

REGULATORY AGENDA

DEPARTMENT OF AGRICULTURE AND MARKETS

Pursuant to sub-division 1 of section 202-d of the State Administrative Procedure Act, notice is hereby provided of the following rules which the Department of Agriculture and Markets is considering proposing but for which a rulemaking proceeding has not been commenced. All section and Part references are to Title 1 of the New York Code of Rules and Regulations.

DIVISION OF MILK CONTROL AND DAIRY SERVICES

- Parts 2 & 3 Consider amending requirements for the production, processing and distribution of milk and milk products.
- Section 2.8 Consider amending the pasteurized milk and pasteurized cultured product standards to include a zero tolerance standard for pathogenic coliform.
- Part 17 Consider adoption of current federal standards of identity for milk and milk products.
- Parts 19 & 20 Consider repeal of the New York-New Jersey milk marketing regulation because of implementation of a Federal Northeast Milk Marketing Area.
- Part 21 Consider amending the Western New York Milk Marketing Area to correspond with changes under the Federal Northeast Milk Marketing Area.
- Part 24 Consider amending milk dealer licensing procedures to reduce certain reporting requirements for milk dealers and clarifying license classifications of such dealers.
- Parts 40 & 43 Consider amending the Dairy Promotion Order and milk producer security provisions to conform to changes in the federal milk marketing order reform.
- Part 41 Consider amending milk transportation provisions to conform to Agriculture and Markets Law §257-a.
Name of agency contact: Will Francis
Office Address: 1 Winners Circle
Albany, New York 12235
Telephone number: 518-457-1772

DIVISION OF ANIMAL INDUSTRY

- Part 45 Consider amending the avian influenza control provisions to establish a sanitation, cleaning and disinfection program applicable to live poultry markets and to prohibit the direct movement of live poultry from the farm to a live poultry market to control avian influenza.
- Part 46 Consider adoption of federal standards (UM & R) for brucellosis in cattle, bison, swine and deer.
- Part 54 Consider adoption of provisions to control the

importation and movement of birds from states where Exotic New Castle Disease (END) has been diagnosed.

- Part 57 Consider repeal of certain requirements relating to the control of Salmonella enteritidis (SE), to take into account new technology and poultry industry participation in a voluntary program intended to minimize the potential for SE contamination of eggs.
- Part 60 Consider adoption of federal standards (UM & R) for tuberculosis testing for cattle, bison, swine, goats, and deer.
- Part 61 Consider adoption of record keeping requirements for swine, cervid, camelid, goat, and sheep dealers and sanitation and record keeping requirements for poultry transporters.
- Part 62 Consider adoption of federal standards (UM & R and 9 CFR) for the interstate movement of sheep, goats, deer and llamas and the intrastate movement of deer.
- Part 62 Consider amending existing Chronic Wasting Disease control provisions, to establish mandatory requirements applicable to captive cervid producers and hunting preserves.
- Section 62.8 Consider adoption of requirements for the importation of deer to prevent the introduction of Chronic Wasting Disease into New York State. (Currently, a rule on the subject is in effect on an emergency basis.)
- Section 64.9 Consider the repeal of provisions which exempt certain horses claimed in a claiming race from EIA testing.
Name of agency contact: Dr. Jeffrey Huse
Office Address: 1 Winners Circle
Albany, New York 12235
Telephone number: 518-457-3502
- DIVISION OF PLANT INDUSTRY
- Section 95.3 Consider changing a reference to the "International Crop Improvement Association" to the organization's current name "Association of Official Seed Certifying Agencies."
- Section 95.5 Consider changing the germination of vegetable seed standards for chives and upland cress, to conform with the Association of American Seed Control Officials Recommended Uniform State Seed Law.
- Part 131 Consider amending the Pine Shoot Beetle quarantine to conform to federal quarantine provisions.

Part 137 Consider repeal of Pear Root Stock and Seed quarantine.

Part 139 Consider amending provisions for control of the Asian Long Horned Beetle to revise the quarantine area and the list of host trees. (Currently, a rule on the subject is in effect on an emergency basis.)

Section 153.7 Consider establishing a fertilizer tonnage report form.
 Name of agency contact: Robert Mungari
 Office Address: 1 Winners Circle
 Albany, New York 12235
 Telephone number: 518-457-2087

BUREAU OF WEIGHTS AND MEASURES

Section 220.1 Consider changing the issuing authority for Certificates of Conformance to the National Conference on Weights and Measures under the National Type Evaluation Program and adding formal procedures to withdraw a Certificate of Type Approval.

Section 220.1 Consider granting authority to weights and measures officials to accept certain specified device types without prior approval by the Commissioner, provided the device is inspected for conformity with applicable standards and the official notifies the Commissioner.

Section 220.2 Consider adoption of the 2003 edition of NIST Handbook 44, which contains the specifications and tolerances for commercial weighing devices.

Sections 220.3(e), 220.4, 220.12 Consider amending methods for collecting and unpaid device testing fees and increasing fees for services where Department costs have increased.

Part 221 Consider adopting national standards, based on "NIST Handbook 130," for commodity labeling and methods of sale for foods and consumer commodities under the Department's jurisdiction.

Section 221.11 Consider adoption of the 2003 Edition of NIST Handbook 133 relating to procedures for testing packaged goods.

Section 224.2 Consider adoption of the current version of Section 5 of the Annual Book of Standards, which contains the specifications and test methods for petroleum products established by the American Society for Testing and Materials for petroleum products. (The 1992 edition is now in effect.)

Section 224.3, and 224.9 Consider amending definitions and tests for octane rating to conform to Federal Trade Commission Rules.
 Name of agency contact: Ross Andersen
 Office Address: 1 Winners Circle
 Albany, New York 12235
 Telephone number: 518-457-3146

DIVISION OF FOOD SAFETY AND INSPECTION

Part 245 Consider amending sanitation requirements for small animal slaughterhouses.

Part 260 Consider adoption of federal standards (21 CFR Part 120) relative to the manufacturing of fruit juices.

Part 262 Consider adoption of federal standards (21 CFR Part 123) relative to Fish and Fishery Products.

Part 271 Consider amending retail food store requirements to incorporate portions of the FDA's 1999 Model Food Code.

Part 302 Consider adoption of sanitation requirements for rendering plants.
 Name of agency contact: Joseph Corby

Office Address: 1 Winners Circle
 Albany, New York 12235
 Telephone number: 518-457-4492
 EXECUTIVE DIVISION

Part 350 Consider repeal of entry fee maximums at local fairs.

Parts 360 and 365 Consider amending regulations relating to public access to Department records.
 Name of agency contact: Jessica Chittenden
 Office Address: 1 Winners Circle
 Albany, New York 12235
 Telephone number: 518-457-3136

DIVISION OF AGRICULTURAL PROTECTION AND DEVELOPMENT

Section 380.1 Consider amending provisions for licensing of farm products dealers to remove obsolete language.
 Name of agency contact: Kim Blot
 Office Address: 1 Winners Circle
 Albany, New York 12235
 Telephone number: 518-457-7076

BANKING DEPARTMENT

Second Half 2003

The New York State Banking Department, specifically the Superintendent of Banks and the staff of the Banking Department, is planning to seek comments on the following regulatory proposals:

1. Possible amendments to Part 14 of the General Regulations of the Banking Board (Investments in Corporations by Banks and Trust Companies) pertaining to investments by banks in subsidiary corporations, to cover various additional investments, such as investments in limited liability companies, joint ventures, trusts, minority-ownership investments; as well as review and possible updating of prior and after-the-fact notice procedures in Part 14.
2. Amendment to Part 410 of the Superintendent's Regulations (Mortgage Bankers: Licensing Requirements; Mortgage Brokers; Registration Requirements; Branch Applications; Notification Provisions: Books and Records; Annual Reports) requiring bankers and brokers, under certain circumstances, to establish and maintain particular policies and procedures and to maintain adequate books and records to allow for more thorough financial examinations by the Banking Department.
3. A review of the Gramm-Leach-Bliley Act, P.L. 106-102, and Federal regulatory proposals promulgated pursuant to the Act, to ascertain whether any regulations should be proposed under Section 14-g of the Banking Law (the so-called "wildcard" provision) to ensure parity between New York State-chartered banks and trust companies and national banks. Current areas of consideration include ownership of financial subsidiaries and underwriting of certain municipal bonds.
4. Addition of a new Part 414 to the Superintendent's Regulations to implement reporting requirements regarding instances of fraud or larceny in connection with a mortgage loan.
5. Addition of a new Part 315 to the Superintendent's Regulations to determine eligibility of a bank or trust company to participate in a community bank deposit program established by Article 15-A of the New York State Finance Law which authorizes the State Comptroller and the State Commissioner of Taxation and Finance to deposit state funds in community banking institutions that evidence a high degree of service to their local communities, in order to enhance the ability of such institutions to engage in commercial lending and promote economic development with their communities.

