated by the Office.
   (e) Section 19.20 of the MHL authorizes the Office to receive and review criminal history information from the Justice Center related to persons seeking to be credentialed by the Office or applicants for an operating certificate issued by the Office.

2. Reasoned Justification for Modification of the Rule
   (i) Section 19.21(b) of the MHL authorizes the Commissioner to adopt regulations concerning the licensing, certification, inspection, and treatment standards of all facilities that treat alcoholism and substance dependency.
   (g) Section 22.03 of the MHL requires the director of any chemical dependency program to establish, communicate and protect resident rights, to include information about how to communicate with the Office and the Commissioner.
   (h) Section 22.07(c) of the MHL authorizes the Commissioner to adopt rules and regulations and any other necessary actions to ensure that the rights of individuals who have received or are receiving chemical dependence services are protected.
   (l) Section 492 of the Social Services Law established the Vulnerable Persons’ Central Register.

3. Needs and Benefits: This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients seeking services from OASAS treatment programs during this crisis. Some of these patterns are rooted in tensions within the treatment field between persons whose primary addiction is to alcohol and those whose primary substance is illegal or prescription medication. For example, this can manifest as a reluctance to utilize medication assisted treatment even as it is universally recognized as a best practice.

4. Costs: No additional administrative costs to the agency are anticipated since many programs are DOH registered Opioid Overdose Prevention Programs (OOPPs), or this medication is covered by Medicaid and some private insurances and fillable at most pharmacies pursuant to a non-patient specific order.

5. Local Government Mandates: This regulation imposes no new mandates on local governments operating OASAS programs.

6. Paperwork: The proposed regulation will not require any additional paperwork because documentation requirements have not changed from the current requirements.

7. Duplication: This proposed rule does not duplicate any State or federal statute or rule.

8. Alternatives: Continue with outdated regulations that are not consis-
tent with current standards. The new rule does not reduce standards but updates language that more accurately reflects patient dignity.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on small businesses or local governments. This proposed rulemaking does not affect businesses or local governments since it relates to the rights of patients in programs regardless of size of operator.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

Rural Area Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. This proposed rulemaking does not affect businesses or local governments in any geographic area, including rural areas, since it relates to rights of patients receiving services in programs in all locations.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

Job Impact Statement

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed new regulation because the amendments relate to the rights of patients in all programs and do not affect the number of jobs or employment opportunities in programs. The Office will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

General Service Standards for Substance Use Disorder Outpatient Programs

I.D. No. ASA-51-18-00024-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Repeal of Part 822; addition of new Part 822 to Title 14 NYCRR. This rulemaking is proposed pursuant to SAPA section 207(3), 5-Year Review of Existing Rules.

Statutory authority: Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01 and 32.07(a)

Subject: General Service Standards for Substance Use Disorder Outpatient Programs.

Purpose: Update provisions consistent with treatment developments; definitions; technical gender language.

Substance of proposed rule (Full text is posted at the following State website: www.oasas.ny.gov): The Proposed Rule repeals Part 822 and replaces with a new Part 822 relating to outpatient treatment of addiction disorders in the OASAS system.

§ 822.1 Background. Edits to this section are indicative of edits throughout the proposed regulation that remove references to “opiod treat-ment program” and “methadone” since all are essentially outpatient programs. Other language changes include use of “substance use disor-der” to replace prior stigmatizing language.

§ 822.2 Sets forth the statutory authority for promulgation of this regulation.

§ 822.3 Applicability. Providers certified, funded or otherwise autho-rized by the Office to provide an outpatient treatment program. Programs providing opioid full agonist treatment medications must obtain additional approval from a federally-approved accrediting entity.

§ 822.4 Savings and renewal clause.

§ 822.5 Definitions. Amendments to this section include edits for grammar, gender neutral language, and updated terminology; replacing stigmatizing or punitive-tending language with language more appropriate to treatment of a chronic medical condition. Other amendments are intended to promote clinical flexibility and patient-centered care in group sizes, pre-admission services, treatment for family members and signifi-cant others.

§ 822.6 Standard pertaining to Medicaid reimbursement. Clarifies op-tions for family members and the limitations of Medicaid reimbursement for outpatient care.

§ 822.7 General program standards. Edits for grammar, gender neutral language, and updated terminology; consolidating repetitive or extraneous language; replaces medication assisted treatment a required service; updates regulation to accommodate recent and concurrent changes to Part 800 and Part 830 (re. telepractice); clarifies options for staff sharing; conforms standards for programs providing opioid full-agonist medications to current federal standards.

§ 822.8 Admission, initial services, transfers and readmissions. Amend-ments to this section include edits for grammar, gender neutral language, and updated terminology; replacing stigmatizing or punitive-tending language with language more appropriate to treatment of a chronic medical condition. Includes amendments to sector specific definitions to types of outpatient programs. Deletes pre-admission risk assessment as this would be conducted as part of an initial assessment; clarifies post-admission tests, documentation, medical history.

§ 822.9 Treatment/recovery plan. Edits include grammar, gender neutral language, and updated terminology; replacing stigmatizing or punitive-tending language with language more appropriate to treatment of a chronic medical condition.

§ 822.11 Documentation of services. Amendments to this section include edits for grammar, gender neutral language, and updated terminology; replacing stigmatizing or punitive-tending language with language more appropriate to treatment of a chronic medical condition.

§ 822.12 Level of care transition planning (formerly discharge planning). Amendments to this section include edits for grammar, gender neutral language, and updated terminology; replacing stigmatizing or punitive-tending language with language more appropriate to treatment of a chronic medical condition. Subjects include: transition or discharge criteria; transition planning, and discharge summary.

§ 822.13 Continuing care. Amendments to this section include edits for grammar, gender neutral language, and updated terminology; replacing stigmatizing or punitive-tending language with language more appropriate to treatment of a chronic medical condition. Clarifies that continuing care is not appropriate for persons receiving opioid full agonist medications.

§ 822.14 Additional locations. Removes requirements for location of an additional location.

§ 822.15 Additional requirements for chemical dependence outpatient rehabilition services. Technical edits only.

§ 822.16 Additional requirements for programs providing opioid full agonist treatment medications. Amendments to this section include edits for grammar, gender neutral language, and updated terminology; replacing stigmatizing or punitive-tending language with language more appropriate to treatment of a chronic medical condition. Conforms standards for programs providing opioid full-agonist medications to current federal standards. Moves provisions applicable to all outpatient programs to other sections of this Part.

§ 822.17 Severability. Declares provisions of this Part to be severable.

Text of proposed rule and any required statements and analyses may be obtained from: Carmelita Cruz, Senior Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203, (518) 485-2317, email: Carmelita.Cruz@oasas.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Reasoned Justification for Modification of the Rule

The proposed rule is part of concurrent revisions to six (6) OASAS regulations, applicable to all programs, and to specific treatment modalities. These amendments are proposed in response to the current and ongoing opioid crisis in New York. Development in treatment practice and philosophy have emerged to more aggressively confront this crisis. The revisions to Parts 800 (General Provisions), 815 (Patient Rights), 816 (Crisis services), 817 (Rehabilitation Services for Youth), 818 (Inpatient Rehabilitation), and 822 (Outpatient Services) are all based on the following guiding principles:

1. Addiction is a chronic disease: regulatory language reflects a punitive and strict abstinence model that does not fit current understanding of the disease or treatment options, including harm reduction when appropriate; OASAS regulations require providers of services to be staffed by clinical and medical professionals with scopes of practice prescribed by their licenses or credentials. Therefore, regulatory language should not include unnecessary clinical instruction which restricts professionals act-
ing within their scope of practice and hinders immediate engagement with clients.

3. Regulatory language is unnecessarily repetitive: rather than clarity, this causes more paperwork and administrative burden which takes time away from treatment needs of patients; repetitive language also burdens agency staff and increases administrative review.

4. Regulatory language and structure perpetuates the stigma that attaches to patients receiving replacement therapies and medication assisted treatment. These revisions complete the Office’s goal begun in 2007 to unify all outpatient treatment (no more “methadone clinics”).

5. Some regulatory functions, such as utilization review, are carried out by third party payors: duplication of administrative effort restricts patients’ rapid access to the clinical services they need.

This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients seeking services from OASAS treatment programs during this crisis. Some of these patterns are rooted in tensions within the treatment field between persons whose primary addiction is to alcohol and those whose primary substance is illegal or prescription medication. For example, this can manifest as a reluctance to utilize medication assisted treatment even as it is universally recognized as a best practice.

The goal of these revisions is to remove regulatory obstacles at a pre-admission or admission stage to facilitate rapid access to care, and to remove residual biases in the treatment field that are reflected in regulatory language. Once a person has acknowledged they need help, unless that help is as readily available as soon as possible, in the form of an understanding clinician, vs. a checklist of regulatory requirements, a critical opportunity to save a life may have been lost. Regulatory language has trained treatment providers to be careful regulators; these revisions are intended to enable them to be more effective treatment providers first and foremost. Meeting the standards of regulatory language, always intended as a minimum standard, had become the goal; these revisions do not lower the standard, but rather encourage the application of clinical judgment, expertise, and human contact so essential to treat any chronic disease.

Technical amendments include use of gender neutral language. This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

Regulatory Impact Statement

1. Statutory Authority: (a) Section 19.07(c) of the Mental Hygiene Law (MHL) charges the Office with the responsibility to ensure that persons who abuse or are dependent on alcohol and/or substances and their families are provided with care and treatment that is effective and of high quality.

(b) Section 19.07(e) of the MHL authorizes the commissioner to adopt standards including necessary rules and regulations pertaining to chemical dependence treatment services.

(c) Section 19.09(b) of the MHL authorizes the commissioner to adopt regulations necessary and proper to implement any matter under his/her jurisdiction.

(d) Section 19.16 of the MHL requires the commissioner to establish and maintain, either directly or through contract, a central registry for purposes of preventing multiple enrollments in opioid treatment programs (OTPs) and provides medication downing during an emergency situation, when displaced patients may seek treatment from an alternate OTP.

(e) Section 19.21(b) of the MHL requires the commissioner to establish and enforce regulations concerning the licensing, certification, and inspection of chemical dependence treatment services.

(f) Section 19.21(d) of the MHL requires the Office to establish reasonable performance standards for providers of services certified by the Office.

(g) Section 19.40 of the MHL authorizes the commissioner to issue operating certificates for the provision of chemical dependence treatment services.

(h) Section 22.07(c) of the Mental Hygiene Law authorizes the commissioner to promulgate rules and regulations to ensure that the rights of individuals who have received, and are receiving, chemical dependence services are protected.

(i) Section 32.01 of the MHL authorizes the commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the MHL.

(j) Section 32.05(b) of the MHL provides that a controlled substance designated by the commissioner of the New York State Department of Health (DOH) as appropriate for such use may be used by a physician to treat a chemically dependent individual pursuant to section 32.09(b) of the MHL.

(k) Section 32.07(a) of the MHL authorizes the commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the MHL.

(l) Section 32.09(b) of the MHL provides that the commissioner may, once a controlled substance is approved by the commissioner of DOH as appropriate for such use, authorize the use of such controlled substance in treating a chemically dependent individual.

(m) Section 220.78 of the Penal Law affords limited protections from prosecution for persons duration of medical attention for accidental overdose.

(n) Section 3309 of the Public Health Law authorizes the DOH to establish standards for approval of any opioid overdose prevention program.

(o) Section 2781 of the Public Health Law defines the rules governing HIV testing in New York.

2. Legislative Objectives: By vesting the commissioner with rulemaking authority, the legislature intended the commissioner to adopt standards, including necessary rules and regulations pertaining to chemical dependence treatment services. These revisions are intended to enable the commissioner to adopt rules and regulations that are consistent with current statutory requirements and standards of treatment. The proposed revision is more consistent with current treatment best practices.

This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

3. Needs and Benefits: This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients entering treatment programs during the current opioid crisis. Outdated regulatory language drives practices and attitudes toward patients that may discourage persons from seeking treatment and treatment providers from implementing current clinical best practices.

These revisions seek to remove residual or hidden biases in regulatory language that stigmatize medication assisted treatment or focus on abstinence as a primary goal. Technical revisions include use of gender neutral language, updated clinical and agency terminology, and clarifications that referrals include connections to alternative treatment when appropriate. Excessive clinical guidance has been removed from regulations. Some regulatory functions, such as utilization review, are now primarily carried out by third party payors; duplication of administrative efforts restricts rapid access to clinical services needed by patients during this crisis.

These proposed revisions also conform format and language to be substantially similar to regulations for other treatment modalities making it easier for agency regulators to conduct oversight of similar regulatory provisions.

4. Costs: No additional administrative costs to the agency are anticipated since regulatory oversite and program review are standard agency operations. No additional costs to providers/programs are anticipated since the obligation to provide basic services is not changed; staffing patterns will be the same as the current regulation. The requirement to offer naloxone to certain patients and families upon discharge is not an additional cost since many programs already provide Opioid Overdose Prevention Programs (OOPPs), or this medication is covered by Medicaid and some private insurances and fillable at most pharmacies pursuant to a non-patient specific order.

5. Local Government Mandates: This regulation imposes no new mandates on local governments operating certified OASAS programs.

6. Paperwork: The proposed regulation will not require any additional paperwork because reporting requirements have not changed from the current requirements.

7. Duplication: This proposed rule does not duplicate any State or federal statute or rule.

8. Alternatives: Continue with outdated regulations that are not consistent with current standards. The new rule does not reduce standards but consolidates language into a more concise regulation.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on small businesses or local governments. This proposed rulemaking does not have a significant effect on the extent to which the operation of small businesses or local governments by this proposed rulemaking. This proposed rulemaking does not require any services additional to services already provided by programs regardless of size, modality, or operator and therefore current programming is not affected.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.
Rural Area Flexibility Analysis
OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. This proposed rulemaking does not affect businesses or local governments in any geographic area, including rural areas, because this proposed rulemaking does not require any services additional to services already provided by programs regardless of size, modality, or operator and therefore current programming is not affected.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

Job Impact Statement
No change in the number of jobs and employment opportunities is anticipated as a result of the proposed new regulation because this proposed rulemaking does not require any services additional to services already provided by programs regardless of size, modality, or operator and therefore current staffing is not affected.

The Office will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State.

Office of Children and Family Services

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Residential and Non-Residential Services to Victims of Domestic Violence

I.D. No. CFS-51-18-00010-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act. NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Parts 452, 453, 454, 455 and 462 of Title 18 NYCRR

Statutory authority: Social Services Law, sections 20(3)(d), 459-b and 459-c

Subject: Residential and non-residential services to victims of domestic violence.

Purpose: To conform the existing regulations to comply with state and federal laws regarding services to victims of domestic violence.

Substance of proposed rule (Full text is posted at the following State website: https://oefs.ny.gov/main/legal/Regulatory/policies): The Office of Children and Family Services (OCSFS) reviewed existing regulations related to programs providing services (residentially and non-residentially) to victims of domestic violence. The purpose of the review is to bring the current regulations into compliance with current federal/state statute and as applicable, provide clarification to existing requirements.

Overall
- Clean up of grammar/spelling errors.
- Updated all references of “department” to “Office”.

Part 452 – General Provisions
- Clarification of existing definitions and new terms added.
- Language added to provide clarification of the roles and responsibilities of Board of Directors.
- Clarification of enforcement actions that may be taken by OCSFS.
- Clarification of rights and responsibilities for residents and programs.
- Definitions, admissions standards, rights and responsibilities related to service animals and therapy dogs.
- Clarification related to the confidentiality of personally identifying information.

Part 453 – Residential Services to Victims of Domestic Violence

Staffing – clarifying language for various shifts.

Part 462 – Non-Residential Services for Victims of Domestic Violence

Clarification of child abuse and maltreatment reporting requirements.

Clarity of the confidentiality of personally identifying information.

Staffing – language added regarding staff training.

Clarification of emergency core services.

Text of proposed rule and any required statements and analyses may be obtained from: Leslie Robinson, Senior Attorney, New York State Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 474-3333, email: regcomments@ocfs.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

1. Statutory authority:
Section 20(3)(d) of the Social Services Law (SSL) authorizes the Office of Children and Family Services (OCFS or the Office) to establish rules and regulations to carry out its powers and duties pursuant to the provisions of the SSL

Section 459-b of the SSL authorizes the Office to establish regulations governing residential programs for victims of domestic violence.

Section 459-c of the SSL authorizes the Office to establish regulations governing non-residential programs for victims of domestic violence.

2. Legislative objectives:

The Office’s objective in proposing changes to current regulations governing residential and non-residential programs for victims of domestic violence is to strengthen health and safety standards, correct conflicting regulatory language, update the regulations with recent changes made to SSL and NYS Building Code, and to make the regulations easier to understand.

The regulatory changes specific to service animals and therapy dogs are necessary to comply with Chapter 7 of the Laws of 2016, and changes to Social Services Law § 459-b which requires the Office of Children and Family Services has a service animal or therapy dog as defined in section 123-b and section 108 of Agricultural and Markets law shall be allowed to accompany the victim into the residential program for victims of domestic violence, provided that the animal does not impose an undue burden on the residential program and the animal remains under the control of its handler. This includes providing notification to residents within one business day of admission of the rights and responsibilities. These rights and responsibilities indicate that a person with a disability has the right to have accommodation of their service animal or therapy dog, and that reasonable efforts must be made to facilitate placement of the service animal or therapy dog at an off-site animal facility in the event the animal poses a direct threat to the health and safety of others.

3. Costs:

Costs attendant to the implementation of these regulations are anticipated to be nominal. There may be some nominal and non-quantifiable costs related to staff training; however, there are many no-cost training opportunities that domestic violence programs have access to including and not limited to: webinars from national domestic violence associations/organizations; sponsored trainings from Office of Children and Family Services, Office for the Prevention of Domestic Violence, New York State Coalition Against Domestic Violence; in-kind cross-training from community agencies (e.g. law enforcement, legal aid, job-training/employment, etc.). In addition, several public and private grants assist in covering the cost of training. Lastly, residential and/or non-residential

4. Environmental Standards – applicable changes made to physical plant requirements to better match existing fire, health, and safety standards and statute.

5. Staffing – clarifying language for various shifts.

6. Non-Residential Services for Victims of Domestic Violence

Clarification of child abuse and maltreatment reporting requirements.

Clarity of the confidentiality of personally identifying information.

Staffing – language added regarding staff training.

Clarification of emergency core services.
programs for victims of domestic violence may create their own in-house trained service animals and therapy dogs to accompany them into a residential program for victims of domestic violence; that services must be provided in a non-discriminatory manner to all victims, regardless of creed, color, national origin, sexual orientation, gender identity or expression, military status, sex marital status or disability; the confidentiality of personally identifying information of victims of domestic violence; the provision of language access services to individuals who have limited English proficiency; and environmental standards for residential programs of victims of domestic violence and their minor children. Changes in the regulations are to bring current regulations into compliance with current federal and/or state statutory requirements and to provide clarification to existing requirements not previously covered in the 2017 adopted regulations pertaining to length of stay and background checks of publicly funded emergency shelters for families and children.

Regulatory changes in response to current federal and/or state statutory requirements include: clarifying when domestic violence victims with a disability to have their service animals and therapy dogs to accompany them into a residential program for victims of domestic violence; that services must be provided in a non-discriminatory manner to all victims, regardless of creed, color, national origin, sexual orientation, gender identity or expression, military status, sex marital status or disability; the confidentiality of personally identifying information of victims of domestic violence; the provision of language access services to individuals who have limited English proficiency; and environmental standards for residential programs of victims of domestic violence as they pertain to health, sanitation, safety, and fire prevention.

Regulatory changes to existing regulations for the purpose of clarification include: permitting domestic violence programs to be referred to as domestic violence mixed occupancy shelters; articulating clearly the general provisions for operating certificates including enforcement actions that may be taken by the New York State Office of Children and Family Services (OCFS); general terms and conditions for not-for-profit organizations operating a residential program for victims of domestic violence; articulating a retention period of six years for operational and client records; developing a process to determine how long the动物 should have no or minimal cost impact on the residential programs as the care and supervision of the animal falls to the handler of the animal. This includes toileting, feeding, grooming and veterinary care. There are existing resources available to assist agencies with accommodating persons with service animals and/or therapy dogs including private grants, that would assist with feeding, grooming and veterinary care. There is not anticipated to be additional costs related to environmental standards as these are part of regular building construction, upkeep and maintenance.

5. Local government mandates:
The proposed regulations will only impose additional mandates on social services districts that operate residential or non-residential programs for victims of domestic violence. Presently, there is only one social services district that operates residential programs for victims of domestic violence and two districts that provide non-residential service directly.

6. Paperwork:
The proposed regulations do not add any new reporting requirements.

7. Alternatives:
There are no alternatives to the proposed regulations that would provide the same benefits to victims of domestic violence.

8. Federal standards:
The regulatory amendments do not conflict with any federal standards.

9. Compliance schedule:
The regulations will become effective immediately upon finalization.

10. Compliance requirements:
The regulations are necessary for the health, safety and well-being of victims of domestic violence and their minor children. Changes in the regulations are to bring current regulations into compliance with current federal and/or state statutory requirements and to provide clarification to existing requirements not previously covered in the 2017 adopted regulations pertaining to length of stay and background checks of publicly funded emergency shelters for families and children.

When drafting these proposed regulatory changes, input was sought from residential and non-residential domestic violence service providers. As a result, some specific regulatory changes were drafted to minimize the adverse impact on programs in rural areas, including: modifying the requirement for a face-to-face interview prior to admission into a residential program, creating a record retention time frame, providing relief from the costs associated with long-term record retention (previously, there was no authorization to ever dispose of such records), and supporting language access as a required core service.

7. Small business and local government participation:
OCFS sought input regarding these proposed regulations with currently licensed/approved domestic violence programs in a series of regional forums, held in conjunction with NYSCADV, a membership agency which provides training, support, technical assistance and advocacy for residential programs for victims of domestic violence across New York State. These forums occurred on the following dates and locations: August 9, 2016 in Batavia (Allegany, Cattaraugus, Chauffaqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Ontario, Schuyler, Seneca, Wayne, Wyoming and Yates counties); August 10, 2016, in Syracuse (Broome, Cayuga, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga, and Tompkins counties); September 15, 2016 in Albany (Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Otsego, Rensselaer, Saratoga, Schenectady, Schuyler, Warren, Washington counties); December 1, 2016 in Yonkers (Dutchess, Orange, Putnam, Sullivan, and Ulster counties).

A workgroup comprising of members from OCFS, NYSCADV and OPDV met regularly from January through March 2017. In addition, a webinar was held on September 8, 2017 for licensed/approved domestic violence providers, NYSCADV and OPDV to summarize the proposed changes to the regulations. A small workgroup was held December 19, 2017 with OCFS Fire Safety Representatives specific to changes necessary to better meet existing fire, health and safety standards. We will address any additional comments or feedback received during the public comment period.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:
Social service districts, residential programs for victims of domestic violence and non-residential programs for victims of domestic violence will be affected by the proposed regulations. There are 33 agencies in rural areas operating 38 residential programs for victims of domestic violence and 39 non-residential programs for victims of domestic violence. There are 44 social service districts in New York State located in rural areas.

2. Reporting, recordkeeping and compliance requirements; and professional development opportunities:
The regulations are necessary for the health, safety and well-being of victims of domestic violence and their minor children. Changes in the regulations are to bring current regulations into compliance with current federal and/or state statutory requirements and to provide clarification to existing requirements not previously covered in the 2017 adopted regulations pertaining to length of stay and background checks of publicly funded emergency shelters for families and children.

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Regulatory changes in response to current federal and/or state statutory requirements include: clarifying when domestic violence victims with a disability to have their service animals and therapy dogs to accompany them into a residential program for victims of domestic violence; that services must be provided in a non-discriminatory manner to all victims, regardless of race, creed, national origin, sexual orientation, gender identity or expression, military status, sex, marital status or disability; the confidentiality of personally identifying information of victims of domestic violence; the provision of language access services to individuals who have limited English proficiency; and environmental standards for residential programs of victims of domestic violence as they pertain to health, sanitation, safety, and fire prevention.

Regulatory changes to existing regulations for the purpose of clarification include: permitting domestic violence programs to be referred to as domestic violence mixed occupancy shelters; articulating clearly the general provisions for operating includes certifying enforcement actions that may be taken by the New York State Office of Children and Family Services (OCFS); general terms and conditions for not-for-profit organizations operating a residential program for victims of domestic violence; articulating a retention period of six years for operational and client records of residential programs for victims of domestic violence; requiring notification to OCFS in addition to documenting reportable incidents that occur at a residential program for victims of domestic violence; condensing all regulatory requirements of residential programs for victims of domestic violence for victim safety and training of staff under Part 452.11; condensing all regulatory requirements pertaining to the provision of emergency core services for victims residing in a residential program for victims of domestic violence under Part 452.12.

3. Costs:
The regulatory requirements for service animals and therapy dogs should have no or minimal cost impact on the residential programs as the care and supervision of the animal falls to the handler of the animal. This includes toileting, feeding, grooming and veterinary care. There are existing resources available to assist agencies with accommodating persons with service animals and/or therapy dogs including private grants. Costs related to staff training are anticipated to be minimal as there are many no-cost training opportunities that domestic violence programs have access to including and not limited to: webinars from national domestic violence organizations; sponsored trainings from the OCFS, Office for the Prevention of Domestic Violence (OPDV), New York State Coalition Against Domestic Violence (NYSCADV); in-kind cross-training from community agencies (e.g. law enforcement, legal aid, job-training/employment, etc.). In addition, several public and private grants assist in covering the cost of training. Lastly, residential and non-residential programs for victims of domestic violence may create their own in-house training that are specific to their internal policies/practice/protocols.

There are no anticipated additional costs related to environmental standards as these are part of regular building construction, upkeep and maintenance.

4. Minimizing adverse impact:
When drafting these proposed regulatory changes, input was sought from residential and non-residential domestic violence service providers. As a result, some specific regulatory changes were drafted to minimize the adverse impact on programs in rural areas, including: modifying the requirement for a face-to-face interview prior to admission into a residential program, creating a record retention time frame, providing relief from the costs associated with long-term record retention (previously, there was no authorization to ever dispose of such records), and supporting language access as a required core service.

5. Rural area participation:
OCFS sought input regarding these proposed regulations with currently licensed/approved domestic violence programs in a series of regional forums, held in conjunction with NYSCADV, a membership agency which provides training, support, technical assistance and advocacy for residential programs for victims of domestic violence across New York State.

These forums occurred on the following dates and locations: August 9, 2016 in Batavia ( Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Ontario, Seneca, Wayne, Wyoming and Yates counties); August 10, 2016, in Syracuse (Broome, Cayuga, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga, and Tompkins counties); September 15, 2016 in Albany (Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Greene, Herkimer, Montgomery, Otsego, Saratoga, Schoharie, Schenectady, Schoharie, Warren, and Washington counties); December 1, 2016 in Yonkers (Dutchess, Orange, Putnam, Sullivan, and Ulster counties).

A small workgroup was held December 19, 2017 with OCFS Fire Safety Representatives specific to changes necessary to better meet existing fire, health and safety standards. We will address any additional comments or feedback received during the public comment period.

Job Impact Statement
A job impact statement is not required for this rule. The proposed regulations are not expected to have a negative impact on jobs or employment opportunities in either the public or private sector. The purpose of the rule is to provide additional clarification to existing regulatory and statutory requirements as they pertain to residential and non-residential services for victims of domestic violence.

Nature of Impact:
The Office of Children and Family Services does not anticipate a reduction of employees or employment opportunities at residential or non-residential programs for victims of domestic violence. Categories and Numbers Affected: There are no changes in categories or numbers. Regions of Adverse Impact: There are no regions where the regulations would have a disproportionate adverse impact on jobs or employment opportunities.

Self-Employment Opportunities:
No measurable impact on opportunities for self-employment is expected.

Department of Civil Service

PROPOSED RULE MAKING

NO HEARING(S) SCHEDULED

Jurisdictional Classification
I.D. No. CVSP-51-18-00002-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Economic Development, by increasing the number of positions of Associate Agency Services Analyst from 7 to 9 and Senior Agency Services Analyst from 6 to 11.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement
A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVSP-12-18-00012-P, Issue of March 21, 2018.

Regulatory Flexibility Analysis
A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVSP-12-18-00012-P, Issue of March 21, 2018.

Rural Area Flexibility Analysis
A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVSP-12-18-00012-P, Issue of March 21, 2018.

Job Impact Statement
A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVSP-12-18-00012-P, Issue of March 21, 2018.
jurisdictional classification

I.D. No. CVS-51-18-00003-P

purusuant to the provisions of the state administrative procedure act, notice is hereby given of the following proposed rule:

proposed action: amendment of appendix 1 of title 4 nycrr.

statutory authority: civil service law, section 6(1)

subject: jurisdictional classification.

purpose: to delete positions from and classify positions in the exempt class.

text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading “Office of Parks, Recreation and Historic Preservation,” by decreasing the number of positions of Special Assistant from 6 to 12.

text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

Public comment will be received until: 60 days after publication of this notice.

regulatory impact statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

regulatory flexibility analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

rural area flexibility analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

job impact statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

proposed rule making

no hearing(s) scheduled

jurisdictional classification

I.D. No. CVS-51-18-00005-P

purusuant to the provisions of the state administrative procedure act, notice is hereby given of the following proposed rule:

proposed action: amendment of appendix 1 of title 4 nycrr.

statutory authority: civil service law, section 6(1)

subject: jurisdictional classification.

purpose: to delete positions from and classify positions in the exempt class.

text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading “Joint Commission on Public Ethics,” by deleting the number of positions of Confidential Clerk from 5 to 1 and by increasing the number of positions of Compliance Auditor (JCOPE) from 7 to 9 and Filings Examiner (JCOPE) from 11 to 17.

text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

Public comment will be received until: 60 days after publication of this notice.

regulatory impact statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

regulatory flexibility analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

rural area flexibility analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

job impact statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.
PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Jurisdictional Classification
I.D. No. CVS-51-18-00006-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Audit and Control, by increasing the number of positions of Assistant Counsel from 16 to 17.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement
A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Regulatory Flexibility Analysis
A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Rural Area Flexibility Analysis
A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Job Impact Statement
A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Jurisdictional Classification
I.D. No. CVS-51-18-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading “Office of General Services,” by adding thereto the positions of Casualty Insurance Analyst 1 (8), Casualty Insurance Analyst 2 (3) and Casualty Insurance Analyst 3 (1).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement
A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Regulatory Flexibility Analysis
A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Rural Area Flexibility Analysis
A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Job Impact Statement
A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement
A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Regulatory Flexibility Analysis
A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Rural Area Flexibility Analysis
A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Job Impact Statement
A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.
PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Jurisdictional Classification
I.D. No. CV-S-51-18-00099-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To delete a position from and classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Civil Service, by deleting therefrom the position of *Assistant Director Policy Analysis and Strategic Planning* (1) and by adding thereto the positions of *Director Strategic Planning and Management* (1) and *Manager Diversity and Inclusion* (2).

**Text of proposed rule and analysis:** Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

**Data, views or arguments may be submitted to:** Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

**Public comment will be received until:** 60 days after publication of this notice.

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**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

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**Division of Criminal Justice Services**

**NOTICE OF ADOPTION**

**Appendix H-10 Standard Specifications for Professional Probation Positions**

I.D. No. CJ-S-32-18-00004-A

Filing No. 1122

Filing Date: 2018-11-29

Effective Date: 2018-12-19

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Repeal of Appendix H-10; addition of new Appendix H-10 to Title 9 NYCRR.

**Statutory authority:** Executive Law, sections 243(1), 257(1), (6)(a) and (b)

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**Subject:** Appendix H-10 Standard Specifications for Professional Probation Positions.

**Purpose:** Update job specifications and required knowledge, skills, and abilities for probation professionals employed by localities.

**Substance of final rule:** These proposed amendments enact a new Appendix H-10, entitled “Standard Specifications for Professional Probation Positions” which is referenced in Title 9 NYCRR Part 347, the Division of Criminal Justice Services (DCJS) Probation Management Rule, specifically Rule § 347.4(f). By repealing and adding a new Appendix H-10, it updates, clarifies, and strengthens regulatory provisions to accurately reflect current duties and responsibilities, and required knowledge, skills, and abilities of probation professionals. Through updated education and experience requirements in the job specifications, these amendments promote the hiring of appropriate candidates, as well as the professional development and growth of qualified probation professionals. It also provides clear paths of promotional and open competitive ascendency for qualified probation professionals into leadership positions, while creating opportunities for a broadened pool of candidates eligible for hiring and/or promotion, as applicable.

Revision of Appendix H-10 is necessary to reflect changes in the duties and responsibilities of probation professionals since the existing Appendix was last updated, several decades ago. These revisions also update typical job duties to incorporate best practices in probation and community corrections (e.g. risk/need assessments and cognitive behavioral interventions) which have been developed and supported by research. The revisions further update the required knowledge, skills, and abilities of probation professionals in performance of their increasingly complex work, including investigation and supervision of an increased number of specialized populations, including, but not limited to, youth offenders, criminal justice involved females, sex offenders, offenders with mental health diagnoses, DWI offenders.

These amendments also recognize the recent change to Executive Law (EL) § 257(6a), which requires non-competitive appointment of probation directors in jurisdictions outside New York City (NYC) with populations over 300,000 (formerly 400,000) and requires one Deputy Director to be classified non-competitively where a jurisdiction’s population is over 300,000.

Below is a summary of changes for each subject job title in the revised Appendix as compared to the previous Appendix:

The current version of Appendix H-10 contains fourteen job specifications for probation professional positions ranging from Probation Assistant to Probation Director IV. Changes include:

- The existing Appendix classifies probation departments by number of Probation Officers. In contrast, this proposal groups probation departments as follows, taking into consideration staffing levels and (at certain levels) county population as well:
- Proposed Probation Department Groupings
  - **Group A** Emplps nineteen or fewer professional probation officer (PO) positions at various levels.
  - **Group B** Emplps twenty to forty-nine professional PO positions at various levels.
  - **Group C** Emplps fifty or more probation professionals at various levels in a jurisdiction with a population less than 400,000.
  - **Group D** Serves a jurisdiction having a population of 400,000 or more.

- The current Appendix contains fourteen job specifications for probation professional positions ranging from Probation Assistant to Probation Director IV. This proposal adds and retitles certain positions, including adding and/or updating the Distinguishing Features of the Class, Typical Work Activities, Full Performance Knowledge Skills, and Abilities of All positions, and makes other changes as follows:
  - Probation Assistant – updates phrasing of the Open Competitive Minimum Qualifications (OCMQ).
  - Probation Officer 1 Trainee - updates OPMQ and includes a Promotion Qualification (PQ) for persons serving in title of Probation Assistant who also meet educational requirements for the position.
  - Probation Officer 1 - updates phrasing of the OCMQ.
  - Probation Officer 2/Senior Probation Officer - updates OCMQ and PQ. In the OCMQ, previous experience as a Probation Officer was relaxed in the PQ from two years to one year. These changes will expand the pool of eligible candidates.
Probation Supervisor I - updates OCMQ. In the OCMQ, two years’ experience as a Probation Officer II is now included as acceptable experience.

Probation Supervisor 2 - updates OCMQ and PQ.

Deputy Probation Director (Group B) - While a Deputy Director II position was referenced in the current Appendix as qualifying experience for a higher title, a job specification for the position does not currently exist and has been added with OCMQ and PQ.

Deputy Probation Director (Group C) – Formerly Deputy Probation Director III - updates OCMQ and PQ. As this title may be used in all Group C jurisdictions, the proposed language in the OCMQ requires to be used for appointment to positions in the non-competitive (NC) class (applies to counties with population greater than 300,000) or by open competitive (OC) appointment (applies to counties with population up to 300,000), while the PQ are to be used for appointment to a competitive class position for counties with population up to 300,000. Replaces general language of “Three (3) years experience in a supervisory or administrative position having responsibility for more than 15 probation officers in a probation agency” found in the OCMQ with specific references to time served in various probation professional titles.

Assistant Probation Director (Group D) – Formerly Assistant Probation Director IV - updates OCMQ and PQ. Replaces general language of “Three (3) years experience in a supervisory or administrative position having responsibility for more than 15 probation officers in a probation agency” found in the OCMQ with specific references to time served in various probation professional titles. Adds service of three (3) years as a Probation Supervisor I as acceptable PQ experience.

Probation Director (Group A) – Formerly Probation Director I - updates phrasing of the OCMQ and PQ. Rather than four years experience as a probation officer found in the current Appendix, the OCMQ in the proposed revision require two years of experience as a Probation Supervisor I. Similarly in the PQ, experience as a probation officer or senior probation officer/probation officer II was replaced by a minimum requirement of one year experience as a Probation Supervisor I. Experience as a Probation Supervisor was determined by the workgroup to be essential experience for a candidate for this position.

