

RULE REVIEW

OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

Pursuant to Section 207 of the State Administrative Procedure Act (SAPA), most State agencies, including OASAS, must review after five years, and thereafter at five year intervals, all regulations that were adopted on or after January 1, 1997. The purpose of the SAPA Section 207 review is to determine whether such regulations should be continued as written, modified or repealed. OASAS invites and encourages public comment on the continuation, modification or repeal of the following regulations.

14 NYCRR Part 810 Establishment, Incorporation and Certification of Providers of Chemical Dependence Services

Statutory Authority: Mental Hygiene Law Sections 19.07, 19.09, & 19.40; Business Corporation Law Section 406; Not-for-Profit Corporation Law Section 404(u)

This regulation is required for certifying chemical dependence services. Accordingly, this regulation will be continued and furthermore OASAS intends to amend this regulation.

14 NYCRR Part 816 Chemical Dependence Crisis Services

Statutory Authority: Mental Hygiene Law Sections 19.09, 19.15, & 19.40

This regulation establishes minimum standards for the provision of crisis chemical dependence services. Accordingly, this regulation will be continued and furthermore OASAS intends to amend this regulation.

14 NYCRR Part 820 Residential Chemical Dependency Programs for Youth

Statutory Authority: Mental Hygiene Law Sections 19.07(a), 31.04

This regulation establishes minimum standards for the provision of residential chemical dependence services for youth. Accordingly, it is anticipated that this regulation will be continued and furthermore OASAS intends to amend this regulation.

14 NYCRR Part 840 Rates of Reimbursement-Alcoholism Facilities [Only Part 840.11(L) was changed since 1997]

Statutory Authority: Mental Hygiene Law Sections 19.07, 19.09 & 43.02

Part 840 will be repealed as obsolete once Part 841 is applied to all impacted programs that have been converted from alcoholism services to chemical dependence services.

14 NYCRR Part 853 Credentialing of Alcoholism and Substance Abuse Counselors

Statutory Authority: Mental Hygiene Law Sections 19.07(d), 19.09(b)

This regulation establishes minimum standards for CASACs in terms of eligibility standards in obtaining the credential as well as the rules applicable to such professionals once credentialed. Accordingly, this regulation will be continued and OASAS intends to amend this regulation. Part 853 and Part 855 (discussed below) will be consolidated.

14 NYCRR Part 855 Credentialing of Alcoholism and Substance Abuse Prevention Professionals and Prevention Specialists

Statutory Authority: Mental Hygiene Law Sections 19.07(a), 19.07(d) & 19.09(b)

This regulation establishes minimum standards for CPPs and CPSs in terms of eligibility standards for each credential as well as the rules applicable to such professionals once credentialed. Accordingly, this regulation will be continued and OASAS intends to amend this regulation and consolidate date it with Part 853 (discussed above).

* * *

The following regulations, while technically not within the ambit of SAPA 207 due to their dates of adoption, are also under review by OASAS. These regulations will be amended and accordingly comments are encouraged.

14 NYCRR Part 800 Chemical Dependence Services-General Provisions

Statutory Authority: Mental Hygiene Law Sections 19.07(e), 19.09(b), 32.01, 32.07(a)

This regulation defines various terms used in the Part 800 series and also establishes a regulatory waiver provision for the series. Accordingly, this regulation will be continued and furthermore OASAS intends to amend this regulation.

14 NYCRR Part 814 General Facility Requirements

Statutory Authority: Mental Hygiene Law Sections 19.07(e), 19.09(b), 19.21(b), 32.01, 32.07(a)

This regulation establishes physical plant standards for the provision of chemical dependence services. Accordingly, this regulation will be continued and furthermore OASAS intends to amend this regulation.

14 NYCRR Part 818 Chemical Dependence Inpatient Rehabilitation Services

Statutory Authority: Mental Hygiene Law Sections 19.07(e), 19.09(b), 19.21(b), 19.40, 32.01, 32.07(a)

This regulation establishes minimum standards for the provision of inpatient chemical dependence services. Accordingly, this regulation will be continued and furthermore OASAS intends to amend this regulation.

14 NYCRR Part 819

Chemical Dependence Residential Services

Statutory Authority: Mental Hygiene Law Sections 19.07(e), 19.09(b), 19.21(b), 32.01, 32.07(a)

This regulation establishes minimum standards for the provision of the three types of residential chemical dependence services: community residential services, intensive residential services, and supportive living services. Accordingly, this regulation will be continued and furthermore OASAS intends to amend this regulation.