6. Amendment to Part 300 of the Superintendent's Regulations (Reporting of Crimes Against Banking Institutions, Mysterious Disappearances and Misconduct) to broaden coverage of institutions and events, specifically to require institutions to file the same with the Banking Department that they file with federal agencies.
 7. Addition of a new Part 342 of the Superintendent's Regulations requiring the Department to consider money laundering compliance in all chartering, licensing, merger, change in control and branching applications filed with the Department.
 8. Addition of a new Part 343 and amendments to Parts 400 and 406 of the Superintendent's Regulations requiring institutions licensed or chartered by the Department to maintain bank secrecy and OFAC compliance programs.
 9. Addition of a new Part 406 of the Superintendent's Regulations to provide standards for the use of agents and subagents by Licensed Money Transmitters.
 10. Amendment to Supervisory Procedure G 106 (Public Access to Banking Department Records; Trade Secret Exemption) to conform with Public Officers Law 89(3) by deleting the procedure that if access to records is neither granted or denied within 10 business days after the date of acknowledgment of receipt of a request, the request may be deemed denied and such denial may be appealed as hereinafter provided.
 11. Amendment to Part 38 of the General Regulations of the Banking Board (Definitions of Terms; Advertising; Application and Commitment Disclosures and Procedures; Improper Conduct under Article 12-D) definitions of full service branch and loan solicitation branch and the formalization of the definition of "net branch" and "application."
 12. Amendment to Supervisory Procedure CB 105 (Application for Approval of the Formation of a Bank Holding Company, the Expansion of an Existing Bank Holding Company, the Voting by a Bank Holding Company of the Stock of a Banking Subsidiary, a Merger, a Consolidation, or a Purchase of Assets) to clarify the applicability of portions thereof to particular types of transactions.
 13. Amendment to Supervisory Procedure CB 117 (Application for Companies Seeking to Acquire or Exercise Control of a Banking Institution Under Banking Law Section 143-b) to reflect current practice regarding waiver of particular information and/or acceptance of federal application information in its stead.
 14. Amendments to Part 16 of the General Regulations of the Banking Board (Certain Mergers and Acquisitions of Assets involving Banking Institutions) regarding interstate transactions.
 15. Amendments to Part 402 (Budget Planners) to reflect changes to budget planning law. These amendments were adopted on April 7, 2003 on an emergency basis.
 16. Amendments to Part 41 of the General Regulations of the Banking Board (Restrictions and Limitations on High Cost Loans) to ensure compliance with recently enacted predatory lending legislation. These amendments were adopted on May 5, 2003 on an emergency basis.
 17. Wildcard request concerning extending the 23A "sister bank" exemption to NYSBL 103 lending limit.
 18. Amendment to Supervisory Procedure FB 105 (Change of General Manager, Representative or Individual designated to receive process) to eliminate the requirement that an officer designated to receive process must submit a litigation affidavit and resume.
 19. Amendment to Supervisory Policy G 8 (Registration of Domestic Representative Offices) regarding addition of loan approval to permissible activities.
- Contact Person: Christine M. Tomczak, Esq., Secretary to the Banking Board, One State Street, New York, NY 10004, (212) 709-1642.

OFFICE OF CHILDREN AND FAMILY SERVICES

July 1, 2003 – December 31, 2003

Regulatory Proposals

Pursuant to subdivision 1 of section 202-d of the State Administrative Procedure Act (SAPA), notice is hereby provided of the following rules, which the Office of Children and Family Services (OCFS) is considering proposing but for which a rulemaking proceeding has not been commenced. The public is welcome to send written comments on the OCFS Regulatory Agenda to the contact person at the end of this list.

Below is a brief description of the regulations, by subject matter, that are under consideration by OCFS:

Child Welfare Services

Amending the regulations to implement the Child Welfare Financing legislation including: revising the standards for independent living services; allowing flexibility for innovative child welfare managed care programs in counties; adding provisions authorizing OCFS to award incentives to, and impose fiscal penalties against, social services districts based on their compliance with federal performance outcomes and standards; adding provisions authorizing OCFS to impose fiscal penalties against voluntary child care agencies operating residential foster care programs for the failure to comply with licensing and operating standards; and revising the provisions governing reimbursement for and the purchase of child welfare services.

Amending the regulations regarding foster family boarding homes to require safety plans for the safe evacuation of children and adults in the case of fire or other emergencies.

Amending the regulations regarding residential care for children to achieve greater consistency among the operational standards for programs directly operated by OCFS and programs licensed by OCFS, to clarify and streamline requirements, and to authorize the dual use of certain programs.

Amending the regulations regarding residential foster care programs concerning overnight supervision.

Amending the regulations regarding residential foster care programs for adolescents regarding operational standards, including banning smoking by adolescents in such residences.

Amending the Uniform Case Recording (UCR) regulations in 18 NYCRR Parts 428 and 429 and the Service Plan requirements in 18 NYCRR Part 428 to improve the usefulness of the documents and to make them consistent with the requirements of the Adoption and Safe Families Act and the Family Court forms promulgated by Office of Court Administration.

Amending 18 NYCRR Part 426 regarding eligibility for Title IV-E foster care and adoption assistance to reflect changes in the federal requirements.

Amending the adoption subsidy regulations to exempt adoption subsidy payments made on behalf of a child who is later placed in foster care from child support enforcement collection when such an exemption is in the best interests of the child.

Amending the regulations to require the continuation of adoption facilitation activities while a foster child is in an Office of Mental Retardation and Developmental Disabilities (OMRDD) or Office of Mental Health (OMH) facility.

Amending the regulations regarding discharge to adoption to expedite permanent placements for children.

Child Care Services

Amending the regulations regarding child care services to modify the market rates for child care subsidies based the most recent biennial survey in accordance with federal requirements.

Amending the regulations regarding day care licensing which provide for the administration of medications in day care settings.

Juvenile Justice Residential Services

Amending the regulations to clarify the status of, and procedures necessary for, youth who are away without leave from a facility operated by OCFS.

Amending the regulations to eliminate the Independent Review Board (IRB), so that this function may be performed by a committee of the OCFS Advisory Board.

Amending the regulations regarding visitation to residents of facilities operated by OCFS.

Amending the regulations regarding resident rules to define more clearly prohibitions against gang-related behavior.

Amending the regulations regarding telephone calls to and from residents of facilities operated by OCFS.

Amending the regulations regarding the sending and receiving of mail by residents of OCFS facilities.

Amending the regulations on personnel searches to expand the scope beyond secure facilities to limited secure and non-secure OCFS facilities.

Amending the regulations governing Good Behavior Allowances for juvenile offenders.

Amending the regulations regarding disciplinary actions in OCFS-operated secure facilities to modify the penalty structure and time in which a resident may appeal his or her penalty.

Detention Services

Amending the regulations regarding juvenile detention facilities to provide for a methodology to assess the need for new juvenile detention capacity as a criterion for issuing operating certificates.

Amending the regulations regarding juvenile detention facilities to establish cost standards and reporting requirements for secure and non-secure detention programs.

Amending the regulations regarding secure and non-secure juvenile detention facilities pertaining to the implementation of fiscal sanctions for non-compliance with juvenile detention regulations and the provision of administrative hearings to challenge enforcement actions taken by OCFS.

Positive Youth Development

Amending the regulations concerning runaway and homeless youth (9 NYCRR Part 182) to strengthen standards regarding health and safety.

Child Protective Services/State Central Register

Amending the regulations regarding child welfare practice and its relationship to CONNECTIONS, the Statewide automated child welfare information system.

Protective Services for Adults

Amending 18 NYCRR Part 489 regarding Family Type Homes for Adults concerning admission standards, supervision, furnishings and equipment, safety procedures, personnel and special needs functions.

Amending 18 NYCRR Part 457 regarding Protective Services for Adults to clarify that social services district staff are authorized under law to have access to financial information from banks concerning adult protective services clients without the need of consent from the client for the purpose of determining if the client is the victim of financial exploitation.

Health Screening of Service Employees

Amending the regulations regarding health screening for prospective and current employees having regular and substantial contact with children in programs directly operated by OCFS and programs licensed or supervised by OCFS.

Any questions or comments concerning the items listed in this agenda should be referred to:

Kathleen R. DeCataldo
Director of Legislation and Special Projects
Office of Children and Family Services
52 Washington Street

Rensselaer, NY 12144

Telephone: (518) 473-9551

Email address: GG5107@dfa.state.ny.us

EDUCATION DEPARTMENT

Pursuant to section 202-d of the State Administrative Procedure Act, the State Education Department presents its regulatory agenda for the remainder of calendar year 2003. All section and part references are to Title 8 of the New York Code of Rules and Regulations. The State Education Department reserves the right to add, delete or modify, without further notice, except as required by the State Administrative Procedure Act, any item or information presented herein as relating to the June 2003 Regulatory Agenda.

OFFICE OF ELEMENTARY, MIDDLE, SECONDARY AND CONTINUING EDUCATION

Amendment to the Commissioner's Regulations to conform to the federal No Child Left Behind Act of 2001, relating to unsafe school choice and the criteria for identifying persistently dangerous schools.

Amendment to the Commissioner's Regulations to conform to Chapter 2 of the Laws of 2002 relating to nondiscrimination in curricular and extracurricular activities.

Amendment to the Commissioner's Regulations, relating to program and testing requirements for middle level education and schools with middle level grades to implement Regents policy.

Amendment to the Commissioner's Regulations, relating to driver education curriculum as provided in Chapter 644 of the Laws of 2002.

Amendment to the Commissioner's Regulations to conform to Chapter 91 of the Laws of 2002 relating to New York City governance.

Amendment to the Commissioner's Regulations, relating to school district payments to charter schools for educational costs, pursuant to section 102 of Part H of Chapter 83 of the Laws of 2002.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

James A. Kadamus

Deputy Commissioner

New York State Education Department

Office of Elementary, Middle, Secondary and Continuing Education
Room 875 EBA

Albany, New York 12234

(518) 474-5915

Amendment to Part 113 of the Commissioner's Regulations, relating to the powers and duties of the New York City Board of Education in determining certain appeals.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning the above-proposed amendment by contacting:

Kathy A. Ahearn

Counsel and Deputy Commissioner for Legal Affairs

New York State Education Department

State Education Building, Room 148

Albany, New York 12234

(518) 474-6400

legal@mail.nysed.gov

OFFICE OF HIGHER EDUCATION

Amendment to section 100.2 of the Commissioner's Regulations to establish a mentoring requirement for school districts.