Probation Director (Group B) – Formerly Probation Director II - updates OCMQ and PQ. In the OCMQ, the general phrasing of “Three (3) years experience in a supervisory or administrative position in a probation agency”, has been replaced with specific references to time served in various probation professional titles. Two years of experience as a Probation Supervisor I has been relaxed from three years to two years.

Probation Director (Group D) – Formerly Deputy Probation Director IV - updates OCMQ and PQ. Specifies that OCMQ are to be used for appointment to positions in the NC class, while the PQ are to be used for appointment to a competitive class position for counties with population up to 300,000. Replaces general language of “Four (4) years experience in a supervisory or administrative position having responsibility for more than 35 probation officers in a probation agency” found in the OCMQ with specific references to time served in various probation professional titles. Adds service of three (3) years as a Probation Supervisor I as acceptable PQ experience.

Probation Director (Group A) – Formerly Probation Director I - updates phrasing of the OCMQ and PQ. Rather than four years experience as a probation officer found in the current Appendix, the OCMQ in the proposed revision require two years of experience as a Probation Supervisor I. Similarly in the PQ, experience as a probation officer or senior probation officer/probation officer II was replaced by a minimum requirement of one year experience as a Probation Supervisor I. Experience as a Probation Supervisor was determined by the workgroup to be essential experience for a candidate for this position.

Probation Director (Group D) – Formerly Deputy Probation Director IV - updates OCMQ and PQ. In the OCMQ, the general phrasing of “Three (3) years experience in a supervisory or administrative position in a probation agency”, has been replaced with specific references to time served in various probation professional titles. Two years of experience as a Probation Supervisor I has been added as acceptable minimum PQ experience. These changes ensure that candidates have appropriate experience in the field.

Probation Director (Group C) – Formerly Probation Director III - updates OCMQ and PQ. In the existing Appendix, both Probation Director III and Probation Director IV were described as the same job position. Replaces general language of “Four (4) years experience in a supervisory or administrative position having responsibility for more than 35 probation officers in a probation agency” found in the OCMQ with specific references to time served in various probation professional titles. Adds service of three (3) years as a Probation Supervisor I as acceptable PQ experience.

Probation Director (Group A) – Formerly Probation Director I - updates phrasing of the OCMQ and PQ. Rather than four years experience as a probation officer found in the current Appendix, the OCMQ in the proposed revision require two years of experience as a Probation Supervisor I. Similarly in the PQ, experience as a probation officer or senior probation officer/probation officer II was replaced by a minimum requirement of one year experience as a Probation Supervisor I. Experience as a Probation Supervisor was determined by the workgroup to be essential experience for a candidate for this position.

Probation Director (Group B) – Formerly Probation Director II - updates OCMQ and PQ. In the OCMQ, the general phrasing of “Three (3) years experience in a supervisory or administrative position in a probation agency”, has been replaced with specific references to time served in various probation professional titles. Two years of experience as a Probation Supervisor I has been added as acceptable minimum PQ experience. These changes ensure that candidates have appropriate experience in the field.

Probation Director (Group C) – Formerly Probation Director III - updates OCMQ and PQ. In the existing Appendix, both Probation Director III and Probation Director IV were described as the same job position. Replaces general language of “Four (4) years experience in a supervisory or administrative position having responsibility for more than 35 probation officers in a probation agency” found in the OCMQ with specific references to time served in various probation professional titles. Adds service of three (3) years as a Probation Supervisor I as acceptable PQ experience.

Probation Director (Group D) – Formerly Deputy Probation Director IV - updates OCMQ. In the existing Appendix H-10, both Probation Director III and Probation Director IV were described in the same job specification. The proposed revision, splits these titles into distinct job specifications. The proposed revision cites experience in specific probation professional titles to ensure that candidates have appropriate experience in the field.

Probation Officer 1 (Community Liaison) - Formerly Probation Officer (Minority Group Specialist)- updates OCMQ. Through consultation with the NYS Department of Civil Service and the Division of Human Rights, previous language which stated that the position addressed the under representation of minorities in their respective local probation departments has been eliminated to reflect case law. Among the changes, the language now states ‘...identifying and relating to specific problems experienced by a particular minority group(s).’ Qualifications detail
strongly recommended by the New York State Department of Civil Service, and that recommendation was supported and endorsed by the Probation Professional Qualifications, Recruitment, and Retention Workgroup. Upon further discussion with the commenters and after being informed that the current waiver process would be left unchanged, the commenters indicated that their concern was “alleviated.”

Comment 2:
While supporting the standardization of Specifications for Probation Officers through Appendix H-10, this commenter advocated for the development of workload standards for probation professionals.

Response 2:
Both the current and proposed Appendix H-10 provide for the span of supervision for the title of Probation Supervisor as supervising 4-7 probation officers. However, workload standards for probation professionals are not addressed therein, nor in any other DCJS regulation. While New York State has offered some funding assurances for Raise the Age-related expenses, and supports local delivery of other probation services through the New York State Probation Commission, the majority of the proposed Appendix H-10, noting that such qualifications are necessary in order to maintain supervision strategies.

Further, even the standard hours in a work week (e.g., 35, 37.5, 40), and strategies of distributing work (e.g., specialized/distinct assignment models versus combined assignments/everyone does everything models) vary from county to county. As such, inclusion of workload standards in regulation would not only be extremely complex, but also potentially considered an unfunded mandate. Nonetheless, this is an important area for continued discussion outside of the regulatory revision process, and perhaps a topic for future review by the NYS Probation Commission, along with NYSCOPA and NYSPOA.

Another comment, while providing support for the proposed Appendix H-10, noted that the proposed Appendix H-10 sets standards that are achievable for virtually every probation department, and noting that localities may continue to submit requests for waivers from DCJS when necessary.

Additionally, the commenter expressed a hope that when adopted, the revised Appendix H-10 will be a relevant factor in assuring that the position of a probation director would be filled by qualified professionals with experience and knowledge about the best practices in the field.

Response 3:
This comment appears to be in reference to a recent change in Executive Law § 257 6(a) that placed probation directors of departments that serve jurisdictions of over 300,000 in the non-competitive class. While such change does place this group of probation directors in the non-competitive class of civil service, and authorizes their appointment by the County Executive with the approval of the local governing body, it remains DCJS’ position that the specifications and minimum qualifications found in the existing and proposed Appendix H-10 continue to apply. Thus, individuals in such jurisdictions will be subject to the proposed Appendix H-10 ensuring that qualified professionals with appropriate experience and knowledge will be placed probation director positions.

Comment 4:
While offering support of the proposed Appendix H-10, one commenter noted the importance of having an appropriate and qualified pool of candidates that have the required knowledge, skills, and experience, as well as the importance of the use of evidence based practices in effective supervision strategies.

Comment 5:
A commenter offered support of the proposed revision of Appendix H-10, noting that such qualifications are necessary in order to maintain high standards for the probation profession.

Comment 6:
Another commenter offered support noting that the Standard Specifications set forth in Appendix H-10 were also crucial to succession planning for smaller probation departments.

Response 4, 5 and 6:
The Division concurs with comments 4, 5, and 6, and appreciates the feedback and efforts made by members of the probation community in assisting the Division with updating Appendix H-10.
Development Authority (NYSERDA) Energy Efficiency and Renewable Energy Technology (ERRET) Account. This account is specific to New York State and proceeds from the sale of allowances will support NYSERDA programs that encourage energy efficiency measures and renewable energy technologies.

Trading Program Budgets
Sections 243.3, 244.3 and 245.3

The trading program budget sections of adopted Parts 243, 244 and 245 detail the allocation methodology of New York State’s CSAPR allowances. In general, 55% of the allowances are set aside for new units, ten percent are allocated to NYSERDA, and the rest of the allowances are allocated to facilities based on the average of the amount they emitted over the three most recent calendar years for which data is available. These sections of the new rules also include additional language to clarify that three full calendar years of control period data are needed to calculate facility level allowance allocation amounts. Partial years do not count. Language was also included in this section to make clear that Indian country new unit set asides are handled by EPA and taken out of New York’s allowance budget before any other distributions are performed.

Timing Requirements for Allowance Allocations
Sections 243.4, 244.4 and 245.4

The schedules and deadlines for the Department to submit allowance allocations to the EPA Administrator for the EERET account and existing electricity generating units in the state can be found under the timing requirements for all of the allocation sections of Parts 243, 244 and 245. The current rules only specify that by December 1, 2015 the Department will submit allowance allocations to EPA for the 2017 and 2018 control periods. The adopted rules provide deadlines for when the allowance allocations need to be submitted to EPA for future control periods.

New Unit Set-aside Allocations
Sections 243.5, 244.5 and 245.5

The new unit set-aside allocation sections detail how much of the state’s budget of allowances is set aside for new units, the actions a designated representative needs to take for a unit to be considered new, how long it takes for a new unit to be considered an existing unit, and how unused new unit set-aside allowances will be distributed. The adopted rules specify that the Department must submit the recommended allowance allocations for any of New York’s new units to the EPA Administrator by July 1st of each year. It also clarifies the number of control periods for which a new unit will receive allocations from the new unit set aside budget before it switches over to the allocation methodology that applies to existing units.

Energy Efficiency and Renewable Energy Technology Account
Sections 243.6, 244.6 and 245.6

The EERET account sections of adopted Parts 243, 244 and 245 provide NYSERDA with direction regarding the sale of allowances allocated to the EERET account. These sections of Parts 243, 244 and 245 direct NYSERDA to make allowances available for sale on the open market no later than 30 days after they are deposited in the account. These sections also include an explanation of what happens if allowances are forfeited back to the Department because NYSERDA failed to sell or distribute the EERET account allowances within the prescribed time period. Unallocated Indian country new unit set aside allowances will be deposited into the EERET account.

Changes to Part 200
Section 200.9 was modified to list the specific sections of 40 CFR 97 that are incorporated by reference in Parts 243, 244 and 245.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 200.9, 243.1(a), 243.3(b), 243.4(a), (b), (c), (d), 243.5(a)(3), 244.2(b)(9), 244.4(c), (d), 245.4(c) and (d).

Text of rule and any required statements and analyses may be obtained from: Marie Barnes, Department of Environmental Conservation, Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396, email: air.regs@dec.ny.gov

Additional matter required by statute: Pursuant to Article 8 of the State Environmental Quality Review Act, a Short Environmental Assessment Form, a Negative Declaration and a Coastal Assessment Form have been prepared and are on file.

Revised Regulatory Impact Statement

INTRODUCTION

On November 12, 2015 New York State promulgated 6 NYCRR Part 243, “Transport Rule NO, Ozone Season Trading Program,” 6 NYCRR Part 244, “Transport Rule NO, Annual Trading Program,” and 6 NYCRR Part 245, “Transport Rule Trading Program.” These rules were adopted to allow the Department to allocate Transport Rule allowances to regulated entities in New York. On December 1, 2015 the Department submitted Parts 243, 244 and 245 for incorporation into the New York State Register as Title 20. The Department received and responded to the public comments that were submitted prior to this rulemaking.

EPA finalized the Cross-State Air Pollution Rule (CSAPR) Update to address electricity quality impacts that result from the interstate transport of ozone air pollution in the eastern United States, particularly the transport of Ozone Season NO. In this rulemaking the Department is repealing and replacing Parts 243, 244 and 245 to address the issues raised by EPA’s comments and to conform to CSAPR and the CSAPR Update. In addition, attendant changes were made to 6 NYCRR Part 200.

CSAPR is a regional cap-and-trade program that regulates emissions from certain fossil fuel-fired electricity generating units (EGUs) that have a nameplate capacity greater than 25 megawatts electrical (MWe) and produce electric energy for sale. This rulemaking was necessary to ensure that New York State receives EPA’s SIP approval and maintains control of CSAPR allocations to regulated entities within the state under Parts 243, 244 and 245.

STATUTORY AUTHORITY

The statutory authority for this action is found in the Environmental Conservation Law (ECL), Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0311, 71-2103 and 71-2105.

ECL Section 1-0101 makes it the policy of New York State to conserve, improve and protect natural resources, the environment, and control air pollution in order to enhance the health, safety, and welfare of the people of New York State and their overall economic and social wellbeing and to conserve the State's natural resources, functions, powers and programs with those of the federal government and other regions and manage air resources. This section also makes it the policy of the State to foster, promote, create and maintain conditions for air resources that are shared with other states.

ECL Section 3-0301 states that it shall be the responsibility of the Department to carry out the environmental policy of the state. In furtherance of that mandate, Section 3-0301(1)(a) gives the Commissioner authority to “[c]oordinate and develop policies, planning and programs related to the environment of the state and regions thereof.” In Section 3-0301(1)(b) directs the Commissioner to “[p]romote and coordinate management of air resources to assure their protection, enhancement, provision, allocation, and balanced utilization consistent with the environmental policy of the state and take into account the cumulative impact upon all air resources and other resources in making determination in connection with any license, order, permit, certification or other similar action or promulgating any rule or regulation, standard or criterion.” Pursuant to ECL Section 3-0301(1)(i), the Commissioner is charged with promoting and protecting the air resources of New York State by providing for the prevention and abatement of air pollution. Section 3-0301(2)(a) authorizes the Commissioner to adopt rules and regulations “to carry out the purposes and provisions” of the ECL. Section 3-0301(2)(g) allows the Commissioner to enter and inspect sources of air pollution and to verify their compliance with applicable regulations. Section 3-0301(2)(m) gives the Commissioner authority to “[a]dopt such rules, regulations, and procedures as may be necessary, convenient, or desirable to effectuate the purposes of this chapter.”

ECL Section 19-0103 declares that it is the policy of New York State to maintain a reasonable degree of purity of air resources, which shall be consistent with the public health and the control of the New York State's shared with other states. In this rulemaking, the Industrial Development of the State, and to that end to require the use of all available practical and reasonable methods to prevent and control air pollution in the state. ECL Section 19-0105 declares that it is the purpose of ECL Article 19 to safeguard the air resources of New York State under a program that is consistent with the policy expressed in Section 19-0103 and other provisions of Article 19.

ECL Section 19-0107 provides definitions to be used in the application of the requirements of Article 19 of the ECL.

ECL Section 19-0301 declares that the Department has the power to promulgate regulations for preventing, controlling or prohibiting air pollution and shall include in such regulations provisions prescribing the degree of air pollution that may be emitted to the air by any source in any area of the state.

ECL Section 19-0302. This section states that permit applications, renewals, modifications, suspensions and revocations will be governed by rules and regulations adopted by the Department, and that permits issued may not “include performance, emission or control standards more stringent than any established by the Act or by [EPA] unless such standards are authorized by rules or regulations.”

ECL Section 19-0303 provides that the terms of any air pollution control regulation promulgated by the Department may differentiate between particular types and conditions of air pollution, various air contamination sources, and particular areas of the state.

ECL Section 19-0305 authorizes the Department to enforce the codes, rules and regulations established in accordance with Article 19.

ECL Section 19-0311 directs the Department to establish an operating
Rule Making Activities

permit program for sources subject to Title V of the CAA. Section 19-31111 specifically requires that complete permit applications must include, among other things, compliance plans and schedules of compliance. This section further expresses that any permits issued must include, among other things, terms setting emissions limitations or standards, terms for detailed monitoring, record keeping and reporting, and terms allowing Department inspection, entry, and monitoring to assure compliance with the terms and conditions of the permit.

ECL Sections 71-2103 and 71-2105 describe the civil and criminal penalties for violations of Article 19.

**LEGISLATIVE OBJECTIVES**

Articles 1 and 3 of the ECL set out the overall state policy of reducing air pollution and providing clean, healthy air for the citizens of New York. These Articles provide general authority to adopt and enforce measures to achieve this goal, including the regulation of stationary sources of air pollution.

In addition to the general powers and duties of the Department and Commissioner to prevent and control air pollution found in Articles 1 and 3 of the ECL, Article 19 of the ECL was specifically adopted for the purpose of safeguarding the air resources of New York from pollution. To facilitate this purpose, the Legislature authorized the Department to formulate, adopt, amend, and repeal codes, rules, and regulations for preventing, controlling, or prohibiting air pollution. The legislative policy, as set forth in the Article 19, is to maintain a reasonable degree of purity of air resources which will be consistent with public health and welfare, industrial development of the state, propagation and protection of flora and fauna, and the protection of physical property and other resources, while integrating sound environmental practices.

This rulemaking furthered these statutory and public policy objectives because it would allow the Department to control emissions of NOx and SOx that contribute to local and regional nonattainment of the ozone and PM2.5 National Ambient Air Quality Standards (NAAQS). State regulation of these pollutants protects New York’s air resources as well as the health and welfare of the public.

**NEEDS AND BENEFITS**

On November 12, 2015, the Department promulgated Parts 243, 244 and 245. These regulations made explicit the allowance allocation method New York used to distribute Transport Rule allowances for NOx ozone season emissions, annual NOx emissions and annual emissions. Adopted parts 243, 244 and 245 give the state control of CSAPR allowance allocation to New York sources affected by CSAPR. The responsibility for implementing all other aspects of CSAPR remains with EPA. Amendments to Parts 243, 244 and 245 easily transfer to Part 243. Amendments to parts 244 and 245 establish, only, the allocation methodology New York will use to distribute CSAPR allowances to in-state sources. Since all other portions of CSAPR remain under EPA control, and the Department submitted these regulations to EPA as a partial SIP. EPA approval of the Department’s SIP is needed for the Department to maintain control of the allocation process within New York State.

In its comments on Parts 244 and 245, EPA recommended technical corrections, clarifications, cross reference revisions and deadline adjustments. EPA did not comment on Part 243 since the Transport Rule NOx Ozone Season Trading Program was being replaced by the CSAPR program. Amendments on Part 243 were not provided, EPA’s suggested revisions to Parts 244 and 245 easily transfer to Part 243. Addressing these comments corrected inaccuracies and provides symmetry between CSAPR and the amendments to Parts 243, 244 and 245.

The repeal and replacement of Parts 243, 244 and 245 addresses:

- Erroroneous citations of the federal rule for NYS allowance budgets and definitions.
- Incorrect deadlines for:
  - Submitting allocations to EPA for control periods
  - Submitting New Unit Set Aside (NUSA) allocations to EPA, and
  - Improper inclusion of Indian Country NUSA allowances in the NYS budget

EPA also requested minor editorial changes to:

- Incorporate by reference different parts of CSAPR into the Department’s rules,
- Match definitions in this set of rules to CSAPR,
- Clarify the timing and method for when a new unit becomes an existing unit for allowance allocation purposes,
- Include a disposition mechanism for any unallocated Indian Country NUSAs,
- Ensure petitions for applicability determinations are received by EPA, and
- Change the term “Transport Rule” to “CSAPR” for consistency between state and federal rules.

**COSTS**

New York’s revisions to Parts 243, 244 and 245 are administrative corrections that will not result in additional costs to affected sources, the Department or local government entities.

**PAPERWORK**

The repeal and replacement of Parts 243, 244 and 245 will not impose any new paperwork requirements for regulated parties.

**LOCAL GOVERNMENT MANDATES**

This rulemaking is not expected to result in any additional recordkeeping, reporting, or other requirements for any local government entity.

**DUPLICATION**

These regulations do not duplicate, overlap, or conflict with any other State or federal requirements.

**ALTERNATIVES**

The Department considered alternatives before submitting a proposal for repeal and subsequent replacement of Parts 243, 244 and 245:

1. Maintain the Department could repeal 6 NYCRR Parts 243, 244 and 245 and accept full implementation of the FIP. This would result in EPA allocating CSAPR allowances to NYS generators under the FIP. EPA’s FIP allocation strategy does not change over time and may not reflect operational changes within the mix of sources that generate electricity throughout New York. The Department would lose control over allowance allocation, and could no longer utilize the allocation program to meet the specific needs of New York’s regulated community. In addition, allowances for the Energy Efficiency Renewable Energy Technology (EERET) account, administered and sold by NYSERDA, to support clean energy programs that reduce emissions would not exist under this alternative.

2. The Department could take no action. Taking no action would lead to EPA rejecting the Department’s previously submitted revisions to the SIP resulting in EPA’s full implementation of the FIP. In addition, the inoperable regulations would cause confusion in the regulated community. Under this alternative, Parts 243, 244 and 245, although still effective, would be irrelevant as allowances would be allocated by EPA under a FIP. Consistent with the repeal alternative above, the Department would lose control of the allowance allocations and the sale of allowances by NYSERDA would not exist.

**FEDERAL STANDARDS**

These rules do not result in the imposition of requirements that exceed any minimum standards of the federal government for the same or similar subject areas.

**COMPLIANCE SCHEDULE**

The proposed revisions result in administrative corrections that do not alter the compliance schedule currently in operation under EPA’s FIP.

1 Internal citations omitted.
2 Internal citations omitted.
3 EPA sent comments to DEC regarding Parts 244 and 245 on June 2, 2016 and November 28, 2016.

**Revised Regulatory Flexibility Analysis**

**EFFECT OF RULE**

There are no small businesses affected by this rulemaking. The only local government affected by this rulemaking is the Jamestown Board of Public Utilities (JBPU) operator of the Samuel A. Carlson Generating Station (S.A. Carlson). S.A. Carlson is an electricity generation station located in Jamestown, New York. S.A. Carlson operates 3 units that are regulated under the Cross-State Air Pollution Rule (CSAPR).

**COMPLIANCE REQUIREMENTS**

This rulemaking does not impose any new compliance obligations on regulated entities. This rulemaking, once approved by EPA as part of the New York State Implementation Plan (SIP), will give the Department the authority to allocate CSAPR allowances to regulated entities in New York as well as the New York State Energy Research and Development Authority. EPA is responsible for implementing and enforcing the provisions of the CSAPR program. Affected facilities must have sufficient allowances in their CSAPR accounts on the compliance dates in the federal program.

**PROFESSIONAL SERVICES**

JBPU operates S.A. Carlson’s units in compliance with CSAPR using the current amount of CSAPR based allowances and will not need any additional professional services as a result of this proposal.

**COMPLIANCE COSTS**

Under the Department’s proposed allocation method, the affected units at S.A. Carlson are expected to receive CSAPR allowances that are very close to what the average actual emissions have been in recent years. S.A. Carlson has switched fuel from coal to primarily natural gas. This will essentially eliminate their need for allowances. As of September 28, 2018, CSAPR annual allowances were selling for $3.50/ton NOx and $1.75/ton.

On that date, NOx Ozone Season Group 2 allowances were selling for $29/ton.

**ECONOMIC AND TECHNOLOGICAL FEASIBILITY**

S.A. Carlson no longer burns coal in any of the electricity generating
units at their facility. Units #11 and #12 have been shut down. Unit #20 continues to burn natural gas. The remaining units at the facility (#9, #10) have switched from coal to natural gas. This will minimize the need for NOx allowances and virtually eliminate the need for allowances. The Department expects that S.A. Carlson will be provided with an adequate number of allowances to operate within the emission caps. The NOx allowances allocated to the facility for 2017 and 2018 under the Department’s allocation strategy is 154 tons. The facility emitted 114 tons of NOx in 2016 and 88 tons in 2017. The facility emitted less than two tons of NOx in 2016 and 2017.

EPA allocated 31 tons of NOx Ozone Season Group 2 allowances to S.A. Carlson for 2017 and 2018 using a procedure analogous to that used by the Department for the annual CSAPR programs. The facility emitted 51 tons of NOx during the 2016 ozone season and 46 tons of NOx during the 2017 ozone season. Had the CSAPR NOx Ozone Season Group 2 program been in place those years, the facility would have had to purchase up to 20 allowances which would have cost approximately $4000 per year based on the September 1, 2018 market conditions. During the 2017 ozone season, the facility generated 66,583 megawatt-hours of electricity. The unit cost for NOx allowances for the 2017 ozone season would have been $0.06 per megawatt-hour.

MINIMIZING ADVERSE IMPACT

The Department does not expect these rules will impose any adverse economic impacts on small businesses or local governments. CSAPR regulates NOx and emissions from large fossil fuel-fired electricity generating units that have a nameplate capacity greater than 25 megawatts electrical and produce electricity for sale. These rules only address the method by which allowances are allocated to affected units within New York State. All compliance obligations for the affected facilities are currently governed by EPA’s Federal Implementation Plan and will remain the same. The Department transitioned to state authority beginning with the 2017 ozone season. The Department would review the allocations every year in order to account for any operational changes. By adjusting allocations on a periodic basis, the Department can adapt to an ever-changing electricity marketplace and regulatory environment. This approach is more flexible than EPA’s allocation strategy in which allocations do not change over time.

SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

The Department held stakeholder meetings on July 12, 2017 and September 5, 2017 in which facility representatives of affected CSAPR sources, including local governments, were provided an opportunity to provide pre-proposal input on the rule making process.

Public hearings were held on July 16, 2018 in Albany, NY; on July 18, 2018 in Long Island City, NY; and July 24, 2018 in Avon, NY. The locations of these hearings were selected to be convenient for persons from local governments and small businesses to participate. Additionally, during the public comment period, from May 16, 2018 through July 29, 2018, interested parties who are unable to attend a public hearing could submit written comments on the proposed regulations.

CURE PERIOD

In accordance with NYS State Administrative Procedures Act (SAPA) Section 202-b, this rulemaking does not include a cure period because the Department is undertaking this rulemaking for EPA approval of part of the New York SIP and to give the Department the authority to allocate CSAPR allowances to regulated entities in New York as well as the New York State Energy Research and Development Authority. This rulemaking does not require stakeholders to take any actions which necessitate a cure period.

2 EPA Clean Air Markets Division, www.epa.gov/airmarkets.

Revised Rural Area Flexibility Analysis

A JIS is not required for this rulemaking. The Cross-State Air Pollution Rule (CSAPR) regulates the Environmental Protection Agency’s (EPA’s) regional NOx and cap and trade program designed to control emissions from large fossil fuel-fired electricity generating units that have a nameplate capacity greater than 25 megawatts electrical and produce electricity for sale. Parts 243, 244 and 245 were adopted on November 12, 2015 to give DEC the authority to allocate federal CSAPR allowances to in-state generators and the New York State Energy Research and Development Authority. This rulemaking would only make corrections, requested by EPA, to Parts 244 and 245, along with the replacement of Part 243 pursuant to the EPA’s CSAPR Update Rule adopted on September 7, 2016. The Department does not expect this rule to have an adverse impact on jobs and employment opportunities. The compliance obligations for the affected facilities are currently governed by EPA under CSAPR and will remain the same when the Department begins to allocate allowances for the 2017 control periods.

Initial Review of Rule

As a rule that requires a JIS, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The New York State Department of Environmental Conservation (Department) is requesting comments on the proposed rulemaking. A copy of the proposed rule is available at the Department’s Web site: www.dec.ny.gov. The Department held stakeholder meetings on July 12, 2017 and September 5, 2017 in which facility representatives of affected CSAPR sources, including local governments, were provided an opportunity to provide pre-proposal input on the rule making process.

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Revised Job Impact Statement

A JIS is not required. CSAPR regulates EPA’s regional NOx and cap and trade program designed to control emissions from large fossil fuel-fired electricity generating units that have a nameplate capacity greater than 25 megawatts electrical and produce electricity for sale. Previous versions of Parts 243, 244 and 245 were adopted on November 12, 2015 to give DEC the authority to allocate federal CSAPR allowances to in-state generators and the New York State Energy Research and Development Authority. This rulemaking would only make corrections, requested by EPA, to Parts 244 and 245, along with the replacement of Part 243 pursuant to the EPA’s CSAPR Update Rule adopted on September 7, 2016. The Department does not expect this rule to have an adverse impact on jobs and employment opportunities. The compliance obligations for the affected facilities are currently governed by EPA under CSAPR and will remain the same when the Department begins to allocate allowances for the 2017 control periods.

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2 EPA Clean Air Markets Division, www.epa.gov/airmarkets.
Comment 7. The commenter is concerned about affected sources in New York on the amount of allowances allocated by the budgeal CSAPR NO\(_x\) Ozone Season regulation. They believe the NO\(_x\) Ozone Season regulations are sold in a very constrained market given that the annual allowance allocation is close to the observed emissions. Commenter #4

Response to Comments 6 and 7: When the Federal CSAPR Update rule to address Ozone Season NO\(_x\) was promulgated in 2016, EPA estimated the marginal cost of control for affected facilities at $1400 per ton of NO\(_x\). According to EPA, $1400 per ton of NO\(_x\) represents the level at which incremental EGU NO\(_x\) reduction potential and corresponding downwind ozone air quality improvements are maximized with respect to marginal costs. Ozone Season NO\(_x\) allowance prices have averaged $200 per ton of NO\(_x\) emitted over the last year. 1/3 of the marginal cost. NO\(_x\) and SO\(_x\) annual allowance prices have not risen above $5 in the last year. Given the low cost of allowances compared to the marginal cost of control, the Department does not believe the market to be constrained at this time. The allowance strategy adopted in the final rules, which has not changed from the previous version of Parts 243, 244, and 245 adopted in 2015, will provide affected facilities with adequate allowances to operate. If the manner of operation for any given facility changes over time, then the quantity of allowances allocated will change accordingly.

Comment 8. There is no language in the rule requiring the New York State Energy and Research Development Authority (NYSERDA) to give the affected source the opportunity to purchase their proportional allocation to the EERET set-aside. Instead, NYSERDA simply has their broker offer the entire allocation as a single amount. No company in New York needs or could afford to purchase 10 percent of the allowances so the sales to date have all gone out of state. Commenter #4

Response to Comment 8: In the management of the sale of CSAPR allowances for the EERET account, NYSERDA chose an administratively simple manner to make allowances available for sale on the national market, where even the most expensive allowance price is still less than of the marginal cost discussed above. NYSERDA attended a stakeholder meeting prior to the formal proposal of the regulations and has heard these concerns from stakeholders. In response to these comments the Department has reached out to NYSERDA regarding the handling of allowances by their broker. However, NYSERDA's handling of allowances does nothing to prevent New York sources from meeting these regulations from purchasing allowances on the national market.

Comment 9. The compliance assurance mechanism is an issue because there is only one update of emissions during the ozone season (at the end of July when the May and June data are submitted). As a result, facilities will not necessarily know whether the state has triggered the state's assurance level with its requirement to surrender additional allowances at the end of the Ozone Season. Facilities may be reluctant to exceed their assurance levels because they will not know whether they only need allowances to cover just the excess or three times the excess because the state exceeded the assurance level. Companies could use this to their advantage. It is important to have the system operator that their units cannot run because they do not have allowances in hand and think that they will not be able to purchase them later. This will precipitate a controversy underminding the credibility of this air pollution control approach and, in an order of magnitude less likely but in worst case, could even threaten grid reliability and potentially cause a blackout. Commenter #4

Response to Comment 9: Any penalty under the Compliance Assurance Mechanism will be determined by EPA applying the terms of the Federal regulations and is beyond the scope of this rulemaking.

Comment 10. Under New York's regulations the average total mass for the last three years should have been calculated and the EPA allocation of 85% of CSAPR NYS allocation should have been proportionally allocated to each affected facility by the ratio of the last three years of the facility's emissions divided by the three-year average total mass. As a result of this error the EERET account received 20.2% instead of 10% of the total allowances allocated. Commenter #5

Response to Comment 10: The allowance strategy adopted in the final rules, which has not changed from the 2015 version of Parts 243, 244, and 245, will provide affected facilities with adequate allowances to operate. If the manner of operation for any given facility changes over time, then the quantity of allowances allocated will change accordingly. As a point of clarification, the regulatory text states that the EERET account will be allocated a minimum of 10 percent of the CSAPR NO\(_x\) Annual Trading Program budget.

Comment 11. “We are particularly concerned with the potential for allowance shortfalls given the stringent CSAPR allocations compared with recent emissions. For New York (NY) compliance entities this concern is exacerbated by the Energy Efficiency and Renewable Energy Technology (EERET) account set-aside that removes 10% of the allowances available to NY facilities in addition to the New Source set-aside of 5%.” Commenter #6

Comment 12. Last year, EERET allowance sales were restricted by the NYSERDA broker who required purchase of the entire block of 516 allowances for each year. A company that made an early inquiry to the broker was told that they had to purchase the entire block for both years (over 1000 allowances). As a result, all of the EERET allowances were purchased by out-of-state entities. All of the 2017 allowances were purchased by Entergy in Louisiana and all 2018 allowances by Fathom Energy in Texas. The price of allowances at the time of purchase was approximately $525 for a total of over $270,000 for a single year vintage. New York State-based compliance entities should not be required to purchase over 500 allowances when it is most likely a small percentage of that are needed for a given year. Commenter #5

Comment 13. When the allowances are received in the EERET account, the affected source owners should be notified that they may purchase that share of the 30-day run of allowances at the prevailing market price. They also should be able to purchase (on a proportional basis with any other owners who exercise the option) any of the EERET allowances not purchased by other NY source owners. Only then should any remaining allowances be released to the open market. Commenter #5

Comment 14. Alliance members suggest each Part of the proposed rulemaking that provides for the sale of EERET allowances be modified as follows: NYSERDA is required to make all of the allowances in the EERET account available for sale such that units subject to this rule have the opportunity to purchase an amount of allowances no later than 30 days upon receipt into the EERET account. Any of the allowances in the EERET account not sold to affected sources are required to be available for sale on the open market no later than 60 days upon receipt into the EERET account. Commenter #5

Response to Comments 11, 12, 13, and 14: CSAPR is intended to control pollution through state-specific budgets or emission caps. EPA sets a pollution limit, in the form of an emission budget, for each of the states covered by CSAPR. For New York the budget for the SO\(_x\) annual program is 27,556 allowances; for the NO\(_x\) annual program the budget is 21,722 allowances. This is the amount for the CSAPR NO\(_x\) ozone season the budget is 5,135 allowances. These programs are designed as air pollution control measures to give affected facilities a strong incentive to avoid buying allowances by cutting emissions in the most cost-effective ways. This can include adding or operating control technologies, upgrading or improving controls, switching fuels, or using allowances.

In 2017, the first control period of the federal CSAPR Update, New York State was allotted 5,135 ozone season allowances. According to Clean Air Market Division (CAMD) data for that same 2017 control period affected CSAPR EGUs emitted 3,978 tons of NO\(_x\). This means New York facilities were able to keep their emissions 23% lower than the limit budgeted to the state. On the national market, CAMD data shows 259,394 tons of NO\(_x\) emitted during the 2017 ozone season control period, while the national budget, in terms of possible allowance sales, was set at 316,504 tons. The excess allowances in the market is reflected in a NO\(_x\) Ozone Season allowance price that is much less than the EPA's estimated marginal control cost.

Considering the intentions of CSAPR, and after review of 2017 emissions, allowance budgets and pricing, the Department does not believe that the EERET account and New Source Set Aside allowances will lead to significant shortages in allowances. The cost of allowances and their availability in the market will determine how sources will comply with and meet the emissions goals of this program.

Comment 15. These comments were submitted with “proposed Regs parts 243, 244, and 245” in the subject line of an email, however, they relate to Part 251. Commenter #6

Response to Comment 15: These comments are beyond the scope of this rulemaking.

Comment 16. A commenter read a statement at the July 18, 2018 hearing and included a written copy referring to the Part 243, 244 and 245. No specific comments regarding these rules were included in the statement. Commenter #3

Response to Comment 16: These comments are beyond the scope of this rulemaking.
Department of Financial Services

NOTICE OF ADOPTION

Transportation Network Companies: Minimum Provisions for Policies and Other Requirements

L.D. No. DFS-40-18-00005-A
Filing No. 1127
Filing Date: 2018-12-04
Effective Date: 2018-12-19

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 60-3.7(b) of Title 11 NYCRR.
Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 3455; Vehicle and Traffic Law, section 1693(10)
Subject: Transportation Network Companies: Minimum Provisions for Policies and Other Requirements.

Purpose: To extend the date in Section 60-3.7(b) from January 1, 2019 to July 1, 2019 and to fix an incorrect citation.

Text or summary was published in the October 3, 2018 issue of the Register.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Joana Lucashuk, Department of Financial Services, One State Street, New York, NY 10004, (212) 480-2125, email: Joana.Lucashuk@dfs.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The New York State Department of Financial Services received one comment from a property and casualty insurance trade association supporting the amendment extending, until July 1, 2019, the requirement that a group policy provide that the group policy is primary over a policy issued in satisfaction of Vehicle and Traffic Law Article 6 to give insurers additional time to revise and implement their new policy forms.

Department of Health

PROPOSED RULE MAKING

NO HEARING(S) SCHEDULED

HIV Uninsured Care Programs

L.D. No. HLT-51-18-00001-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Subpart 43-2 of Title 10 NYCRR.

Statutory authority: Public Health Law, sections 201(1)(o), (p) and 2776(1)(e)
Subject: HIV Uninsured Care Programs.

Purpose: To amend the HIV Uninsured Care Programs to align program eligibility elements with other health care access programs.