14 NYCRR Part 821

Nonmedically Supervised Chemical Dependence Outpatient Services

Statutory Authority: Mental Hygiene Law Sections 19.07(e), 19.09(b), 19.21(b), 32.01, 32.07(a)

This regulation establishes minimum standards for the provision of outpatient chemical dependence services that are not eligible for Medicaid reimbursement. Accordingly, OASAS anticipates this regulation will be continued and furthermore OASAS intends to amend this regulation.

14 NYCRR Part 822

Chemical Dependence Outpatient Services

Statutory Authority: Mental Hygiene Law Sections 19.07(e), 19.09(b), 19.21(b), 32.01, 32.07(a)

This regulation establishes minimum standards for the provision of outpatient chemical dependence services that are eligible for Medicaid reimbursement. Accordingly, this regulation will be continued and furthermore OASAS intends to amend this regulation.

14 NYCRR Part 823

Outpatient Chemical Dependency Treatment Services for Youth Programs and Services

Statutory Authority: Mental Hygiene Law Sections 19.09, 19.15

This regulation establishes minimum standards for the provision of outpatient chemical dependence services for youth. Accordingly, it is anticipated that this regulation will be continued and furthermore OASAS intends to amend this regulation.

14 NYCRR Part 828

Requirements for the Operation of Chemotherapy Substance Abuse Programs

Statutory Authority: Mental Hygiene Law Sections 19.05(f), 19.07(b), 23.01

This regulation establishes minimum standards for the provision of chemotherapy chemical dependence services (generally methadone services). Accordingly, it is anticipated that this regulation will be continued and furthermore OASAS intends to amend this regulation.

14 NYCRR Part 831

Appeals and Hearings

Statutory Authority: Mental Hygiene Law Section 19.09

This regulation establishes procedures and requirements for appeals and hearings at OASAS. Accordingly, it is anticipated that this regulation will be continued and furthermore OASAS intends to amend this regulation.

14 NYCRR Part 841

Medical Assistance for Chemical Dependence Services

Statutory Authority: Mental Hygiene Law Sections 19.07(e), 19.09(b), 19.21(b), 19.40, 32.01, 32.07(a), 43.01, 43.02; Social Services Law Section 364

This regulation sets out additional requirements for the reimbursement of Medicaid eligible inpatient rehabilitation and inpatient medically supervised withdrawal chemical dependence services. Accordingly, this regulation will be continued and furthermore OASAS intends to amend this regulation.

As a result of the conversion to chemical dependence services, OASAS intends to repeal the following Parts of Title 14 as obsolete: all of the Part 300 series (alcoholism), except possibly for portions of Parts 374 and 381; and all of the Part 1000 series (substance abuse), except possibly Part 1045.

Comments concerning the foregoing must be in writing and must be received by March 15, 2005. Send all comments to: David R. Ross, Deputy Counsel and Director of Regulatory Affairs, Office of the Counsel, Office of Alcoholism and Substance Abuse Services, 1450 Western Avenue, Albany, NY 12203, (518) 485-2335 (fax), DavidRoss@OASAS.state.ny.us (E-mail)

You may access the complete text of Parts 800, 810, 814, 816, 818, 819, 820, 821, 822, 823, 841, 853 and 855 on the OASAS website at <http://www.oasas.state.ny.us>.

OFFICE FOR TECHNOLOGY

Pursuant to Section 207 of the State Administrative Procedure Act (SAPA), State agencies, including the Office for Technology (OFT), must review after five years, and thereafter at five year intervals, all regulations that were adopted on or after January 1, 1997. The purpose of the SAPA Section 207 review is to determine whether such regulations should be continued as written, modified or repealed. OFT hereby gives notice that the following regulation, which was originally adopted by OFT on October 18, 2000, and subsequently amended effective May 7, 2003, will be subject to this review in 2008, five years from the amendment adoption date.

9 NYCRR Part 540

Electronic Signatures and Records Act

Statutory Authority: State Technology Law, sections 103(11), 303(2)(a), 304(1), 305(1) and 307(4).

This regulation establishes standards in accordance with the State Technology Law governing the use and acceptance of electronic signatures and electronic records by persons in New York State.

Comments concerning this notice must be in writing and may be submitted to:

John J. Aveni, Esq.
NYS Office for Technology
State Capitol ESP
P.O. Box 2062
Albany, New York 12220-0062