Amendment to section 52.21 and Part 80 of the Commissioner's Regulations to establish preparation, certification and assessment requirements for school leaders.

Amendment to Part 80 of the Commissioner's Regulations, relating to technical amendments intended to "clean-up" and align various aspects of this Part.

Amendment to section 52.21 and Part 80 of the Commissioner's Regulations to establish preparation, certification and assessment requirements for teachers of LPN programs.

Amendment to section 52.21 and Part 80 of the Commissioner's Regulations to establish preparation, certification and assessment requirements for Learner Support Service Professionals.

Amendment to sections 52.21 and 80-5.14 of the Commissioner's Regulations, relating to the Transitional C teaching certificate for career changers and others holding a graduate academic or graduate professional degree for all titles in the classroom teaching service and to the education program leading to the professional certificate for holders of the Transitional C certificate, changing education and mentorship requirements.

Amendment to Subparts 80-3 and 80-5 of the Commissioner's Regulations, relating to the Transitional A teaching certificate in a specific career and technical subject within the field of agriculture, health, or a trade (grades 7 through 12), to make the certificate immediately available.

Amendment to the Commissioner's Regulations, relating to the Transitional B Certificate and alternative certificate holders in SURR schools.

Amendment of Subparts 80-3 and 80-4 of the Commissioner's Regulations, relating to transcript review for meeting teacher certification requirements.

Amendment to the Commissioner's Regulations to implement Chapter 327 of the Laws of 2002, which provides that payment of SUNY or CUNY tuition to certain nonresident students shall be paid at a rate no greater than that imposed on resident students.

Amendment to the Commissioner's Regulations to implement Chapter 176 of the Laws of 2002 relating to the World Trade Center memorial scholarship program.

Amendment to the Commissioner's Regulations, relating to the Alternative Teacher Certification Program, to create a math immersion pilot project for qualified candidates, in collaboration with the higher education community and the New York City School District.

Additional Alternative Teacher Certification amendments are planned to increase options for qualified teachers.

Amendment to Part 126 of the Commissioner's Regulations, relating to requirements for licensed private schools, registered business schools and computer training facilities.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning the above-proposed amendment by contacting:

Johanna Duncan-Poitier
Deputy Commissioner for Higher Education
New York State Education Department
West Wing, Second Floor Mezzanine
Albany, New York 12234
(518) 474-3862

OFFICE OF PROFESSIONAL EDUCATION

Amendment to section 3.57(b) of the Rules of the Board of Regents, conferring the Doctor of Medicine degree, to eliminate the requirement of three years of licensed practice.

Amendment to Part 17 of the Rules of the Board of Regents to conform to the new 3-member panel law.

Amendment to Part 18 of the Rules of the Board of Regents, relating to the provision of services to nurses with substance abuse problems.

Amendment to Part 24 of the Rules of the Board of Regents, relating to the application period for the restoration of professional licenses.

Amendment to Part 24 of the Rules of the Board of Regents, relating to the waiver of citizenship requirement for licensure in veterinary medicine, dentistry, dental hygiene and pharmacy.

Amendment to Part 28 of the Rules of the Board of Regents, relating to the determination of good moral character to streamline current

procedures and processes.

Amendment to Part 59 of the Commissioner's Regulations, relating to the general licensing provisions for the professions.

Amendment to Part 64 of the Commissioner's Regulations, relating to the provision of services by nurse practitioners (elimination of alternate criteria for nurse practitioners).

Amendment to Part 64.7 of the Commissioner's Regulations, relating to immunization protocols for registered professional nurses.

Amendment to Part 68 of the Commissioner's Regulations, relating to mandatory continuing education for land surveyors and professional engineers.

Amendment to Part 70 of the Commissioner's Regulations, relating to auditor independence and practice quality controls in public accountancy.

Amendment to Part 72 of the Commissioner's Regulations, relating to limited permits for licensure in psychology.

Amendment to Part 73 of the Commissioner's Regulations, relating to education and examination requirements for licensure in chiropractic.

Amendment to Part 76 of the Commissioner's Regulations, relating to the supervision of occupational therapy assistants.

Amendment to Part 78 of the Commissioner's Regulations, relating to licensure by endorsement in the profession of massage therapy.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above-proposed amendments by contacting:

Johanna Duncan-Poitier
Deputy Commissioner for the Professions
New York State Education Department
State Education Building
West Wing, Second Floor Mezzanine
Albany, NY 12234 (518) 474-3862

OFFICE OF VOCATIONAL AND EDUCATIONAL SERVICES
FOR INDIVIDUALS WITH DISABILITIES

Amendment to section 200.4 of the Commissioner's Regulations relating to transition services.

Amendment to sections 200.5(b)(1)(ii) and (iii) of the Commissioner's Regulations, relating to the initiation of an impartial hearing when a parent refuses consent for the initial provision of special education services.

Amendment to section 200.5(i) of the Commissioner's Regulations, relating to stipulation of facts and joint exhibits; excluding irrelevant, immaterial or repetitious evidence, including testimony; providing for direct affidavit in impartial hearings; requiring a prehearing conference and scheduling consecutive hearing dates; and limiting the number of days of a hearing.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above-proposed amendments by contacting:

Lawrence C. Gloeckler
Deputy Commissioner
New York State Education Department
Office of Vocational and Educational Services for Individuals with Disabilities
One Commerce Plaza, Room 1606
Albany, New York 12234
(518) 474-2714
lgloeckl@mail.nysed.gov

OFFICE OF CULTURAL EDUCATION

Amendment to sections 185.5 and 185.12 of the Commissioner's Regulations, relating to Local Government Records Management, to make necessary changes and additions to update Records Retention and Disposition Schedule ED-1.

Amendment to section 188.21 of the Commissioner's Regulations, relating to fees for records management services to State agencies, to

make necessary changes and updates to the list of annual fixed fees paid by State agencies and to the charges for storage of records in the records center facility operated by the State Archives.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning the above-proposed amendments by contacting:

Christine Ward
Acting State Archivist
New York State Education Department
Cultural Education Center
State Archives, Room 9C35
Empire State Plaza
Albany, New York 12230
(518) 486-5723

Amendment to section 90.12 of the Commissioner's Regulations, relating to State aid for library construction.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning the above-proposed amendments by contacting:

Barbara Lilley
New York State Education Department
Empire State Plaza
Cultural Education Center
Division of Library Development, Room 10C47
Albany, New York 12230
(518) 486-4864

OFFICE OF MANAGEMENT SERVICES

Amendment to the Commissioner's Regulations pursuant to the Electronic Signatures in Global and National Commerce Act (P.L. 106-229), relating to performance standards to assure accuracy, record integrity and accessibility of records that are required to be retained.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning the above-proposed amendment by contacting:

David Walsh
Chief Information Officer
New York State Education Department
Office of Management Services
State Education Building, Room 121
Albany, New York 12234
(518) 486-1702

OFFICE OF STATE REVIEW

Amendment to Part 279 relating to practice on review of hearings for students with disabilities.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning the above-proposed amendment by contacting:

Paul F. Kelly
Assistant Counsel and State Review Officer
Office of State Review
1450 Western Avenue
Albany New York 12203
(518) 485-9373

DEPARTMENT OF HEALTH

The following rules are under consideration for submission as a Notice of Proposed Rulemaking during the calendar year June 2003:

DESCRIPTION OF THE RULE SUBJECT MATTER
Title 10 NYCRR

2.1, 2.2 and 2.5 Reportable Communicable Diseases - Addition of Smallpox Vaccinia Disease and Sudden Acute Respiratory Syndrome as reportable diseases.

2.14 Communicable Diseases - Rabies regulations to be reviewed and updated to be consistent with recently enacted changes to the Public Health Law. The regulations will provide definitions and requirements for cat vaccination, confinement and quarantine of animals exposed to rabies, confinement of animals exposing people to rabies, and county responsibility for managing human post-exposure treatments.

2.19 Reporting Cases or Suspect Cases of Communicable Disease by Laboratories -Utilization of the Electronic Clinical Laboratory Reporting System (ECLRS) by laboratories to meet their public health reporting requirements for Communicable Disease reporting.

2.58 Communicable Diseases - Current regulations place restrictions on the sale of turtles by size to prevent transmission of salmonellosis and other diseases, and have requirements for public posting of warnings. Due to recognition of many disease outbreaks from other reptiles, the regulation will be updated by including all reptiles in the requirement for posting of warnings, and includes a new requirement to provide warnings at the point of sale. Section 2.58 will be revised to remove veterinarians and pediatricians from the requirement to provide disease information to owners and potential purchasers of reptiles. It is the intent of the Department of Health to regulate sellers of reptiles and not physicians.

5-1 Public Water Systems - Establish a specific maximum contaminant level for MTBE in drinking water.

5-1 Public Water Systems - Amend to incorporate mandatory federal regulations pertaining to required public notification by public water systems following code violations or public health hazards.

5-1 Public Water Systems - Amend to incorporate mandatory federal regulations related to treatment, performance standards and MCLs pertaining to surface water sources (IESWTR), disinfection by-product formations (THMs, HAAs,) (DBP) and limitations on filter backwash recycling.

5-1 Public Water Systems - Amend to incorporate mandatory federal regulations pertaining to control of lead and copper in public water supply systems.