Text of proposed rule: Pursuant to the authority vested in the Commissioner of Health by sections 201(1)(o), 201(1)(p) and 2776(1)(e) of the Public Health Law, the titles of part 43 and subpart 43-2 and sections 43-2.1, 43-2.2, 43-2.3, 43-2.4, and 43-2.5 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended, to be effective upon publication of a Notice of Adoption in the New York State Register, to read as follows:

The title of part 43 is amended to read as follows: State Aid for Tuberculosis and [the AIDS Drug Assistance Program] Uninsured Care Programs

The title of subpart 43-2 is amended to read as follows: [HIV Uninsured Care Programs]

Section 43-2.1 is amended to read as follows:

Section 43-2.1 Scope. These regulations govern the application and eligibility determination process for the [HIV Uninsured Care Programs] and establish the rights and responsibilities of applicants, participants, providers, and contractors in that process.

Sections (e) and (l) of section 43-2.2 are amended to read as follows:

(e) Period of coverage. Coverage for assistance for each individual program component is effective as specified in the individual’s notification of eligibility. Coverage will terminate under the following circumstances:

(1) the applicant indicates in writing that [he/she] they no longer need[] or desire[] assistance;
(2) the department determines that a change in the participant’s circumstances or residence has affected [his/her] their eligibility;
(3) the participant has died or cannot be located; and
(4) funding for the [HIV] Uninsured Care Programs is exhausted.

(l) Program means the [HIV] Uninsured Care Programs, as defined by the AIDS Institute, including the following service components:

(1) AIDS Drug Assistance Program, which provides coverage of medications;
(2) ADAP Plus, which provides coverage for ambulatory care services;
(3) ADAP Plus Insurance Continuation, which pays for insurance premiums for eligible individuals who have cost effective insurance policies; and
(4) the HIV Home Care Program, which provides coverage for home care services.

Subdivision (j) of section 43-2.2 is amended to read as follows:

(j) Provider means a medical provider, including a pharmacy, hospital, clinic, [physician] clinical practitioner, laboratory or home health care agency.

Section 43-2.3 is amended to read as follows:

Section 43-2.3 Confidentiality. All information which may identify an applicant which is received by the program will be confidential and can only be used when necessary for supervision, monitoring or administration of the program. Information received by any contractor, his agents, employees, or by any other person or agency concerning applicants or participants in the program is confidential and may not be disclosed without the written approval of the [HIV] Uninsured Care Program [Director] director, who shall approve disclosure only in conformance with Article 27-F of the Public Health Law and the federal standards with respect to the privacy and security of individually identifiable health information contained in Part 164 of Title 45 of the Code of Federal Regulations.

Paragraph (1) of subdivision (c) of section 43-2.4 is amended to read as follows:

(c) in order to be eligible, an applicant’s available household income must be equal to or less than [435%] 500% of the federal poverty guidelines for the applicant’s family size. Federal poverty guidelines are published annually by the Department of Health and Human Services in the Federal Register.

(2) Applicants must provide income information for a reasonable period prior to application. Applicants who are self-employed must provide business records for the three months prior to application indicating type of business, gross income and net income.

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(c) and establish the rights and responsibilities of applicants, participants, providers, and contractors in that process.

(d)(1) Full and proper use shall be made of existing public and private medical and health services and facilities for obtaining therapeutic drugs,
medical services, and related supplies and equipment for the treatment or prevention of HIV or AIDS.

[(e)](d) An applicant or recipient of assistance may be required as a condition of eligibility or continued eligibility to assign any rights [he/she] they may have for coverage benefits under any health insurance policy or group health plan to the department.

[(f)](e) In order to be eligible for ADAP Plus Insurance Continuation, an applicant must have:

1. a health insurance policy that is determined to be cost effective by the department, taking into account the cost of premiums, limitations of coverage (i.e., deductible, caps, co-payments) and estimates of the monetary value of projected utilization and reimbursement under the policy; and

2. a premium cost that is not more than 4% of the [applicants'] applicable household income, if the [applicant's] applicable available household income is greater than 200% of the amount under the annual United States Department of Health and Human Services poverty guidelines for the applicant's family size.; and

3. an employer contribution of 50% or more of the total cost of the health insurance premium, if the applicant is employed full-time and eligible for employer sponsored health insurance.

Text of proposed rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

Statutory Authority: Statutory authority for the Uninsured Care Programs exists under Public Health Law (PHL) Section 2776(1)(e) which authorizes the AIDS Institute to promote the availability of supportive services for affected persons. PHL Sections 201(1)(o) and 201(1)(p) permit the Department to receive and expend funds available for public health. The Department promotes therapeutic services related to communicable diseases affecting public health under the authority of PHL Section 201(1)(h). PHL Section 206(3)(a) permits the Commissioner to enter into contracts to carry out the general intent and purposes of the Public Health Law.

Legislative Objectives:
The statutes enable the Commissioner to receive and expend funds for the public health, including funds necessary to provide medications, medical treatment and other supportive services to persons with or at risk of acquiring HIV.

Needs and Benefits:
The Uninsured Care Programs are funded by federal and state appropriations administered by the New York State Department of Health (NYSDOH). Through the Uninsured Care Programs, the NYSDOH offers selected drugs, ambulatory care, home care services and insurance continuation payments at no charge to medically and financially eligible individuals who are residents of New York State. The NYSDOH determines eligibility for the Uninsured Care Programs and issues identification cards to authorized program participants, thereby enabling pharmacies and health care providers to dispense drugs and provide services at established rates to authorized program participants.

The proposed regulatory action will remove barriers to care and update the name and definition of the programs. Specifically, the proposed regulatory action will:

1. Update the income criteria by establishing eligibility at 500 percent of the Federal Poverty Level (FPL). The income criteria has not been updated since 2010. The current income criteria is lower than other high-incidence states and lower than all surrounding states.

2. Eliminate the inclusion of liquid assets as a resource that must be reviewed when determining eligibility. New York State is one of only three states or territories to impose an asset test on applicants.

3. Eliminate the 50% employer share of cost requirement for premium payment assistance. New York State is the only state to require employers to contribute 50% to the cost of health care coverage premiums.

4. Change the name of the program from “HIV Uninsured Care Programs” to “Uninsured Care Programs,” and change the definition of “Program” to read “Program means the Uninsured Care Programs as defined by the AIDS Institute.” Since the regulations were last modified, the system of services for uninsured and underinsured persons has expanded to include the Pre-Exposure Prophylaxis Assistance Program (PrEP-AP), which serves persons at high risk of acquiring HIV; the Hepatitis C Assistance Program (HepCAP), which serves persons with hepatitis C receiving services through funded programs; the Naloxone Co-Payment Assistance Program, which covers prescription co-payments for persons obtaining naloxone at pharmacies; and the Rapid Treatment Program (RapidTx), which provides immediate access to anti-retroviral treatment for persons newly diagnosed with HIV or returning to care.

The name “Uninsured Care Programs” is more appropriate since the programs now include initiatives serving HIV-negative persons. Adding “as defined by the AIDS Institute” to the program definition is appropriate because the system of services for uninsured and underinsured persons has expanded and may continue to expand. Coverage of services is revised based on available funding, allowability under federal and state funding sources, and the changing profiles of the epidemics managed by the AIDS Institute. In the definition of “provider,” change the word “physician” to “clinical practitioner” to allow participation in the program by hospitals, clinics, practitioners, laboratories, and home health care agencies.

Costs:
The proposed amendments will have no impact on the costs of the program to the State. Any additional costs associated with the broader scope of the program are funded through federal grants.

Costs to Local Governments:
The additional cost of providing medical benefits to individuals who are eligible for the programs due to annual cost of living increases in Federal Poverty Level (FPL) will be paid for using federal funds allocated through the Ryan White Treatment Extension Act of 2009. For individuals who are underinsured, the Programs will mitigate increases in costs to the programs by coordinating medical benefit coverage with other health care coverage.

Costs to Private Regulated Parties:
No additional costs will be incurred by Private Regulated Parties enrolled in the program. A single application may be utilized for all components of the programs. The application includes the same data elements previously required for the HIV Uninsured Care Programs. Practitioners have been and will continue to be required to submit information to verify patients’ medical eligibility. Enrolled providers must submit claim forms that include data elements from the standard Medicaid claim format.

The cost to a newly enrolled health care provider to submit the information requested on the claim form is dependent on the number of program participants being served and the frequency of services. We estimate that costs to providers to submit claims to the program will entail an average of approximately 15 minutes per month for each participant served during the month.

Costs to the Department of Health:
No new costs will be incurred by the NYSDOH by these proposed regulatory revisions. The additional cost of providing medical benefits to individuals who are eligible for the programs due to annual cost of living increases in Federal Poverty Level (FPL) will be paid for using federal funds allocated through the Ryan White Treatment Extension Act of 2009. For individuals who are underinsured, the Programs will mitigate increases in costs to the programs by coordinating medical benefit coverage with other health care coverage.

Local Government Mandates:
The proposed regulation relates to an optional program for pharmacies, Article 28 facilities, practitioners, home care agencies and laboratories. There are no local government mandates associated with this proposed rule change.

Paperwork:
No new paperwork for referring clinicians or pharmacies is necessitated by these changes. Clinicians continue to provide information to the NYSDOH to assess the medical eligibility of the applicant, and pharmacies must continue to submit claims in the manner specified by the NYSDOH.

Health care providers must submit claim forms in the manner specified by the NYSDOH. The claim forms include data elements consistent with those maintained by the providers for claiming Medicaid reimbursement. Home care providers must also submit care plans for pre-approval of services for individuals in a format analogous to that used by the Medicaid program.

Duplication:
These regulations do not duplicate any existing State or federal requirements.

Alternatives:
There are no reasonable alternatives to enacting these regulation changes to eligibility and reimbursement procedures.

Federal Standards:
These regulations do not exceed any minimum standard of the federal government.

Compliance Schedule:
The proposed rule will be effective upon publication of a Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is required pursuant to section 202-(b)(3)(a) of the State Administrative Procedure Act. The proposed amend-
ment does not impose an adverse economic impact on small businesses or local governments. It does not impose reporting, record keeping or other compliance requirements on small businesses or local governments.

**Rural Area Flexibility Analysis**
A Rural Area Flexibility Analysis for these amendments is not being submitted because amendments will not impose any adverse impact or significant reporting, record keeping or other compliance requirements on public or private entities in rural areas. There are no professors, services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the proposed amendments.

**Job Impact Statement**
A Job Impact Statement for these amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.

**PROPOSED RULE MAKING**

**NO HEARING(S) SCHEDULED**

**Hospital Policies for Human Trafficking Victims**

I.D. No. HLT-51-18-00015-P

**PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:**

**Proposed Action:** Amendment of Part 405 and section 751.5 of Title 10 NYCCR.

**Statutory authority:** Public Health Law, sections 2803(2)(a) and 2805-

**Subject:** Hospital Policies for Human Trafficking Victims.

**Purpose:** To establish policies and procedures for the identification, assessment, treatment, and referral of human trafficking victims.

**Text of proposed rule:** Subparagraph (ii) of paragraph (11) of subdivision (b) of section 405.9 of Title 10 is amended to read as follows:

(ii) A Job Impact Statement for these amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.

**Regulatory Impact Statement**

Statutory Authority:

Public Health Law, sections 2803(2)(a) and 2805-

Section 483-ff of the Social Services Law, whichever OTDA makes available on its website. Posters shall be placed in conspicuous locations near primary public entrances and where other posters and notices are posted;

(5) The hospital shall establish and implement training, which may be incorporated into current training programs, for all individuals licensed or certified pursuant to Title 8 of the Education Law who provide direct patient care, and for all security personnel, regarding the policies and procedures established pursuant to this subdivision. Such training shall include training in the recognition of indicators of a human trafficking victim and the responsibilities of such personnel in dealing with persons suspected as human trafficking victims, the reporting of individuals who are suspected to be human trafficking victims and are under eighteen years old as abused or maltreated children if required under Title 6 of Article 6 of the Social Services Law;

(6) The emergency service shall provide for the identification, assessment, and appropriate treatment or referral of individuals who are suspected to be human trafficking victims, as described in subdivision (g) of section 405.9 of this Part.

**Public comment:** Public comment will be received until: 60 days after publication of this notice. This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

**Rule Making Activities**
ment the section, which requires "subject facilities" (general hospitals, public health centers, diagnostic centers, and outpatient departments) to develop, maintain, and train staff in policies and procedures for the identification, assessment, treatment, and referral of human trafficking victims.

Legislative Objectives:
This proposal will implement PHL § 2805-y, added by Chapter 408 of the Laws of 2016, to require general hospitals and diagnostic and treatment centers (D&TCs), which encompass the entities referenced as "subject facilities" in the statute, to establish written policies and procedures for the identification, assessment, treatment, and referral of human trafficking victims and to train staff in such policies and procedures. The policies and procedures must include the posting of a human trafficking hotline poster consistent with the objectives of Social Services Law (SSL) § 483-f, added by Chapter 311 of the Laws of 2016.

As explained below, a 2007 law established new crimes related to human trafficking and made various health and social services available to victims. More recent enactments reflect a legislative desire to combat this growing issue by requiring that general hospitals and D&TCs adopt procedures to identify victims, treat and/or refer them for other services as appropriate, and post a hotline number in public areas where victims may be present.

Needs and Benefits:
The scale of the human trafficking problem constitutes a public health crisis, involving people and their families throughout New York. Legislation enacted in 2007 greatly expanded the tools available to address the issue, but human trafficking nevertheless remains prevalent. A recent study found that 69 percent of survivors surveyed indicated they had accessed health care services at some point during their trafficking. Chapter 408 of the Laws of 2016 added a new SSL § 483-ff, defined in Chapter 311 of the Laws of 2016, to recognize the additional opportunity to support human trafficking victims by requiring general hospitals and D&TCs to establish and implement policies to identify, assess, and treat or refer individuals suspected of being victims. Similarly, Chapter 311 of the Laws of 2016 sought to publicize information about resources for human trafficking victims in public areas where victims are likely to be present, including hospitals and clinics.

The New York State Anti-Trafficking Statute, Chapter 74 of the Laws of 2007, was enacted in light of the growing problem of human trafficking for "forced labor, involuntary domestic servitude, or sexual exploitation." The sponsor’s memorandum noted that victims—frequently children—may be trafficked within or into the United States and New York often serve as a hub of such activity. Among other things, the law added Penal Law §§ 155.35 and 230.34 to establish the crimes of labor trafficking and sex trafficking, respectively.

The 2007 enactment, as amended in 2015, also added SSL Article 10-D providing for services to human trafficking victims. SSL § 483-aaa(a) defines a "human trafficking victim" as a victim of sex trafficking or labor trafficking under the above-referenced Penal Law sections. SSL § 483-bb provides that OTDA, by contract with a state or local governmental entity, shall establish written policies and procedures for the identification, assessment, treatment, and appropriate referral of such victim. SSL § 483-bb(a) defines the terms "human trafficking victim," "human trafficking victimization," and "human trafficking victimization victimization.

The proposed regulations build on these existing provisions to require all hospitals to establish policies and procedures consistent with the new requirements of SSL § 483-ff. The regulations require hospitals and D&TCs to make a report if required under SSL Title 6, Article 6.

Costs:
Costs to Private Regulated Parties:
In addition, there are other sources of assistance that the victim can be referred to, such as the NHTRC hotline, that provide confidential assistance to those victims who do not feel comfortable being referred to OTDA and DCJS. Further, the proposed regulation requires posting of the NHTRC hotline poster or other variation developed by OTDA in conspicuous places near primary public entrances or where posters and notices are customarily placed.

Chapter 408 of the Laws of 2016 added new PHL §§ 2805-y(2) requires subject facilities to establish and implement written policies and procedures for the identification, assessment, and appropriate treatment or referral of individuals who are or appear to be a human trafficking victim and train staff in such policies and procedures. Referrals may be provided verbally and/or in writing as appropriate. Policies, procedures and training must include information about the referral process overseen by OTDA and DCJS. Under the law, policies and procedures and training must also include the reporting of human trafficking victims under the age of 18 to the SCR if required under SSL Title 6, Article 6. Medical and hospital personnel already serve as mandated reporters who are required to make reports to the SCR if they suspect child abuse or maltreatment. As reiterated by Chapter 408, if an individual appears to be a human trafficking victim under the age of 18, mandated reporters in hospitals and D&TCs must make a report if required under SSL Title 6, Article 6.

Under the law, policies and procedures and training must also include the reporting of human trafficking victims under the age of 18 to the SCR if required under SSL Title 6, Article 6. Medical and hospital personnel already serve as mandated reporters who are required to make reports to the SCR if they suspect child abuse or maltreatment. As reiterated by Chapter 408, if an individual appears to be a human trafficking victim under the age of 18, mandated reporters in hospitals and D&TCs must make a report if required under SSL Title 6, Article 6.

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a reduction in care provided at no, or low, cost to victims of human trafficking.

Costs to Local Government:
This proposal will not impact local governments unless they operate a general hospital or a D&TC, in which case the impact would be the same as outlined above.

Costs to the Department of Health:
The proposed regulatory changes will not result in any additional costs to the Department.

Costs to Other State Agencies:
The proposed regulatory changes may result in additional costs to other state agencies if referrals increase and more victims access available services, but this would be consistent with the objectives of the statute. OTDA, OCFS, and DCJS have existing materials related to human trafficking available on their websites.

Local Government Mandates:
The proposed regulations do not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district, unless such local government operates a hospital or D&T.

Paperwork:
General hospitals and D&TCs are already required to establish written policies and procedures related to various operational requirements, train staff, and refer patients. Therefore, the proposed regulations should not significantly increase their paperwork.

Duplication:
Existing regulations require hospitals to make appropriate referrals for patients to a variety of services, but do not specifically reference human trafficking victims. There otherwise are no relevant State or federal regulations which duplicate, overlap or conflict with the proposed regulations.

Alternatives:
There are no alternatives to the proposed regulations related to hospital policies and procedures, which are necessary to implement the provisions of PHL § 2805-y, added by Chapter 408 of the Laws of 2016, and SSL § 483 ff, added by Chapter 311 of the Laws of 2016.

Federal Standards:
There are currently no federal requirements for hospitals to adopt policies and procedures for the identification, assessment, treatment, and referral of human trafficking victims.

Compliance Schedule:
The regulations will be effective upon publication of a Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis
Effect of Rule:
The proposed regulatory provisions related to human trafficking will apply to all general hospitals and diagnostic and treatment centers (D&TCs) in New York State. This proposal will not impact local governments or small business unless they operate a general hospital or D&T, in which case the requirements will be the same as for those entities.

Compliance Requirements:
These regulations will require general hospitals and D&TCs to develop, maintain and disseminate written policies and procedures for the identification, assessment, and appropriate treatment or referral of victims of human trafficking. These facilities will be required to train their licensed and certified clinical staff members as well as security staff members in such policies and procedures. In addition, the policies must incorporate the posting of a poster with human trafficking hotline information, available on the Office of Temporary and Disability Assistance website, in conspicuous places.

Professional Services:
While the current regulations do not specifically refer to individuals who are human trafficking victims, general hospitals and D&TCs are already required to establish written policies and procedures related to various operational requirements, train staff in such policies and procedures and refer patients to appropriate follow-up care. As such, the Department anticipates that no additional professional services will be required for general hospitals and D&TCs to comply with this proposed regulation.

Compliance Costs:
While the current regulations do not specifically refer to individuals who are or may be victims of human trafficking, general hospitals and D&TCs are already required to have written policies and procedures related to various operational requirements, train staff in such policies and procedures and refer patients to appropriate follow-up care. The proposed regulations do require additional effort to ensure that the policies and training include the identification, assessment and referral of individuals who are suspected victims of human trafficking, consistent with the requirements of PHL § 2805-y. However, the additional costs are expected to be minimal given the existing training infrastructure in general hospitals and D&T.

In addition, these efforts are expected to assist individuals in obtaining treatment critical for their overall health and well-being and could help such individuals avoid future emergency visits and hospital admissions. Therefore, the cost of implementing the proposed regulations is likely to be offset by a reduction in care provided at no, or low, cost to victims of human trafficking.

Small Business and Local Government Participation:
Organizations representing health care providers and other stakeholders, including organizations whose members include general hospitals or diagnostic and treatment centers that are operated by local governments or that constitute small businesses, were consulted on the proposed regulations.

Economic and Technological Feasibility:
The proposed regulatory changes may result in additional costs to other State and federal agencies if referrals increase and more victims access available services, but this would be consistent with the objectives of the statute.

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Economic and Technological Feasibility:
The proposed regulatory changes may result in additional costs to other State and federal agencies if referrals increase and more victims access available services, but this would be consistent with the objectives of the statute.
The following counties have a population of 200,000 or greater and towns with population densities of 150 persons or fewer per square mile. Data is based upon the United States Census estimated county populations for 2010.

Albany County  Monroe County  Orange County
Broome County  Niagara County  Saratoga County
Dutchess County  Oneida County  Suffolk County
Erie County  Onondaga County

There are 47 general hospitals, approximately 90 diagnostic and treatment centers, 159 nursing homes, and 92 certified home health agencies in rural areas.

There was no adverse impact on jobs and no job impact statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act. No adverse impact on jobs and employment opportunities is expected as a result of these proposed regulations.

Reporting, Recordkeeping and Other Compliance Requirements; and Professional Services:
The proposed regulation is applicable to those general hospitals and diagnostic and treatment centers located in rural areas and is expected to impose only minimal costs upon hospitals, which are already required to establish written policies and procedures related to various operational requirements, train staff in such policies and procedures and refer patients to appropriate follow-up care. Because the proposed regulatory requirements can be incorporated into existing processes, they are not expected to substantially increase the administrative burden on these entities.

Costs:
While the current regulations do not specifically refer to individuals who may be victims of human trafficking, general hospitals and diagnostic and treatment centers (D&TCS) are already required to have written policies and procedures related to various operational requirements, train staff in such policies and procedures and refer patients to appropriate follow-up care. The proposed regulations do require additional effort to ensure that the policies and training include the identification, assessment and referral of individuals who suspected victims of human trafficking, as well as the provision of information related to appropriate services, consistent with the requirements of the statute. However, the additional costs are expected to be minimal given the existing training infrastructure in general hospitals and D&TCS. In addition, these efforts are expected to assist individuals in obtaining treatment critical for their overall health and well-being and could help such individuals avoid future emergency room visits and hospital admissions. Therefore, the cost of implementing the proposed regulations is likely to be offset by a reduction in care provided at no, or low, cost to victims of human trafficking.

Minimizing Adverse Impact:
The impact of this proposal is expected to be minimal as general hospitals and D&TCS are already required to have written policies and procedures related to various operational requirements, train staff in such policies and procedures and refer patients to appropriate follow-up care. To assist hospitals and D&TCS with the development of their policies, procedures and training materials, several state agencies have provided resources that are free of charge to the public. For example:
• A course entitled “NYSDOH Human Trafficking Awareness Training,” available on the Department’s NYLearnPH.com Learning Management System at https://www.nylearnph.com/public;
• Materials on human trafficking on the OTDA website at https://otda.ny.gov/programs/bria/trafficking.asp;
• Materials on human trafficking on the website of the Division of Criminal Justice Services http://www.criminaljustice.ny.gov/pio/humantrafficking/humantrafficking.htm
In addition, these efforts are expected to assist individuals in obtaining treatment critical for their overall health and well-being and could help such individuals avoid future emergency room visits and hospital admissions. Therefore, the cost of implementing the proposed regulations is likely to be offset by a reduction in care provided at no, or low, cost to victims of human trafficking.

Rural Area Participation:
Organizations that include as members general hospitals and D&TCS located in rural areas were consulted on the proposed regulations.

Job Impact Statement:
No job impact statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act. No adverse impact on jobs and employment opportunities is expected as a result of these proposed regulations.
Health and Health Planning Council shall adopt rules and regulations, subject to the approval of the Commissioner of Health, governing the standards and procedures followed by nursing homes which, at a minimum, must meet federal standards.

Legislative Objectives:

The legislative objective of PHL Article 28, as set forth in PHL section 2800, includes the protection of the health of the residents of New York State through the efficient provision and proper utilization of health services of the highest quality at a reasonable cost. This proposal, which requires nursing homes to submit weekly bed census data to the Department of Health (Department) through the Department’s Health Commerce System, is consistent with that objective. Having current and accurate nursing home bed occupancy data is important in the event of natural disasters and to alert the Department to significant changes in nursing home occupancy, allowing the Department to take appropriate action. While facilities have already been advised administratively that they must submit this data, including the requirement in regulation will improve compliance.

Current Requirements:
The Health Commerce System (HCS), previously known as the Health Provider Network (HPN), is a highly secure, Internet-based, electronic portal for communications and critical data sharing with organizations including nursing homes and other health care providers. Section 400.10 of Title 10 (Health) of the New York Compilation of Codes, Rules and Regulations (NYCRR) requires providers including nursing homes, to maintain and keep updated an active HPN account.

DAL #09-02, effective April 8, 2009, was issued by the Department to require nursing homes to report weekly bed census data electronically to the Department through the HPN. The DAL provided for such data to be reports for the week ending between Wednesday 8:00 a.m. and Friday 5:00 p.m.

In 2013, via a notice sent through the HCS, the Department informed nursing homes that such data should be reported between Wednesday 12:01 a.m. and the following Tuesday at 11:59 p.m.

Needs and Benefits:

It is critical that the Department have accurate nursing home census data including occupancy and availability data by bed type. Natural events such as hurricanes and floods and other emergency events such as extended power outages could cause situations in which some nursing homes may have to transfer their residents to other facilities to ensure their safety. In those situations, the Department must be able to quickly assess the number and location of nursing home residents across the affected area, as well as the number of available beds. Furthermore, the ability to monitor a facility’s current occupancy data improves the Department’s ability to identify a declining census and proactively take appropriate action.

Despite the current requirement for bed census data reporting, communicated via a DAL and a subsequent HCS notice, the Department often finds itself in the position of having to call some nursing homes repeatedly to obtain this information. This proposed regulation will add a new section 415.32 to Title 10 of NYCRR to require that nursing homes submit bed census data on a weekly basis by electronically filing the Nursing Home Weekly Bed Census Survey (Survey). This will promote compliance and ensure that the Department has access to essential, current occupancy data as necessary to protect residents.

Accordingly, the proposed regulation provides that the Survey must be submitted via the HCS Health Electronic Response Data System (HERDS) application by a facility staff person assigned a Nursing Home Data Reporter role within the HCS Communications Directory. Nursing homes shall report bed census data reflecting the weekly census taken every Wednesday at 12:00 a.m. The facility’s designated Nursing Home Data Reporter shall enter and transmit the survey census data to the Department between Wednesday at 12:01 a.m. and the following Tuesday at 11:59 p.m.

Costs to the Department of Health:

The Department is not expected to incur any additional administrative costs as a result of the proposed regulation. The statewide HCS infrastructure and the mechanisms for nursing home bed census data collection are already in place.

Costs to Other State Agencies:

The proposed regulatory changes will not result in any additional costs to other State agencies.

Local Government Mandates:

This proposed regulation does not impose any new mandates on local governments.

Costs to Private Regulated Parties:

Federal Standards:

Federal regulations require nursing homes to submit quarterly census data to CMS.

Compliance Schedule:

These regulations will be effective upon publication of a Notice of Adoption in the New York State Register. The statewide HCS infrastructure and the mechanisms for bed census reporting for nursing homes are already in place. Consequently, regulated parties should be able to comply with the proposed regulation as of its effective date.

Regulatory Flexibility Analysis:

No regulatory flexibility analysis is required pursuant to section 202-(b)(4)(a) of the State Administrative Procedure Act. The proposed rule will not have a substantial adverse impact on small businesses or local governments. Nursing homes that constitute small businesses and local health departments that operate nursing homes, like all other nursing homes, are already required to have an HCS account to exchange electronic information with the Department and report bed census data.

Rural Area Flexibility Analysis:

No rural area flexibility analysis is required pursuant to section 202-(b)(4)(a) of the State Administrative Procedure Act. The proposed rule will not have an impact on nursing homes located in rural areas any differently than in any other areas. Such nursing homes are already required to have an HCS account to exchange electronic information with the Department and report bed census data.

Job Impact Statement:

No job impact statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act. No adverse impact on jobs and employment opportunities is expected as a result of this proposed regulation.

PROPOSED RULE MAKING

NO HEARING(S) SCHEDULED

Clinical Laboratory Directors

L.D. No. HLT-51-18-00017-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Part 19 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 573

Subject: Clinical Laboratory Directors.

Purpose: Recognize additional accrediting boards for qualification of clinical laboratory directors to obtain a certificate of qualification.

Substance of proposed rule (Full text is posted at the following State website:www.health.ny.gov/Laws & Regulations/Proposed Rulemaking):

Pursuant to the authority vested in the Public Health and Health Planning Council and the Commissioner of Health by section 573 of the Public Health Law, Part 19 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended, to be effective upon publication of a Notice of Adoption in the New York State Register, as follows:
Section 19.1 is amended to include definitions for “assistant director,” “board certified,” “earned doctoral degree,” “training,” and “experience.” The definitions of “acceptable laboratory” and “category” are also revised and clarified. Section 19.1 is further revised to expressly recognize physicians and dentists who are licensed in the countries in which they practice as being able to qualify as directors or assistant directors of clinical laboratories or blood banks.

Section 19.2 is amended to recognize additional accrediting boards for purposes of certifying that applicants meet the educational and training requirements for certification or qualification. Applicants need only be a director or assistant director of a clinical laboratory or blood bank.

Section 19.3 is amended to provide the Department more flexibility in updating the certificate of qualification categories. Amendments to this section will also allow the Department to issue certificates of qualification with limitations based on an applicant’s specific experience. In addition, this section is amended to include additional director responsibilities, such as ensuring staff competency, specifying in writing the responsibilities and duties of all laboratory personnel, having standard operating procedure manuals, and participating in acceptable proficiency testing.

Section 19.4 is amended for clarity and to remove references to New York City laboratory permits, which are obsolete.

Text of proposed rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regspqa@health.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

Statutory Authority:

Public Health Law (PHL) section 573 establishes the authority of the Department to promulgate criteria for the issuance of a certificates of qualification. PHL section 573(2) specifically states that the Department that he or she possesses the character, competence, training and ability to administer properly the technical and scientific operation of a clinical laboratory or blood bank, including supervision of procedures and reporting of findings of tests.

Legislative Objectives:

The legislature enacted PHL section 573 to protect the health and safety of the public by requiring that only properly educated and experienced individuals be issued certificates of qualification and subsequently assigned responsibility as clinical laboratory directors. Such directors are responsible for the proper operation of clinical laboratories to ensure accurate and reliable results for clinical testing. Part 19 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York (10 NYCRR), in its original adoption and subsequent revisions, has been crafted to ensure that applicants have the necessary education, training and experience to effectively direct a laboratory. The proposed amendment is consistent with this legislative objective as it will include the recognition of additional accrediting boards that have been developed since the last regulatory amendment, in response to changes and advances in clinical laboratory testing.

Needs and Benefits:

Part 19 regulates the issuance of certificates of qualification. An individual must hold such certificate to be a clinical laboratory director or assistant director at a clinical laboratory or blood bank permitted by New York under the authority of PHL section 572. The intent of these regulations is to ensure that individuals who are granted certificates of qualification have the necessary education, experience, and training to effectively operate a clinical laboratory. Successful applicants for a certificate of qualification must demonstrate both experience in laboratory management; and experience specific to a category of testing does not necessarily translate to breadth of knowledge across an entire category of testing. Indeed, as innovations in laboratory medicine continue, an individual’s experience in a proven technology may quickly become obsolete without continued education and training. The proposed revisions to the definition of category allow the Department to ascertain an individual’s specific breadth of experience upon each application and re-application for a certificate of qualification.

The definitions of the following terms are being proposed for the first time: board certified, earned doctoral degree, training, and experience. A review of the accrediting boards currently recognized in Part 19 and those included in the proposed revisions was performed to ensure that the requirements for each board are consistent with the rules set forth in federal regulation. This included a review of both the educational and training requirements for the accrediting board. As noted in the proposed revisions, certain boards mandate the appropriate educational requirement of a doctoral degree, but do not specify that the candidate for the board demonstration four years of post-doctoral experience. Therefore, language clarifying the post-doctoral degree experience required by the Department has been proposed for these boards (American Board of Bioanalysts High Complexity Laboratory Director and the National Registry of Clinical Chemists) to ensure that the requirements for all applicants are consistent.

The duties and responsibilities of laboratory directors and assistant directors set forth in subdivision 19.3(c) were revised to provide clarity and introduce new responsibilities. Of note are the added responsibilities of ensuring the availability of procedures for monitoring staff competency and development of skills. These new duties and responsibilities are currently included in the New York State Clinical Laboratory Standards of Practice, however, formal codification in regulation is desired.

Finally, subdivision 19.3(d) has been removed since the certificate of qualification categories are repeated in the current subdivision 19.3(e), and therefore 19.3(d) was considered redundant. The Department currently maintains a list of certificate of qualification categories on its publicly accessible website, and revisions were made in proposed subdivision 19.1(i) to outline the necessary contents of this list.

Costs:

Costs to Regulated Parties:

The proposed amendment will not impose costs on regulated parties. The current regulation already requires clinical laboratories and blood banks to have directors who hold certificates of qualification.

Costs to the Agency, State and Local Governments:

The proposed amendment will not impose additional costs to the New York State Department of Health, the program responsible for oversight of clinical laboratories, or to local governments. The program responsible for the oversight of clinical laboratories is a well-established program operated at the State level and the new language does not impact the costs of the oversight program.

Local Government Mandates:

The proposed regulations impose no new mandates on any county, city, town or village government; or school, fire or other special district.

Paperwork:

The proposed revisions to Part 19 do not require any additional forms or paperwork from applicants. All candidates are required under the current rule to provide a complete application, a curriculum vitae, and proof of licensure for physicians or granting of an earned doctoral degree. Additionally, candidates must submit proof of any accreditation by a recognized board and/or letters from third parties attesting to the candidate’s training and experience. The proposed revisions expand the list of recognized accrediting boards, which may in fact reduce the paperwork needed for candidates holding those accreditations.

Duplication:

The federal government also recognizes clinical laboratory directors. The Department has applied and been approved for an exemption from the federal government continuously since 1993 that grants the Department the authority to act as the primary accrediting body for clinical laboratories and clinical laboratory directors operating in New York.

Alternatives:

The alternative to this proposal would be to maintain the existing regulatory requirements. However, the proposed amendments are necessary to update the regulations to include new definitions, update the list of acceptable accrediting boards, and clarify and expand the responsibilities of laboratory directors and assistant directors.

Federal Standards:

The Federal Code of Regulations (CFR) sets forth rules for the education and experience of clinical laboratory directors (CFR 493.1443). The proposed revisions to Part 19 will incorporate several of the accrediting boards that are already recognized under the federal rule.
Compliance Schedule:
Regulated parties are expected to comply with the proposed regulation by its effective date.

Regulatory Flexibility Analysis
No regulatory flexibility analysis is required. The proposed amendment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments. At present the regulations require clinical laboratories and blood banks to be directed by individuals who hold a certificate of qualification. This proposed amendment would update and expand the list of acceptable accrediting boards for obtaining a certificate of qualification and is therefore anticipated to have a positive impact by increasing the number of individuals who may qualify for a certificate of qualification.

Rural Area Flexibility Analysis
No rural area flexibility analysis is required pursuant to § 202-bb(4)(a) of the State Administrative Procedure Act. The proposed amendments will not impose an adverse impact on facilities in rural areas, and will not impose any significant new reporting, record keeping or other compliance requirements on facilities in rural areas.

Job Impact Statement
No job impact statement is required pursuant to § 201-a(2)(a) of the State Administrative Procedure Act. The proposed amendments will not impose an adverse impact on jobs and employment opportunities as expected as a result of these proposed regulations.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

New Requirements for Annual Registration of Licensed Home Care Services Agencies

I.D. No. HLT-51-18-00018-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of sections 766.9 and 766.12(c)(4) of Title 10 NYCRR.

Statutory authority: Public Health Law, section 3605(7)

Subject: New requirements for Annual Registration of Licensed Home Care Services Agencies.

Purpose: To amend the regulations for licensed home care services agencies for the annual registration requirements of the agency.