5-1 Public Water Systems - Revise to incorporate mandatory federal regulations revising the maximum contaminant level for arsenic and requirements for new source contaminant monitoring.

5-1 Public Water Systems - Amend to incorporate mandatory federal regulations revising the provisions applicable to variances and exceptions from drinking water.

5-1 Public Water Systems - Revise to incorporate mandatory federal regulations revising the maximum contaminant level for radionuclides.

5-6 Bottled and Bulk Water Standards - Modify to be consistent with FDA standards.

6-1 Swimming Pools - Update pool design standards reflecting new technologies and processes.

6-2 Bathing Beaches - Revise Subpart 6-2 to clarify that surfboarding and fishing are not intended to be regulated as swimming or bathing activities.

7-1 Temporary Residences - Amend to remove campground specific requirements contained in Section 7-1.60, which are now contained in a separate Subpart 7-3. Amend and update fire safety requirements to reflect statewide applicability since 1984, of the Uniform Fire Prevention and Building Code to new construction.

7-2 Children's Camps - Amend to include recommendations of the State Camp Safety Advisory Council for non-swimming entry of water, water supply standards for non-public water systems, standards for camp trip swimming and on-site activities. Additionally, obsolete wording and standards are updated and clarified to reflect current uses and laws.

7-4 Mass Gatherings - Create new Subpart to include the provisions for mass gatherings currently included as part of Subpart 7-1. Revise various sections to better address crowd control, camping and installation and maintenance of services and facilities.

8 Nuisances - Modify to address current needs/concerns of local health departments.

14-1, 14-2, 14-4, 14-5 Food Protection - Modify requirements and create a more user-friendly document; exempt certain operators and rescind certain provisions.

16 Radiation Equipment - Revise to eliminate obsolete language and conflicts with the Federal Mammography Quality Standards Act; to require information showing the efficacy of the proposed screening program prior to department approval, to add basic requirements for dental x-ray quality control and to update fluoroscopic equipment performance testing procedures.

16 Radiation Therapy - Reduce the required frequency for external audits from annual to biennial. Change the requirements to eliminate reports of certain misadministration (fractional doses). Revise reporting requirements to be consistent with NYPORTS.

16 Compatibility/Updates - Add/amend requirements for standards for decommissioning, reporting, transportation, waste disposal, definitions and human research to be compatible with federal regulations and replace outdated requirements.

17 Mobile Home Parks - Update regulations and consider revision.

19 Limited Testing Site Directors - Establish qualifications for directors of limited service laboratories.

34 Health Care Practitioner Referrals and Laboratory Business Practices - Technical amendments to align with federal compensation arrangement exceptions.

46.1- 46.11 State Aid for Physically Handicapped Children's Program - The regulations currently focus on children with physical handicaps. Modify the regulations to include children with serious or chronic physical, developmental, behavioral or emotional conditions. Revise the regulations concerning the procedures to receive specialty care and the reimbursement of specialty care.

52-11 Non-Transplant Anatomic Banks - Establish standards for acquisition and use of whole bodies for educational purposes.

53 State Revolving Fund Scoring Criteria - Revise existing regulations to amend the scoring criteria to 1) accommodate priority ranking to residential housing served by private wells into agreement with criteria for existing water supply systems and 2) promote projects intended to improve PWS security against terrorism/vandalism.

55-2 Environmental Laboratory Approval Program - Technical amendments to address new technology and practices, and standardize and clarify terminology. Establish criteria for recognition of certain regulatory activities of other State programs; clarify criteria for enforcement activities.

55-2 Environmental Laboratory Approval Program - Establish technical standards, record-keeping requisites and personnel qualifications for a new specialty of environmental laboratory testing to be known as "critical agent testing."

57 Rabies - Regulations will be reviewed and updated to clarify the status of cats and ferrets in relation to dogs for requirements, and the requirement for counties to develop rabies control protocols and reporting and reimbursement procedures consistent with recently enacted changes to the Public Health Law. Obsolete sections of Part 57 will be eliminated.

58-1 Clinical Laboratories - Reorganize and consolidate existing requirements for clarity, codify QA, PT and other requirements to align with CLIA, including multi-site permits. Codify policy for review and approval of laboratory tests. Establish permit qualifications for limited service laboratories.

58-1 Clinical Laboratories - Implement Chapter 572 of the Laws of 2002; establish standards for direct access testing, to address informed consent, confidentiality, counseling and a prohibition on the practice of medicine by clinical laboratories.

58-2 Blood Banks - Facilitate donation of blood by individuals with hemochromatosis, permit more frequent allogeneic blood donation, and

allow use of new blood collection technologies.

58-5 Hematopoietic Progenitor Cell Banks - Technical amendments to requirements for donor testing, HPC cryopreservation, additives, and storage and transport procedures; relax director experiential requirements related to bone marrow collection; amend the donor consent process to address options for disposition of unused HPCs.

59 Chemical Analyses Of Blood, Urine, Breath Or Saliva For Alcoholic Content - Technical amendments to simplify enforcement of Vehicle and Traffic Law.

60-1.11 WIC Vendor Management - Modify provisions related to WIC (retail food and pharmacy) vendor violations and money penalties. These changes are required to conform with federal changes in 7 CFR 246 establishing nationally uniform vendor sanctions for the WIC program.

63.11 Approved Forms - Remove content of the consent form and disclosure form.

66 Immunization - Revise language to require certificates issued by physicians for medical exemptions for school entry immunization requirements to be based on valid medical reasons as enumerated by the Advisory Council on Immunization Practices' and the American Academy of Pediatrics' guidelines.

66 Immunization - Revise to eliminate the requirement for inclusion of family day cares (serving 3 to 6 children) in the annual school survey process.

66-1.1 thru 66-1.10 and 66-2.1 through 66-2.9 Immunizations - To reformat and revise language to make references to immunization requirements for school entry (including post-secondary) more consistent. Also to revise requirements for medical exemptions to school entry vaccination laws to incorporate specific references to accepted medical standards and contraindications. This will greatly clarify what constitutes an acceptable medical exemption.

67-2 Lead Poisoning Control - Revise and update regulation to be consistent with federal regulations and guidelines on environmental assessment and abatement.

67-3 Laboratory Reporting of Blood Lead Levels - Revise and update regulation to be consistent with technological advances in electronic reporting and to include additional information to facilitate follow-up of elevated individuals.

69 Standardized Autopsy Protocols for Unanticipated Infant Deaths - The examination of infant deaths is currently performed with a lack of uniformity. The amendment will standardize the requirements and protocols for examining infants who die unexpectedly.

69 Early Intervention Services - Include a reimbursement methodology for paraprofessionals that deliver behavioral therapies to children with autism.

69-1 Newborn Screening - Expand the Department's Newborn Screening Program to cover the three conditions of congenital adrenal hyperplasia (CAH) cystic fibrosis (CF) and Medium-chain acyl-decarboxylase deficiency (MCAD).

69-1 Expedited HIV Testing of Women and Newborns - Modify the timeframe from specimen draw to result reporting for expedited HIV test specimens from 48 hours to 12 hours. Modify Section 69-1.3 Responsibilities of the chief executive officer by amending the existing paragraph (2): "if no HIV test result obtained during the current pregnancy is available for the mother not known to be HIV infected, arrange an immediate screening test of the mother with her consent or of her newborn for HIV antibody with results available as soon as practicable, but in no event longer than 12 hours after specimen draw." This modification in timeliness is recommended as a consequence of the FDA's approval of a new rapid test for HIV antibody that allows same-day results to be reported within the critical time frame to maximize efficacy of treatment prophylaxis to reduce the risk of perinatal HIV transmission.

69-4 Early Intervention Program - Regulations need to be reviewed

and updated to be consistent with recently enacted changes to the Public Health Law. Conforming regulations will address new requirements related to transition procedures for children aging-out of the Early Intervention Program; procedures for IFSP amendments; collection of insurance information and social security numbers from parents for eligible children; establishment of standards for evaluators, service coordinators, and providers of early intervention services; approval and periodic re-approval of evaluators, service coordinators, and providers of early intervention services who meet Department standards; Department auditing procedures; and, fiscal management and claiming standards.

69-4 Early Intervention Program - Include standards for behavioral aids, approval of providers, and reimbursement methodology to deliver for delivery of behavioral therapies to children with autism.

69-4 Early Intervention Program - Amend regulations to include or clarify the following: criteria and procedures for sanctioning and disqualification of evaluators, service coordinators, and providers of early intervention services; standards for service delivery; and, requirements for documentation of records and record retention; mediation and impartial hearing procedures.

70 Management of Regulated Medical Waste - An amendment is being proposed to the Department's regulation for the management of regulated medical waste in clinical laboratories and hospitals. This amendment to Part 70 for the most part, mirrors Department regulated medical waste guidelines published in 1995. These standards relax and clarify some areas, while at the same time are made more stringent in the area pertaining to bioterrorism products such as select agents and toxins to be consistent with Federal requirements.

77.3 Funeral Directing, Undertaking and Embalming - Registered residents - Responsibilities of sponsor.

80 Controlled Substances - Regulations regarding the treatment of narcotic addiction, use of controlled substances in animal shelters and regulations requiring pharmacies to transfer hydrocodone data to DOH.

86 Hospital Reimbursement - Modify existing reimbursement regulations concerning (1) Critical Access Hospitals; (2) the statutory distribution of funds from the Professional Education Pool; and (3) service intensity weights, tripoints, and average lengths of stay.

86-2.9 Adult Day Health Care Program Reimbursement - Modify the existing regulations and provide more specifics on the implementation of existing reimbursement regulations. Transportation costs will be reimbursed on a fee for service basis only.

86-4 Products of Ambulatory Care (PACs) and Products of Ambulatory Surgery (PAS) - Amend the grouper to conform to the Health Income Portability and Accountability Act (HIPAA).

86-4.9 Units of Service, Social Workers - Revise to allow Medicaid payment for the provision of certain clinical services by certified social workers with specific licensure to constitute a billable threshold visit for services provided in Federally Qualified Health Centers (FQHCs).

86-4.9(c) Units of Service, Podiatry - Adds podiatry to the list of services that are not considered a threshold visit when provided in an Article 28 certified clinic.

86-8 Limited Home Care Services Agency - Establish a payment methodology for Level II personal care and nursing services delivered to eligible residents of adult homes or enriched housing programs.

87.22 and 400.22 Increase Department of Health Fees for the Operational Period - Increase the annual fee charged during the operational period from .2% to .3% for hospital and nursing home mortgages financed under Article 28A and 28B of the Public Health Law.

89 Practice of X-Ray Technology - Eliminate obsolete language concerning the need for wall-card identification, temporary permits and school accrediting programs. If Article 35 of the PHL is amended, rewrite Part 89 to include licensing of Nuclear Medicine Technologist, certification of technicians to inject contrast media, increase fees and

other needed changes.

98-1 Managed Care - Clarify the application of the regulations to newly developed forms of managed care organizations, including primary care partial capitation providers, HIV special needs plans and managed long term care plans. The regulations will serve to clarify the applicability of Subpart 98-1 to newly legislated and newly evolved forms of managed health care, amend obsolete provisions and provide clearer guidance to the health care industry concerning certification and operational requirements for managed care organizations.

98-2 Managed Care - Provisions limiting providers' ability to file external appeals of payment denials will be revised to comply with a court ruling.

128 New York City Watershed Rules - Amend to incorporate extensive regulations intended to protect NYC's Watersheds including the various reservoirs and tributaries by providing various limitations on activities and construction.

131.1 City of Syracuse Watershed Rules - Amend the watershed rules and regulations for protecting the City of Syracuse's drinking water source. The existing rules were adopted in 1975 and are currently inadequate for the proper protection for the city's source and needs significant modification and update.

400 All Facilities - General Requirements - Update SPARCS regulations to address Emergency Service Data.

400.22 - Statewide Perinatal Data System - New regulations designed to implement a Statewide Perinatal Data System (SPDS). These regulations respond to the Department's need for timely data about birth outcomes and to recent State statute, requiring prompt enrollment of newborns into the Medicaid program. The SPDS will simplify data collection for hospitals by supporting multiple data functions, including vital records, Medicaid eligibility, newborn screening, birth logs and internal quality improvement.

405 Hospitals - Minimum Standards - Update to address Perinatal Regionalization System. Update for Rape Crisis Centers. Update Standards for Animals in Hospitals.

405.9, 405.19 (revised) and new Part 722 - Standards for Hospital-based Sexual Assault Forensic Examiner (SAFE) Programs - Public Health Law 2805-i 4-b requires the Commissioner to designate qualified hospitals as sites of Sexual Assault Forensic Examiner (SAFE) Programs. The regulatory proposal will include: Operating standards for SAFE programs; new standards for patient care at all hospitals consistent with statute; and appropriate cross-references with existing hospital admission and discharge as well as emergency service standards.

405.21 (revised) and Part 721 - Perinatal Regionalization - These regulations are designed to: enhance quality of maternal and newborn care through regional organization and oversight; clarify and update relationships between regional perinatal centers and other hospitals to accommodate changes in health care system; revise requirements for affiliation agreements between regional perinatal centers and other hospitals; and, update terminology related to perinatal care.

405.22 and 709.14 - Cardiac Care - Technical update of cross reference.

405.22 Live Adult Liver Donation and Transplantation Services - Establish minimum standards for live adult liver donation and transplant services at hospitals approved to provide such services.

415 Nursing Homes - Minimum Standards - Update Standards for Animals in Nursing Homes.

415.18 Pharmacy Services in Nursing Homes - Modify language to allow facilities greater flexibility in maintaining emergency medication kits. Modify the language as to who could accept verbal orders and revise the prohibition on the return of medications to the vendor pharmacy for credit to the nursing home under certain conditions.

425 Adult Day Health Care - Revise current regulations to eliminate

those no longer needed and establish minimum standards for activities, services and staffing.

431 Treatment Centers and Diagnostic Centers - Repeal obsolete requirements.

501 Consumer Directed Personal Assistance Program - New regulations for operation of the Consumer Directed Personal Assistance Program (CDPAP) under the State Medicaid Program.

501.23 Home Health Services - Prior Approval - Regulations will be developed to require prior approval of home health services for persons defined as long term users, pursuant to an initiative enacted into law in the 2003-04 budget.

700.2(b)(33) and 700.2(b)(44) General - Definitions - Update definitions of "physical therapy aide" and "physical therapist" consistent with Chapter 404 Laws of 2002.

703.6 and 710.1 Part-time Clinics - Revise Approval and Operating Standards.

708.5(a) Need Methodology for Therapeutic Radiology - Revision of the review criteria for therapeutic radiology devices.

709.3 Residential Health Care Facility Beds - Revision of the public need methodology for residential health care facility (nursing home) beds.

711, 712, 713, 715 and 716 Medical Facility Construction - Revision of the Medical Facilities Construction Code.

750-759 Treatment Center and Diagnostic Center Operation - Update to reflect changes since last major review.

800 Emergency Medical Services - General - Use and application by members of the public of automatic external defibrillators. Use and application of epinephrine auto-injectors in an emergency situation. Give EMS Agencies added flexibility in managing EMS service needs. Other initiatives to enhance program effectiveness. Codify regulatory requirements for Advanced Life Support (ALS) First Response Agencies. Make updates to EMS certification and training. Establish a new section on the mobilization and/or sharing of resources in the event of a declared disaster.

801 Resuscitation Equipment in Public Places - Implement Chapter 349 of the Laws of 2001 which requires that operators of "public places" provider emergency resuscitation equipment in a readily accessible location for use in the event of an emergency.

1000 Patient Health Information and Quality Improvement Act - Physician profiling regulations clarify, where required and necessary, the profiling provisions of the Patient Health Information and Quality Improvement Act of 2000 relating to definitions, malpractice, criminal convictions and data collection.

Appendix 5-B Water Well Construction - Rescind Appendix 5-B and create regulations in response to legislative mandate to reflect specific standards for well water quality, construction, location and development.

Appendix 75A Wastewater Treatment Standards - Individual Household Systems - Revise/update design standards to address clarification and new technology.

N/A PHL 461 Tattoo and Body Piercing - Chapter 562 of the laws of 2001 amends Section 461. The law requires permits to perform body piercing and tattooing and establishes a tattoo and body piercing regulation and permit fund. The regulations developed will include guidance on infection control practices to prevent the transmission of diseases, especially blood-borne pathogens. The guidelines set forth on sterilization and disinfection will be consistent with the Association for the Advancement of Medical Instrumentation guidelines as well.

N/A PHL 611 Mosquito and Vector Control Reimbursement - Modifications to PHL 611 (State aid: mosquito and vector control) reimbursement methodology. Regulations will be modified to create an incentive for local health departments to increase vector surveillance and larval mosquito population control in order to minimize the risk of exposure to arthropod-borne infection. The incentive to increase local

activities to include a more comprehensive and proactive surveillance and larval control plan will result in a decrease in the need for vector control activities for adult mosquitoes and transmission of disease by adult mosquitoes. Additionally, an effective surveillance and LPM program will reduce post-emergency VSC activity and post-emergency State aid reimbursement. If changes to the PHL are passed, it will result in a need to make related changes to 10 NYCRR 44.

Title 18 NYCRR

311.3(a)(2) District of Fiscal Responsibility for Medicaid - Revise the regulation to conform with Chapter 150 of the Laws of 2001 which requires that when a recipient of Medical Assistance moves from one district to another within the State and continues to be eligible, the "from" district remains responsible for providing Medicaid for the month in which the move takes place and for the month following the month of move.

311.4 (a) Residency Rules for Residents of Adult Care Facilities - Provides that residents of certain Adult Care Facilities do not gain residence.

360 Medicaid Buy-In Program for Working People with Disabilities - Medicaid eligibility requirements for working people with disabilities.

360 Breast and Cervical Cancer Treatment Program - Medicaid eligibility requirements for the Breast and Cervical Cancer program.

360 Family Health Plus (FHP) Program - Implements the FHP program.

360 Medicaid Managed Care Program - Revise the current regulations to conform with changes authorized by Chapter 165 of the Laws of 1991, Chapter 649 of the Laws of 1996 and Chapters 433 and 436 of the Laws of 1997. The proposed regulations will clarify provisions of law, amend obsolete regulatory provisions and provide clearer guidance regarding authority to implement waivers to the federal Social Security Act.

360-2.3(c) Attestation of Resources for Medicaid - Revise regulation to conform with HCRA 2001 allowing Medicaid applicants/recipients to attest to resources if they do not need long term care services.

360-3.2(j) Conditions of Eligibility - Implements citizenship/alien status requirements of eligibility for Medicaid.

360-3.2(m) Finger Imaging Requirements - Eliminates finger imaging requirements for Medicaid-only.

360-3.3, 3.7, 4.1, 4.7, 4.8 Eligibility Requirements for PCAP, Infants and Children Ages 6 through 18 - Updates the Medicaid levels and poverty levels for pregnant women and infants to be covered up to 200% FPL.