Text of proposed rule: Subdivision (n) of § 766.9 is amended to read as follows:

(4) An agreement which contains elements of both a franchise agreement and a management contract shall be subject to the applicable provisions of this subdivision and subdivision (m) of this section; and

A new subdivision (o) is added to § 766.9 to read as follows and existing subdivision (o) re-lettered (p):

(o) ensure registration of the licensed home care services agency with the commissioner through submission of annual registration forms included in the annual statistical report:

(1) no licensed home care services agency shall be operated, provide nursing services, home health aide services, or personal care services, or receive reimbursement from any source for the provision of such services during any period of time on or after January 1, 2019, unless it has registered for the current period;

(2) a licensed home care services agency that fails to submit a complete and accurate set of all required registration materials by the annual deadline of November 16 th is required to pay a fee of $500 for each month or part thereof that the licensed home care services agency is not registered;

(3) a licensed home care services agency that fails to register in the prior year by the deadline of the current year shall not be permitted to register for the upcoming registration period unless it submits any and all unpaid late fees;

(4) the department shall publish a listing of all licensed home care services agencies and their current registration status on its public website;

(5) the department shall institute proceedings to revoke the license of any licensed home care services agency that fails to register for two annual registration periods, whether or not such periods are consecutive; and

§ 766.12 is amended to read as follows:

(c) The home care services agency shall furnish annually to the department:

(1) statistical summaries of all health care services, including the type, frequency and reimbursement for services provided, including reimbursement from federal and state governmental agencies, on forms provided by the department;

(2) if a for-profit corporation, a list of the principal stockholders and the number and percent of the total issued and outstanding shares of the corporation held by each, duly certified by the secretary of the corporation as to completeness and accuracy;

(3) if a not-for-profit corporation, a list of directors, officers and corporate members, if such members number 10 or fewer;

(4) the agency’s registration in a manner prescribed by the department; and

(5) other such records and reports as may be legally required by the department.

Text of proposed rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsgma@health.ny.gov

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

Statutory Authority: This proposal will implement amendments to Public Health Law (PHL) §§ 3605-a and 3605-b requiring registration of licensed home care services agencies pursuant to Article 36.

Legislative Objectives: Public Health Law Article 36 was intended to promote the quality of home care services provided to residents of New York State and to assure adequate availability as a viable alternative to institutional care. The proposed regulation further this objective by developing a system for the Department of Health (Department) to identify agencies that are non-operational and align state regulations with the Department’s strategic plan.

Needs and Benefits: The proposed changes to 10 NYCRR §§ 766.9 and 766.12(c)(4) improve amendments to PHL §§ 3605-a and 3605-b made by Chapter 57 of the Laws of 2018, Part B, §§ 9-c and 9-d, requiring registration of licensed home care services agencies pursuant to PHL.

Annual registration of licensed home care services agencies will allow the Department, on an annual basis, to confirm operational entities in all regions of the state. The registration will confirm the number of agencies providing services in the defined services area and the types of services provided. The information will assist the Department in identifying potential gaps in provider capacity and consumer access to services, and is important as the Department develops a need methodology for licensed home care services agencies. It will also be useful to the Department’s oversight and surveillance functions.

This will be integral in improving the overall quality of services provided to individuals who are receiving home care services.

Just as important, the information obtained from the licensed home care services agency registration will improve consumer access to information about licensed home care services agency availability. The information collected from the registration process will improve the currency and accuracy of provider-related information on the DOH public website, giving consumers meaningful information that can help them identify available options for home care services. Additionally, the public website will identify those agencies who are registered with the Department and those agencies who are not registered with the department, indicating their compliance with 10 NYCRR § 766.9.

To comply with the registration requirement, licensed home care services agencies will need to complete a section that will be added to the existing annual statistical report. These must be submitted during the annual data collection period, which commences in August of the preceding year of the registration deadline and ends by November 16th.

The proposed changes will provide a benefit to current licensed home care services agencies who complete the registration as required, as they will be listed on the public website as being currently registered and active.

Costs:
Costs to Regulated Parties:
The regulated parties (providers) are not expected to incur any additional costs as a result of the proposed rule change. There are no additional costs to local governments for the implementation of and continuing compliance with this amendment. There are no additional costs to the Department of Health as a result of the proposed rule change.

Local Government Mandates:
The proposed amendment does not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district. The registration will be incorporated as part of the annual statistical reports already required to be submitted by licensed home care services agencies. Therefore, the new state regulation will require county operated agencies to complete one additional form.

Paperwork:
The registration will be incorporated as part of the annual statistical reports already required to be submitted by licensed home care services agencies. Therefore, the new state regulation will require one additional form to be completed.

Duplication:
The proposed rule is not duplicative of any known rules or regulations.

Alternatives:
There are no alternatives to this proposal, which is necessary to implement a legislative enactment requiring licensed home care services agencies to register annually with the Department.

Federal Standards:
This amendment does not exceed any minimum standards of the federal government for the same or similar subject areas.

Compliance Schedule:
There are no significant actions which are required by the affected providers to comply with the amendments, as the amendments ensure conformance with expectations that were already in effect. Those licensed home care services agencies who are operational should already be in compliance with the required annual statistical reports and should be readily able to comply. The registration will be incorporated as part of the annual statistical reports already required to be submitted by licensed home care services agencies. Therefore, the new state regulation will require one additional form to be completed. A licensed home care services agency that fails to submit a complete and accurate set of all required registration materials by the annual deadline of November 16th, established by the Commissioner of Health, is required to pay a fee of $500 for each month or part thereof that the licensed home care services agency is in default. The statute allows for the LHCSA to register at any time, however, the fines will continue to be incurred.

A licensed home care services agency that failed to register in the prior year by the deadline of the current year shall not be permitted to register for the upcoming registration period unless it submits any unpaid late fees.

A licensed home care services agency is prohibited from providing nursing services, home health aide services, or personal care services, or receive reimbursement from any source for the provision of such services during any period of time on or after January 1, 2019, unless it has registered for the current period. The regulations will be effective upon publication of a Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

Effect of Rule:
Licensed home care services agencies, including those operated by county health departments, provide home services in the home pursuant to Public Health Law Article 36. There are currently 1,083 licensed operators providing home care services at 1,475 licensed sites. Local governments will not be affected by this rule except to the extent that they operate licensed home care services agencies; nor will small businesses be impacted in their routine cost of conducting business.

Compliance Requirements:
Regulated parties are expected to be in compliance beginning on and after January 1, 2019. The proposed regulations will implement the new registration requirement for licensed home care services agencies, which will be carried out through existing reporting mechanisms. The registration process will be incorporated with existing statistical data collection requirements for licensed home care services agencies which are required annually. Therefore, compliance requirements are minimal.

The Department does not intend to publish a small business regulation guide in connection with this regulation. Although a number of licensed home care services agencies are small businesses, the impact is expected to be minimal. Additional guidance will be posted on the web as needed after the regulation is promulgated.

Professional Services:
No additional professional staff are expected to be needed as a result of the regulations. Record keeping and compliance requirements could be handled by existing staff, as it is the expectation that the administrator complete the registration.

Compliance Costs:
There are no capital costs associated with these proposed rules. Any costs are already incurred by agencies under the existing regulations.

Economic and Technological Feasibility:

The Department has considered feasibility and believes there will be minimal, if any, economic and technological impact. The registration will be incorporating as part of the annual statistical reports already required to be submitted by licensed home care services agencies. Therefore, the new state regulation should not affect the routine cost of doing business, unless agencies have been non-compliant with existing requirements.

Minimizing Adverse Impact:

While the Department has considered the options of State Administrative Procedure Act (SAPA) § 202-b(1) in developing this rule, flexibility does not exist for any particular entity since the new requirements are consistent with requirements that are already in effect.

Small Business and Local Government Participation:
The Department will meet the requirements of SAPA § 202-b(6) in part by publishing a notice of proposed rulemaking in the State register with a comment period. The Department has not solicited input prior to publication as the proposed amendments are required by statute, do not change existing procedures in any substantive manner and will, therefore, have no deleterious effect on small businesses and local governments.

For Rules that Either Establish or Modify a Violation or Penalties Associated with a Violation:
A licensed home care services agency which fails to submit a complete and accurate set of all required registration materials by the deadline established by the Commissioner shall be required to pay a fee of $500 for each month or part thereof that the licensed home care services agency is in default. The statute allows for the LHCSA to register at any time, however, the fines will continue to be incurred.

A licensed home care services agency that failed to register in the prior year by the deadline of the current year shall not be permitted to register for the upcoming registration period unless it submits any unpaid late fees.

A licensed home care services agency is prohibited from providing nursing services, home health aide services, or personal care services, or receive reimbursement from any source for the provision of such services during any period of time on or after January 1, 2019, unless it has registered with the Department.

The Department shall institute proceedings to revoke the license of any licensed home care services agency that fails to register for two annual registration periods, whether or not such periods are consecutive. The Department shall have the discretion to pursue revocation of the license of a licensed home care services agency on grounds that it evidences a pattern of late registration over the course of multiple years.

The registration will be incorporated as part of the annual statistical reports already required to be submitted by licensed home care services agencies. Therefore, the new state regulation will require one additional form to be completed. A licensed home care services agency that fails to submit a complete and accurate set of all required registration materials by the annual deadline of November 16th is required to pay a fee of $500 for each month or part thereof that the licensed home care services agency is not registered. No licensed home care services agency shall be operated, provide nursing services, home health aide services, or personal care services, or receive reimbursement from any source for the provision of such services during any period of time on or after January 1, 2019, unless it has registered with the Department.

The Department shall institute proceedings to revoke the license of any licensed home care services agency that fails to register for two annual registration periods, whether or not such periods are consecutive. The Department shall have the discretion to pursue revocation of the license of a licensed home care services agency on grounds that it evidences a pattern of late registration over the course of multiple years.

Rural Area Flexibility Analysis

All counties in New York State (NYS) have rural areas with the exception of seven (7) downstate counties. Approximately 80% of licensed home care services agencies are licensed to serve counties with rural areas. No rural area flexibility analysis is required pursuant to § 202-bb(4)(a) of SAPA. The proposed amendment does not impose an adverse impact on facilities in rural areas. The proposed amendment imposes additional reporting, record keeping or other compliance requirements on facilities in rural areas. The proposed amendment to require licensed home care agencies to complete registration seeks information regarding operational agencies and to assure home care availability in rural areas as an alternative to institutional care.

Job Impact Statement

A Job Impact Statement for these amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.
Notice of Adoption

**Bottle Club License Updates**

**I.D. No.** LQR-30-18-00001-A  
**Filing No.** 1121  
**Filing Date:** 2018-11-28  
**Effective Date:** 2018-12-19

**PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:**

**Action taken:** Amendment of Part 49; repeal of sections 49.2, 49.3, 49.5, 49.8 and 49.13(b) of Title 9 NYCCR.

**Statutory authority:** Alcoholic Beverage Control Law, section 64-b

**Subject:** Bottle Club License Updates.

**Purpose:** To update outdated Bottle Club license requirements and procedures.

**Text or summary was published** in the July 25, 2018 issue of the Register, I.D. No. LQR-30-18-00001-P.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Paul Karamanol, Senior Attorney, State Liquor Authority, 80 South Swan Street, Suite 900, Albany, NY 12210, (518) 486-6743, email: paul.karamanol@sla.ny.gov

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2023, which is the 4th or 5th year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS:

An assessment of public comment on the 4 or 5-year initial review period is not attached because no comments were received on the issue.

**Assessment of Public Comment**

Since publication of a Notice of Proposed Rule Making in the July 25, 2018 State Register, 1 written public comment was received and which was from an industry trade association and commended the State Liquor Authority (“Authority”) and expressed strong approval for the proposed amendments. This same industry trade association appeared before the Members of the Authority at a public hearing regarding these proposed amendments on October 24, 2018 and again vocalized their support. No other written or verbal comments were received by the Authority relative to these amendments. Said comments included the following:

- Under longstanding Authority rules, establishments that qualified as bottle clubs were limited to a specific method of operation, namely, serving as a venue for patrons to bring, consume, and store their own bottles of liquor on the premises. Such establishments were once a regular element of the New York City hospitality landscape but died out decades ago.

Section 64-b of the ABCL, which governs bottle clubs, never contemplated the regulatory straightjacket that the current rules produce. The proposed amendments resurrect bottle clubs by removing significant outdated requirements, thereby opening the license category to new concepts and innovation.

**AUTHORITY RESPONSE:** The Authority agrees. The proposed amendments are intended to encourage existing businesses such as high-end clothing or jewelry retailers who wish to offer a small amount of complimentary alcoholic beverages to their patrons to obtain a bottle club license that would enable them to do so legally.

- We note that section 64-b does not require any food service. Given that, we do believe the standard 30-Day Notice to Municipalities and Community Boards should be revised to reflect that option.

**AUTHORITY RESPONSE:** The Authority regularly reviews and modifies all of their standardized forms, including the 30-Day Notice, and makes needed changes as necessary.

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**State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed.**

**Assessment of Public Comment**

This document contains responses to public comments submitted during the public comment period for emergency/proposed regulations that establishes a regulatory framework for individuals applying for OPWDD-authorized services as provided under the agency’s statutory authority.

**Comment:** There are concerns with OPWDD’s ability to re-review an individual’s eligibility at any time. Individuals benefiting from urgently needed services should not be at risk for removal of those services.

**Response:** This comment was considered and the text will not be changed. Re-reviewing an individual’s eligibility ensures OPWDD can continue its mission to provide services to individuals with developmental disabilities, as defined in MHL 1.03(22). Note, there is a low likelihood of re-reviewing eligibility, unless a re-review is warranted (e.g., provisional eligibility is ending, or new information calling eligibility into question is found). This is not a change from prior practice and is supported by case law.

**Comment:** There is not an unfettered right to review eligibility determinations. The statement regarding a review/re-review is open-ended without giving cause for such scrutiny. OPWDD should specify when a re-review would be appropriate.

**Response:** This comment was considered and the text will not be changed. OPWDD provides services to individuals who meet consistent criteria based on the definition of developmental disability in Mental Hygiene Law section 1.03(22). OPWDD must retain the right to review or re-review in order to ensure that services are provided only to people who have a developmental disability. Further guidance regarding when a review of eligibility is appropriate will be forthcoming.

**Comment:** There are concerns with MSC’s administering DD2 evaluations without the consent of the individual’s guardian and how that will affect the review/re-review process in the regulation.

**Response:** The DD2 is not used for determining an individual’s eligibility for OPWDD services.

**Comment:** The regulation does not specify any criteria upon which eligibility will be based, and does nothing to correct the ongoing problem of OPWDD making eligibility determinations without reference to any clear standard based on an official policy or published regulation.
The regulation restricts service delivery options for dually-diagnosed individuals. The regulation creates a new definition of DD, which is more restrictive.
Proposed Action: The Commission is considering the 2018 Outcome-Based EAM Collaborative Report filed by Consolidated Edison Company of New York, Inc. on October 17, 2018.

Statutory authority: Public Service Law, sections 4(1) and 66(1)

Subject: 2018 Outcome-Based EAM Collaborative Report

Purpose: To ensure the establishment of fair and equitable metrics, targets and associated incentive levels.

Substance of proposed rule: The Commission is considering the 2018 Outcome-Based EAM Collaborative Report (Report), filed by Consolidated Edison Company of New York, Inc. (Con Edison) on October 17, 2018, a consensus report that seeks to establish specific metrics, targets and associated incentive levels for certain outcome-based earnings adjustment mechanisms (EAMs) for calendar year 2019, the third year of a three-year rate plan.

EAMs are performance-based incentive measures designed to encourage utilities to undertake efforts to develop market-enabling tools and achieve savings related to increased system efficiency and reduced energy consumption.

The full text of the report and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0060SP8)

PROPOSED RULE MAKING

NO HEARING(S) SCHEDULED

Proposed Rule Making Activities

Petition for Water Metering Equipment

I.D. No. PSC-51-18-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Public Service Commission is considering a petition filed by SUEZ Water Westchester seeking approval to use the Neptune Protectus III Meter in water metering applications, or alternatively, a declaratory ruling that it was previously approved.

Statutory authority: Public Service Law, section 89-d(1)

Subject: Petition for water metering equipment

Purpose: To ensure that customer bills are based on accurate measurements of water usage.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by SUEZ Water Westchester Inc., on October 24, 2018, seeking approval to use the Neptune Protectus III meter in water metering applications; or alternatively, a declaratory ruling by the Commission that it previously approved such meter.

New York City intends to submeter electricity to its tenants. Submetering of electric service is allowed so long as it complies with the protections and requirements of the Commission’s regulations in 16 NYCRR Part 96.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-E-0714SP1)

PROPOSED RULE MAKING

NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-51-18-00013-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering the notice of intent filed by 63rd & 3rd NYC LLC to submeter electricity at 1059 3rd Avenue, New York, New York.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Notice of intent to submeter electricity

Purpose: To ensure adequate submetering equipment and consumer protections are in place.

Substance of proposed rule: The Commission is considering the notice of intent filed by 63rd & 3rd NYC LLC on November 15, 2018, to submeter electricity at 1059 3rd Avenue, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

By stating its intent to submeter electricity, 63rd & 3rd NYC LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission’s regulations in 16 NYCRR Part 96.

The full text of the notice of intent and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-E-0714SP1)

PROPOSED RULE MAKING

NO HEARING(S) SCHEDULED

Consideration for the Use of the Expired CDP Funds

I.D. No. PSC-51-18-00014-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a petition by New York State Electric & Gas Corporation for authorization to use funds from the recently expired Community Development Program (CDP) to offset the Town of Maine’s gas main extension cost.

Statutory authority: Public Service Law, section 66

Subject: Consideration for the use of the expired CDP funds

Purpose: To provide potential customers affordable access to natural gas service.
Rule Making Activities

**Text of proposed rule:** The Public Service Commission is considering a petition filed on November 16, 2018 by New York State Electric & Gas Corporation (NYSEG or Company) requesting the Commission waive the expiration of the Community Development Fund Pilot Program (Program) which expired on April 30, 2018.

The waiver would allow the Company to use up to $80,000 of the Program budget to match third party grants and offset the Town of Maine’s gas main extension project.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

**Data, views or arguments may be submitted to:** Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

**Public comment will be received until:** 60 days after publication of this notice.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-G-0284SP2)

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**Department of Taxation and Finance**

**NOTICE OF ADOPTION**

New York State and City of Yonkers Withholding Tables and Other Methods

L.D. No. TAF-40-18-00001-A

Filing No. 1125

Filing Date: 2018-12-04

Effective Date: 2018-12-19

**PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:**

**Action taken:** Repeal of Appendixes 10 and 10-A; addition of new Appendixes 10 and 10-A to Title 20 NYCRR.

**Statutory authority:** Tax Law, sections 171, subd. First, 671(a)(1), 697(a), 1321(a), 1329(a), 1332(a); Codes of the City of Yonkers, sections 15-105, 15-108, 15-111; L. 2016, ch. 60, part TT

**Subject:** New York State and City of Yonkers withholding tables and other methods

**Purpose:** To provide current New York State and City of Yonkers withholding tables and other methods.

**Text or summary was published in the October 3, 2018 issue of the Register. I.D. No. TAF-40-18-00001-P.**

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Kathleen D. Chase, Tax Regulations Specialist II, Department of Taxation and Finance, Office of Counsel, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: Kathleen.ChaSe@tax.ny.gov

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**

The agency received no public comment.

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Office of Temporary and Disability Assistance

**EMERGENCY RULE MAKING**

**Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)**

L.D. No. TDA-41-18-00002-E

Filing No. 1128

Filing Date: 2018-12-04

Effective Date: 2018-12-23

**PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:**

**Action taken:** Amendment of section 387.12(f)(3)(v)(a)-(b) of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 17(a)-(b), (j), 20(3)(d), 95, 7 United States Code, section 2014(c)(6)(C); 7 Code of Federal Regulations, section 273.9(d)(6)(iii)

**Finding of necessity for emergency rule:** Preservation of public health and general welfare.

**Specific reasons underlying the finding of necessity:** It is of great importance that the federally-mandated and most currently approved standard utility allowances for the Supplemental Nutrition Assistance Program (SNAP) be applied to SNAP benefit calculations effective October 1, 2018, and thereafter until new amounts eventually are approved by the United States Department of Agriculture (USDA). It is equally important that the new federally-approved standard utility allowance amounts be implemented by the October 1, 2018 deadline. If past standard utility allowances were to be used, in the absence of federal authority, in calculating ongoing SNAP benefits, thousands of SNAP households qualifying for the higher-level utility-based standard utility allowances would receive SNAP underpayments each month. Thousands of SNAP households throughout New York State could be adversely affected by such underpayments, which would constitute hardships to these households and impact their ability to purchase needed food. In addition, the use of standard utility allowances that are not authorized by the USDA could also result in severe fiscal sanctions by the federal government against the State. These emergency amendments protect the public health and general welfare by setting forth the federally-mandated and approved standard utility allowances effective as of October 1, 2018, and by helping to prevent such hardships.

As stated above, there is no federal authority to use past standard utility allowances after the October 1, 2018 effective date of the new federally-approved allowance amounts. For New York to continue the State option to use the standard utility allowance in lieu of the actual utility cost portion of SNAP household shelter expenses, new allowances must be in place. Otherwise, the State may be forced to use the actual utility cost portion of the shelter expenses of each SNAP household. This policy would result in all 58 social services districts in New York State having to require the new federally-approved standard utility allowance amounts be implemented by the October 1, 2018 deadline. If past standard utility allowances were to be used, in the absence of federal authority, in calculating ongoing SNAP benefits, thousands of SNAP households would have a much smaller shelter deduction resulting in a sizeable reduction in their SNAP benefits. This reduction in SNAP benefits for up to 1.6 million SNAP households would result in significant harm to the health and welfare of these households.

It is noted that, due to time constraints, the emergency rule is being readopted pursuant to a Notice of Emergency Adoption. To preserve public health and general welfare, OTDA originally promulgated the emergency rule via a Notice of Emergency Adoption and Proposed Rule Making on September 25, 2018, and the emergency rule became effective on October 1, 2018. The Notice of Emergency Adoption and Proposed Rule Making was published in the New York State Register on October 10, 2018 under I.D. No. TDA-41-18-00002-EP. OTDA will be accepting public comments on the current emergency rule through December 10, 2018. The current emergency rule expires on December 23, 2018. This first readoption of the current emergency rule is necessary in order to avoid a lapse in the current emergency rule, insofar as the expiration of
Subject: Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP).

Purpose: These regulatory amendments set forth the federally-approved SUAs as of 10/1/18.

Text of emergency rule: Clauses (a)-(b) of subparagraph (v) of paragraph (3) of subdivision (f) of § 387.12 of Title 18 NYCRR are amended to read as follows:

(a) The standard allowance for heating/cooling consists of the costs for heating or cooling the residence, electricity not used to heat or cool the residence, cooking fuel, sewage, trash collection, water fees, fuel for heating hot water and basic service for one telephone. The standard allowance for heating/cooling is available to households which incur heating and/or cooling costs separate and apart from rent and are billed separately from rent or mortgage on a regular basis for heating and/or cooling their residence, or to households entitled to a Home Energy Assistance Program (HEAP) payment or other Low Income Home Energy Assistance Act (LIHEAA) payment. A household living in public housing or other rental housing that charges the household for excess heating or cooling costs only is not entitled to the standard allowance for heating/cooling unless they are entitled to a HEAP or LIHEAA payment. Such a household may claim actual costs which are paid separately. Households which do not qualify for the standard allowance for heating/cooling are entitled to the standard allowance for utilities or the standard allowance for utilities for the telephone. As of October 1, 2017 but subject to subsequent adjustments as required by the United States Department of Agriculture (“USDA”), the standard allowance for heating/cooling for SNAP applicant and recipient households residing in New York City is $791; for households residing in either Suffolk or Nassau Counties, it is $736; for households residing in any other county of New York State, it is $654. ($661).

(b) The standard allowance for utilities consists of the costs for electricity not used to heat or cool the residence, sewage, trash collection, water fees, fuel for heating hot water and basic service for one telephone. It is available to households billed separately from rent or mortgage for one or more of these utilities other than telephone. The standard allowance for utilities is available to households which do not qualify for the standard allowance for heating/cooling. Households which do not qualify for the standard allowance for utilities may be allowed to use the standard allowance for utilities for the telephone. As of October 1, 2017 but subject to subsequent adjustments as required by the USDA, the standard allowance for utilities for SNAP applicant and recipient households residing in New York City is $313; for households residing in either Suffolk or Nassau Counties, it is $289; and for households residing in any other county of New York State, it is $265. ($268).

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, LD No. TDA-41-18-00002-EPE, Issue of October 10, 2018. The emergency rule will expire February 1, 2019.

Text of rule and any required statements and analyses may be obtained from: Richard P. Rhodes, Jr., Office of Temporary and Disability Assistance, 40 North Pearl Street, 16-C, Albany, NY 12243-0001, (518) 486-7503, email: richard.rhodesjr@otda.ny.gov

Regulatory Impact Statement

1. Statutory authority:

The United States Code (U.S.C.), at 7 U.S.C. § 2014(e)(6)(C), provides that in computing shelter expenses for budgeting under the federal Supplemental Nutrition Assistance Program (SNAP), a State agency may use a standard utility allowance as provided in federal regulations.

The Code of Federal Regulations (C.F.R.), at 7 C.F.R. § 273.9(d)(6)(iii), provides for standard utility allowances in accordance with SNAP. Clause (A) of this subparagraph states that with federal approval from the Food and Nutrition Services (FNS) of the United States Department of Agriculture (USDA), a State agency may develop standard utility allowances to be used in place of actual costs in calculating a household’s excess shelter deduction. Federal regulations allow for the following types of standard utility allowances: a standard utility allowance for all utilities that includes heating or cooling costs; a limited utility allowance that includes electricity and/or for purposes other than heating or cooling, water, sewerage, well and septic tank installation and maintenance, telephone, and garbage or trash collection; and an individual standard for each type of utility expense. Clause (B) of the subparagraph provides that a State agency must review the standard utility allowances annually and adjust them to reflect changes in costs. State agencies also must provide the amounts of the standard utility allowances to the FNS when the standard utility allowances are changed and submit the methodologies used in developing and updating the standard utility allowances to the FNS for approval whenever the methodologies change. The methodologies are also subject to subsequent adjustments as required by the United States Code (U.S.C.), at 7 U.S.C. § 2014(e)(6)(C).

Social Services Law (SSL) § 17(a)-(b) and (j) provide, in part, that the Commissioner of the Office of Temporary and Disability Assistance (OTDA) shall “exercise such other powers and perform such other duties as may be imposed by law.

SSL § 20(3)(d) authorizes OTDA to promulgate regulations to carry out its powers and duties.

SSL § 95 authorizes OTDA to administer SNAP in New York State and to perform such functions as may be appropriate, permitted or required by or pursuant to federal law.

2. Legislative objectives:

It was the intent of the Legislature to implement the federal SNAP Act in New York State in order to provide SNAP benefits to eligible New York State residents.

3. Needs and benefits:

The regulatory amendments set forth the standard utility allowances within New York State as of October 1, 2018. OTDA is amending its standard utility allowances in 18 NYCRR § 387.12(f)(3)(v)(a)-(b) to reflect an increase in fuel and utility costs, which is indicated in the Consumer Price Index (CPI) fuel and utilities values (which includes components for water, sewage and trash collection).

The following chart sets forth the standard utility allowance categories: the past standard utility allowances (“Past SUA”) that were in effect for federal fiscal year (FFY) 2018, from October 1, 2017 through September 30, 2018; and the new standard utility allowances (“New SUA”) that are in effect for FFY 2019, effective October 1, 2018:

<table>
<thead>
<tr>
<th>New York City</th>
<th>Nassau / Suffolk Counties</th>
<th>Rest of State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Past SUA</td>
<td>New SUA</td>
<td>New SUA</td>
</tr>
<tr>
<td>Heating/Air Conditioning SUA</td>
<td>$791</td>
<td>$800</td>
</tr>
<tr>
<td>Basic Utility SUA</td>
<td>$313</td>
<td>$316</td>
</tr>
<tr>
<td>Phone SUA</td>
<td>Past SUA: $30 (for all Counties)</td>
<td>(Unchanged for all Counties)</td>
</tr>
</tbody>
</table>

To determine the new standard utility allowance values for FFY 2019, the CPI Fuel and Utility value for June 2018 was compared to the same CPI value for June 2017, the CPI value that was used to determine the adjustment for the FFY 2018 standard utility allowance values. The percentage change between June 2017 and June 2018 was then applied to the FFY 2018 standard utility allowance figures. The June 2018 CPI Fuel and Utility value was 1.085% higher than the June 2017 value.

The June CPI values were used because they were the most recent month for which CPI values were available at the time when programming the new SUA values into the Welfare Management System (WMS) had to be done in order to comply with the October 1, 2018 effective date.

OTDA has all required approvals from the FNS pertaining to these changes and is required to apply the standard utility allowances for FFY 2019 in its SNAP budgeting effective October 1, 2018. As of October 1, 2018, OTDA does not have federal approval or authority to apply past standard utility allowances in its prospective SNAP budgeting.

It is of great importance that the federally-mandated and most currently approved standard utility allowances for the Supplemental Nutrition Assistance Program (SNAP) are applied to SNAP benefit calculations effective October 1, 2018, and thereafter until new amounts eventually are approved by the USDA. It is equally important that the new federally-approved allowance amounts be implemented by the USDA. It is equally important that the new federally-approved standard utility allowance amounts be implemented by the USDA. It is equally important that the new federally-approved standard utility allowance amounts be implemented by the USDA. It is equally important that the new federally-approved standard utility allowance amounts be implemented by the USDA. It is equally important that the new federal approval be required to apply the standard utility allowances for FFY 2019 in its SNAP budgeting effective October 1, 2018. As of October 1, 2018, OTDA does not have federal approval or authority to apply past standard utility allowances in its prospective SNAP budgeting.

Rule Making Activities

the 60-day public comment period will not provide sufficient time for OTDA to publish Notice of Adoption in the New York State Register before the current emergency rule expires on December 23, 2018.

The New York City is $791

The standard utility allowances were changed and submitted to the FNS for approval whenever the methodologies changed. The methodologies are also subject to subsequent adjustments as required by the Federal government against the State. These emergency amendments protect the public health and general welfare by setting forth the federally-mandated and approved standard utility allowances effective as of October 1, 2018, and by helping to prevent such hardships.

As stated above, there is no federal authority to use past standard utility allowances after the October 1, 2018 effective date of the new federally approved allowance amounts. For New York to continue the State option
to use the standard utility allowance in lieu of the actual utility cost portion of the SNAP household shelter expenses, new allowances must be in place. Otherwise, the State may be forced to use the actual utility cost portion of the shelter expenses of each SNAP household. This policy would result in all 58 social services districts in New York State having to require up to 1.6 million SNAP households to provide verification of the actual utility cost portions of their shelter expenses. This policy would create a tremendous burden on both social services districts as well as recipient households. In addition, as actual utility costs are generally significantly less than the standard utility allowances, SNAP households would have a much smaller shelter deduction resulting in a sizeable reduction in their SNAP benefits. This reduction in SNAP benefits for up to 1.6 million SNAP households would result in significant harm to the health and welfare of these households.

4. Costs:
   The regulatory amendments will not result in any impact to the State financial plan, they will not impose costs upon the social services districts because SNAP benefits are 100 percent federally-funded, and they comply with federal statute and regulation to implement federally-approved standard utility allowances.

5. Local government mandates:
   The regulatory amendments do not impose any mandates upon social services districts since the amendments simply set forth the federally-approved standard utility allowances, effective October 1, 2018. Additionally, the calculation of SNAP budgets, which incorporates the standard utility allowances, and the resulting issuances of SNAP benefits are mostly automated processes in New York City and the rest of the State using OTDA’s WMS. To the extent that these processes are not automated, the regulatory amendments do not impose any additional requirements upon the social services districts in terms of calculating SNAP budgets.

6. Paperwork:
   The regulatory amendments do not impose any new forms, new reporting requirements or other paperwork upon the State or the social services districts.

7. Duplication:
   The regulatory amendments do not duplicate, overlap or conflict with any existing State or federal statutes or regulations.

8. Alternatives:
   An alternative to the regulatory amendments would be to refrain from implementing the revised standard utility allowances. However, this alternative is not a viable option because if New York State were to opt not to implement the new standard utility allowances or were otherwise judicially precluded from doing so, then New York State would be out of compliance with federal statutory and regulatory requirements.

9. Federal standards:
   The regulatory amendments do not conflict with or exceed minimum standards of the federal government.

10. Compliance schedule:
    Since the regulatory amendments set forth the federally-approved standard utility allowances effective October 1, 2018, the State and all social services districts will be in compliance with the regulatory amendments upon the adoption date of the regulatory amendments.

Regulatory Flexibility Analysis

1. Effect of Rule:
   The regulatory amendments will have no effect on small businesses.

2. Compliance Requirements:
   The regulatory amendments do not impose any reporting, recordkeeping or other compliance requirements on small businesses.

3. Professional Services:
   The regulatory amendments do not require social services districts to hire additional professional services to comply with the new regulations.

4. Compliance Costs:
   The regulatory amendments do not impose initial costs or any annual costs upon social services districts because SNAP benefits are 100 percent federally funded, and these regulatory amendments also comply with federal statute and regulation to implement federally-approved standard utility allowances.

5. Economic and Technological Feasibility:
   All social services districts have the economic and technological abilities to comply with the regulatory amendments.

6. Minimizing Adverse Impact:
   The regulatory amendments will not have an adverse impact on social services districts.

7. Small Business and Local Government Participation:
   On August 22, 2018, OTDA provided a General Information System (GIS) release to social services districts in New York State setting forth, in part, the new standard utility allowances for SNAP effective October 1, 2018 (see GIS 18 TA/DC027, Upstate and NYC – Updated Supplemental Nutrition Assistance Program [SNAP] Standards for October 2018). In past years, social services districts have not raised any concerns or objections related to the implementation of the new standard utility allowances. Since the release of OTDA’s GIS reflecting the standard utility allowances effective October 1, 2018, social services districts have had an opportunity to contact OTDA with any concerns, questions or other issues. To date, no social services districts have contacted OTDA. The GIS is also posted to OTDA’s internet website.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:
   The regulatory amendments will have no effect on small businesses in rural areas. The regulatory amendments do not impose any mandates upon the 44 social services districts in rural areas of the State. Rather, the regulatory amendments simply set forth the federally-approved standard utility allowances, effective October 1, 2018. The calculation of Supplemental Nutrition Assistance Program (SNAP) budgets, which incorporates the standard utility allowances, and the resulting issuances of SNAP benefits are mostly automated processes in New York City and the rest of the State using the Office of Temporary and Disability Assistance’s (OTDA’s) Welfare Management System. To the extent these processes are not automated, the regulatory amendments do not impose any additional requirements upon the social services districts in rural areas.

2. Reporting, recordkeeping and other compliance requirements; and professional services:
   The regulatory amendments do not impose any additional requirements upon the social services districts in rural areas.

3. Costs:
   The regulatory amendments do not impose initial capital costs or any annual costs upon the social services districts in rural areas because SNAP benefits are 100 percent federally-funded, and these regulatory amendments simply set forth the federally-approved standard utility allowances.

4. Minimizing adverse impact:
   The regulatory amendments will have no adverse impact on the social services districts in rural areas.

5. Small area participation:
   On August 22, 2018, OTDA provided a General Information System (GIS) release to social services districts in New York State setting forth, in part, the new standard utility allowances for SNAP effective October 1, 2018 (see GIS 18 TA/DC027, Upstate and NYC – Updated Supplemental Nutrition Assistance Program [SNAP] Standards for October 2018). In past years, social services districts have not raised any concerns or objections related to the implementation of the new standard utility allowances. Since the release of OTDA’s GIS reflecting the standard utility allowances effective October 1, 2018, social services districts have had an opportunity to contact OTDA with any concerns, questions or other issues. To date, no social services districts have contacted OTDA. The GIS is also posted to OTDA’s internet website.

Job Impact Statement
A Job Impact Statement is not required for the regulatory amendments. It is apparent from the nature and the purpose of the regulatory amendments that they will not have a substantial adverse impact on jobs and employment opportunities in either the public or the private sectors in New York State. The regulatory amendments will have no effect on small businesses. The regulatory amendments will not affect, in any significant way, the jobs of the workers in the social services districts or the State. These regulatory amendments set forth the federally-approved standard utility allowances for the Supplemental Nutrition Assistance Program (SNAP) as of October 1, 2018. The calculation of SNAP budgets, which incorporates the standard utility allowances, and the resulting issuances of SNAP benefits are mostly automated processes in New York City and the rest of the State using the Office of Temporary and Disability Assistance’s Welfare Management System. To the extent these processes are not automated, the regulatory amendments do not impose any additional requirements upon the social services districts in rural areas.

All social services districts have the economic and technological abilities to comply with the regulatory amendments.
HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS

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<th>Agency I.D. No.</th>
<th>Subject Matter</th>
<th>Location—Date—Time</th>
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</thead>
<tbody>
<tr>
<td>Agriculture and Markets, Department of</td>
<td>Shell eggs; acidified foods</td>
<td>Department of Agriculture and Markets, 10B Airline Dr., Albany, NY—January 14, 2019, 11:00 a.m.</td>
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</tbody>
</table>
The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the Register. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal’s notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word “exempt” in the second column. Actions pending for one year or more are preceded by an asterisk (*).

For additional information concerning any of the proposals listed in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the Register in which the notice was printed, the year in which the notice was printed, and the notice’s serial number. The following diagram shows how to read identification number codes.

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<tr>
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<th>Issue number</th>
<th>Year published</th>
<th>Serial number</th>
<th>Action Code</th>
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<tr>
<td>AAM</td>
<td>01</td>
<td>12</td>
<td>00001</td>
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Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

### AGING, OFFICE FOR THE
- **AGE-44-18-00005-P** 10/31/19 Nutrition Program
  - The purpose of this rule is to update the regulations governing the Nutrition Program

### AGRICULTURE AND MARKETS, DEPARTMENT OF
- **AAM-34-18-00001-EP** 10/25/19 Importation of cervids susceptible to Chronic Wasting Disease ("CWD")
  - To help control the spread of CWD into the State’s cervid population.
- **AAM-40-18-00021-EP** 01/14/20 Shell Eggs; Acidified Foods
  - To continue regulatory powers in connection with acidified foods and shell eggs used in foods for human consumption
- **AAM-41-18-00001-EP** 10/10/19 Spotted Lanternfly ("SL")
  - To prevent SL-infested articles originating in or moving through areas in other states where SL is present from entering NYS
- **AAM-43-18-00002-P** 10/24/19 Certification of Industrial Hemp Seed
  - To establish standards for certification of industrial hemp seed
- **AAM-49-18-00001-P** 12/05/19 Licensing of malt operators and processors
  - To exempt malt operators and processors producing under a certain volume from licensing requirements and fees

### ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF
- **ASA-12-18-00001-RP** 03/21/19 Problem Gambling Treatment and Recovery Services
  - Repeals existing gambling regulation; replaces with substantially updated provisions
- **ASA-21-18-00025-RP** 05/23/19 Credentialing of Addictions Professionals
  - Repeal obsolete rules; update process of credentialing addictions professionals
- **ASA-21-18-00026-P** 05/23/19 Appeals, Hearings and Rulings
  - Protect patient confidentiality, update due process provisions, technical amendments.
- **ASA-51-18-00019-P** 12/19/19 General provisions
  - Update provisions consistent with treatment developments; definitions; technical gender language
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<td>ASA-51-18-00020-P</td>
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<td>Substance Use Disorder Withdrawal and Stabilization Services</td>
<td>Update provisions consistent with treatment developments; definitions; technical gender language</td>
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<tr>
<td>ASA-51-18-00021-P</td>
<td>12/19/19</td>
<td>Substance Use Disorder Residential Rehabilitation Services for Youth</td>
<td>Update provisions consistent with treatment developments; definitions; technical gender language</td>
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<td>ASA-51-18-00022-P</td>
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<td>Substance Use Disorder Inpatient Rehabilitation</td>
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<td>ASA-51-18-00023-P</td>
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<td>Patient Rights</td>
<td>Update provisions consistent with treatment developments; definitions; technical gender language</td>
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<td>ASA-51-18-00024-P</td>
<td>12/19/19</td>
<td>General Service Standards for Substance Use Disorder Outpatient Programs</td>
<td>Update provisions consistent with treatment developments; definitions; technical gender language</td>
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<tr>
<td>AAC-06-18-00002-P</td>
<td>02/07/19</td>
<td>Update provisions relating to Employer Reporting; Service Credit Determination for certain members; and Notice of Hearings</td>
<td>To update language necessitated by the modernization and redesign of the retirement system’s benefit administration system</td>
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<tr>
<td>AAC-50-18-00001-P</td>
<td>12/12/19</td>
<td>Reporting of Miscellaneous Abandoned property</td>
<td>To update and clarify requirements relating to the reporting of miscellaneous abandoned property</td>
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<tr>
<td>CFS-51-18-00010-P</td>
<td>12/19/19</td>
<td>Residential and non-residential services to victims of domestic violence</td>
<td>To conform the existing regulations to comply with state and federal laws regarding services to victims of domestic violence</td>
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<td>CVS-12-18-00012-P</td>
<td>03/21/19</td>
<td>Jurisdictional Classification</td>
<td>To classify a subheading and a position in the non-competitive class</td>
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<td>CVS-12-18-00025-P</td>
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<td>10/10/19</td>
<td>Jurisdictional Classification</td>
<td>To delete from and classify positions in the exempt and non-competitive classes</td>
</tr>
<tr>
<td>CVS-41-18-00020-P</td>
<td>10/10/19</td>
<td>Jurisdictional Classification</td>
<td>To delete from and classify positions in the exempt and non-competitive classes</td>
</tr>
<tr>
<td>CVS-46-18-00006-P</td>
<td>11/14/19</td>
<td>Jurisdictional Classification</td>
<td>To classify a position in the exempt class</td>
</tr>
<tr>
<td>CVS-46-18-00007-P</td>
<td>11/14/19</td>
<td>Jurisdictional Classification</td>
<td>To classify positions in the non-competitive class</td>
</tr>
<tr>
<td>CVS-46-18-00008-P</td>
<td>11/14/19</td>
<td>Jurisdictional Classification</td>
<td>To classify positions in the exempt class</td>
</tr>
<tr>
<td>CVS-46-18-00009-P</td>
<td>11/14/19</td>
<td>Jurisdictional Classification</td>
<td>To classify a position in the non-competitive class</td>
</tr>
<tr>
<td>CVS-46-18-00010-P</td>
<td>11/14/19</td>
<td>Jurisdictional Classification</td>
<td>To delete positions from and classify positions in the non-competitive class</td>
</tr>
<tr>
<td>CVS-46-18-00011-P</td>
<td>11/14/19</td>
<td>Jurisdictional Classification</td>
<td>To classify positions in the exempt and non-competitive classes</td>
</tr>
<tr>
<td>CVS-46-18-00012-P</td>
<td>11/14/19</td>
<td>Jurisdictional Classification</td>
<td>To delete positions from and classify positions in the non-competitive class</td>
</tr>
<tr>
<td>CVS-51-18-00002-P</td>
<td>12/19/19</td>
<td>Jurisdictional Classification</td>
<td>To classify positions in the non-competitive class</td>
</tr>
<tr>
<td>Agency I.D. No.</td>
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</tr>
<tr>
<td>CVS-51-18-00003-P</td>
<td>12/19/19</td>
<td>Jurisdictional Classification</td>
<td>To classify positions in the exempt class</td>
</tr>
<tr>
<td>CVS-51-18-00004-P</td>
<td>12/19/19</td>
<td>Jurisdictional Classification</td>
<td>To delete positions from and classify positions in the exempt class</td>
</tr>
<tr>
<td>CVS-51-18-00005-P</td>
<td>12/19/19</td>
<td>Jurisdictional Classification</td>
<td>To classify positions in the exempt class</td>
</tr>
<tr>
<td>CVS-51-18-00006-P</td>
<td>12/19/19</td>
<td>Jurisdictional Classification</td>
<td>To classify a position in the exempt class</td>
</tr>
<tr>
<td>CVS-51-18-00007-P</td>
<td>12/19/19</td>
<td>Jurisdictional Classification</td>
<td>To delete positions from and classify positions in the non-competitive class</td>
</tr>
<tr>
<td>CVS-51-18-00008-P</td>
<td>12/19/19</td>
<td>Jurisdictional Classification</td>
<td>To classify positions in the non-competitive class</td>
</tr>
<tr>
<td>CVS-51-18-00009-P</td>
<td>12/19/19</td>
<td>Jurisdictional Classification</td>
<td>To delete a position from and classify positions in the non-competitive class</td>
</tr>
<tr>
<td>CMC-42-18-00001-EP</td>
<td>10/17/19</td>
<td>Necessary age for admission to an adult lockup</td>
<td>To ensure that individuals under 17 years old are not admitted to an adult lockup</td>
</tr>
<tr>
<td>CJS-32-18-00005-P</td>
<td>08/08/19</td>
<td>Case Record Management</td>
<td>Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.</td>
</tr>
<tr>
<td>CJS-32-18-00006-P</td>
<td>08/08/19</td>
<td>Investigations and Reports</td>
<td>Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.</td>
</tr>
<tr>
<td>CJS-32-18-00007-P</td>
<td>08/08/19</td>
<td>Probation Supervision</td>
<td>Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.</td>
</tr>
<tr>
<td>CJS-32-18-00008-P</td>
<td>08/08/19</td>
<td>Graduated Sanctions and Violations of Probation, retitled to: Graduated Responses</td>
<td>Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.</td>
</tr>
<tr>
<td>CJS-32-18-00009-P</td>
<td>08/08/19</td>
<td>Preliminary Procedure for Article 3 JD Intake, retitled to: Probation Services for Article 3 Juvenile Delinquency(JD)</td>
<td>Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.</td>
</tr>
<tr>
<td>CJS-32-18-00010-P</td>
<td>08/08/19</td>
<td>New Rule 359: Role of Probation in Youth Part of Superior Court</td>
<td>Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.</td>
</tr>
<tr>
<td>EDU-13-18-00027-P</td>
<td>03/28/19</td>
<td>Teacher Certification in Health Education</td>
<td>Creation of a Transitional K Certificate for Certain New York State Licensed Health Professionals to Teach Health Education</td>
</tr>
<tr>
<td>EDU-19-18-00006-ERP</td>
<td>05/09/19</td>
<td>The implementation of New York’s approved ESSA plan to comply with the provisions of the Every Student Succeeds Act</td>
<td>To implement New York’s approved ESSA plan and to comply with the provisions of the Every Student Succeeds Act</td>
</tr>
</tbody>
</table>
### EDUCATION DEPARTMENT

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<thead>
<tr>
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<tbody>
<tr>
<td>EDU-26-18-00009-ERP</td>
<td>06/27/19</td>
<td>The administration of certain vaccines by pharmacists</td>
<td>To implement the provisions of Part DD of chapter 57 of the Laws of 2018</td>
</tr>
<tr>
<td>EDU-40-18-00007-P</td>
<td>10/03/19</td>
<td>Certificate progression pathway</td>
<td>Initial Certificate Requirements for Individuals Who Have a Graduate Degree and Two Years of Postsecondary Teaching Experience</td>
</tr>
<tr>
<td>EDU-40-18-00008-P</td>
<td>10/03/19</td>
<td>P-20 Principal Preparation Pilot Program</td>
<td>To establish the requirements for the P-20 Principal Preparation Pilot Program</td>
</tr>
<tr>
<td>EDU-40-18-00009-P</td>
<td>10/03/19</td>
<td>Students with Disabilities</td>
<td>To conform the Commissioner’s regulations to Chapters 422, 428 and 429 of the Laws of 2017</td>
</tr>
<tr>
<td>EDU-40-18-00010-P</td>
<td>10/03/19</td>
<td>Professional development plans and other related requirements for school districts and BOCES</td>
<td>To improve the quality of teaching and learning for teachers and leaders for professional growth</td>
</tr>
<tr>
<td>EDU-40-18-00011-EP</td>
<td>10/03/19</td>
<td>School Breakfast Programs</td>
<td>To initiate, maintain, or expand school breakfast programs and make technical amendments to conform to federal requirements</td>
</tr>
<tr>
<td>EDU-40-18-00012-EP</td>
<td>10/03/19</td>
<td>Prohibition against meal shaming</td>
<td>Requires certain schools to develop a plan to prohibit against meal shaming or treating pupils with unpaid meal fees differently</td>
</tr>
<tr>
<td>EDU-44-18-00006-P</td>
<td>10/31/19</td>
<td>Limited extensions and program requirements for certain career and technical education teachers</td>
<td>Creation of an extension for holders of the Career and Technical Education Certificate to Teach Grades 5 and 6</td>
</tr>
<tr>
<td>EDU-44-18-00007-P</td>
<td>10/31/19</td>
<td>Alternative pathways for certificate for certain teachers who hold Students with Disabilities certificate</td>
<td>Establishes limited extensions and statements of continued eligibility pathways for teachers who hold certain teaching certificates for Students with Disabilities in grades 7-12</td>
</tr>
<tr>
<td>EDU-47-18-00010-EP</td>
<td>11/21/19</td>
<td>English Language Learner Grade Span Waiver Requirement</td>
<td>To provide a one-year renewable waiver to expand the allowable grade span for ENL and BE classes to three contiguous grades</td>
</tr>
</tbody>
</table>

### ENVIRONMENTAL CONSERVATION, DEPARTMENT OF

<table>
<thead>
<tr>
<th>Agency I.D. No.</th>
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<th>Purpose of Action</th>
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</thead>
<tbody>
<tr>
<td>ENV-12-18-00043-P</td>
<td>06/07/19</td>
<td>BEACH Act Standards and Reclassification Rule</td>
<td>To comply with the federal BEACH Act of 2000 (P.L. 106-284) and protect coastal recreation waters for recreation</td>
</tr>
<tr>
<td>ENV-20-18-00006-P</td>
<td>07/24/19</td>
<td>CO2 Emissions Standards for Major Electric Generating Facilities</td>
<td>To establish CO2 emissions standards for existing major electric generating facilities</td>
</tr>
<tr>
<td>ENV-48-18-00002-P</td>
<td>11/28/19</td>
<td>Jonah crab management</td>
<td>To implement required management measures of the Atlantic States Marine Fisheries Commission Jonah Crab Fishery Management Plan</td>
</tr>
<tr>
<td>ENV-49-18-00002-P</td>
<td>12/05/19</td>
<td>Northern Catskill Riparian Areas</td>
<td>To correct a mistake in the description of the Kaaterskill Falls Riparian Area</td>
</tr>
<tr>
<td>Agency I.D. No.</td>
<td>Expires</td>
<td>Subject Matter</td>
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</tr>
<tr>
<td><em>DFS-17-16-00003-P</em></td>
<td>exempt</td>
<td>Plan of Conversion by Commercial Travelers Mutual Insurance Company</td>
<td>To convert a mutual accident and health insurance company to a stock accident and health insurance company</td>
</tr>
<tr>
<td>DFS-23-18-00001-P</td>
<td>06/06/19</td>
<td>Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure</td>
<td>To require coverage for maternal screening and referrals</td>
</tr>
<tr>
<td>DFS-25-18-00006-P</td>
<td>exempt</td>
<td>Plan of Conversion by Medical Liability Mutual Insurance Company</td>
<td>To convert a mutual property and casualty insurance company to a stock property and casualty insurance company</td>
</tr>
<tr>
<td>DFS-26-18-00002-EP</td>
<td>06/27/19</td>
<td>Charges for Professional Health Services</td>
<td>To delay the effective date of the Workers’ Compensation fee schedule increases for no-fault reimbursement</td>
</tr>
<tr>
<td>DFS-30-18-00007-P</td>
<td>07/25/19</td>
<td>Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure</td>
<td>To clarify requirements regarding coverage and disclosure of information for contraceptives</td>
</tr>
<tr>
<td>DFS-36-18-00003-P</td>
<td>09/05/19</td>
<td>Professional Bail Agents; Managing General Agents; et al</td>
<td>To provide greater protection to consumers, and raise the standards of integrity in the bail business.</td>
</tr>
<tr>
<td>DFS-42-18-00003-P</td>
<td>10/17/19</td>
<td>Valuation of Life Insurance Reserves; Recognition of the 2001 CSO Mortality Table and the 2017 CSO Mortality Table, et al</td>
<td>To recognize mortality improvement for applicable policies issued prior to 1/1/2019 if optionally elected</td>
</tr>
<tr>
<td>DFS-46-18-00014-P</td>
<td>11/14/19</td>
<td>Regulations Implementing the Comprehensive Motor Vehicle Insurance Reparations Act—Claims for Personal Injury Protection Benefit</td>
<td>To give insurer option to void assignment of benefits when insurer issues denial for EIP’s failure to attend IME or EUO</td>
</tr>
</tbody>
</table>

**GAMING COMMISSION, NEW YORK STATE**

<table>
<thead>
<tr>
<th>Agency I.D. No.</th>
<th>Expires</th>
<th>Subject Matter</th>
<th>Purpose of Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>SGC-09-18-00005-P</td>
<td>02/28/19</td>
<td>The licensing and registration of gaming facility employees and vendors</td>
<td>To govern the licensing and registration of gaming facility employees and vendors</td>
</tr>
<tr>
<td>SGC-17-18-00002-P</td>
<td>04/25/19</td>
<td>Regulation of courier services that purchase and claim certain Lottery tickets and prizes as agents for customers</td>
<td>To license courier services to facilitate the sale of Lottery tickets to generate more revenue for education</td>
</tr>
<tr>
<td>SGC-38-18-00002-P</td>
<td>09/19/19</td>
<td>Heads Up Hold ‘Em poker.</td>
<td>To set forth the practices and procedures for the operation of Heads Up Hold ‘Em poker as a casino table game.</td>
</tr>
<tr>
<td>SGC-38-18-00003-P</td>
<td>09/19/19</td>
<td>Casino fees and payments.</td>
<td>Implementation of rules governing procedures for submission of fees and payments by gaming facilities to the Gaming Commission.</td>
</tr>
<tr>
<td>SGC-39-18-00003-P</td>
<td>09/26/19</td>
<td>Heads Up Hold ‘Em poker.</td>
<td>To set forth the practices and procedures for the operation of Heads Up Hold ‘Em poker as a casino table game.</td>
</tr>
<tr>
<td>SGC-40-18-00006-P</td>
<td>10/03/19</td>
<td>Amendment of multiple medication violation (MMV) penalty enhancement rule.</td>
<td>To enable the Commission to enhance the integrity and safety of thoroughbred pari-mutuel racing.</td>
</tr>
<tr>
<td>SGC-42-18-00015-P</td>
<td>10/17/19</td>
<td>Permit greater purse-to-price ratio in Thoroughbred claiming races</td>
<td>To advance the best interests of Thoroughbred racing and protect the safety of the race horses</td>
</tr>
</tbody>
</table>
### GAMING COMMISSION, NEW YORK STATE

**SGC-47-18-00009-P**  
Agency I.D. No.: SGC-47-18-00009-P  
Expires: 11/21/19  
Subject Matter: Self-exclusion and casino advertising  
Purpose of Action: To centralize Commission self-exclusion policies and make self-exclusion universal throughout the various forms of gaming.

### GENERAL SERVICES, OFFICE OF

**GNS-46-18-00001-P**  
Agency I.D. No.: GNS-46-18-00001-P  
Expires: 11/14/19  
Subject Matter: Service-Disabled Veteran-Owned Business Enterprises  
Purpose of Action: To establish standards, procedures and criteria with respect to the Service-Disabled Veteran-Owned Business Enterprise program.

### HEALTH, DEPARTMENT OF

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<thead>
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</thead>
<tbody>
<tr>
<td><em>HLT-14-94-00006-P</em></td>
<td>exempt</td>
<td>Payment methodology for HIV/AIDS outpatient services</td>
<td>To expand the current payment to incorporate pricing for services</td>
</tr>
<tr>
<td>HLT-04-18-00010-RP</td>
<td>01/24/19</td>
<td>Emergency Medical Services (EMS) Initial Certification Eligibility Requirements</td>
<td>To reduce the EMS certification eligibility minimum age from 18 to 17 years of age</td>
</tr>
<tr>
<td>HLT-07-18-00002-P</td>
<td>02/14/19</td>
<td>Medicaid Reimbursement of Nursing Facility Reserved Bed Days for Hospitalizations</td>
<td>To make changes relating to reserved bed payments made by Medicaid to nursing facilities</td>
</tr>
<tr>
<td>HLT-25-18-00008-P</td>
<td>06/20/19</td>
<td>Inpatient Psychiatric Services</td>
<td>To enhance reimbursement mechanisms for inpatient psychiatric services</td>
</tr>
<tr>
<td>HLT-30-18-00008-P</td>
<td>07/25/19</td>
<td>Voluntary Foster Care Agency Health Facility Licensure</td>
<td>To license Voluntary Foster Care Agencies to provide limited health-related services</td>
</tr>
<tr>
<td>HLT-31-18-00004-P</td>
<td>08/01/19</td>
<td>Newborn Screening for Phenylketonuria and Other Diseases</td>
<td>To support timely collection and submission of specimens for the detection of diseases in newborn infants in New York State</td>
</tr>
<tr>
<td>HLT-31-18-00005-EP</td>
<td>08/01/19</td>
<td>Medical Use of Marihuana</td>
<td>To add additional serious conditions for which patients may be certified to use medical marihuana</td>
</tr>
<tr>
<td>HLT-33-18-00017-P</td>
<td>08/15/19</td>
<td>Patients’ Bill of Rights</td>
<td>Require general hospitals and diagnostic and treatment centers to update their statements of patient rights.</td>
</tr>
<tr>
<td>HLT-34-18-00006-P</td>
<td>08/22/19</td>
<td>Statewide Planning and Research Cooperative System (SPARCS)</td>
<td>To revise the SPARCS regulation related to data intake.</td>
</tr>
<tr>
<td>HLT-34-18-00007-P</td>
<td>08/22/19</td>
<td>New York State Medicaid Infertility Treatment</td>
<td>To authorize Medicaid coverage of infertility benefits.</td>
</tr>
<tr>
<td>HLT-37-18-00008-P</td>
<td>09/12/19</td>
<td>Update Standards for Adult Homes and Standards for Enriched Housing Programs</td>
<td>To prohibit residential providers from excluding an applicant based solely on the individual’s status as a wheelchair user.</td>
</tr>
<tr>
<td>HLT-42-18-00006-P</td>
<td>10/17/19</td>
<td>Durable Medical Equipment; Medical/Surgical Supplies; Orthotic and Prosthetic Appliances; Orthopedic Footwear</td>
<td>To amend the Department’s regulation governing Medicaid coverage of orthopedic footwear and compression and support stockings</td>
</tr>
<tr>
<td>HLT-42-18-00007-P</td>
<td>10/17/19</td>
<td>Stroke Services</td>
<td>NYS criteria for stroke ctr. designation as part of an accrediting process for cert. by nationally recognized accred. agencies</td>
</tr>
</tbody>
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<tbody>
<tr>
<td>HLT-42-18-00008-P</td>
<td>10/17/19</td>
<td>Office-Based Surgery Practice Reports</td>
<td>Requires accredited Office-Based Surgery practices to submit adverse event &amp; practice information which includes procedural data</td>
</tr>
<tr>
<td>HLT-47-18-00002-P</td>
<td>11/21/19</td>
<td>Food Service Establishments</td>
<td>To restrict the use of liquid Nitrogen and Dry Ice in food preparation</td>
</tr>
<tr>
<td>HLT-51-18-00001-P</td>
<td>12/19/19</td>
<td>HIV Uninsured Care Programs</td>
<td>To amend the HIV Uninsured Care Programs to align program eligibility elements with other health care access programs</td>
</tr>
<tr>
<td>HLT-51-18-00015-P</td>
<td>12/19/19</td>
<td>Hospital Policies for Human Trafficking Victims</td>
<td>To establish policies and procedures for the identification, assessment, treatment, and referral of human trafficking victims</td>
</tr>
<tr>
<td>HLT-51-18-00016-P</td>
<td>12/19/19</td>
<td>Nursing Home Weekly Bed Census Survey</td>
<td>To require nursing homes to electronically submit weekly bed census data to the DOH through the Health Commerce System</td>
</tr>
<tr>
<td>HLT-51-18-00017-P</td>
<td>12/19/19</td>
<td>Clinical Laboratory Directors</td>
<td>Recognize additional accrediting boards for qualification of clinical laboratory directors to obtain a cert. of qualification</td>
</tr>
<tr>
<td>HLT-51-18-00018-P</td>
<td>12/19/19</td>
<td>New requirements for Annual Registration of Licensed Home Care Services Agencies</td>
<td>To amend the regulations for licensed home care services agencies for the annual registration requirements of the agency</td>
</tr>
<tr>
<td>*LAB-47-17-00011-RP</td>
<td>02/20/19</td>
<td>Employee Scheduling (Call-In Pay)</td>
<td>To strengthen existing call-in pay protections involving employee scheduling</td>
</tr>
<tr>
<td>LAB-17-18-00005-P</td>
<td>07/11/19</td>
<td>Hours Worked, 24-Hour Shifts</td>
<td>To clarify that hours worked may exclude meal periods and sleep times for employees who work shifts of 24 hours or more</td>
</tr>
<tr>
<td>LAW-41-18-00021-P</td>
<td>10/10/19</td>
<td>Arbitration program regulations for defective farm equipment</td>
<td>To set forth the procedures for the operation of an alternative arbitration mechanism for defective farm equipment disputes</td>
</tr>
<tr>
<td>LQR-07-18-00011-P</td>
<td>04/18/19</td>
<td>Municipal notification requirements for Temporary Beer and Wine Permit as well as Catering Permit applications for large events</td>
<td>To establish municipal notification for Temporary Beer and Wine Permit as well as Catering Permit applications for large events</td>
</tr>
<tr>
<td>*LPA-08-01-00003-P</td>
<td>exempt</td>
<td>Pole attachments and related matters</td>
<td>To approve revisions to the authority’s tariff</td>
</tr>
<tr>
<td>*LPA-41-02-00005-P</td>
<td>exempt</td>
<td>Tariff for electric service</td>
<td>To revise the tariff for electric service</td>
</tr>
<tr>
<td>*LPA-04-06-00007-P</td>
<td>exempt</td>
<td>Tariff for electric service</td>
<td>To adopt provisions of a ratepayer protection plan</td>
</tr>
<tr>
<td>*LPA-03-10-00004-P</td>
<td>exempt</td>
<td>Residential late payment charges</td>
<td>To extend the application of late payment charges to residential customers</td>
</tr>
<tr>
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</tr>
<tr>
<td><strong>LONG ISLAND POWER AUTHORITY</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>LPA-15-18-00013-P</td>
<td>. . . . . . . . exempt</td>
<td>Outdoor area lighting</td>
<td>To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting</td>
</tr>
<tr>
<td>LPA-33-18-00018-P</td>
<td>. . . . . . . . exempt</td>
<td>The net energy metering and related provisions of the Authority’s Tariff for Electric Service.</td>
<td>To conform the Tariff to orders issued in the Value of Distributed Energy Resources proceeding of the New York DPS.</td>
</tr>
<tr>
<td>LPA-37-18-00009-P</td>
<td>. . . . . . . . exempt</td>
<td>The Authority's transmission and distribution property taxes as reflected in the Adjustments section of the Authority's Tariff.</td>
<td>To update the Tariff to implement an annual adjustment to recover payments in lieu of T&amp;D property taxes.</td>
</tr>
<tr>
<td>LPA-37-18-00010-P</td>
<td>. . . . . . . . exempt</td>
<td>The Authority’s annual budget, as reflected in the rates and charges in the Tariff for Electric Service.</td>
<td>To update the Tariff to implement the Authority's annual budget and corresponding rate adjustments.</td>
</tr>
<tr>
<td>LPA-37-18-00011-P</td>
<td>. . . . . . . . exempt</td>
<td>The terms and conditions of the Authority's Tariff for Electric Service regarding customer contacts by telephone.</td>
<td>To implement Federal Communications Commission guidance regarding customer contacts via mobile electronic devices.</td>
</tr>
<tr>
<td>LPA-37-18-00012-P</td>
<td>. . . . . . . . exempt</td>
<td>The small generator interconnection procedures in the Authority's Tariff for Electric Service.</td>
<td>To update the small generator interconnection procedures consistent with Public Service Commission guidance.</td>
</tr>
<tr>
<td>LPA-37-18-00013-P</td>
<td>. . . . . . . . exempt</td>
<td>The net energy metering provisions of the Authority's Tariff for Electric Service</td>
<td>To implement PSC guidance increasing eligibility for value stack compensation to larger projects</td>
</tr>
<tr>
<td>LPA-37-18-00014-P</td>
<td>. . . . . . . . exempt</td>
<td>The Authority's Tariff for Electric Service, Service Classification No. 7 Outdoor Area Lighting</td>
<td>To implement an option for high efficiency LED light bulbs and fixtures for Outdoor Area Lighting</td>
</tr>
<tr>
<td>LPA-37-18-00016-P</td>
<td>. . . . . . . . exempt</td>
<td>The metering provisions of the Authority's Tariff for Electric Service</td>
<td>To implement a customer option to decline installation of a smart meter and associated fees</td>
</tr>
<tr>
<td>LPA-37-18-00017-P</td>
<td>. . . . . . . . exempt</td>
<td>The treatment of electric vehicle charging in the Authority’s Tariff for Electric Service.</td>
<td>To effectuate the outcome of the Public Service Commission’s proceeding on electric vehicle supply equipment.</td>
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<tr>
<td>LPA-37-18-00018-P</td>
<td>. . . . . . . . exempt</td>
<td>The treatment of energy storage in the Authority’s Tariff for Electric Service.</td>
<td>To effectuate the outcome of the Public Service Commission’s proceeding on the NY Energy Storage Roadmap.</td>
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<tr>
<td><strong>MENTAL HEALTH, OFFICE OF</strong></td>
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<tr>
<td>OMH-43-18-00001-P</td>
<td>10/24/19</td>
<td>Operation of Crisis Residences in New York State</td>
<td>To revise and update the categories of Crisis Residences to match what is currently operation in New York</td>
</tr>
<tr>
<td><strong>MOTOR VEHICLES, DEPARTMENT OF</strong></td>
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<tr>
<td>MTV-42-18-00004-P</td>
<td>10/17/19</td>
<td>FOIL - denials to access of records</td>
<td>To permit the Commissioner to designate another person to hear FOIL appeals other than the Chair of the Appeals Board</td>
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<td><strong>NIAGARA FALLS WATER BOARD</strong></td>
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<tr>
<td><em>NFW-04-13-00004-EP</em>* . . . . . . . exempt</td>
<td>Adoption of Rates, Fees and Charges</td>
<td>To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders</td>
<td></td>
</tr>
<tr>
<td><em>NFW-13-14-00006-EP</em>* . . . . . . . exempt</td>
<td>Adoption of Rates, Fees and Charges</td>
<td>To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders</td>
<td></td>
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<tr>
<td><strong>NIAGARA FRONTIER TRANSPORTATION AUTHORITY</strong></td>
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<tr>
<td>NFT-37-18-00020-P . . . . . . . 09/12/19</td>
<td>Transportation Network Company Operators providing commercial ground transportation services at NFTA airports</td>
<td>To provide cohesive operating procedures and practices for Transportation Network Companies operating at NFTA airports</td>
<td></td>
</tr>
<tr>
<td><strong>OGDENSBURG BRIDGE AND PORT AUTHORITY</strong></td>
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</tr>
<tr>
<td>OBA-33-18-00019-P . . . . . . . exempt</td>
<td>Increase in Bridge Toll Structure</td>
<td>To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.</td>
<td></td>
</tr>
<tr>
<td><strong>PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF</strong></td>
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<tr>
<td>PKR-48-18-00006-P . . . . . . . 11/28/19</td>
<td>The regulation of pets in OPRHP facilities</td>
<td>To adopt one statewide pet regulation that replaces regional regulations that are inconsistent with each other</td>
<td></td>
</tr>
<tr>
<td><strong>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</strong></td>
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<tr>
<td>PDD-07-18-00001-ERP . . . . . . . 02/14/19</td>
<td>Enrollment in Medicare Prescription Drug Plans and Fully Integrated Duals Advantage Plans for IDD</td>
<td>To allow individuals to be enrolled in a FIDA-IDD plan when individuals are unable to enroll themselves</td>
<td></td>
</tr>
<tr>
<td>PDD-45-18-00001-EP . . . . . . . 11/07/19</td>
<td>Telehealth</td>
<td>To authorize telehealth as a new modality for the delivery of clinical services</td>
<td></td>
</tr>
<tr>
<td><strong>POWER AUTHORITY OF THE STATE OF NEW YORK</strong></td>
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<tr>
<td><em>PAS-01-10-00010-P</em>* . . . . . . . exempt</td>
<td>Rates for the sale of power and energy</td>
<td>Update ECSB Programs customers’ service tariffs to streamline them/include additional required information</td>
<td></td>
</tr>
<tr>
<td>PAS-42-18-00005-P . . . . . . . exempt</td>
<td>Rates for the Sale of Power and Energy</td>
<td>To align rates and costs</td>
<td></td>
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<tr>
<td><strong>PUBLIC SERVICE COMMISSION</strong></td>
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<tr>
<td><em>PSC-09-99-00012-P</em>* . . . . . . . exempt</td>
<td>Transfer of books and records by Citizens Utilities Company</td>
<td>To relocate Ogden Telephone Company’s books and records out-of-state</td>
<td></td>
</tr>
<tr>
<td><em>PSC-15-99-00011-P</em>* . . . . . . . exempt</td>
<td>Electronic tariff by Woodcliff Park Corp.</td>
<td>To replace the company’s current tariff with an electronic tariff</td>
<td></td>
</tr>
<tr>
<td><em>PSC-12-00-00001-P</em>* . . . . . . . exempt</td>
<td>Winter bundled sales service election date by Central Hudson Gas &amp; Electric Corporation</td>
<td>To revise the date</td>
<td></td>
</tr>
<tr>
<td><em>PSC-44-01-00005-P</em>* . . . . . . . exempt</td>
<td>Annual reconciliation of gas costs by Corning Natural Gas Corporation</td>
<td>To authorize the company to include certain gas costs</td>
<td></td>
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<tr>
<td>PSC-07-02-00032-P</td>
<td>exempt</td>
<td>Uniform business practices</td>
<td>To consider modification</td>
</tr>
<tr>
<td>PSC-36-03-00010-P</td>
<td>exempt</td>
<td>Performance assurance plan by Verizon New York</td>
<td>To consider changes</td>
</tr>
<tr>
<td>PSC-40-03-00015-P</td>
<td>exempt</td>
<td>Receipt of payment of bills by St. Lawrence Gas Company</td>
<td>To revise the process</td>
</tr>
<tr>
<td>PSC-41-03-00010-P</td>
<td>exempt</td>
<td>Annual reconciliation of gas expenses and gas cost recoveries</td>
<td>To consider filings of various LDCs and municipalities</td>
</tr>
<tr>
<td>PSC-41-03-00011-P</td>
<td>exempt</td>
<td>Annual reconciliation of gas expenses and gas cost recoveries</td>
<td>To consider filings of various LDCs and municipalities</td>
</tr>
<tr>
<td>PSC-44-03-00009-P</td>
<td>exempt</td>
<td>Retail access data between jurisdictional utilities</td>
<td>To accommodate changes in retail access market structure or commission mandates</td>
</tr>
<tr>
<td>PSC-02-04-00008-P</td>
<td>exempt</td>
<td>Delivery rates for Con Edison’s customers in New York City and Westchester County by the City of New York</td>
<td>To rehear the Nov. 25, 2003 order</td>
</tr>
<tr>
<td>PSC-06-04-00009-P</td>
<td>exempt</td>
<td>Transfer of ownership interest by SCS Energy LLC and AE Investors LLC</td>
<td>To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC</td>
</tr>
<tr>
<td>PSC-10-04-00005-P</td>
<td>exempt</td>
<td>Temporary protective order</td>
<td>To consider adopting a protective order</td>
</tr>
<tr>
<td>PSC-10-04-00008-P</td>
<td>exempt</td>
<td>Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue</td>
<td>To amend the agreement</td>
</tr>
<tr>
<td>PSC-14-04-00008-P</td>
<td>exempt</td>
<td>Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds</td>
<td>To submeter gas service to commercial customers located at the Buffalo Speedway</td>
</tr>
<tr>
<td>PSC-15-04-00022-P</td>
<td>exempt</td>
<td>Submetering of electricity by Glenn Gardens Associates, L.P.</td>
<td>To permit submetering at 175 W. 87th St., New York, NY</td>
</tr>
<tr>
<td>PSC-21-04-00013-P</td>
<td>exempt</td>
<td>Verizon performance assurance plan by Metropolitan Telecommunications</td>
<td>To clarify the appropriate performance level</td>
</tr>
<tr>
<td>PSC-22-04-00010-P</td>
<td>exempt</td>
<td>Approval of new types of electricity meters by Powell Power Electric Company</td>
<td>To permit the use of the PE-1250 electronic meter</td>
</tr>
<tr>
<td>PSC-22-04-00013-P</td>
<td>exempt</td>
<td>Major gas rate increase by Consolidated Edison Company of New York, Inc.</td>
<td>To increase annual gas revenues</td>
</tr>
<tr>
<td>PSC-22-04-00016-P</td>
<td>exempt</td>
<td>Master metering of water by South Liberty Corporation</td>
<td>To waive the requirement for installation of separate water meters</td>
</tr>
<tr>
<td>PSC-25-04-00012-P</td>
<td>exempt</td>
<td>Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.</td>
<td>To amend the agreement</td>
</tr>
<tr>
<td>PSC-27-04-00008-P</td>
<td>exempt</td>
<td>Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates</td>
<td>To amend the agreement</td>
</tr>
<tr>
<td>PSC-27-04-00009-P</td>
<td>exempt</td>
<td>Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates</td>
<td>To amend the agreement</td>
</tr>
<tr>
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<tr>
<td>*PSC-28-04-00006-P</td>
<td></td>
<td>Approval of loans by Dunkirk &amp; Fredonia Telephone Company and Cassadaga</td>
<td>To authorize participation in the parent corporation’s line of credit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Telephone Corporation</td>
<td></td>
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<tr>
<td>*PSC-31-04-00023-P</td>
<td></td>
<td>Distributed generation service by Consolidated Edison Company of New York, Inc.</td>
<td>To provide an application form</td>
</tr>
<tr>
<td>*PSC-34-04-00031-P</td>
<td></td>
<td>Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.</td>
<td>To set appropriate level of permanent rates</td>
</tr>
<tr>
<td>*PSC-35-04-00017-P</td>
<td></td>
<td>Application form for distributed generation by Orange and Rockland Utilities, Inc.</td>
<td>To establish a new supplementary application form for customers</td>
</tr>
<tr>
<td>*PSC-43-04-00016-P</td>
<td></td>
<td>Accounts receivable by Rochester Gas and Electric Corporation</td>
<td>To include in its tariff provisions for the purchase of ESCO accounts receivable</td>
</tr>
<tr>
<td>*PSC-46-04-00012-P</td>
<td></td>
<td>Service application form by Consolidated Edison Company of New York, Inc.</td>
<td>To revise the form and make housekeeping changes</td>
</tr>
<tr>
<td>*PSC-46-04-00013-P</td>
<td></td>
<td>Rules and guidelines governing installation of metering equipment</td>
<td>To establish uniform statewide business practices</td>
</tr>
<tr>
<td>*PSC-02-05-00006-P</td>
<td></td>
<td>Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.</td>
<td>To consider imposing remedial actions against the company and its owners, officers and directors</td>
</tr>
<tr>
<td>*PSC-09-05-00009-P</td>
<td></td>
<td>Submetering of natural gas service by Hamlet on Olde Oyster Bay</td>
<td>To consider submetering of natural gas to a commercial customer</td>
</tr>
<tr>
<td>*PSC-14-05-00006-P</td>
<td></td>
<td>Request for deferred accounting authorization by Freeport Electric Inc.</td>
<td>To defer expenses beyond the end of the fiscal year</td>
</tr>
<tr>
<td>*PSC-18-05-00009-P</td>
<td></td>
<td>Marketer Assignment Program by Consolidated Edison Company of New York, Inc.</td>
<td>To implement the program</td>
</tr>
<tr>
<td>*PSC-20-05-00028-P</td>
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<td>Delivery point aggregation fee by Allied Frozen Storage, Inc.</td>
<td>To review the calculation of the fee</td>
</tr>
<tr>
<td>*PSC-25-05-00011-P</td>
<td></td>
<td>Metering, balancing and cashout provisions by Central Hudson Gas &amp; Electric Corporation</td>
<td>To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11</td>
</tr>
<tr>
<td>*PSC-27-05-00018-P</td>
<td></td>
<td>Annual reconciliation of gas costs by New York State Electric &amp; Gas Corporation</td>
<td>To consider the manner in which the gas cost incentive mechanism has been applied</td>
</tr>
<tr>
<td>*PSC-41-05-00013-P</td>
<td></td>
<td>Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities</td>
<td>To consider the filings</td>
</tr>
<tr>
<td>*PSC-45-05-00011-P</td>
<td></td>
<td>Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation</td>
<td>To defer certain costs</td>
</tr>
<tr>
<td>*PSC-46-05-00015-P</td>
<td></td>
<td>Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC</td>
<td>To consider the sale</td>
</tr>
<tr>
<td>*PSC-47-05-00009-P</td>
<td></td>
<td>Transferral of gas supplies by Corning Natural Gas Corporation</td>
<td>To approve the transfer</td>
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<tr>
<td>*PSC-50-05-00008-P</td>
<td>. . . . . . exempt</td>
<td>Long-term debt by Saratoga Glen Hollow Water Supply Corp.</td>
<td>To obtain long-term debt</td>
</tr>
<tr>
<td>*PSC-04-06-00024-P</td>
<td>. . . . . . exempt</td>
<td>Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.</td>
<td>To approve of the transfer</td>
</tr>
<tr>
<td>*PSC-06-06-00015-P</td>
<td>. . . . . . exempt</td>
<td>Gas curtailment policies and procedures</td>
<td>To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established</td>
</tr>
<tr>
<td>*PSC-07-06-00009-P</td>
<td>. . . . . . exempt</td>
<td>Modification of the current Environmental Disclosure Program</td>
<td>To include an attributes accounting system</td>
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<tr>
<td>*PSC-22-06-00019-P</td>
<td>. . . . . . exempt</td>
<td>Hourly pricing by National Grid</td>
<td>To assess the impacts</td>
</tr>
<tr>
<td>*PSC-22-06-00020-P</td>
<td>. . . . . . exempt</td>
<td>Hourly pricing by New York State Electric &amp; Gas Corporation</td>
<td>To assess the impacts</td>
</tr>
<tr>
<td>*PSC-22-06-00021-P</td>
<td>. . . . . . exempt</td>
<td>Hourly pricing by Rochester Gas &amp; Electric Corporation</td>
<td>To assess the impacts</td>
</tr>
<tr>
<td>*PSC-22-06-00022-P</td>
<td>. . . . . . exempt</td>
<td>Hourly pricing by Consolidated Edison Company of New York, Inc.</td>
<td>To assess the impacts</td>
</tr>
<tr>
<td>*PSC-22-06-00023-P</td>
<td>. . . . . . exempt</td>
<td>Hourly pricing by Orange and Rockland Utilities, Inc.</td>
<td>To assess the impacts</td>
</tr>
<tr>
<td>*PSC-24-06-00005-EP</td>
<td>. . . . . . exempt</td>
<td>Supplemental home energy assistance benefits</td>
<td>To extend the deadline to Central Hudson’s low-income customers</td>
</tr>
<tr>
<td>*PSC-25-06-00017-P</td>
<td>. . . . . . exempt</td>
<td>Purchased power adjustment by Massena Electric Department</td>
<td>To revise the method of calculating the purchased power adjustment and update the factor of adjustment</td>
</tr>
<tr>
<td>*PSC-34-06-00009-P</td>
<td>. . . . . . exempt</td>
<td>Inter-carrier telephone service quality standards and metrics by the Carrier Working Group</td>
<td>To incorporate appropriate modifications</td>
</tr>
<tr>
<td>*PSC-37-06-00015-P</td>
<td>. . . . . . exempt</td>
<td>Procedures for estimation of customer bills by Rochester Gas and Electric Corporation</td>
<td>To consider estimation procedures</td>
</tr>
<tr>
<td>*PSC-37-06-00017-P</td>
<td>. . . . . . exempt</td>
<td>Procedures for estimation of customer bills by Rochester Gas and Electric Corporation</td>
<td>To consider estimation procedures</td>
</tr>
<tr>
<td>*PSC-43-06-00014-P</td>
<td>. . . . . . exempt</td>
<td>Electric delivery services by Strategic Power Management, Inc.</td>
<td>To determine the proper mechanism for the rate-recovery of costs</td>
</tr>
<tr>
<td>*PSC-04-07-00012-P</td>
<td>. . . . . . exempt</td>
<td>Petition for rehearing by Orange and Rockland Utilities, Inc.</td>
<td>To clarify the order</td>
</tr>
<tr>
<td>*PSC-06-07-00015-P</td>
<td>. . . . . . exempt</td>
<td>Meter reading and billing practices by Central Hudson Gas &amp; Electric Corporation</td>
<td>To continue current meter reading and billing practices for electric service</td>
</tr>
<tr>
<td>*PSC-06-07-00020-P</td>
<td>. . . . . . exempt</td>
<td>Meter reading and billing practices by Central Hudson Gas &amp; Electric Corporation</td>
<td>To continue current meter reading and billing practices for gas service</td>
</tr>
<tr>
<td>*PSC-11-07-00010-P</td>
<td>. . . . . . exempt</td>
<td>Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.</td>
<td>To implement the recommendations in the staff’s investigation</td>
</tr>
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<tr>
<td>*PSC-11-07-00011-P</td>
<td>exempt</td>
<td>Storm-related power outages by Consolidated Edison Company of New York, Inc.</td>
<td>To modify the company's response to power outages, the timing for any such changes and other related matters</td>
</tr>
<tr>
<td>*PSC-17-07-00008-P</td>
<td>exempt</td>
<td>Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.</td>
<td>To amend the agreement</td>
</tr>
<tr>
<td>*PSC-18-07-00010-P</td>
<td>exempt</td>
<td>Existing electric generating stations by Independent Power Producers of New York, Inc.</td>
<td>To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation</td>
</tr>
<tr>
<td>*PSC-20-07-00016-P</td>
<td>exempt</td>
<td>Tariff revisions and making rates permanent by New York State Electric &amp; Gas Corporation</td>
<td>To seek rehearing</td>
</tr>
<tr>
<td>*PSC-21-07-00007-P</td>
<td>exempt</td>
<td>Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation</td>
<td>To revise the rates, charges, rules and regulations for gas service</td>
</tr>
<tr>
<td>*PSC-22-07-00015-P</td>
<td>exempt</td>
<td>Demand Side Management Program by Consolidated Edison Company of New York, Inc.</td>
<td>To recover incremental program costs and lost revenue</td>
</tr>
<tr>
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<td>To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.</td>
</tr>
<tr>
<td>PSC-46-18-00013-EP</td>
<td>exempt</td>
<td>Acquisition of cable television assets and franchises.</td>
<td>To ensure continued service to Hamilton County Cable customers.</td>
</tr>
<tr>
<td>PSC-47-18-00004-P</td>
<td>exempt</td>
<td>Ampersand Cranberry Lake Hydro LLC’s 500kw hydroelectric facility in the Town of Clifton, New York.</td>
<td>To promote and maintain renewable electric energy resources.</td>
</tr>
<tr>
<td>PSC-47-18-00005-P</td>
<td>exempt</td>
<td>Waiver of certain rules pertaining to cable television franchise.</td>
<td>To determine whether to waive any rules and regulations.</td>
</tr>
<tr>
<td>PSC-47-18-00006-P</td>
<td>exempt</td>
<td>Modification of NMPC Estimating Metric project list.</td>
<td>To reflect an appropriate Estimating Metric project list for NMPC.</td>
</tr>
<tr>
<td>PSC-47-18-00007-P</td>
<td>exempt</td>
<td>Petition to submeter electricity.</td>
<td>To ensure adequate submetering equipment and consumer protections are in place.</td>
</tr>
<tr>
<td>PSC-47-18-00008-P</td>
<td>exempt</td>
<td>Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.</td>
<td>To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.</td>
</tr>
<tr>
<td>PSC-48-18-00005-P</td>
<td>exempt</td>
<td>Purchase of gas safety equipment for Westchester County fire departments</td>
<td>To provide Westchester County fire departments gas safety equipment they state they need to respond to odor reports</td>
</tr>
<tr>
<td>PSC-49-18-00006-EP</td>
<td>exempt</td>
<td>Appointment of a temporary operator.</td>
<td>To determine if a temporary operator is needed to ensure the safe and adequate provision of water service.</td>
</tr>
<tr>
<td>PSC-50-18-00002-P</td>
<td>exempt</td>
<td>Waiver of tariff provision</td>
<td>To determine if it is the public interest to waive individual metering requirements for the planned senior housing</td>
</tr>
<tr>
<td>PSC-50-18-00003-P</td>
<td>exempt</td>
<td>Proposed transfer of interests in an electric generating facility and dedicated natural gas pipeline</td>
<td>To consider the transfer of generating facility and dedicated gas pipeline if there is no market power or ratepayer harm</td>
</tr>
<tr>
<td>PSC-50-18-00004-P</td>
<td>exempt</td>
<td>Sale of street lighting facilities to the City of Albany</td>
<td>To determine whether to approve the transfer of street lighting facilities in the City of Albany</td>
</tr>
<tr>
<td>PSC-50-18-00005-P</td>
<td>exempt</td>
<td>Establishment of the regulatory regime applicable to an approximately 100 MW electric generating facility</td>
<td>To ensure appropriate regulation of a new electric corporation</td>
</tr>
<tr>
<td>PSC-51-18-00011-P</td>
<td>exempt</td>
<td>The 2018 Outcome-Based EAM Collaborative Report.</td>
<td>To ensure the establishment of fair and equitable metrics, targets and associated incentive levels.</td>
</tr>
<tr>
<td>PSC-51-18-00012-P</td>
<td>exempt</td>
<td>Petition for water metering equipment.</td>
<td>To ensure that customer bills are based on accurate measurements of water usage.</td>
</tr>
<tr>
<td>Agency I.D. No.</td>
<td>Expires</td>
<td>Subject Matter</td>
<td>Purpose of Action</td>
</tr>
<tr>
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<tr>
<td><strong>PUBLIC SERVICE COMMISSION</strong></td>
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<tr>
<td>PSC-51-18-00013-P</td>
<td>exempt</td>
<td>Notice of intent to submeter electricity.</td>
<td>To ensure adequate submetering equipment and consumer protections are in place.</td>
</tr>
<tr>
<td>PSC-51-18-00014-P</td>
<td>exempt</td>
<td>Consideration for the use of the expired CDP funds.</td>
<td>To provide potential customers affordable access to natural gas service.</td>
</tr>
<tr>
<td><strong>STATE, DEPARTMENT OF</strong></td>
<td></td>
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</tr>
<tr>
<td>DOS-36-18-00008-P</td>
<td>11/08/19</td>
<td>New York State Uniform Fire Prevention and Building Code (the Uniform Code)</td>
<td>To amend the existing Uniform Code to add provisions for diaper changing stations in certain buildings.</td>
</tr>
<tr>
<td><strong>STATE UNIVERSITY OF NEW YORK</strong></td>
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</tr>
<tr>
<td>SUN-44-18-00003-P</td>
<td>10/31/19</td>
<td>Proposed amendments to the traffic and parking regulations at State University College at Oneonta</td>
<td>Amend existing regulations to update traffic and parking regulations</td>
</tr>
<tr>
<td>SUN-49-18-00008-P</td>
<td>12/05/19</td>
<td>University Faculty Senate</td>
<td>To clarify that the vice-president/secretary of the University Faculty Senate (&quot;UFS&quot;) shall be a voting member of the UFS</td>
</tr>
<tr>
<td><strong>TAXATION AND FINANCE, DEPARTMENT OF</strong></td>
<td></td>
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</tr>
<tr>
<td>TAF-48-18-00003-P</td>
<td>exempt</td>
<td>Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith</td>
<td>To set the sales tax component and the composite rate per gallon for the period January 1, 2019 through March 31, 2019</td>
</tr>
<tr>
<td>TAF-48-18-00004-EP</td>
<td>11/28/19</td>
<td>Metropolitan Transportation Business Tax Surcharge</td>
<td>To provide metropolitan transportation business tax rate for tax year 2019</td>
</tr>
<tr>
<td><strong>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TDA-12-18-00004-P</td>
<td>03/21/19</td>
<td>Reengagement/conciliation and sanction procedures for employment programs</td>
<td>To implement statutory changes relative to public assistance (PA) reengagement/conciliation and sanction procedures</td>
</tr>
<tr>
<td>TDA-41-18-00002-EP</td>
<td>10/10/19</td>
<td>Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)</td>
<td>These regulatory amendments set forth the federally-mandated and approved SUAs as of 10/1/18</td>
</tr>
<tr>
<td>TDA-49-18-00009-EP</td>
<td>12/05/19</td>
<td>Outreach, Homeless Services Plans and Outcome Reporting</td>
<td>To promote effective planning and strategic use of resources by social service districts</td>
</tr>
<tr>
<td><strong>TRANSPORTATION, DEPARTMENT OF</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRN-47-18-00001-P</td>
<td>11/21/19</td>
<td>Regulation of transportation of hazardous materials by commercial motor carriers in New York State</td>
<td>Corrects omissions in State regulations associated with Title 49 CFR provisions related to transport of hazardous materials</td>
</tr>
<tr>
<td><strong>TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>TBA-49-18-00011-P</td>
<td>exempt</td>
<td>A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA</td>
<td>A proposal to raise additional revenue</td>
</tr>
<tr>
<td>Agency I.D. No.</td>
<td>Expires</td>
<td>Subject Matter</td>
<td>Purpose of Action</td>
</tr>
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<tr>
<td>WCB-52-17-00021-RP</td>
<td>03/27/19</td>
<td>Establishment of Prescription Drug Formulary</td>
<td>Establishment of a drug formulary that includes high-quality and cost-effective preauthorized medication</td>
</tr>
<tr>
<td>WCB-23-18-00004-P</td>
<td>06/06/19</td>
<td>Fees for Medical Testimony</td>
<td>To increase fees for medical testimony and eliminate fee reductions for multiple appearances as this provision is not used</td>
</tr>
<tr>
<td>WCB-23-18-00005-RP</td>
<td>06/06/19</td>
<td>Medical Fee Schedules</td>
<td>Update the fees paid for medical treatment in workers' compensation claims</td>
</tr>
<tr>
<td>WCB-49-18-00010-P</td>
<td>12/05/19</td>
<td>Pharmacy Fee Schedule</td>
<td>Update the pricing methodology for prescription drugs</td>
</tr>
</tbody>
</table>
Justice Center for the Protection of People with Special Needs