360-3.3, 4.1, 4.7, 4.8 (a) & 4.8(c) Children 133% expansion - Expansion to 133% of FPL for older children 6-19.

360-4.10(a)(7), and 360-4(b)(4) Higher Personal Needs Allowance (PNA) for Persons Receiving Home and Community-Based Services and for Non-Institutional PACE Participants - Changes the personal needs allowance (PNA) amount that is given to spousal cases where the "institutionalized spouse" is receiving waiver or PACE services in the community.

360-4.10(a)(9) Treatment of Income and Resources of Institutionalized Spouses - Clarifies that a community spouse's pension fund or individual retirement account is an includable resource for purposes of determining the institutionalized spouse's Medicaid eligibility.

360-5.5 Examination - The reference to 18 NYCRR 595.3(b) is inaccurate. The fiscal regulations were changed in 1988. This appears to have been an oversight at that time.

360-5.9 (a) Trial Work Period - Revises the threshold amounts for counting a month toward a 9-month trial work period. **360-6.7 Managed Care** - This section will be repealed and its provisions will be modified and consolidated with a new Part 360. The provisions describe the standards and processes by which managed care enrollees may disenroll from a managed care organization and will be revised to reflect Chapter 649 of the Laws of 1996 and Chapter 433 of the Laws

of 1997.

360-7.2 Medicaid Program as Payment of Last Resort - Clarification of the definition of third party by adding the words "or entity".

360-7.3(c)(1) of Title 18 NYCRR and Part 85.13 of Title 10 NYCRR Use of Health, Hospital or Accident Insurance & Physically Handicapped Children Program - Eliminates the dual prior approval for certain services for Medicaid eligible children.

360-7.5 Reimbursement of Paid Medical Expenses - Amendments required as a result of litigation concerning reimbursement to Medicaid recipients for expenses that should have been paid by the Medicaid program.

360-7.7 Payment of Coinsurance and Deductibles - Amend the regulation to indicate that Medicaid will reimburse providers 20% of the Medicare Part B coinsurance for dually eligible Medicare/Medicaid recipients.

360-7.11 Revision to Medicaid Recoveries - Lowers the age for estate recoveries and includes the category of undue hardship as required by federal regulations.

360-11 Managed Care - This section describes the standards and processes by which special needs populations may obtain specialty care services with the Medicaid managed care program. It will be repealed because it was made obsolete by passage of Chapter 649 of the Laws of 1996 which authorized the development of Special Needs Plans (SNPs) for these populations.

487.11 Environmental Standards for Adult Homes - Revision of the construction and physical plant standards for adult homes, to ensure the health and safety of residents.

488.11 Environmental Standards for Enriched Housing - Revision of the physical plant standards for enriched housing facilities, to ensure the health and safety of residents.

495 Quality Incentive Payment Program - The regulations would authorize the Department to provide quality incentive payments to operators of adult homes, residences for adults and enriched housing programs that are in compliance with applicable statutes and regulations.

505.3(f)(3) of Title 18 NYCRR and Part 85.21(t) of Title 10 NYCRR Smoking Cessation Products - Final rule making for the addition of smoking cessation products to the list of Medicaid reimbursable over the counter drugs. (This was filed as an emergency.)

505.5 Enteral Products - Amend regulations to define the term "acquisition costs" as it relates to enteral nutrition products which was addressed in prior State legislation.

505.8 of Title 18 NYCRR and 85.33 of Title 10 NYCRR Private Duty Nursing Services - The regulations pertaining to private duty nursing services to Medicaid recipients will be amended.

505.11 Speech Pathologists - Amend regulations to be consistent with federal regulations and State law to enable professionally licensed and registered speech language pathologists to become certified teachers through an alternate path. **505.14 Personal Care** - The regulation must be updated to remove content which is no longer supported in statute or was successfully challenged in litigation and to move it from Title 18 to Title 10.

505.14(h) Personal Care Providers - Establish annual cost reporting requirements for personal care providers.

505.31(d)(e)(1) of Title 18 NYCRR and Part 85.39 of Title 10 NYCRR Audiology, Hearing Aid Services and Products - Eliminates the designation of the Physically Handicapped Children's Program speech and hearing centers as only providers of hearing assessments to Medicaid eligible children.

506.4 of Title 18 NYCRR and Part 85.45 of Title 10 NYCRR Orthodontic Care - Eliminates the Physically Handicapped Children's Program sole review role in the area of orthodontia; removes the reference to panel orthodontists; and updates the qualifications for orthodontists and eligibility criteria for these services.

507 Health Supervision and Medical Care for Children - Places in regulation Medicaid payment standards for foster care agencies' Medicaid per diems.

508 Child Teen Health Program - Updates the medical standards and periodicity schedule for examinations to coincide with those recently issued by the American Academy of Pediatrics and revises the activities to be performed by the local departments of social services in light of managed care.

511 Utilization Thresholds - Amends the utilization threshold levels for physician and clinic services, pharmacy services, laboratory services, and mental health clinic programs.

515 Medicaid - This section will be revised to make Medicaid managed care providers subject to the same oversight as providers enrolled in the Medicaid fee-for-service program.

522.1 Medicaid Billing for Pre-School Services - Payment for medical care, service and supplies provided to pre-school children with handicapping conditions.

540.6 Medicaid - This section will be revised to make Medicaid managed care providers subject to requirements for timely billing.

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NEW YORK INSURANCE DEPARTMENT

Pursuant to Section 202-d of the State Administrative Procedure Act (SAPA), the following Regulatory Agenda is a list of the regulatory additions and amendments to Title 11 of the NYCRR which the Insurance Department is presently considering proposing during the second half of 2003. Many of these items were previously published in the January, 2003 Regulatory Agenda. Proposed items that have been published in the State Register are not included on the list. The Insurance Department's regulatory plans are subject to change and the Department reserves the right to add to, delete from, or modify items on the Agenda without further notice.

This notice is also intended to provide small businesses, local governments and public and private interests in rural areas with the opportunity to participate in the rule making process, as provided for in Sections 202-b and 202-bb of SAPA.

For inquiries pertaining to a specific item, contact the agency contact person following the item. For general inquiries regarding the Insurance Department's Regulatory Agenda, contact:

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Copies of current regulations may be obtained from the Department's Public Affairs Bureau at the New York City address. The telephone number is 212-480-2283.

Number 1: Agency Contact person: Susan Donnellan, Deputy General Counsel (212-480-2290):

1. Summary description of proposal: Amendment to 11 NYCRR 83 (Financial Statement Filings and Accounting Practices and Procedures) (Regulation 172), in response to amendments to the Accounting

Practices and Procedures Manual, including Statements of Statutory Accounting Principles (published by the National Association of Insurance Commissioners), which is incorporated by reference to the regulation.

Numbers 2 through 7: Agency Contact person: Patricia Mann, Principal Insurance Examiner, Property Bureau (212-480-5587):

2. Summary description of proposal: Amendment to 11 NYCRR 67 (Mandatory Underwriting Inspection Requirements for Private Passenger Automobiles)(Regulation 79) to include additional circumstances under which an insurer may voluntarily waive mandatory inspection of a motor vehicle for physical damage coverage and to permit the use of digital photography and electronic access to inspection report data.

3. Summary description of proposal: Amendment to 11 NYCRR 68 (Charges for Professional Health Services) (Regulation 83) to adopt any changes to the Workers' Compensation Fee Schedule, as required by Section 5108 of the Insurance Law, amend existing reimbursement rules, and, if deemed necessary, to establish new fee schedules promulgated by the Insurance Department.

4. Summary description of proposal: Amendment of 11 NYCRR 71 (Legal Defense Costs in Liability Policies)(Regulation 107) to expand the classification of risks eligible to include defense costs within the limits of liability.

5. Summary description of proposal: Amendment to 11 NYCRR 70 (Medical Malpractice Insurance Rate Modifications, Provisional Rates, Required Policy Provisions and Availability of Additional Coverages) (Regulation 101) to establish primary and excess physicians and surgeons liability insurance rates. Consideration is also being given to amendment of Sections 70.8(h), 70.9(l) and 70.9(m) which contain the instructions and forms used to report segregated and surcharge account information to the Insurance Department; and to amendment of Section 70.13 which currently requires that medical malpractice insurers offer both occurrence and claims-made policies.

6. Summary description of proposal: Amendment to 11 NYCRR 153 (Property/Casualty Insurance Group and Quasi-Group Standards) (Regulation 135) and repeal of 11 NYCRR 13 (Mass Merchandising of Personal Property-Liability Insurance)(Regulation 58) to incorporate provisions of Regulation 58 into Regulation 135 and to modify restrictions on certain types of group insurance purchases.

7. Summary description of proposal: Amendment of 11 NYCRR 152 (Physicians and Surgeons Professional Insurance Merit Rating Plan) (Regulation 124) to provide requirements for internet-based risk management course which are submitted to the Superintendent for approval and to provide requirements for risk management courses in which insureds must participate in order to be eligible for the excess medical malpractice insurance program.

Numbers 8 through 10: Agency Contact person: Benita Hirsch, Supervising Insurance Examiner, Property Bureau (212-480-5595):

8. Summary description of proposal: Adoption of a new part to 11 NYCRR to set forth requirements applicable to insurance companies' custodial accounts for securities.

9. Summary description of proposal: Amendment to 11 NYCRR 140 (Classifications for Automobile Liability Coverages), 142 (Classifications for Automobile Physical Damage Coverages), 143 (Territory Codes for Automobile Liability Coverages), and 144 (Territory Codes for Automobile Physical Damage Coverages) (All part of Regulation 32-A) to replace outdated references currently included in Regulation 32-A.