As required by State Administrative Procedure Act § 207, the following is a list of rules which were adopted by the Justice Center for the Protection of People with Special Needs (Justice Center) in calendar year 2013 which must be reviewed in calendar year 2018. Public comment on the continuation or modification of these rules is invited and must be received within 45 days of the date of the publication of this Notice. Comments may be directed to: Deirdre Keating, Associate Attorney, Office of General Counsel at deirdre.keating@justicecenter.ny.gov or via mail to the Justice Center at 161 Delaware Avenue, Delmar, NY 12054.

RULES ADOPTED IN 2013 and effective on June 26, 2013:

1) Addition of Part 700 to Title 14 NYCRR
   The Administrative Adjudication Process for Substantiated Cases of Abuse and Neglect
   Analysis for the need for the rule: To comply with paragraph a of subdivision 1 of section 494 of the Social Services Law and establish an appeals process by which the subject of the report is notified of the right to appeal and the procedure by which he or she may challenge the determination that a report is substantiated with a de novo standard of review.
   Statutory Authority: Paragraph a of subdivision 1 of section 494 of the Social Services Law.

2) Addition of Part 701 to Title 14 NYCRR
   Justice Center Criminal History Information Checks
   Analysis for the need for the rule: To establish procedures so that providers are aware of statutory requirements relating to certain pre-employment checks in addition to criminal history information checks, such as the register of substantiated category one cases of abuse and neglect, established pursuant to section 495 of the Social Services Law, also known as the staff exclusion list; and the manner in which the Justice Center will review and evaluate criminal history information in relation to making suitability determinations for employment for those working with vulnerable populations as defined in subdivision 15 of section 488 of the Social Services Law.
   Statutory Authority: Subdivision (5) of section 553 of the Executive Law; Section 16.33 of the Mental Hygiene Law; Section 31.35 of the Mental Hygiene Law; Subdivision (1) of section 378-a of the Social Service Law.

3) Addition of Part 702 to Title 14 NYCRR
   Use of Social Security Numbers
   Analysis for the need for the rule: This rule outlines the procedures for obtaining and using social security numbers to assist in verifying the identity of subjects of reports in the vulnerable persons central register individuals placed on the staff exclusion list and those individuals who must be screened against the staff exclusion list.
   Statutory Authority: Sections 492, 493, 494, and 495 of the Social Services Law; paragraph (e) of subdivision (1) of section 96 of the Public Officers Law; paragraph (c) of subdivision (1) of section 94 of the Public Officers Law; paragraph (b) of subdivision (3) of section 399ddd of the General Business Law.

4) Addition of Part 703 to Title 14 NYCRR
   Justice Center Facility and Provider Disclosure
   Analysis for the need for the rule: To comply with subdivision 6 of section 490 of the Social Services Law, and to establish the process for requesters to request the disclosure of records of state certified or licensed facilities or provider agencies, as defined in subdivision (4) of section 488 of the Social Services Law, relating to the abuse or neglect of vulnerable persons. The Justice Center is required to review and forward such requests to the entities which may maintain the requested records and upon receipt of such records, if any, and make a determination regarding redactions of information contained in such records and exemptions from disclosure of those records consistent with Article 6 of the Public Officers Law.
   Statutory Authority: Subdivision (6) of section 490 of the Social Services Law.

5) Addition of Part 704 to Title 14 NYCRR
   Incident Review Committee Requirement
   Analysis for the need for the rule: This rule identifies appropriate methods that may be used to attain compliance with the incident review committee requirement and further defines relevant factors to consider in determining whether it is appropriate to grant an exemption from the incident review committee requirement.
   Statutory Authority: Section 490 of the Social Services Law.
   RULE ADOPTED IN 1986 and amended 12/31/08; 03/11/09; and 11/28/18.

1) Amendment of Part 710 to Title 14 NYCRR
   Procedures of the Surrogate Decision-Making Committees of the New York State Commission on Quality of Care for the Mentally Disabled
   Analysis for the need for the rule: To comply with Article 80 of the Mental Hygiene Law. The Justice Center submitted a notice of proposed rulemaking amending Part 710 which was published in the State Register on August 1, 2018 in order to update and set forth uniform procedures for the surrogate decision-making committee established by article 80 of the Mental Hygiene Law.
   Statutory Authority: Article 80 of the Mental Hygiene Law and Article 17-A and section 17-b of the Surrogates Court Procedure Act.

Department of Taxation and Finance

Pursuant to section 207 of the State Administrative Procedure Act (SAPA) the Department of Taxation and Finance intends to review the following rules during 2019, and invites written comments on the continuation or modification of these rules in order to assist the Department in the required review. We will consider comments that are received by February 17, 2019. Any questions concerning the items listed in this rule review or comments regarding the continuation of the rules being reviewed should be referred to: Office of Counsel,
This rule amended Parts 2375 and 2376 of Title 20 NYCRR of the Communications of the Division of Taxation of the Department of Taxation and Finance Regulations to reflect policy changes concerning communications of the Division of Taxation.

Analysis of the need for the rule: The rule needed to be updated to recognize alternative methods of disseminating communications of the department, including use of the department’s Web site and online tax information, as well as electronic mail. The procedures for review and issuance of advisory opinions were streamlined to improve timeliness and protect taxpayer confidentiality. Opinions of Counsel, which were discretionary and similar in many respects to technical memoranda (TSB-Ms) were discontinued to avoid unnecessary duplication.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subds. First and Twenty-fourth; 1142(1); and 1250 (not subdivided).

2. TAF-07-09-00012-A Filing Requirements for Certain Wine Distributors Registered Under Article 18 of the Tax Law.

This rule amended section 60.1 of Title 20 NYCRR of the Alcoholic Beverage Tax Regulations to allow certain wine distributors to file annual rather than monthly alcoholic beverage returns.

Analysis of the need for the rule: This rule reduced the tax filing burden for certain New York State farm wineries, micro-wineries, and out-of-state direct wine shippers as records showed that the tax liability of these wine distributors was minimal.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subds. First; 429(1); and 436 (not subdivided).


This rule added Part 2398 to the Title 20 NYCRR Procedural Regulations in compliance with a statutory requirement that the department produce and make available an informational flier called a Consumer Bill of Rights Regarding Tax Preparers.

Analysis of the need for the rule: This rule implemented provisions of section 372 of the General Business Law, added by Chapter 432 of the Laws of 2008.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: General Business Law, section 372.

4. TAF-43-09-00023-A Permanent Place of Abode.

This rule amended section 105.20(e)(1) of the Title 20 NYCRR Personal Income Tax Regulations to except dwellings maintained by full-time undergraduate students from the definition of permanent place of abode.

Analysis of the need for the rule: In 2008, the regulations were amended to eliminate the “temporary stay” concept from the definition of “permanent place of abode”. Removing the temporary stay concept from the regulations rendered many college students (e.g., those living in apartments) previously not taxed as residents subject to personal income tax as statutory residents. Students living in traditional dormitories were never subject to tax as statutory residents because dormitories lack the facilities to be deemed permanent places of abode under the regulations. The rule eliminated this distinction.

The notice of proposed rulemaking included a regulatory flexibility analysis and a rural area flexibility analysis.

Legal basis for the rule: Tax Law, sections 171, subd. First; 697(a) and 605(b)(1).

5. RPS-37-08-00002-A Agricultural Assessment Program Definitions.

This rule amended former section 194.1 of Title 9 NYCRR to conform the definitions applicable to the agricultural assessment program with the provisions of Agricultural and Markets Law, Article 25-AA.
Analysis of the need for the rule: The Agricultural and Markets Law was amended to revise the eligibility requirements for receiving agricultural assessments. This rule updated the regulations to reflect the statutory changes and facilitated a more accurate and complete understanding of the agricultural assessment program by assessors and the farm community.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Real Property Tax Law, Sections 202(1)(l) and Agricultural and Markets Law 307.


This rule amended former Subpart 188-8 of Title 9 NYCRR to reflect the provisions of Chapter 252 of the Laws of 2007 relating to training and certificates for certain New York City Assessors.

Analysis of the need for the rule: The rule reflected the extended time to obtain certification and added flexibility to the training program to incorporate assessors whose functions involve adjudication rather than just appraisal.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Real Property Tax Law, Art. 3, Title 3 and Section 202(1)(l).

RULES ADOPTED IN 2004
1. TAF-10-04-00025-A Farming and Commercial Horse Boarding Operations.

This rule updated sections 528.7 and 528.22 of Title 20 NYCRR of the Sales and Use Taxes Regulations to reflect current Tax Law as it pertains to farming and commercial horse boarding operations.

Analysis of the need for the rule: Chapter 407 of the Laws of 1999 and Chapters 63 and 472 of the Laws of 2000 amended Tax Law § 1115(a)(6) and related provisions to substantially broaden the sales tax exemptions for farming and commercial horse boarding operations. This rule was necessary to update the regulations by deleting dated information and by incorporating the legislative objectives of the 1999 and 2000 Tax Law amendments.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First; 1101(b)(19) and (20); 1105(c)(3)(vi) and (5)(iii); 1115(a)(6), (15), and (16) and (c)(2); 1142(1) and (8); and 1250 (not subdivided).

2. TAF-45-03-00004-A Registration of Wholesale Dealers of Cigarettes.

The rule amended the Cigarette Tax Regulations and the Cigarette Marketing Standards regulations of Title 20 NYCRR to require a licensed wholesale dealer of cigarettes that also sells cigarettes at retail to be registered as a retail dealer of cigarettes.

Analysis of the need for the rule: The rule provides separate authorities for each activity: a wholesale dealer’s license for sales of cigarettes for resale and a retail dealer’s certificate of registration for each separate retail location where cigarettes are sold to consumers. As a result, a wholesale dealer that also sells cigarettes at retail became subject to the appropriate penalties applicable to its retail activity. In addition, wholesale dealers that also sell cigarettes at retail locations are now subject to the suspension and revocation of their dealers’ certificate of registration for sales to minors.

The notice of proposed rulemaking included a regulatory flexibility analysis.

Legal basis for the rule: Tax Law, sections 171, subd. First, 475 (not subdivided), 482-a, and 488.


This rule amended the Personal Income Tax regulations relating to estimated tax payments on sales or transfers of real property by non-resident taxpayers required by section 663 of the Tax Law.

Analysis of the need for the rule: The rule complies with the statutory requirements of section 663 of the Tax Law.

The notice of proposed rulemaking included a regulatory flexibility analysis and a rural area flexibility analysis.

Legal basis for the rule: Tax Law, sections 171, subdivision First; 663, and 697(a).


This rule amended the personal income tax regulations to update provisions concerning the deductions subtracted from a resident individual from New York adjusted gross income in arriving at the New York taxable income of a resident individual.

Analysis of the need for the rule: The rule reflects the decision of the New York State Tax Appeals Tribunal in Matter of Shorter concerning the New York State deduction (standard or itemized) used in computing the New York taxable income of a resident individual.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subdivision First, and 697(a).

5. TAF-45-03-00003-A Taxation of Foreign Corporations Participating in a Trade Show.

This rule amended the business corporation franchise tax regulations to provide that limited participation in a trade show or shows in New York State is an activity that is deemed insufficient to subject a foreign corporation to the tax. The amendments also reflected various statutory provisions and included nonsubstantive technical changes.

Analysis of the need for the rule: The rule provides a bright-line nexus test for foreign corporations participating in trade shows in New York State.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First, and 1096(a).


This rule amended former Parts 186 and 193 of Title 9 NYCRR to revise the assessors’ reports requirements, the definition of isolated properties for equalization studies and the standard for establishing special segment equalization rates.

Analysis of the need for the rule: The rule reduced information required to be submitted by local governments and achieved certain efficiencies.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Real Property Tax Law, sections 202(1)(l), 575, 1200 and 1314(2).

7. RPS-06-04-00003-A Annual License Fees.

This rule amended former section 190-3.2 of Title 9 NYCRR relating to the annual license fee for users of the Real Property System (RPS).

Analysis of the need for the rule: The schedule of annual fees paid by users of the Real Property System (RPS) was revised based on costs to support the RPS system.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Real Property Tax Law, Section 202(1)(l); State Finance Law, Section 97-kk.

8. RPS-06-04-00004-A State Advisory Appraisals.

This rule amended former Subpart 195-2 of Title 9 NYCRR to simplify the program of state advisory appraisals.

Analysis of the need for the rule: The rule simplified the process conducting annual programs, shortened the times for providing
requests and information, and clarified that communications may be electronic if the parties so agree.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Real Property Tax Law, Sections 202(l)(l) and 1544.


This rule added former Part 200-3 to Title 9 NYCRR to establish standards for railroads to receive depreciation in the calculation of their ceilings for local real property taxation.

Analysis of the need for the rule: The rule provided the process for applying for increased depreciation as well as the standards for granting the depreciation as required by Real Property Tax Law section 489-g and 489-ii.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Real Property Tax Law, Sections 202(l)(l), 489-g(8) and 489-ii(9).

10. RPS-36-04-00002-A State Assistance for Annual Assessment Programs.

This rule added former section 201-2.3(f) to Title 9 NYCRR to set the filing requirements for six-year plans.

Analysis of the need for the rule: Requiring the submission of the plan sufficiently in advance of the filing of the tentative assessment roll enabled staff to analyze the plan and recommend changes to the assessing unit at a time when deficiencies could still be corrected.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Real Property Tax Law, Sections 202(l)(l) and 1573(l)(a).

RULES ADOPTED IN 1999


This rule amended sections 527.8(j) and 527.9(g) of Title 20 NYCRR of the Sales and Use Taxes Regulations to delete complex requirements regarding employee meals and lodging that were no longer applicable.

Analysis of the need for the rule: This rule was necessary to simplify the regulations and to bring them up to date to reflect the Department’s current policy with respect to employee meals and lodging. The rule eliminated from the regulations complex requirements that were no longer applicable and retained only the provisions that meals and lodging furnished by certain employers to employees are not subject to sales tax if the employers receive no cash (or other consideration) from the employees and the values of the meals and lodging are not included as income for the employees for income tax purposes.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First; 1142(1); and 1250 (not subdivided).

2. TAF-22-99-00001-A Sales and Use Taxes Regulations – Part 525 (General).

This rule amended Part 525 of Title 20 NYCRR of the Sales and Use Taxes Regulations concerning general sales and compensating use taxes.

Analysis of the need for the rule: This rule was necessary to update and simplify the “general” provisions in Part 525 by deleting text that merely repeated the statute or that was superfluous, unnecessarily complex, or no longer applicable. The rule also cited pertinent sections of the Tax Law applicable to sales and use taxes.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First; 1142(1) and (8); and 1250 (not subdivided).


This rule added Part 2392 to Title 20 NYCRR of the Procedural Regulations to consolidate and modify the grounds to establish reasonable cause.

Analysis of the rule: The rule expanded the application of reasonable cause to various other penalties imposed by the Tax Law that allowed for abatement upon a showing of reasonable cause and an absence of willful neglect. Consolidating these provisions as a single source facilitated the process of obtaining information regarding the various grounds for reasonable cause. The rule created a broad, uniform reference applicable to various taxes by including penalties that were not previously covered by the regulations and tax articles that have penalties that are jointly administered. The rule expanded what constitutes reasonable cause.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First; 171-a(8); 207-b; 219-a; 289-b(1)c; 295 (not subdivided); 315; 433(1)c; 436 (not subdivided); 475 (not subdivided); 481(1)a(iii); 509(7); 512(1)c; 528(a); 697(a); 990(a); 1007(b); 1080(a); 1096(a); 1142(1) and (8); 1145(a)(1)(iii) and (a)(6); 1165 (not subdivided); 1250 (not subdivided); 1312(a); 1332(a); 1342 (not subdivided); 1415(a); 1468 (not subdivided); 1519 (not subdivided); and 1556 (not subdivided); and General City Law, section 25-n(e).

4. TAF-17-99-00005-A Offers in Compromise of Fixed and Finally Determined Tax Liabilities.

This rule added Part 5005 to Title 20 NYCRR of the Compromises Regulations to codify the department’s policy in relation to offers in compromise of fixed and finally determined tax liabilities allowed under section 171 (Fifteenth) of the Tax Law.

Analysis of the need for the rule: The rule provided written guidance to taxpayers with respect to the grounds for an offer in compromise, the procedure for submission of an offer, the procedure for review and acceptance or rejection of an offer and the criteria for rejection of an offer.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subds. First and Fifteenth.

5. TAF-16-99-00002-A Conforming the Due Dates of Short Period Returns.

This regulation conformed the due dates of certain general business and banking corporations’ short period reports to those required for Federal income tax purposes. Specifically, the amendments conformed the due dates of short period reports required in cases where a taxpayer became part of or ceased to be part of a Federal consolidated group or changed from one Federal consolidated group to another. In addition, the amendments conformed the due date of a short period report required in the case of a taxpayer which was a target corporation for which an election had been made under section 338(h)(10) of the Internal Revenue Code.

Analysis of the need for the rule: The rule eased the burden on taxpayers required to file certain short period reports by conforming the due dates of those short period reports to those required for Federal income tax purposes.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First; 211.1; 1096(a); and 1462(a).


This rule amended Part 4 of Title 20 NYCRR of the Business Corporation Franchise Tax Regulations, relating to allocation, to repeal obsolete language and references contained in various sections of this Part, to make changes necessitated by legislative amendments, and to make technical and clarifying amendments.
Analysis of the need for the rule: This rule provided taxpayers using the regulations with current information about tax policies and procedures to assist them in complying with the Tax Law.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First; 210; 210(3)(a), (1), (2), (2)(B), (6), (7)(A), (8); 210(8); and 1096(a).


This rule amended the Personal Income Tax regulations to extend the personal income tax pension and annuity exclusion to payments received by a beneficiary of a deceased pensioner on or after the date the decedent would have reached 59 ½ years of age.

Analysis of the need for the rule: The rule ensured equitable treatment with respect to the $20,000 exclusion for pension and annuity payments for beneficiaries, whether the decedent had died before or after reaching the age of 59 ½.

The notice of proposed rulemaking included a regulatory flexibility analysis and a rural area flexibility analysis.

Legal basis for the rule: Tax Law, sections 171, subdivision First; 612(c)(3-a); and 697(a).

8. RPS-08-99-00015-A Inventory Standards of Property Characteristics.

This rule amended former Subparts 190-1 and 192-3 of Title 9 NYCRR to establish a comprehensive list of inventory standards.

Analysis of the need for the rule: The rule established a list of property characteristics by property class to be used uniformly by all assessors throughout the State. It addresses the issue of incomplete inventory kept by assessors.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Real Property Tax Law, Sections 202(1)(e), 202(1)(g), 202(1)(l), 500 and 501.
SEcurities
offERInGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

1801 N Madison, LLC
80A Ocean Ave., Massapequa, NY 11758
State or country in which incorporated — Indiana

Abili Investments, LLC
718 W. Business Hwy. 60, Dexter, MO 63841
State or country in which incorporated — Missouri

AG Liquid Credit Fund, L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Liquid Credit GP, LLC

AG Liquid Credit Fund Holdings, Ltd.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
State or country in which incorporated — Cayman Islands

Amarillo Biosciences, Inc.
4134 Business Park Dr., Amarillo, TX 79110
State or country in which incorporated — Texas

American Portfolios Financial Services, Inc.
4250 Veterans Memorial Hwy., Holbrook, NY 11741
State or country in which incorporated — New York

Blue Hill Co-op, Inc.
P.O. Box 1133, Blue Hill, ME 04614
State or country in which incorporated — Maine

Chineseinvestors.com, Inc.
227 W. Valley Blvd., Suite 208A, San Gabriel, CA 91776
State or country in which incorporated — California limited liability company

Cibolo Energy Coinvestment III, LLC
1455 W. Loop S, Suite 230, Houston, TX 77027
Partnership — Cibolo Energy Partners GP, L.P.