10. Summary description of proposal: Amendment to 11 NYCRR 160 (Responsibilities in Construction and Application of Rates)(Regulation 57) and 11 NYCRR 27 (Excess Line Placement Governing Standards)(Regulation 41) to establish guidelines to determine the amount of return premium upon cancellation of a policy which insures losses under the federal Terrorism Risk Insurance Act of 2002.

Number 11: Agency Contact person: Linda Connolly, Supervising Examiner, Life Bureau (212-480-5018):

11. Summary description of proposal: Amendment to 11 NYCRR 51 (Replacement of Life Insurance Policies and Annuity Contracts) (Regulation 60) to allow the agents some flexibility in completing the disclosure statement, in order to allow the completion of the application without waiting twenty days for a response from the replaced insurer. Numbers 12 and 13: Agency Contact person: William Carmello, Chief Life Actuary 3, Life Bureau (518-474-7929):

12. Summary description of proposal: Amendment to 11 NYCRR 94 (Minimum Reserves for Individual Accident and Health Policies) (Regulation 56) to update reserve standards for individual accident and health products and to establish reserve standards for group accident and health products as mandated by section 4217(d) of the insurance law.

13. Summary description of proposal: Amendment to 11 NYCRR 97 (Market Value Separate Accounts Funding Guaranteed Benefits) (Regulation 128) to update the reserve standards for group separate account products with guaranteed benefits and to establish reserve standards for individual separate accounts with guaranteed benefits.

Number 14: Agency Contact Person: Dennis Lauzon, Supervising Actuary, Life Bureau (518-474-7929);

14. Summary description of proposal: Amendment to 11 NYCRR 42 (Term Life Renewal Restrictions; Cash Surrender Values for Certain Life Insurance Plans) (Regulation 149) to eliminate the age 80 renewal limitation and to substantially modify the nonforfeiture requirements for certain life insurance plans.

Numbers 15 through 16: Agency Contact person: Michael Cebula, Supervising Actuary, Life Bureau (518-474-7929):

15. Summary description of proposal: Amendment to 11 NYCRR 95 (Actuarial Opinion and Memorandum Regulation) (Regulation 126) to revise existing standards for actuarial opinions on the adequacy of reserves for life insurers to be consistent with a recently adopted NAIC model regulation.

16. Summary description of proposal: Adoption of a new part to 11 NYCRR to approve the 2001 Commissioners' Standard Ordinary (2001 CSO) Mortality Table for use by life insurers in determining reserves and nonforfeiture benefits for life insurance policies. The 2001 CSO table was adopted by the National Association of Insurance Commissioners on December 8, 2002.

Number 17: Agency Contact person: Deborah Kahn, Associate Insurance Attorney, Life Bureau (518-474-4552):

17. Summary description of proposal: Amendment to 11 NYCRR 41 (Accelerated Payment of the Death Benefit under a Life Insurance Policy) (Regulation 143) to establish additional standards for accelerated payments of life insurance benefits in the event that the insured is confined in a long term care facility and/or qualifies for long term care benefits as defined by law.

Numbers 18 through 19: Agency Contact person: Ralph D. Spaulding, Supervising Insurance Attorney, Life Bureau (518-486-5258):

18. Summary description of proposal: Amendment to 11 NYCRR 50 (Separate Account and Separate Account Annuities) (Regulation 47) to establish revised standards for the operation of separate accounts, contract provisions and actuarial requirements to reflect statutory changes and recent innovations in product design and changes in contract administration of separate account and variable annuity products.

19. Summary description of proposal: Amendment to 11 NYCRR 53 (Life and Annuity Cost Disclosure and Sales Illustration) (Regulation 74) to set forth the information mandated by Section 3209 of the Insurance Law including the standards governing the content, format and use of sales illustrations and other disclosure requirements for fixed annuity products and funding agreements. Also to include changes that provide for enhanced disclosure to buyers of life insurance and annuity

products.

Number 20: Agency Contact person: Robert Solomon, Principal Insurance Examiner, Health Bureau (212-480-5246):

20. Summary description of proposal: Amendment to 11 NYCRR 52 (Minimum Standards for Form, Content and Sale of Health Insurance, including Standards of Full and Fair Disclosure) (Regulation 62) and 11 NYCRR 360 (Open Enrollment and Community Rating of Individual and Small Group Health Insurance) (Regulation 145) to clarify, for Article 43 Corporations, HMOs, and commercial insurers that write accident and health insurance, requirements for prior approval of forms and rates, including the establishing of rules for determining the rating methodology to be used for rating point-of-service products sold by large groups, to clarify the application and effect of rolling rates and annual level subscriber rates, and to implement Sections 4308(g) and (h) of the Insurance Law relating to the alternate methodology for submissions of rates by Article 43 Corporations and Health Maintenance Organizations, and submissions of loss ratios for contracts subject to the alternate methodology.

Number 21: Agency Contact person: Austin J. Rinella, Supervising Insurance Attorney, Health Bureau (518-474-4098):

21. Summary description of proposal: Amendments to 11 NYCRR 52 (Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure) (Regulation 62), 11 NYCRR 360 (Open Enrollment and Community Rating of Individual and Small Group Health Insurance) (Regulation 145), 11 NYCRR 361 (Market Stabilization Mechanisms) (Regulation 146), 11 NYCRR 59 (Minimum Standards for Certificates Deemed to Have Been Delivered in New York) (Regulation 123), 11 NYCRR 39 (Minimum Standards for the Partnership for Long Term Care Program Established Under Chapter 454 of the Laws of 1989 as amended by Chapter 659 of the Laws of 1997) (Regulation 144) and adoption of new Part to 11 NYCRR to: 1) establish minimum standards for such products as managed care and point of service arrangements as well as other health insurance products as ongoing changes occur in the health insurance field; 2) make changes to state regulations which may be required due to implementation of the Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191), Chapter 661 of the Laws of 1997 and other federal and state enactments; 3) establish minimum standards and requirements for specified disease coverage, 4) make changes to minimum standards for partnership coverages.

Numbers 22 through 24: Agency Contact person: Deborah A. Kozemko, Supervising Insurance Attorney, Health Bureau (518-486-7815):

22. Summary description of proposal: Amendments to 11 NYCRR 52 (Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure) (Regulation 62), 11 NYCRR 410 (External Appeals of Adverse Determinations of Health Care Plans) (Regulation 166) and adoption of a new Part to 11 NYCRR to establish standards for coverage determinations and benefit determinations, including standards for utilization review.

23. Summary description of proposal: Amendment to 11 NYCRR 52 (Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure) (Regulation 62) to establish maximum permissible copayments for group HMO coverage.

24. Summary description of proposal: Amendment to 11 NYCRR 52 (Minimum Standards for Form, Content and Sale of Health Insurance, including Standards of Full and Fair Disclosure) (Regulation 62) and 11 NYCRR 360 (Open Enrollment and Community Rating of Individual and Small Group Health Insurance) (Regulation 145) to implement Chapter 557 of the Laws of 2002 relating to health insurance coverage for individual proprietors.

Number 25: Agency Contact person: Carol Leith, Principal Actuary, Health Bureau (518-474-4562):

25. Summary description of proposal: Amendment to 11 NYCRR 52

(Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure) (Regulation 62) to provide instructions and format for calculating and reporting loss ratios and issuing dividends or credits as required in section 3231 (e)(2)(B), in instances where the alternate filing procedure as defined in section 3231(e)(2)(A) has been utilized.

Numbers 26 through 27: Agency Contact person: Lisette Johnson, Supervising Insurance Attorney, Health Bureau (518-474-4098):

26. Summary description of proposal: Amendment to 11 NYCRR 361 (Establishment and Operation of Market Stabilization Mechanisms for Individual and Small Group Health Insurance and Medicare Supplement Insurance) (Regulation 146) to revise certain market stabilization mechanism requirements as required by Chapter 504 of the Laws of 1995.

27. Summary description of proposal: Amendment to 11 NYCRR 410 (External Appeals of Adverse Determinations of Health Care Plans) (Regulation 166) to establish new and revised standards and procedures for the external appeal process.

Number 28: Agency Contact person: Gary Teitel, Supervising Actuary, Health Bureau (212-480-7709):

28. Summary description of proposal: Amendment to 11 NYCRR 350 (Life Care Communities) (Regulation 140) to modify and clarify the actuarial reserve calculation, solvency testing, distribution allowances, fee adequacy, and to better define needed filing requirements, all recognizing marketplace expansion in both the number and types of Life Care Communities.

Number 29: Agency Contact person: Stephen Rings, Senior Insurance Attorney, Health Bureau (518-474-4899):

29. Summary description of proposal: Amendment to 11 NYCRR 52 (Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure) (Regulation 62) to clarify extension of benefits and "no loss, no gain" requirements for individual, group and group remittance health insurance contracts.

Number 30: Agency Contact person: Patricia Swolak, Associate Insurance Attorney, Health Bureau (518-486-7815):

30. Summary description of proposal: Amendment to 11 NYCRR 362 (The Healthy New York Program & The Direct Payment Stop Loss Relief Program) (Regulation 171) to require acceptance by health plans of standardized Healthy NY applications in forms prescribed by the superintendent, and to clarify household income and household members for the purpose of determining eligibility.

Number 31: Agency Contact person: Michele Klinkbeil, Senior Insurance Attorney, Health Bureau (518-474-4899):

31. Summary description of proposal: Amendment to 11 NYCRR 52 (Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure) (Regulation 62) to implement Chapter 82 of the Laws of 2002 relating to standards for the determination of infertility, the identification of experimental procedures and treatments not covered in the diagnosis and treatment of infertility, the identification of the required training, experience and other standards for health care providers for the provision of procedures and treatments for the diagnosis and treatment of infertility, and the determination of appropriate medical candidates by the treating physician.