Context Partners Fund, L.P.
2223 Avenida De La Playa, Suite 300, La Jolla, CA 92037
Partnership — Context Capital Management, LLC, general partner

DAD Melbourne Holdings, LP
255 Alhambra Circle, Suite 760, Coral Gables, FL 33134
Partnership — DAD Melbourne Holdings GP, LLC

Denim LA, Inc.
8899 Beverly Blvd., Suite 600, West Hollywood, CA 90048
State or country in which incorporated — Delaware

Emerson Equity, LLC
155 Bovet Rd., Suite 725, San Mateo, CA 94402
State or country in which incorporated — California limited liability company

Foreside Global Services, LLC
Three Canal Plaza, Suite 100, Third Fl., Portland, ME 04101
State or country in which incorporated — Delaware limited liability company

Fort Myers Multifamily DST
2901 Butterfield Rd., Oak Brook, IL 60523
State or country in which incorporated — Delaware

Frontier Financial Alternative Investment Fund, LP
1398 Windsor Rd., Cardiff, CA 92007
Partnership — Weiss Capital Group II, LLC

Glytch, Inc.
330 112th Ave. NE, Suite 301, Bellevue, WA 98004
State or country in which incorporated — Delaware

Gracie Events, LLC
285 W. Broadway, Suite 400, New York, NY 10013
State or country in which incorporated — Delaware

Green Check Verified Inc.
Five Science Park, New Haven, CT 06511
State or country in which incorporated — Delaware

Green Rush Group, Inc.
2180 Bryant St., San Francisco, CA 94410
State or country in which incorporated — Delaware

Green Vista Capital, LLC
228 N. Park Ave., Suite K, Winter Park, FL 32789
State or country in which incorporated — Florida limited liability company

Grids of Skill LLC
220 Hempstead Ave., Rockville Centre, NY 11570
State or country in which incorporated — New York

HFIOF Feeder Fund
c/o Trident Trust Company (Mauritius) Limited, Fifth Fl., Barkly Wharf, Le Caudan Waterfront, Port Louis
State or country in which incorporated — Mauritius

Hornet Corporation
111 Imperial Blvd., Bldg. D400, Hendersonville, TN 37075
State or country in which incorporated — Tennessee

Hudson Housing Tax Credit LXXIX LP
630 Fifth Ave., 28th Fl., New York, NY 10111
Partnership — Hudson GP LXXIX LLC
ICG Apartment Fund 2018 LLC
901 5th Ave., Suite 4100, Seattle, WA 98164
State or country in which incorporated — Washington

Maze Focus Fund, LP
12100 Wilshire Blvd., Suite 800, Los Angeles, CA 90025
Partnership — Maze Investments, LLC

Nantucket Multi Managers, LLC
40950 Woodward Ave., Suite 307, Bloomfield Hills, MI 48304
State or country in which incorporated — Delaware

Nice Girls Tour LLC
c/o Vista Tax Group, LLC, 120 Columbia Tpk., Suite 3, Florham Park, NJ 07932
State or country in which incorporated — Delaware limited liability company

Nolen Lake Partners, LLC
1110 23rd St. S, Birmingham, AL 35205
Partnership — Green Rock Management, LLC

OsteoNovus, Inc.
1510 N. Westwood, Rm. 2040, Toledo, OH 43606
State or country in which incorporated — Ohio

Putnam Retail Management Ltd Partnership
100 Federal St., Boston, MA 02110
State or country in which incorporated — Massachusetts

Redcar Fund I LP
2341 Michigan Ave., Santa Monica, CA 90404
Partnership — Redcar Fund I GP LP

Redcar Fund I Feeder LP
2341 Michigan Ave., Santa Monica, CA 90404
Partnership — Redcar Fund I GP LP

Rockaway Beach Hotel, LLC
45 Main St., Suite 526, Brooklyn, NY 11201
State or country in which incorporated — New York

Root, Inc.
80 E. Rich St., 5th Fl., Columbus, OH 43215
State or country in which incorporated — Delaware

SlideBelts Inc.
4818 Golden Foothill Pkwy., Unit 9, El Dorado Hills, CA 95762
State or country in which incorporated — Delaware

Socotra Opportunity Fund, LLC, The
2208 29th St., Suite 100, Sacramento, CA 95817
State or country in which incorporated — California limited liability company

Specialty Liquid Transportation Corp.
610-700 W. Pender St., Vancouver, British Columbia, Canada V6C 1G8
State or country in which incorporated — British Columbia

Sterling Associates Limited Partnership
5885 SW. 118th St., Coral Gables, FL 33156
State or country in which incorporated — Florida

Taproom Social CLT LLC
10405 Royal Winchester Dr., Charlotte, NC 28277
State or country in which incorporated — North Carolina

Thoma Bravo Executive Fund XIII, L.P.
150 N. Riverside Plaza, Suite 2800, Chicago, IL 60606
Partnership — Thoma Bravo Partners XIII, L.P.

Thoma Bravo Executive Fund XIII-P, L.P.
150 N. Riverside Plaza, Suite 2800, Chicago, IL 60606
Partnership — Thoma Bravo Partners XIII-P, L.P.

Unique Foods Corp.
322 Mall Blvd., #149, Monroeville, PA 15146
State or country in which incorporated — Delaware

United Rail, Inc.
9480 S. Eastern Ave., #205, Las Vegas, NV 89123
State or country in which incorporated — Nevada

Zarvona III-B, L.P.
1010 Lamar St., Suite 500, Houston, TX 77002
Partnership — Zarvona III-B GP, L.P.
ADVERTISEMENTS FOR
BIDDERS/CONTRACTORS

SEAL BIDS

REDUCE FLOOD DAMAGE
Village of Ardsley, Westchester County

Sealed bids for Project No. 45653-C, for Construction Work, Flood Damage Reduction Project, Saw Mill River Control Wall, Village of Ardsley, (Westchester County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Conning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Environmental Conservation, until 2:00 p.m. on Wednesday, January 9, 2019, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of $17,100 for C.

The substantial completion date for this project is 184 days after the contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on their own responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: https://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html

The substantial completion date for this project is 184 days after the Agreement is approved by the Comptroller.

Phone the office of Theresa Sweala, (845) 895-3170 a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an $8.00 deposit per set, plus a $2.00 per set shipping and handling fee. Contractors and other interested parties can order CD’s on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp

For questions about purchase of bid documents, please send an e-mail to DC.Plans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

By John D. Lewyczkyj, Deputy Director
OGS - Design & Construction Group

REHAB
STEAM TUNNELS
State Campus
Albany, Albany County

Sealed bids for Project No. 45689-H, for HVAC Work, Rehab Steam Tunnels and Replace Steam/Condensate Piping, South End of Campus, State Office Building Campus, 1220 Washington Avenue, Albany (Albany County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Conning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, January 9, 2019 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of $83,000 for H.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between $2,000,000 and $3,000,000 for H.

The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

By John D. Lewyczkyj, Deputy Director
OGS - Design & Construction Group

Phone the office of Theresa Sweala, (845) 895-3170 a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

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For questions about purchase of bid documents, please send an e-mail to DC.Plans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

By John D. Lewyczkyj, Deputy Director
OGS - Design & Construction Group

REHAB
STEAM TUNNELS
State Campus
Albany, Albany County

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All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between $2,000,000 and $3,000,000 for H.
Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller (“Restricted Period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a).

Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. The substantial completion date for this project is November 4, 2019. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 1:30 p.m. on December 20, 2018 at State Office Building Campus, Building 4, OGS Field Office Trailer, 1220 Washington Avenue, Albany, NY. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Peter Gartung, (518) 457-2711 a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an $8.00 deposit per set, plus a $2.00 per set shipping and handling fee. Contractors and other interested parties can order CD’s on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: http://www.ogs.ny.gov/bu/dc/eb/acquirebid.asp

For questions about purchase of bid documents, please send an e-mail to DC.Plans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

By John D. Lewyckyj, Deputy Director
OGS - Design & Construction Group
Notice of Abandoned Property
Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller’s Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

NOTICE OF ANNULMENT
OF DISSOLUTION OF CERTAIN BUSINESS CORPORATIONS

Under the Provisions of Section 203-a of the Tax Law, As Amended

The Secretary of State hereby provides notice that the following corporations, which were duly dissolved in the manner prescribed by Section 203-a of the Tax Law, have complied with the provisions of subdivision (7) of Section 203-a of the Tax Law, annulling all of the proceedings therefor taken for the dissolution of each such corporation. The appropriate entries have been made on the records of the Department of State.

COUNTY: ALBANY

ENTITY NAME: LANDSCAPE IMPRESSIONS ASSOCIATES, INC.
REINSTATE: 12/06/16
DIS BY PROC: 06/29/16

ENTITY NAME: LANDSCAPE IMPRESSIONS ASSOCIATES, INC.
REINSTATE: 12/06/16
DIS BY PROC: 06/29/16

ENTITY NAME: S & Z WHOLESALE CORP.
REINSTATE: 12/02/16
DIS BY PROC: 06/29/16

COUNTY: BRONX

ENTITY NAME: BETTER LEARNING TUTORIAL, INC.
REINSTATE: 12/28/16
DIS BY PROC: 04/27/11

ENTITY NAME: DEMARI INSTALLATIONS CORP.
REINSTATE: 10/21/16
DIS BY PROC: 06/29/16

ENTITY NAME: J. WILLIAMS & SONS, INC.
REINSTATE: 10/14/16
DIS BY PROC: 04/27/11

ENTITY NAME: JOE ROD CORP.
REINSTATE: 12/13/16
DIS BY PROC: 10/26/11

ENTITY NAME: LA ALTA GRACIA FUNERAL HOME, INC.
REINSTATE: 11/03/16
DIS BY PROC: 09/23/92

ENTITY NAME: LIFT PRO, INC.
REINSTATE: 12/30/16
DIS BY PROC: 06/29/16

ENTITY NAME: LIKI LOUNGE, INC.
REINSTATE: 12/01/16
DIS BY PROC: 10/26/16

ENTITY NAME: MARTUCCI DEVELOPMENT, INC.
REINSTATE: 10/27/16
DIS BY PROC: 04/27/11

ENTITY NAME: ON CALL PSYCHIATRIC SERVICES P.C.
REINSTATE: 11/18/16
DIS BY PROC: 01/25/12

ENTITY NAME: PF PLUMBING & HEATING, INC.
REINSTATE: 12/27/16
DIS BY PROC: 01/25/12

ENTITY NAME: PICHON IV, INC.
REINSTATE: 12/22/16
DIS BY PROC: 06/29/16

ENTITY NAME: R & F REALTY CORP.
REINSTATE: 11/29/16
DIS BY PROC: 01/26/11

ENTITY NAME: S. M. H. S. REALTY CORP.
REINSTATE: 12/23/16
DIS BY PROC: 01/25/12

ENTITY NAME: TOP OF THE LINE QUALITY CONSTRUCTION AND REMODELING INC.
REINSTATE: 12/15/16
DIS BY PROC: 10/26/11

ENTITY NAME: 304 EAST 149 ST INC.
REINSTATE: 12/01/16
DIS BY PROC: 10/26/16
COUNTY: COLUMBIA

ENTITY NAME: RONNYBROOK FARM DAIRY, INC.
REINSTATE: 11/10/16
DIS BY PROC: 06/29/16

COUNTY: DELAWARE

ENTITY NAME: LAST CHANCE INDUSTRIES, INC.
REINSTATE: 10/25/16
DIS BY PROC: 01/26/11

ENTITY NAME: NIVLAS REAL ESTATE, INC.
REINSTATE: 12/21/16
DIS BY PROC: 06/29/16

COUNTY: DUTCHESS

ENTITY NAME: JOHN FALVELLA, INC.
REINSTATE: 10/24/16
DIS BY PROC: 04/25/12

ENTITY NAME: SERVING YOU RESTAURANTS, INC.
REINSTATE: 10/06/16
DIS BY PROC: 04/27/11

ENTITY NAME: 1203 REALTY CORP.
REINSTATE: 10/13/16
DIS BY PROC: 10/28/09

COUNTY: ERIE

ENTITY NAME: ACTION BOOKKEEPING & TAX SERVICE, INC.
REINSTATE: 10/25/16
DIS BY PROC: 10/28/09

ENTITY NAME: CRAZY HORSE DEVELOPMENT, INC.
REINSTATE: 11/04/16
DIS BY PROC: 07/27/11

ENTITY NAME: JULIAN LAWN CARE INC.
REINSTATE: 12/28/16
DIS BY PROC: 06/29/16

ENTITY NAME: MMS OF WNY INC.
REINSTATE: 11/25/16
DIS BY PROC: 01/25/12

ENTITY NAME: PLAINTIFF RESOURCES INC.
REINSTATE: 12/30/16
DIS BY PROC: 06/29/16

ENTITY NAME: THREE - V'S, INC.
REINSTATE: 10/19/16
DIS BY PROC: 06/24/92

COUNTY: HERKIMER

ENTITY NAME: CRIMMINS AUTOMOTIVE SALES & SERVICE, INC.
REINSTATE: 12/09/16
DIS BY PROC: 06/29/16

COUNTY: KINGS

ENTITY NAME: A & F PHARMACY, INC.
REINSTATE: 10/11/16
DIS BY PROC: 10/26/11

ENTITY NAME: AA REAL E ELECTRIC, INC.
REINSTATE: 12/30/16
DIS BY PROC: 06/29/16

ENTITY NAME: ACME ROOFING CORP.
REINSTATE: 12/14/16
DIS BY PROC: 08/31/16

ENTITY NAME: B.P.C. MANAGEMENT CORP.
REINSTATE: 11/21/16
DIS BY PROC: 01/25/12

ENTITY NAME: CANHOO (USA) INC
REINSTATE: 10/31/16
DIS BY PROC: 10/26/11

ENTITY NAME: CERTIFIED AUTO MECHANICS INC.
REINSTATE: 10/03/16
DIS BY PROC: 04/29/09

ENTITY NAME: CHADDERTON’S BAR & GRILL INC.
REINSTATE: 10/24/16
DIS BY PROC: 01/25/12

ENTITY NAME: CHARLES SCHNEIDER, CERTIFIED PUBLIC ACCOUNTANT, P.C.
REINSTATE: 12/19/16
DIS BY PROC: 10/26/16

ENTITY NAME: CHOLULA DELI GROCERY CORP.
REINSTATE: 12/22/16
DIS BY PROC: 06/29/16

ENTITY NAME: CHURCHGATE CONSULTING INC.
REINSTATE: 10/14/16
DIS BY PROC: 06/29/16

ENTITY NAME: FAUCETSTOP.COM OF NY, INC.
REINSTATE: 12/15/16
DIS BY PROC: 06/29/16

ENTITY NAME: G & E AUTO REPAIR, INC.
REINSTATE: 10/13/16
DIS BY PROC: 07/29/09

ENTITY NAME: GOLDSTONE GRANITE CORPORATION
REINSTATE: 11/01/16
DIS BY PROC: 06/29/16

ENTITY NAME: HENTEL LITECARE CORP.
REINSTATE: 11/09/16
DIS BY PROC: 06/29/16

ENTITY NAME: HOD PIPING & HEATING CORP.
REINSTATE: 12/20/16
DIS BY PROC: 06/29/16

ENTITY NAME: JAKE’S SNEAKERS INC.
REINSTATE: 12/09/16
DIS BY PROC: 06/29/16

ENTITY NAME: JEFFREY E. MEHL, P.C.
REINSTATE: 11/29/16
DIS BY PROC: 04/27/11
ENTITY NAME: K-SQUARE DEVELOPERS, INC.
REINSTATE: 12/01/16
DIS BY PROC: 06/29/16

ENTITY NAME: KENSINGTON REALTY GROUP CORP.
REINSTATE: 11/28/16
DIS BY PROC: 01/26/11

ENTITY NAME: KINGS AND PAWNS, INC.
REINSTATE: 12/15/16
DIS BY PROC: 10/26/16

ENTITY NAME: MD ELECTRICAL SUPPLIES INC
REINSTATE: 10/21/16
DIS BY PROC: 10/26/11

ENTITY NAME: MERLITE REALTY CORP.
REINSTATE: 12/07/16
DIS BY PROC: 06/25/80

ENTITY NAME: N.K.G. CORP.
REINSTATE: 12/16/16
DIS BY PROC: 04/27/11

ENTITY NAME: NATASHAS GROUP CAR CORP.
REINSTATE: 11/18/16
DIS BY PROC: 06/29/16

ENTITY NAME: PUTNAM 571 REALTY CORP.
REINSTATE: 12/06/16
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ENTITY NAME: PVT TAX SERVICES INC.
REINSTATE: 12/09/16
DIS BY PROC: 08/31/16

ENTITY NAME: S.I.A.E.A. 1, INC.
REINSTATE: 12/13/16
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ENTITY NAME: SCHOOL OF ELECTRICAL EDUCATION, INC.
REINSTATE: 12/05/16
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ENTITY NAME: STAGESKY HOLDINGS CORP
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ENTITY NAME: TARGET BROKERAGE CORP.
REINSTATE: 12/20/16
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ENTITY NAME: THE POWER PRINT INC.
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ENTITY NAME: THROOP DEVELOPMENTS, INC.
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ENTITY NAME: TOP CITY CONTRACTING CORPORATION
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ENTITY NAME: WILLIAMSBURGH INTERNAL MEDICINE P.C.
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ENTITY NAME: YOUTH STUDIES, INC.
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ENTITY NAME: ZEN RESTORATION INC.
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ENTITY NAME: 279-281 PARK AVE. CORP.
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ENTITY NAME: 5200 ENTERPRISES LIMITED
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ENTITY NAME: 77-79 WASHINGTON AVE. CORPORATION
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ENTITY NAME: 78 CONGRESS ST. REALTY INC.
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COUNTY: MONROE

ENTITY NAME: KELLYMARTS, INC.
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ENTITY NAME: AMERICAN PROCESSING CORP.
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ENTITY NAME: CROSS ISLAND FIELD SERVICES INC
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ENTITY NAME: DOMOND HOLDING CORP.
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ENTITY NAME: F & A FLOOR COVERING, INC.
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ENTITY NAME: FIVE TOWNS GASTROENTEROLOGY, P.C.
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ENTITY NAME: J & P UNION AVENUE REALTY CORP.
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ENTITY NAME: J.P. MIL CORP.
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ENTITY NAME: JEWMEXFOODS INC.
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**COUNTY: NEW YORK**

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<td>ROCK YOUR INK, INC.</td>
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ENTITY NAME: G.G. PROPERTIES INC.
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ENTITY NAME: HATZLUCAH MEAT MARKET, INC.
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ENTITY NAME: MOREHEAD AUTO SALES REAL ESTATE CORP.
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ENTITY NAME: RLJB REALTY, INC.
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ENTITY NAME: 43 SAT 201 CORP.
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ENTITY NAME: 59 FORES 115 CORP.
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ENTITY NAME: ACROPOLIS GARDENS REALTY CORP.
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ENTITY NAME: AL KOSTO, INC.
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ENTITY NAME: ALLTECH ELECTRICAL CONTRACTING CORP.
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ENTITY NAME: BIG L ENTERPRISES, INC.
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ENTITY NAME: CARJ, INC.
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ENTITY NAME: DELANCEY BRIDGE TOWER INC
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ENTITY NAME: DYNAMIC DUO CAR & LIMO INC.
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ENTITY NAME: DZENIS ORTHOPAEDICS, M.D., P.C.
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ENTITY NAME: ELEVATOR TESTING COMPANY INC.
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ENTITY NAME: FCLS ENTERPRISES CORP.
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ENTITY NAME: FRONT-LINE BUILDING SERVICES, INC.
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ENTITY NAME: GCG INDUSTRIES INC.
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ENTITY NAME: GOURMET HOT FOOD CORP.
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ENTITY NAME: JMV TRANSPORT INC.
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ENTITY NAME: KESSHIN INC.
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ENTITY NAME: KING REALTY NY, INC
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ENTITY NAME: MIA HOMES INC
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ENTITY NAME: M & P MINUTEMAN, INC.
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ENTITY NAME: METALLIC GENERAL CONSTRUCTION INC.
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<td>52ND AND 90TH STREET CORP.</td>
<td>12/19/16</td>
<td>01/26/11</td>
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<tr>
<td>58TH AVENUE CORP.</td>
<td>12/07/16</td>
<td>12/29/99</td>
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<tr>
<td>TREMONT RENTALS, INC.</td>
<td>12/22/16</td>
<td>07/27/11</td>
</tr>
<tr>
<td>UNC BROCK, INC.</td>
<td>12/02/16</td>
<td>06/29/16</td>
</tr>
<tr>
<td>CHUMENTI ACCOUNTING INC.</td>
<td>11/28/16</td>
<td>01/25/12</td>
</tr>
<tr>
<td>DORIC &amp; STAVROS CONTRACTING, INC.</td>
<td>10/05/16</td>
<td>07/28/10</td>
</tr>
<tr>
<td>GENERAL RESTORATION GROUP CORP.</td>
<td>11/07/16</td>
<td>06/29/16</td>
</tr>
<tr>
<td>NU HOMES CORP.</td>
<td>10/17/16</td>
<td>06/29/16</td>
</tr>
<tr>
<td>OLD TOWN PHARMACY INC.</td>
<td>12/01/16</td>
<td>04/27/11</td>
</tr>
<tr>
<td>STEVE’S LANDSCAPING &amp; LAWN CARE INC.</td>
<td>11/10/16</td>
<td>06/29/16</td>
</tr>
<tr>
<td>THOMAS K. KOWALSKI INSURANCE AGENCY, INC.</td>
<td>11/01/16</td>
<td>04/25/12</td>
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COUNTY: RENSSELAER
COUNTY: RICHMOND
<table>
<thead>
<tr>
<th>ENTITY NAME</th>
<th>COUNTY</th>
<th>REINSTATE</th>
<th>DIS BY PROC</th>
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<tbody>
<tr>
<td>2945 RESTAURANT CORP.</td>
<td>ROCKLAND</td>
<td>10/18/16</td>
<td>06/29/16</td>
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<tr>
<td>A &amp; Z SERVICE CENTER INC.</td>
<td></td>
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<td>01/26/11</td>
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<tr>
<td>ACE GLASS SYSTEMS INC.</td>
<td></td>
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<td>07/28/10</td>
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<td>EASYNURSE PRODUCTS, INC.</td>
<td></td>
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<td>06/29/16</td>
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<tr>
<td>SOSKEN INC.</td>
<td></td>
<td>10/26/16</td>
<td>07/28/10</td>
</tr>
<tr>
<td>D&amp;T LAWNCARE &amp; PROPERTY MAINTENANCE INC.</td>
<td>SCHENECTADY</td>
<td>10/24/16</td>
<td>10/26/11</td>
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<tr>
<td>ANDREW GARRETT HOLDING CORP.</td>
<td>SUFFOLK</td>
<td>12/14/16</td>
<td>01/28/09</td>
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<tr>
<td>BBM DEVELOPMENT INC.</td>
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<td>12/29/16</td>
<td>06/29/16</td>
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<tr>
<td>BIG TIME TOWING AND RECOVERY INC.</td>
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<td>12/06/16</td>
<td>01/25/12</td>
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<td>BRIELLE ROSE PIZZERIA INC.</td>
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<td>08/31/16</td>
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<td>COLLISION EQUIPMENT CONSULTING, INC.</td>
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<td>FEDERAL CONSERVATION CORP.</td>
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<td>FSM ELECTRICAL CORPORATION</td>
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<td>12/20/16</td>
<td>10/26/16</td>
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<td>K. MALONEY INDUSTRIES INC</td>
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<td>08/31/16</td>
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<td>MESOYIOS GREEK-CYPRIOT RESTAURANT INC.</td>
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<td>10/26/11</td>
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<td>SKY MATERIALS CORP.</td>
<td>WASHINGTON</td>
<td>10/06/16</td>
<td>06/29/16</td>
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<td>TIVOLI TRAVEL OF CORAM, INC.</td>
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<td>BRANCH AUTO PARTS, INC.</td>
<td>WAYNE</td>
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<tr>
<td>CREEKS EDGE CONTRACTORS, INC.</td>
<td>WESTCHESTER</td>
<td>12/23/16</td>
<td>06/29/16</td>
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<td>D &amp; S REST. INC.</td>
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<td>06/29/16</td>
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<td>DCBE CONTRACTING INC.</td>
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<td>06/29/16</td>
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<td>DKC INC.</td>
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<td>LINCOLN BARBECUE CORP.</td>
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<td>MORTGAGE ENTERPRISE, LTD.</td>
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<td>06/29/16</td>
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<td>MSE MANAGEMENT, INC.</td>
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<td>PHOENIX CREATIVE MARKETING, INC.</td>
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<td>RITE-WAY SALES &amp; SERVICE INC.</td>
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<td>TOM’S HILLTOP HONEY, INC.</td>
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</tbody>
</table>

NOTICE OF ERRONEOUS INCLUSION
IN DISSOLUTION BY PROCLAMATION OF CERTAIN BUSINESS CORPORATIONS

Under the Provisions of Section 203-a of the Tax Law, As Amended

The Secretary of State hereby provides notice that the following corporations were erroneously included in proclamations declaring certain business corporations dissolved. The State Tax Commission has duly certified to the Secretary of State that the names of these corporations were erroneously included in such proclamations. The appropriate entries have been made on the records of the Department of State.

COUNTY: BRONX

ENTITY NAME: BROTHERS PRO CONSTRUCTION CORP.
REINSTATE: 12/01/16
DIS BY PROC: 10/26/16

ENTITY NAME: EL PORTAL INC.
REINSTATE: 12/01/16
DIS BY PROC: 08/31/16

ENTITY NAME: ESTEBAN GENERAL CONSTRUCTION CORP.
REINSTATE: 12/22/16
DIS BY PROC: 08/31/16

ENTITY NAME: IMIC INC.
REINSTATE: 11/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: LB LIFEWAY ACUPUNCTURE P.C.
REINSTATE: 10/28/16
DIS BY PROC: 10/26/16

ENTITY NAME: 1253 GIVAN AVE CORP.
REINSTATE: 10/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: 50 STAR DELI GROCERY MARKET CORP.
REINSTATE: 12/22/16
DIS BY PROC: 08/31/16

COUNTY: BROOME

ENTITY NAME: I3 TECHNOLOGIES, INC.
REINSTATE: 11/21/16
DIS BY PROC: 10/26/16

COUNTY: DUTCHESS

ENTITY NAME: MOBILE FIXATION INC.
REINSTATE: 12/01/16
DIS BY PROC: 08/31/16

ENTITY NAME: ROVER CONTRACTING INC.
REINSTATE: 12/06/16
DIS BY PROC: 10/26/16

COUNTY: ERIE

ENTITY NAME: GO GREEN TWO INC.
REINSTATE: 11/09/16
DIS BY PROC: 10/26/16

ENTITY NAME: PERFECTION RENOVATION INC.
REINSTATE: 10/12/16
DIS BY PROC: 06/29/16

COUNTY: FULTON

ENTITY NAME: ADIRONDACK BACKPACKING SUPPLY INCORPORATED
REINSTATE: 10/06/16
DIS BY PROC: 08/31/16

COUNTY: GREENE

ENTITY NAME: SHIV & SANTOSHI, INC.
REINSTATE: 12/12/16
DIS BY PROC: 08/31/16

COUNTY: KINGS

ENTITY NAME: ABC BABY CORP.
REINSTATE: 12/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: ALL AMERICAN HOMECARE AGENCY, INC
REINSTATE: 11/01/16
DIS BY PROC: 08/31/16

ENTITY NAME: APPLE DELI & GRIL CORP
REINSTATE: 12/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: ATM-O-MATIC INC.
REINSTATE: 12/20/16
DIS BY PROC: 10/26/16

ENTITY NAME: BLAZE ELECTRIC, INC.
REINSTATE: 10/26/16
DIS BY PROC: 06/29/16

ENTITY NAME: CITY WIDE ELECTRICAL CONTRACTORS INC
REINSTATE: 11/08/16
DIS BY PROC: 10/26/16

ENTITY NAME: DOUBLE DRAGON FAMILY RESTAURANT INC.
REINSTATE: 12/06/16
DIS BY PROC: 08/31/16

ENTITY NAME: ESTY NYC INC.
REINSTATE: 11/03/16
DIS BY PROC: 08/31/16

ENTITY NAME: FRANKS EXPRESS INC.
REINSTATE: 11/08/16
DIS BY PROC: 10/26/16

ENTITY NAME: GABRIEL’S COLLISION LONG ISLAND CITY, INC.
REINSTATE: 12/23/16
DIS BY PROC: 10/26/16

ENTITY NAME: GASSAWAY & SULLIVAN CORP
REINSTATE: 10/31/16
DIS BY PROC: 10/26/16

ENTITY NAME: R+A+R DEVELOPMENT INC.
REINSTATE: 12/01/16
DIS BY PROC: 10/26/16

ENTITY NAME: 4 MC, INC.
REINSTATE: 12/09/16
DIS BY PROC: 06/29/16

ENTITY NAME: 1253 GIVAN AVE CORP.
REINSTATE: 10/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: 1556 WESTCHESTER AVE INC.
REINSTATE: 12/23/16
DIS BY PROC: 10/26/16

ENTITY NAME: 50 STAR DELI GROCERY MARKET CORP.
REINSTATE: 12/22/16
DIS BY PROC: 08/31/16

ENTITY NAME: 1556 WESTCHESTER AVE INC.
REINSTATE: 12/23/16
DIS BY PROC: 10/26/16

ENTITY NAME: 50 STAR DELI GROCERY MARKET CORP.
REINSTATE: 12/22/16
DIS BY PROC: 08/31/16

ENTITY NAME: SHIV & SANTOSHI, INC.
REINSTATE: 12/12/16
DIS BY PROC: 08/31/16
COUNTY: MONROE

ENTITY NAME: GLOBAL LUXURY SERVICES INC.
REINSTATE: 11/03/16
DIS BY PROC: 08/31/16

ENTITY NAME: GOOD BROTHERS DELI & GRILL, INC.
REINSTATE: 12/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: HEALTH CARE II DRUGS INC.
REINSTATE: 12/29/16
DIS BY PROC: 08/31/16

ENTITY NAME: INTEREXPORT 26, INC.
REINSTATE: 12/01/16
DIS BY PROC: 08/31/16

ENTITY NAME: INTRICATE DESIGN INC.
REINSTATE: 12/22/16
DIS BY PROC: 08/31/16

ENTITY NAME: JJC HOLDINGS GROUP, INC.
REINSTATE: 12/14/16
DIS BY PROC: 10/26/16

ENTITY NAME: JOSEPH SEIKALI INC.
REINSTATE: 12/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: LAPAROSCOPIC AND METABOLIC SURGERY, P.C.
REINSTATE: 12/29/16
DIS BY PROC: 06/29/16

ENTITY NAME: MACH GROUP INC.
REINSTATE: 11/01/16
DIS BY PROC: 10/26/16

ENTITY NAME: NEW CREATIONS FSHIONS CORP.
REINSTATE: 11/01/16
DIS BY PROC: 10/26/16

ENTITY NAME: NORTHSHORE INDUSTRIES, INC.
REINSTATE: 12/28/16
DIS BY PROC: 10/26/16

ENTITY NAME: RNP INTERIORS INC.
REINSTATE: 10/04/16
DIS BY PROC: 08/31/16

ENTITY NAME: SPENSER AND REID LTD.
REINSTATE: 12/27/16
DIS BY PROC: 08/31/16

ENTITY NAME: T & B AL CONSTRUCTION CORP.
REINSTATE: 12/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: USA A-ONE CONSTRUCTION CORP
REINSTATE: 12/01/16
DIS BY PROC: 10/26/16

ENTITY NAME: WEST PULLMAN PICTURE COMPANY, INC.
REINSTATE: 10/27/16
DIS BY PROC: 08/31/16

ENTITY NAME: 77A ST ANHOPE REALTY CORP.
REINSTATE: 12/23/16
DIS BY PROC: 06/29/16

COUNTY: NASSAU

ENTITY NAME: AJ DAN TRADING CORP.
REINSTATE: 10/28/16
DIS BY PROC: 10/26/16

ENTITY NAME: ALEF JUDAICA INTERNATIONAL LTD.
REINSTATE: 12/29/16
DIS BY PROC: 08/31/16

ENTITY NAME: ALMONTE & PAULINO CORP.
REINSTATE: 11/21/16
DIS BY PROC: 10/26/16

ENTITY NAME: CO CO NAIL & SPA NY INC
REINSTATE: 12/01/16
DIS BY PROC: 10/26/16

ENTITY NAME: COWS IN THE FIELD, LTD.
REINSTATE: 11/01/16
DIS BY PROC: 08/31/16

ENTITY NAME: CREATIVE MEDIA DESIGNS INC.
REINSTATE: 12/22/16
DIS BY PROC: 08/31/16

ENTITY NAME: EVANGELISTA CONSTRUCTION SERVICES INC.
REINSTATE: 10/05/16
DIS BY PROC: 08/31/16

ENTITY NAME: F-N-M COLLISION INC.
REINSTATE: 10/14/16
DIS BY PROC: 01/27/10

ENTITY NAME: FLOWERS BY JENNIFER LEAHY, INC.
REINSTATE: 11/15/16
DIS BY PROC: 10/26/16

ENTITY NAME: G. FRIED BRENTWOOD, INC.
REINSTATE: 10/25/16
DIS BY PROC: 01/25/12

ENTITY NAME: GOLDSTAR TRANSPORTATION, LTD.
REINSTATE: 10/24/16
DIS BY PROC: 08/31/16

ENTITY NAME: HHRS MANAGEMENT INC.
REINSTATE: 11/09/16
DIS BY PROC: 10/26/16

ENTITY NAME: INTERNATIONAL R.C MULTI-SERVICE EXPRESS, CORP.
REINSTATE: 10/12/16
DIS BY PROC: 08/31/16

ENTITY NAME: J C ESPINAL CONSTRUCTION CORP.
REINSTATE: 12/05/16
DIS BY PROC: 10/26/16

104
ENTITY NAME: M & A RAND ENTERPRISES INC.
REINSTATE: 12/02/16
DIS BY PROC: 10/26/16

ENTITY NAME: MEDSOURCE NATIONAL INC.
REINSTATE: 12/14/16
DIS BY PROC: 08/31/16

ENTITY NAME: METRO NY TAX ASSOCIATES INC.
REINSTATE: 12/21/16
DIS BY PROC: 10/26/16

ENTITY NAME: NEW YORK DIGITAL PRODUCTS INC.
REINSTATE: 11/21/16
DIS BY PROC: 10/26/16

ENTITY NAME: NSOS INC.
REINSTATE: 12/21/16
DIS BY PROC: 10/26/16

ENTITY NAME: PENSIERI CONSULTING SERVICES, INC.
REINSTATE: 10/31/16
DIS BY PROC: 10/26/16

ENTITY NAME: POLICE DEPOT INC.
REINSTATE: 10/25/16
DIS BY PROC: 10/26/16

ENTITY NAME: PRACTICE PROVIDER CORP.
REINSTATE: 10/25/16
DIS BY PROC: 08/31/16

ENTITY NAME: RMR ELECTRIC, INC.
REINSTATE: 10/28/16
DIS BY PROC: 10/26/16

ENTITY NAME: SAL THE TAILOR CORP.
REINSTATE: 10/31/16
DIS BY PROC: 10/26/16

ENTITY NAME: SH BUSINESS CORP.
REINSTATE: 12/27/16
DIS BY PROC: 08/31/16

ENTITY NAME: THE 1994 CUP CORP.
REINSTATE: 10/24/16
DIS BY PROC: 06/29/16

ENTITY NAME: TOP SHELF, INC.
REINSTATE: 10/03/16
DIS BY PROC: 01/27/10

ENTITY NAME: TRINITY TRENT GROUP, INC.
REINSTATE: 12/01/16
DIS BY PROC: 10/26/16

ENTITY NAME: V&B LEASING INC.
REINSTATE: 10/28/16
DIS BY PROC: 10/26/16

ENTITY NAME: VILLAMARIN COURIER SERVICES INC
REINSTATE: 12/23/16
DIS BY PROC: 08/31/16

ENTITY NAME: VITAL BRANDS CORPORATION
REINSTATE: 12/22/16
DIS BY PROC: 08/31/16

COUNTY: NEW YORK

ENTITY NAME: ADVANCED NUTRACEUTICAL RESEARCH CORP.
REINSTATE: 10/03/16
DIS BY PROC: 08/31/16

ENTITY NAME: AMERICAN MEDICAL P.C.
REINSTATE: 12/01/16
DIS BY PROC: 10/26/16

ENTITY NAME: AVENUE 822, INC.
REINSTATE: 11/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: BALCONYTV, INC.
REINSTATE: 11/08/16
DIS BY PROC: 10/26/16

ENTITY NAME: CREATV ENTERTAINMENT NETWORK, INC.
REINSTATE: 12/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: DARRIS TRADING CORPORATION
REINSTATE: 10/25/16
DIS BY PROC: 08/31/16

ENTITY NAME: DBE LTD.
REINSTATE: 11/08/16
DIS BY PROC: 08/31/16

ENTITY NAME: DEADBEAT PRODUCTIONS, INC.
REINSTATE: 12/27/16
DIS BY PROC: 10/26/16

ENTITY NAME: EAST HARLEM OLD FASHIONED ICES INC.
REINSTATE: 10/27/16
DIS BY PROC: 06/29/16

ENTITY NAME: ENSYGNIA INC.
REINSTATE: 11/08/16
DIS BY PROC: 10/26/16

ENTITY NAME: FRESH DENTAL P.C.
REINSTATE: 12/09/16
DIS BY PROC: 08/31/16

ENTITY NAME: GARDEN HAMILTON, INC.
REINSTATE: 12/23/16
DIS BY PROC: 10/26/16

ENTITY NAME: GEO SERVICES INC.
REINSTATE: 12/29/16
DIS BY PROC: 10/26/16

ENTITY NAME: GLOBAL AFFINITY MANAGERS INC
REINSTATE: 10/25/16
DIS BY PROC: 06/29/16

ENTITY NAME: H FAMOUS DELI CORP.
REINSTATE: 12/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: IDK PUBLIC RELATIONS, INC.
REINSTATE: 12/21/16
DIS BY PROC: 08/31/16
ENTITY NAME: IRONHORSE DEVELOPMENT AND MANAGEMENT INC.  
REINSTATE: 10/27/16  
DIS BY PROC: 06/29/16

ENTITY NAME: J. GRACE CORPORATION  
REINSTATE: 11/21/16  
DIS BY PROC: 10/26/16

ENTITY NAME: KARA MANN LTD.  
REINSTATE: 10/04/16  
DIS BY PROC: 08/31/16

ENTITY NAME: KEEPSAKE DIAMONDS CORP.  
REINSTATE: 12/06/16  
DIS BY PROC: 10/26/16

ENTITY NAME: LAW OFFICE OF VICTORIA WICKMAN, INC.  
REINSTATE: 12/14/16  
DIS BY PROC: 10/26/16

ENTITY NAME: LG BROADWAY MANAGEMENT, INC.  
REINSTATE: 10/28/16  
DIS BY PROC: 08/31/16

ENTITY NAME: MALESIORI CORP.  
REINSTATE: 11/30/16  
DIS BY PROC: 08/31/16

ENTITY NAME: MANHATTAN TAX & ACCOUNTING COMPANY LTD.  
REINSTATE: 11/22/16  
DIS BY PROC: 10/26/16

ENTITY NAME: MAX MARKUS KATZ P.C.  
REINSTATE: 12/06/16  
DIS BY PROC: 12/29/93

ENTITY NAME: NATIONWIDE CLOSEOUT NYC CORPORATION  
REINSTATE: 12/01/16  
DIS BY PROC: 10/26/16

ENTITY NAME: NEST EASY, INC.  
REINSTATE: 12/14/16  
DIS BY PROC: 10/26/16

ENTITY NAME: ONE MEDICAL OF NY, P.C.  
REINSTATE: 11/25/16  
DIS BY PROC: 08/31/16

ENTITY NAME: OUTRE ENTERTAINMENT, INC.  
REINSTATE: 12/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: PAUL'S CORNER INC  
REINSTATE: 12/16/16  
DIS BY PROC: 08/31/16

ENTITY NAME: QUICK ACCESS FUNDING CORP.  
REINSTATE: 11/09/16  
DIS BY PROC: 10/26/16

ENTITY NAME: RUN DA (USA) INTERNATIONAL INC.  
REINSTATE: 10/27/16  
DIS BY PROC: 08/31/16

ENTITY NAME: SBS FOOD CORP.  
REINSTATE: 12/29/16  
DIS BY PROC: 08/31/16

ENTITY NAME: SHENGCHANG INTERIOR HOME IMPROVEMENT INC.  
REINSTATE: 12/01/16  
DIS BY PROC: 08/31/16

ENTITY NAME: SUN SUN FASHION INC.  
REINSTATE: 11/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: THE ADDESSI GROUP INC.  
REINSTATE: 12/30/16  
DIS BY PROC: 10/26/16

ENTITY NAME: THINK TANK ADVERTISING CORP.  
REINSTATE: 11/22/16  
DIS BY PROC: 10/26/16

ENTITY NAME: VR ENG, INC  
REINSTATE: 11/15/16  
DIS BY PROC: 10/26/16

ENTITY NAME: YUMMY PERFECTION INC.  
REINSTATE: 12/15/16  
DIS BY PROC: 10/26/16

COUNTY: NIAGARA

ENTITY NAME: ALLVANRAC INC.  
REINSTATE: 12/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: VALIANT HEARTS INCORPORATED  
REINSTATE: 12/23/16  
DIS BY PROC: 08/31/16

COUNTY: ONEIDA

ENTITY NAME: YK UTICA DISCOUNT CORP.  
REINSTATE: 12/01/16  
DIS BY PROC: 08/31/16

COUNTY: ONONDAGA

ENTITY NAME: C U C INC.  
REINSTATE: 11/30/16  
DIS BY PROC: 08/31/16

COUNTY: ORANGE

ENTITY NAME: INTERNATIONAL SAFETY SYSTEMS INC.  
REINSTATE: 12/21/16  
DIS BY PROC: 07/29/09

ENTITY NAME: L&J CONSTRUCTION CONTRACTING INC.  
REINSTATE: 11/25/16  
DIS BY PROC: 08/31/16

ENTITY NAME: 3 FREI CORP.  
REINSTATE: 11/25/16  
DIS BY PROC: 08/31/16

COUNTY: PUTNAM

ENTITY NAME: GCG CONSTRUCTION INC.  
REINSTATE: 10/17/16  
DIS BY PROC: 08/31/16
COUNTY: QUEENS

ENTITY NAME: AMERICAN EAGLE TOUR CORPORATION
REINSTATE: 11/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: APPBASKET INC.
REINSTATE: 12/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: ARDIGOO INC.
REINSTATE: 11/21/16
DIS BY PROC: 10/26/16

ENTITY NAME: BARGAIN 99 CENTS PLUS & DISCOUNT II, INC.
REINSTATE: 11/15/16
DIS BY PROC: 08/31/16

ENTITY NAME: C N J RESTORATION CORP
REINSTATE: 11/08/16
DIS BY PROC: 10/26/16

ENTITY NAME: CHACO CORP.
REINSTATE: 10/13/16
DIS BY PROC: 08/31/16

ENTITY NAME: CINDERELLA & JOY INC.
REINSTATE: 10/28/16
DIS BY PROC: 10/26/16

ENTITY NAME: CLASS CONSTRUCTION/REN INC.
REINSTATE: 12/15/16
DIS BY PROC: 08/31/16

ENTITY NAME: CRIS & JASON BEAUTY STUDIO, INC.
REINSTATE: 11/16/16
DIS BY PROC: 06/29/16

ENTITY NAME: CYPRIANS REALTY CORP.
REINSTATE: 11/21/16
DIS BY PROC: 10/26/16

ENTITY NAME: DARP TOW INC.
REINSTATE: 12/01/16
DIS BY PROC: 10/26/16

ENTITY NAME: DOCKERY EXPRESS INC
REINSTATE: 12/12/16
DIS BY PROC: 08/31/16

ENTITY NAME: DOWELL K&B SUPPLIES INC
REINSTATE: 12/05/16
DIS BY PROC: 08/31/16

ENTITY NAME: EXOTIC SEX SUTRA TOYS, INC.
REINSTATE: 12/01/16
DIS BY PROC: 08/31/16

ENTITY NAME: GRACE & LOREN’S NAILS INC
REINSTATE: 11/22/16
DIS BY PROC: 10/26/16

ENTITY NAME: GRACE’S PLACE INC.
REINSTATE: 11/25/16
DIS BY PROC: 08/31/16

ENTITY NAME: JAMES LEACH HOME IMPROVEMENTS INC.
REINSTATE: 12/12/16
DIS BY PROC: 08/31/16

ENTITY NAME: JMJC REALTY CORP.
REINSTATE: 10/31/16
DIS BY PROC: 10/26/16

ENTITY NAME: LIMA’S INCOME TAX CORP.
REINSTATE: 10/31/16
DIS BY PROC: 10/26/16

ENTITY NAME: LIMONGELLI ELECTRIC CORP.
REINSTATE: 12/29/16
DIS BY PROC: 06/29/16

ENTITY NAME: LINDEN GOLD RUSH, INC.
REINSTATE: 11/16/16
DIS BY PROC: 10/26/16

ENTITY NAME: M & B DONUT, INC.
REINSTATE: 10/14/16
DIS BY PROC: 07/27/11

ENTITY NAME: MAIWAND FOOD CORP.
REINSTATE: 12/09/16
DIS BY PROC: 06/29/16

ENTITY NAME: MANGIA MEGALE CORP
REINSTATE: 12/01/16
DIS BY PROC: 08/31/16

ENTITY NAME: MD LEE CONSTRUCTIONS CORP.
REINSTATE: 11/15/16
DIS BY PROC: 08/31/16

ENTITY NAME: MEDICAL PROFESSIONAL GROUP, P.C.
REINSTATE: 12/23/16
DIS BY PROC: 08/31/16

ENTITY NAME: METRO CUSTOM CABINETS CORP.
REINSTATE: 12/01/16
DIS BY PROC: 06/29/16

ENTITY NAME: MINI STARLIGHT COFFEE SHOP INC.
REINSTATE: 12/01/16
DIS BY PROC: 08/31/16

ENTITY NAME: NEW MONSTER INC.
REINSTATE: 10/04/16
DIS BY PROC: 08/31/16

ENTITY NAME: PET PINION CORP
REINSTATE: 12/01/16
DIS BY PROC: 08/31/16

ENTITY NAME: R & W HALAL MEAT INC.
REINSTATE: 11/16/16
DIS BY PROC: 10/26/16

ENTITY NAME: RESIDENCE 8 CONDOMINIUM INC.
REINSTATE: 11/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: REWARD WORLD TRAVEL PASS, INC.
REINSTATE: 12/01/16
DIS BY PROC: 08/31/16

ENTITY NAME: SCHOLL MAINTENANCE, CORP.
REINSTATE: 11/25/16
DIS BY PROC: 10/26/16
ENTITY NAME: SEG MAINTENANCE, INC
REINSTATE: 11/15/16
DIS BY PROC: 10/26/16

ENTITY NAME: SELVA TRANSPORTATION INC.
REINSTATE: 10/31/16
DIS BY PROC: 10/26/16

ENTITY NAME: SIL-FASHION INC.
REINSTATE: 12/01/16
DIS BY PROC: 08/31/16

ENTITY NAME: SKYWAY RESTORATION INC
REINSTATE: 11/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: SOUTH FERRY DEVELOPMENT CORP.
REINSTATE: 11/15/16
DIS BY PROC: 08/31/16

ENTITY NAME: SPRINGFIELD DONUT, INC.
REINSTATE: 10/14/16
DIS BY PROC: 07/27/11

ENTITY NAME: SUNDAY ENTERTAINMENT CONCEPTS (USA) INC.
REINSTATE: 11/25/16
DIS BY PROC: 08/31/16

ENTITY NAME: TACOS & BAKERY JALAPENO CORP.
REINSTATE: 12/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: TECHNO MEN NY INC
REINSTATE: 11/15/16
DIS BY PROC: 10/26/16

ENTITY NAME: TOP FASHION INC.
REINSTATE: 12/23/16
DIS BY PROC: 08/31/16

ENTITY NAME: UNITED INTERNATIONAL SOURCE CORP.
REINSTATE: 10/27/16
DIS BY PROC: 06/29/16

ENTITY NAME: US CARGO EXPRESS INC.
REINSTATE: 10/28/16
DIS BY PROC: 10/26/16

ENTITY NAME: VELKAST & ASSOCIATES INC.
REINSTATE: 12/07/16
DIS BY PROC: 08/31/16

ENTITY NAME: VIVIA PECUNIA CORP.
REINSTATE: 12/22/16
DIS BY PROC: 08/31/16

ENTITY NAME: WANGFA INTERNATIONAL TRADE INC.
REINSTATE: 11/21/16
DIS BY PROC: 10/26/16

ENTITY NAME: WEDDING-SUTRA, INC.
REINSTATE: 12/01/16
DIS BY PROC: 08/31/16

ENTITY NAME: WIS INC
REINSTATE: 10/11/16
DIS BY PROC: 06/29/16

ENTITY NAME: 1314 GRAND CONCOURSE REALTY CORP.
REINSTATE: 11/25/16
DIS BY PROC: 10/28/09

ENTITY NAME: 46-22 CORP.
REINSTATE: 12/27/16
DIS BY PROC: 10/26/16

ENTITY NAME: 5 STAR CLEANING, INC.
REINSTATE: 10/28/16
DIS BY PROC: 10/26/16

COUNTY: RICHMOND

ENTITY NAME: JR GLAM INC.
REINSTATE: 10/25/16
DIS BY PROC: 08/31/16

ENTITY NAME: KAMCO GROUP, LTD.
REINSTATE: 11/15/16
DIS BY PROC: 10/26/16

ENTITY NAME: LANDLINE CONTRACTING, INC.
REINSTATE: 10/24/16
DIS BY PROC: 08/31/16

ENTITY NAME: MAJOR TRANSPORTATION INC.
REINSTATE: 10/28/16
DIS BY PROC: 10/26/16

ENTITY NAME: MISAKI CORP.
REINSTATE: 12/06/16
DIS BY PROC: 08/31/16

COUNTY: ROC KLAND

ENTITY NAME: ALPHONSO E. BROWN FUNERAL DIRECTORS, INC.
REINSTATE: 11/08/16
DIS BY PROC: 10/26/16

ENTITY NAME: APPLE CONDO CORPORATION
REINSTATE: 10/06/16
DIS BY PROC: 08/31/16

ENTITY NAME: MILSADE LTD.
REINSTATE: 11/09/16
DIS BY PROC: 08/31/16

ENTITY NAME: NICHOLAS AND PETER CORPORATION
REINSTATE: 11/03/16
DIS BY PROC: 08/31/16

ENTITY NAME: SPOTLIGHT PRO NY INC.
REINSTATE: 11/25/16
DIS BY PROC: 08/31/16

ENTITY NAME: TWO BROTHERS MASONS INC.
REINSTATE: 11/21/16
DIS BY PROC: 10/26/16

COUNTY: SARATOGA

ENTITY NAME: KINNEY SERVICES, INC.
REINSTATE: 11/25/16
DIS BY PROC: 08/31/16
COUNTY: SUFFOLK

ENTITY NAME: C&C MECHANICAL SOLUTIONS CORP
REINSTATE: 10/31/16
DIS BY PROC: 10/26/16

ENTITY NAME: CONSTRUCTIVE CONSULTING CORPORATION
REINSTATE: 12/21/16
DIS BY PROC: 06/29/16

ENTITY NAME: DEBBIE FISHKIN MA, CCC-SLP P.C.
REINSTATE: 12/23/16
DIS BY PROC: 06/29/16

ENTITY NAME: GENEL'S WORLD OF FLOORS, LTD.
REINSTATE: 12/23/16
DIS BY PROC: 03/31/04

ENTITY NAME: ILF MOBILE APPS CORP.
REINSTATE: 11/01/16
DIS BY PROC: 08/31/16

ENTITY NAME: INSIGHT FACILITIES SOLUTIONS INC.
REINSTATE: 10/25/16
DIS BY PROC: 06/29/16

ENTITY NAME: I.I. FUEL OIL CO., INC.
REINSTATE: 12/23/16
DIS BY PROC: 08/31/16

ENTITY NAME: NORTHRAY, LTD.
REINSTATE: 11/08/16
DIS BY PROC: 10/26/16

ENTITY NAME: PRA & ASSOCIATES INC.
REINSTATE: 11/15/16
DIS BY PROC: 08/31/16

ENTITY NAME: SAMARA SPRING CHURGIN, MEDICAL DOCTOR, PROFESSIONAL CORPORATION
REINSTATE: 10/25/16
DIS BY PROC: 08/31/16

COUNTY: ULSTER

ENTITY NAME: HRR CORP.
REINSTATE: 11/21/16
DIS BY PROC: 10/26/16

COUNTY: WESTCHESTER

ENTITY NAME: BASKETBALL IS FUNDAMENTAL, INC.
REINSTATE: 12/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: CATALINA NAVARRO DDS P.C.
REINSTATE: 10/12/16
DIS BY PROC: 08/31/16

ENTITY NAME: CHOICE NAIL STUDIO CORP.
REINSTATE: 11/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: CMX CONSTRUCTION CORP
REINSTATE: 12/09/16
DIS BY PROC: 10/26/16

COUNTY: ALBANY

ENTITY NAME: APPRECIATION EVENTS, INC.
JURIS: CALIFORNIA
REINSTATE: 11/21/16
ANNUL OF AUTH: 01/25/12

ENTITY NAME: DELTA SCIENTIFIC CORPORATION
JURIS: CALIFORNIA
REINSTATE: 12/29/16
ANNUL OF AUTH: 08/31/16

ENTITY NAME: LIFE QUOTES, INC.
JURIS: ILLINOIS
REINSTATE: 11/15/16
ANNUL OF AUTH: 10/26/16

ENTITY NAME: TUV RHEINLAND INDUSTRIAL SOLUTIONS, INC.
JURIS: MICHIGAN
REINSTATE: 11/01/16
ANNUL OF AUTH: 08/31/16

COUNTY: BRONX

ENTITY NAME: ENTERPRISE INFINITY SYSTEMS, INC.
JURIS: NEW JERSEY
REINSTATE: 10/31/16
ANNUL OF AUTH: 06/29/16

COUNTY: ERIE

ENTITY NAME: SENeca PROMotions, INC.
JURIS: ALL OTHERS
REINSTATE: 11/08/16
ANNUL OF AUTH: 10/26/16
COUNTY: KINGS
ENTITY NAME: KNOWN MERCHANT, INC.
JURIS: DELAWARE
REINSTATE: 11/01/16
ANNUL OF AUTH: 08/31/16

ENTITY NAME: REHABILITATION CHOICE, INC.
JURIS: MICHIGAN
REINSTATE: 12/20/16
ANNUL OF AUTH: 04/25/12

ENTITY NAME: SAGE PUBLICATIONS, INC.
JURIS: DELAWARE
REINSTATE: 11/03/16
ANNUL OF AUTH: 08/31/16

COUNTY: MONROE
ENTITY NAME: BELL CORP.
FICT NAME: BELL OF ROCHESTER
JURIS: DELAWARE
REINSTATE: 12/12/16
ANNUL OF AUTH: 01/26/11

ENTITY NAME: IBERDROLA ENERGY PROJECTS INC.
JURIS: DELAWARE
REINSTATE: 10/12/16
ANNUL OF AUTH: 08/31/16

ENTITY NAME: STRONG ARM TECHNOLOGIES, INC.
JURIS: DELAWARE
REINSTATE: 12/06/16
ANNUL OF AUTH: 10/26/16

COUNTY: NASSAU
ENTITY NAME: AMERI-SWISS MERCHANT LTD.
JURIS: DELAWARE
REINSTATE: 10/04/16
ANNUL OF AUTH: 08/31/16

ENTITY NAME: SPEC SIMPLE, INC.
JURIS: DELAWARE
REINSTATE: 12/01/16
ANNUL OF AUTH: 08/31/16

ENTITY NAME: VET Aura, INC.
JURIS: DELAWARE
REINSTATE: 12/12/16
ANNUL OF AUTH: 08/31/16

COUNTY: NEW YORK
ENTITY NAME: ADDEPAR, INC.
JURIS: DELAWARE
REINSTATE: 10/24/16
ANNUL OF AUTH: 08/31/16

ENTITY NAME: AECOM TECHNOLOGY CORPORATION
JURIS: DELAWARE
REINSTATE: 11/30/16
ANNUL OF AUTH: 10/26/16

ENTITY NAME: BROKEN FOOT PRODUCTIONS, INC.
FICT NAME: BROKEN FOOT (NY) PRODUCTIONS
JURIS: CALIFORNIA
REINSTATE: 12/01/16
ANNUL OF AUTH: 10/26/16
| ENTITY NAME: PIVOTAL SOFTWARE, INC. | ENTITY NAME: WHITE STAR CAPITAL USA, INC. |
| JURIS: DELAWARE | JURIS: DELAWARE |
| REINSTATE: 12/12/16 | REINSTATE: 12/06/16 |
| ANNUL OF AUTH: 10/26/16 | ANNUL OF AUTH: 10/26/16 |
| ENTITY NAME: PREMIER SUPPLY CHAIN IMPROVEMENT, INC. | ENTITY NAME: ZUMFUN INC. |
| JURIS: DELAWARE | JURIS: DELAWARE |
| REINSTATE: 10/05/16 | REINSTATE: 10/31/16 |
| ANNUL OF AUTH: 06/29/16 | ANNUL OF AUTH: 10/26/16 |
| ENTITY NAME: ROCHE TCRC, INC. | ENTITY NAME: I1IFE HEALTHCARE, INC. |
| JURIS: DELAWARE | JURIS: DELAWARE |
| REINSTATE: 12/09/16 | REINSTATE: 11/09/16 |
| ANNUL OF AUTH: 10/26/16 | ANNUL OF AUTH: 08/31/16 |
| COUNTY: NIAGARA | |
| ENTITY NAME: N. HARRIS COMPUTER CORPORATION | |
| JURIS: ONTARIO | |
| REINSTATE: 10/28/16 | |
| ANNUL OF AUTH: 08/31/16 | |
| COUNTY: ONONDAGA | |
| ENTITY NAME: MR. BULT’S, INC. | |
| JURIS: ILLINOIS | |
| REINSTATE: 10/28/16 | |
| ANNUL OF AUTH: 08/31/16 | |
| COUNTY: QUEENS | |
| ENTITY NAME: DELL SOFTWARE INC. | |
| JURIS: DELAWARE | |
| REINSTATE: 11/22/16 | |
| ANNUL OF AUTH: 10/26/16 | |
| COUNTY: RENSSELAER | |
| ENTITY NAME: PITNEY BOWES SOFTWARE INC. | |
| JURIS: DELAWARE | |
| REINSTATE: 12/14/16 | |
| ANNUL OF AUTH: 06/29/16 | |
| ENTITY NAME: UMS GROUP INC. | |
| FICT NAME: UMS GROUP HOLDINGS | |
| JURIS: NEW JERSEY | |
| REINSTATE: 10/31/16 | |
| ANNUL OF AUTH: 10/26/16 | |
| COUNTY: SARATOGA | |
| ENTITY NAME: PROFESSIONAL PERFORMANCE DEVELOPMENT GROUP, INC. | |
| JURIS: TEXAS | |
| REINSTATE: 11/29/16 | |
| ANNUL OF AUTH: 10/26/16 | |
| COUNTY: SCHENECTADY | |
| ENTITY NAME: TOLY DIGITAL NETWORKS, INC. | |
| JURIS: FLORIDA | |
| REINSTATE: 10/27/16 | |
| ANNUL OF AUTH: 08/31/16 | |

**NOTICE OF CANCELLATION OF ANNULMENT OF AUTHORITY OF CERTAIN FOREIGN CORPORATIONS**

Under the Provisions of Section 203-b of the Tax Law, As Amended
The Secretary of State hereby provides notice that the following foreign corporations, which had their authority to do business in this
State annulled in the manner prescribed by Section 203-b of the Tax Law, have complied with the provisions of subdivision (7) of Section 203-b of the Tax Law, annulling all of the proceedings theretofore taken for the annulment of authority of each such corporation. The appropriate entries have been made on the records of the Department of State.

COUNTY: ALBANY

ENTITY NAME: MESSAGE CENTER MANAGEMENT, INC.  
JURIS: DELAWARE  
REINSTATE: 12/23/16  
ANNUL OF AUTH: 06/26/02

ENTITY NAME: TOUTON U.S.A. LIMITED  
JURIS: INDIANA  
REINSTATE: 10/17/16  
ANNUL OF AUTH: 08/31/16

COUNTY: MONROE

ENTITY NAME: MIDWEST FINANCIAL ACCEPTANCE CORPORATION  
JURIS: MISSOURI  
REINSTATE: 11/17/16  
ANNUL OF AUTH: 10/28/09

ENTITY NAME: BRATTFORD INVESTMENTS LIMITED  
JURIS: ALL OTHERS  
REINSTATE: 12/08/16  
ANNUL OF AUTH: 10/26/11

ENTITY NAME: BUJEON ELECTRONICS CO., LTD.  
JURIS: KOREA  
REINSTATE: 11/23/16  
ANNUL OF AUTH: 07/27/11

ENTITY NAME: MEDIANEWS GROUP, INC.  
JURIS: DELAWARE  
REINSTATE: 11/04/16  
ANNUL OF AUTH: 08/31/16

ENTITY NAME: MONTROSE SECURITIES INTERNATIONAL  
JURIS: CALIFORNIA  
REINSTATE: 10/19/16  
ANNUL OF AUTH: 06/25/03

ENTITY NAME: ONB INSURANCE GROUP, INC.  
FICT NAME: ONB INSURANCE GROUP AGENCY  
JURIS: INDIANA  
REINSTATE: 12/02/16  
ANNUL OF AUTH: 10/27/10

ENTITY NAME: QUOVERA, INC.  
JURIS: CALIFORNIA  
REINSTATE: 10/03/16  
ANNUL OF AUTH: 10/26/11

ENTITY NAME: R2 SYSTEMS, INC.  
JURIS: CALIFORNIA  
REINSTATE: 12/28/16  
ANNUL OF AUTH: 06/29/16

COUNTY: NEW YORK

ENTITY NAME: BNN GROUP, INC.  
JURIS: NEW JERSEY  
REINSTATE: 12/05/16  
ANNUL OF AUTH: 07/27/11

ENTITY NAME: RUFF SR., JAMES H.  
ESTATE OF  
BROOKLYN NY

ENTITY NAME: MC GOWAN, JANET S.  
ESTATE OF  
ALBANY NY

ENTITY NAME: ONB INSURANCE GROUP, INC.  
FICT NAME: ONB INSURANCE GROUP AGENCY  
JURIS: INDIANA  
REINSTATE: 12/02/16  
ANNUL OF AUTH: 10/27/10

ENTITY NAME: QUOVERA, INC.  
JURIS: CALIFORNIA  
REINSTATE: 10/03/16  
ANNUL OF AUTH: 10/26/11

ENTITY NAME: R2 SYSTEMS, INC.  
JURIS: CALIFORNIA  
REINSTATE: 12/28/16  
ANNUL OF AUTH: 06/29/16

ENTITY NAME: TRIPLE CANOPY, INC.  
JURIS: ILLINOIS  
REINSTATE: 12/09/16  
ANNUL OF AUTH: 10/26/16

ENTITY NAME: UIA, INC.  
JURIS: NEW JERSEY  
REINSTATE: 12/06/16  
ANNUL OF AUTH: 01/26/11

COUNTY: SUFFOLK

ENTITY NAME: PRECISION TIME SYSTEMS, INC.  
JURIS: PENNSYLVANIA  
REINSTATE: 11/10/16  
ANNUL OF AUTH: 04/27/11

PUBLIC NOTICE

New York State and Local Retirement Systems  
Unclaimed Amounts Payable to Beneficiaries

Pursuant to the Retirement and Social Security Law, the New York State and Local Retirement Systems hereby gives public notice of the amounts payable to beneficiaries.

The State Comptroller, pursuant to Sections 109 (a) and 409 (a) of the Retirement and Social Security Law has received, from the New York State and Local Retirement Systems, a listing of beneficiaries or estates having unclaimed amounts in the Retirement System. A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement Systems located at 110 State St., in the City of Albany, New York.

Set forth below are the names and addresses (last known) of beneficiaries and estates appearing from the records of the New York State and Local Retirement Systems, entitled to the unclaimed benefits.

At the expiration of six months from the date of publication of this list of beneficiaries and estates, unless previously paid to the claimant, the amounts shall be deemed abandoned and placed in the pension accumulation fund to be used for the purpose of said fund.

Any amounts so deemed abandoned and transferred to the pension accumulation fund, may be claimed by the executor or administrator of the estates or beneficiaries so designated to receive such amounts, by filing a claim with the State Comptroller. In the event such claim is properly made, the State Comptroller shall pay over to the estates or to the person or persons making such claim, the amount without interest.

BENEFICIARY NAME  
PUBLICATION CITY  
PUB STATE

FOSS, CHARLES R.  
EL PASO  
TX

READ, GORDON N  
MANCHESTER  
NH

FOLKMAN, GYORGYI  
ALBANY  
NY

AUSTIN, SHARON SMITH  
PHILADELPHIA  
PA

RUSS, JAMES H.  
BROOKLYN  
NY

ROUNSVILLE, FREDERICK  
NORESHEADS  
NY

MC GOWAN, JANET S.  
ALBANY  
NY

ARROYO, MONSERATE  
BAY SHORE  
NY

CRAIG, GWENDOLYN  
YONKERS  
NY

BADINER, JACOB S.  
MATAWAN  
MI

BEVERLY, ALICE  
ALBANY  
NY

WOLFSON, ESTATE OF  
MENANDS  
VA
The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP).

The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2018-0598, Ludvipol, LLC and Roger Flik are proposing maintenance dredging of two existing marinas, and new dredging of a fairway area to reach the federal navigation channel within Mamaroneck Harbor, Village of Mamaroneck, Westchester County. Approximately 13,934 cubic yards of material will be removed and is proposed to be disposed of at the Western Long Island Sound Disposal Site (WLDS).

The applicants’ submission can be downloaded at: F-2018-0598LudvipolLLCFlikConsistencyCertification.pdf

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice or by January 3, 2018.
Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE
Department of State  
F-2018-0740

Date of Issuance – December 19, 2018

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. Public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York. Portions of the application are also available for review at: http://www.dos.ny.gov/rop/programs/pdfs/Consistency/F-2018-0740_ApplicationForPN.pdf

In F-108-0740, Mr. Ashwatha Narayana, is proposing the Shoreline Stabilization and Dock Project in Stockport Creek at 156 Hidden Estate Road, Town of Stockport & Columbia County. The applicant proposes to undertake site improvements consisting of stabilizing approximately 113 linear feet of shoreline with riprap (proposing 3ft riverward encroachment); in-kind replacement of an existing timber bulkhead using 2‘x2’x6’ jersey blocks; installing a 5‘x15’ gangway and a 8‘x16’ pressure-treated floating dock; constructing an upland wooden staircase from existing residence to the proposed site improvements (14’ wide limit of tree clearing); and upgrading the existing septic system. The stated purpose of the project is to place a pre-engineered residential structure on an existing foundation with associated wastewater treatment system and improve waterfront access from the main residence.

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Stockport Creek and Flats Significant Coastal Fish and Wildlife Habitat: https://www.dos.ny.gov/rop/programs/consistency/Habitats/HudsonRiver/Stockport_Creek_and_Flats_and_Marsh_FINAL.pdf

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, January 3, 2018.

Comments should be addressed to: the Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Plaza, 99 Washington Avenue, Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE
Department of State  
F-2018-1076

Date of Issuance – December 19, 2018

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York, and are available for review at: http://www.dos.ny.gov/rop/programs/pdfs/Consistency/F-2018-1076_Application.pdf

In F-2018 1076, Sprague Operating Resources, LLC, is proposing the Sprague Shoreline Stabilization Project in Mott Creek at 1 Bay Boulevard, City of Lawrence, Nassau County. The stated purpose of the project is to temporarily stabilize a failing steel sheet bulkhead at an existing oil terminal facility. The applicant proposes to install 4 steel buttresses, 2 lower steel whalers (18’10” long and 8’6” long), 1 upper steel whaler (18’4” long), a 7 pile barge mooring cluster, an approximately 8-ft fender return on the western side consisting of 4 piles and 2 steel whalers. Additionally, an open grate platform would be installed on the landward side of the existing steel sheet bulkhead.

The proposed activity would be located within or has the potential to affect the Jamaica Bay Significant Coastal Fish and Wildlife Habitat: https://www.dos.ny.gov/rop/programs/consistency/Habitats/nyc/Jamaica_Bay.pdf

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, January 18, 2019.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE
Department of State  
F-2018-1237

Date of Issuance – December 19, 2018

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2018-1237, New Haven Terminal, New Haven Harbor, New Haven, CT - is proposing maintenance dredging of the existing commercial terminal. Approximately 24,500 cubic yards of material will be removed and is proposed to be disposed of at the Central Long Island Sound Disposal Site (CLSD).

The applicants’ submission can be downloaded at:

- F-2018-1237/NewHavenTerminalConsistencyCertification.pdf

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):


Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice or by January 3, 2018.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington
NYS Register/December 19, 2018

PUBLIC NOTICE
Department of State
F-2018-1251 (DA)
Date of Issuance – December 19, 2018

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

A federal agency has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency’s consistency determination and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2018-1251 (DA), the U.S. Army Corps of Engineers, Buffalo District has submitted a consistency determination for the maintenance dredging of Rochester Harbor with subsequent open-water disposal of 250,000 cubic yards of dredged material at the open-lake placement area located 1.5 miles from the harbor’s West Pierhead light at an azimuth of 060°00′.

The Corps’ consistency determination can be downloaded at: F-2018-1251(DA)/COE_RochesterHarborDredging.pdf

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, by Thursday, January 3, 2019.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE
Department of State
Uniform Code Variance/Appeal Petitions
2018-0382 Matter of Stanley Hayes, Hyman Hayes Associates, LLC/Principal, Six Wembley Court, Albany, NY 12205 for a variance concerning a violation of the International Building Code with respect to the installation of building code required audio fire alarm notification devices in a building containing a “B Research Laboratory”. The building is part of a group of buildings known as the Albany Medical Center Hospital located at 43 New Scotland Ave., City of Albany, County of Albany, State of New York.

PUBLIC NOTICE
Department of State
Uniform Code Variance/Appeal Petitions
2018-0444 Matter of James Lawrence of “Mohawk Adjustment Services LLC” 142 Front St. City of Schenectady, County of Schenectady, State of New York for a variance concerning a violation of the “Multiple Residence Law” in a building containing an R-2 (Multiple Dwelling) occupancy. The building is located at Five Union Street, City of Schenectady, County of Schenectady, State of New York.

PUBLIC NOTICE
Department of State
Uniform Code Variance/Appeal Petitions
2018-0504 Matter of Patrick Haggerty, 11 South Church Street, City of Schenectady, County of Schenectady, State of New York for a variance concerning a violation of the “Multiple Residence Law” in a building containing an R-2 (Multiple Dwelling) occupancy. The building is located at 11 South Church Street, City of Schenectady, County of Schenectady, State of New York.

PUBLIC NOTICE
Department of State
Uniform Code Variance/Appeal Petitions
2018-0526 Matter of Craig Garrow, PO Box 786, Village of Malone, County of Franklin, State of New York for a variance concerning a violation of the “Uniform Code” with respect to minimum ceiling height in a two family residence occupancy. The building is located at 13 Cedar St., Village of Malone, County of Franklin, State of New York.

PUBLIC NOTICE
Department of State
Uniform Code Variance/Appeal Petitions
2018-0551 Matter of Russell And Patricia Fritz, 58 Union Avenue Apt. One, City of Schenectady, County of Schenectady, State of New York for a variance concerning a violation of the “Multiple Residence Law” in a building containing an R-2 (Multiple Dwelling) occupancy. The building is located at 58 Union Avenue, City of Schenectady, County of Schenectady, State of New York.

PUBLIC NOTICE
Department of State
Uniform Code Regional Boards of Review
Pursuant to 19 NYCRR Part 1205, the petition below has been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0578 In the matter of Emily Vogel and Paul Wu, Four Evergreen Lane, Ithaca, NY 14850 concerning safety requirements including a variance for reduction in required height of existing handrails and guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, three stories in height, located at 104 Utica Street, City of Ithaca, County of Tompkins, New York.

PUBLIC NOTICE
Department of State
Uniform Code Variance/Appeal Petitions
2018-0580 Matter of New York Power Authority, Anthony Impeluso, 123 Main Street, White Plains, NY 10601, for a variance concerning safety requirements, including ceiling height.

PUBLIC NOTICE
Department of State
Uniform Code Variance/Appeal Petitions
Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0598 Matter of New York Power Authority, Anthony Impeluso, 123 Main Street, White Plains, NY 10601, for a variance concerning safety requirements, including ceiling height.

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2018-0583 Matter of AP Lofts at Larkinville located at 545 Swan Street, City of Buffalo (Erie County), NY, for a variance concerning raised platform for tub shower units. (Board Variance).

PUBLIC NOTICE
Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0584 Matter of Hadley Exhibits located at 334 Grote Street, City of Buffalo (Erie County), NY, for a variance concerning bathroom accessibility (Routine Variance).

PUBLIC NOTICE
Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0585 Matter of Majewski Residence located at 310 and 312 Normal Street, City of Buffalo (Erie County), NY, for a variance concerning Exterior Wall Openings. (Routine Variance).