Number 32: Agency Contact person: Doris Kullman, Senior Insurance Attorney, Health Bureau (518-474-4899):

32. Summary description of proposal: Amendment to 11 NYCRR 362 (The Healthy New York Program and the Direct Payment Stop Loss Relief Program) (Regulation 171) to adjust the stop loss reimbursement corridors for Healthy NY, simplify Healthy NY eligibility and recertification, improve and provide options with respect to Healthy NY benefits, clarify employer contribution requirements, and qualify Healthy NY as coverage eligible for a federal tax credit (available to certain individuals as defined in federal law).

Number 33: Agency contact person: John Chaskey, Principal Examiner, Consumer Services Bureau (518 -474-9845):

33. Summary Description of proposal: Amendment to 11 NYCRR 28 (Bail Bond Agents) (Regulation 42) to establish minimum recordkeeping requirements and identify prohibited charges in conjunction with (1) the issuance of a bail bond and (2) requiring collateral in order to secure the issuance of a bail bond.

Number 34: Agency Contact Person: Merline Smith, Principal Examiner, Consumer Services Bureau (518-473-7894):

34. Summary description of proposal: Adoption of a new part to 11 NYCRR to define what is considered a clean claim for health care services under Section 3224-a of the Insurance Law, when such claim is submitted on paper by a non-institutional health care provider.

DEPARTMENT OF LABOR

Pursuant to subdivision 1 of section 202-d of the State Administrative Procedure Act, as amended by chapter 635 of the laws of 1995, notice is hereby provided of the following rules that the Department of Labor is considering proposing, but for which a rulemaking proceeding has not been commenced.

1. Amendment to 12 NYCRR Part 800 to incorporate by reference into New York Occupational Safety and Health standards those safety and health standards adopted by the United States Department of Labor Occupational Safety and Health Administration.
2. Amendment to 12 NYCRR Part 38 to conform the present version of the Part to new provisions contained in the 10 CFR Parts 20, 30, 34, 36, 40, 70 & 71, to correct errors in the existing Part, and to correctly reference the applicable section of the federal regulations.
3. Repeal Appendix A-2 to 12 NYCRR 14.2 as it is no longer in use and should have been repealed as a part of 1991 rulemaking submission.
4. Amendments to 12 NYCRR Parts 600 & 601 which will (a) add provisions which permit the Department to suspend and terminate programs for non-compliance; (b) permit sponsors in larger programs to charge application fees in limited circumstances; and (c) include technical amendments to both parts updating terminology now applicable.
5. Amendments to 12 NYCRR Parts 461 and 463 to address the issue of the timely filing of requests for hearings and notices of appeal in view of the Matter of Levine. The amendments would provide that requests for hearings and notices of appeal are timely as long as they are mailed or telefaxed to the Department within the statutory time limits.
6. Amendments to Title 12 NYCRR Part 56 to modify and clarify the requirements and procedures for the licensing and certification of asbestos workers and contractors and the notification of and procedures for asbestos projects.
7. Addition of Part 551 to 12 NYCRR to implement regulations required by Chapter 601 of the Laws of 2002 that provide for the Department to promulgate regulations describing the form and content of the financial records required by Section 211-a of the Labor Law as well as advisory regulations to State entities relating to the implementation of contractual and administrative measures to enforce Section 211-a. The regulations would require employers that received funds appropriated by the State to establish and maintain financial records that demonstrate State funds were not spent on activities that either encouraged or discouraged union organization. The regulation also requires employers to certify compliance with Section 211-a as part of every State contract.
8. Establish and maintain the Special September Eleventh Bidders Registry created by New York State Labor Law Section 349. The purpose of this Part will be to establish procedures for the application process in which apparel manufacturers and contractors may

qualify for placement on the Registry and the removal of manufacturers and contractors from the Registry.

9. Amendment to 12 NYCRR Part 1300 to conform the present version of the Part to new provisions contained in Sections 335-b, 336 and 336-c of the Social Services Law to require social service districts to consider certain non-graduate work study programs as approved work activities for public assistance recipients and to make reasonable efforts to avoid assigning certain students to public assistance work activities during hours that conflict with the student's academic schedule.

To obtain information or submit written comments regarding this regulatory agenda, contact Diane Wallace Wehner, Legal Assistant II, New York State Department of Labor, Building 12, State Office Campus, Counsel's Office, Room 509, Albany, New York 12240, (518) 457-4380.

This regulatory agenda was prepared and submitted by Diane Wallace Wehner, Legal Assistant II, New York State Department of Labor, Building 12, State Campus, Counsel's Office, Room 509, Albany, New York 12240, (518) 457-4380.

OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

Pursuant to Chapter 402 of the Laws of 1994, and Chapter 635 of the Laws of 1995, the Department of Social Services was required to publish a regulatory agenda for those regulations that the Department is considering for publication in the State Register. Chapter 436 of the Laws of 1997 renamed the Department of Social Services as the Department of Family Assistance with two distinct offices, the Office of Temporary and Disability Assistance and the Office of Children and Family Services. Set forth below is an agenda for those regulations that the Office of Temporary and Disability Assistance is considering proposing during the second half of 2003. Chapters 402 and 635 do not preclude the Office from proposing for adoption a regulation which is not described in the agenda nor do Chapters 402 and 635 require the Office to propose for adoption a regulation described in the agenda.

Child Support

Revise procedures for the distribution of child support collections to reflect changes in Federal requirements.

Revise the method for calculating the amount of additional deductions for income executions.

Revise the Child Support Standards Act tables to reflect the 2003 self-support reserve.

Establish criteria for closing child support cases.

Temporary Assistance

Delete language concerning the treatment of paid rent as income for purposes of determining the monthly budget deficit.

Exempt certain payments made by the Veterans Administration for purposes of determining eligibility for public assistance.

Expand the definition of temporary absence to cover recipients of all public assistance programs, not just federally-aided programs.

Eliminate unrealistic reimbursement rates for shelter costs in a hotel to reflect existing rates.

Implement Chapter 246 of the Laws of 2002 concerning the exemption of earned income of students.

Clarify the regulations concerning the provision of public assistance to persons who are temporarily absent from a social services district.

Repeal provisions concerning the Learnfare Program.

Clarify who must be included in the public assistance application and how financial eligibility will be determined.

Clarify that the resource limit applies to individuals 60 years of age.

Extend the deeming of an alien sponsor's income and resources to Federally funded safety net assistance.

Conform State regulations to Federal requirements concerning eligibility of qualified aliens for public assistance.

Extend finger-imaging requirements to authorized representatives and payees.

Revise the regulation concerning who must be included within a family for purposes of determining the family's eligibility to receive family assistance.

Provide consistency between the Family Assistance program and the Safety Net Assistance program concerning the treatment of loans, income and resources.

Allow the matching of finger images with the Department of Criminal Justice Services to identify clients who are fugitive felons, parole/probation violators and clients who are incarcerated.

Allow State and local correctional facilities to confiscate public assistance benefits and identification cards given to or sent to inmates while they are incarcerated.

Require the budgeting of Supplemental Security Income for individuals living in temporary housing.

Provide wider flexibility to social services districts that operate a rent supplement program.

Implement changes concerning the provision of temporary housing assistance and provide safeguards to individuals and families in receipt of such assistance.

Home Energy Assistance Program

Reduce the resource exemption amount for heating equipment replacement.

Expand the definition of "home energy vendor" to include market aggregators.

Food Stamps

Conform regulations concerning in-office interviews for food stamp applicants with federal requirements.

Modify the regulations concerning income, resources and group home budgeting consistent with federal changes.

Clarify the policy regarding claims establishment and the collection process for food stamp overpayments.

Modify the food stamp standard utility allowance provisions.

Require an applicant for or recipient of food stamps to cooperate in establishing paternity and securing support as a condition of eligibility for food stamps.

Clarify the food stamp intentional program violation disqualification policy to reflect welfare reform changes.

Replace quarterly reporting requirements with semi-annual reporting.

Implement a transitional food stamp program.

Implement federal regulations concerning non-citizen eligibility and certification provisions.

Reimbursement and Claims

Update administrative cap section on changes to exemptions.

Amend maintenance assistance sections to reflect new program categories under Welfare Reform.

Change the child support enforcement section to eliminate provision that collections are used to reduce the program claims.

Add a section on fiscal penalties/sanctions that may be applied to social services districts resulting from Welfare Reform requirements.

Require the use by social services districts of the cash management subsystem of the welfare management system for receipt of cash and for refunds and recoveries of past expenditures and the collection and tracking of overpayments.

Homeless Housing

Require social services districts to seek approval for reimbursement for certain shelters for homeless families.

Hearings

Recodify fair hearing regulations.

Technical Amendments

Amend 18 NYCRR to reflect the transfer of functions resulting from Chapter 436 of the Laws of 1997 that transferred certain functions of the Department of Social Services to new and existing State agencies.

Remove duplicative Emergency Assistance for Adults AIDS budgeting references.

Revise the regulations concerning eligibility for public assistance to reflect current terminology and policy.

Any questions concerning the items listed in this agenda can be referred to Ronald Speier, Office of Temporary and Disability Assistance; 40 North Pearl Street; Albany, New York 12243. Telephone: (518) 474-6573.

The regulatory agenda may be accessed on the Office of Temporary and Disability Assistance's website at www.dfa.state.ny.us