

# REGULATORY AGENDA

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## Department of State

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 Department of State is considering proposing but for which a rule making proceeding has not been commenced. All references are to Title 19 of the New York Code of Rules and Regulations. The Department of State's regulatory plans are subject to change and the Department reserves the right to add, delete, or modify any item herein.

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.

The public is welcome to send written comments on the Department of State's Regulatory Agenda to the contact person at the end of this list.

### DIVISION OF ADMINISTRATIVE RULES

Parts 260 and 261 Considering making amendments to several rule making forms, correcting incorrect references in Parts 260 and 261, simplifying rule making submission requirements, and repealing outdated rule making forms.

### DIVISION OF COASTAL RESOURCES

Part 601 Considering amending regulations concerning Local Waterfront Revitalization Programs (LWRPs) to provide for the preparation of partial LWRPs.

Chapter XIII Considering amending regulations concerned with Waterfront Revitalization of Coastal Areas and Inland Waterways to strengthen and streamline these provisions.

### CODES DIVISION

Parts 1220-1226 Considering amending the Uniform Fire Prevention and Building Code to update its provisions.

Part 1240 Considering amending the State Energy Conservation Construction Code to update its provisions.

### DIVISION OF LICENSING SERVICES

Chapter V Considering adding regulations establishing a curriculum and standards for qualifying education and continuing education for home inspectors licensed pursuant to the Real Property Law.

Considering adding regulations designating a qualifying exam or exams for home inspectors licensed pursuant to the Real Property Law.

Considering adding regulations specifying the amount and type of liability insurance required for home inspectors licensed pursuant to the Real Property Law.

To obtain information about or submit written comments concerning any item in this Regulatory Agenda, contact: Nathan A. Hamm, Office of Counsel, The Department of State, 41 State Street, Albany, New York 12231.

## Workers' Compensation Board

Pursuant to section 202-d of the State Administrative Procedures Act, the Workers' Compensation Board presents its regulatory agenda for 2005. All references are to Title 12 of the New York Code of Rules and Regulations. The Board reserves the right to add, delete or modify any item presented in this agenda.

The Workers' Compensation Board has begun the process for approval by the Governor's Office of Regulatory Reform for the following two amendments:

1. Part 300.2, subdivision (d), paragraph (11) to amend the time for filing written reports of independent medical examinations (IMEs) with the Board and furnished to all others, and;

2. Part 300.36, subdivision (b), consistent with section 32 of the Workers' Compensation Law, to permit the administrative review of waiver agreements.

In addition, the Board is considering proposing the following:

1. Add a new Part 304 to implement the provisions contained within Chapter 638 of the Laws of 2004, as amended by Chapter 70 of the Laws of 2005. Chapter 638 of the Laws of 2004 provided for the direct deposit of workers' compensation benefit payments upon written request of the injured employee. Chapter 70 of the Laws of 2005 clarified that participation by employers in the direct deposit program was voluntary and not mandated.

2. Add a new Part 325-9, pursuant to Workers' Compensation Law sections 13(e) and 20, to establish guidelines and parameters for the use of impartial medical specialists when an established claim requires an expert opinion or examination.

3. Repeal Part 310.1, pursuant to Chapter 635, Section 58 of the Laws of 1996, which omitted Section 110(b) of the Workers' Compensation Law and made Rule 310.1 obsolete.

4. Amend Part 300.22, 300.23, 300.29, and 403.1 to eliminate references to obsolete forms.

5. Amend Part 300 to remove references to obsolete bureaus, and board staff, as well as provide for technological advancements and the appropriate location of the Board's executive offices.

6. Amend Parts 300, 315, 316, 317, 355, 356, 357, 358-1, 358-3, 359, 360, 361, 362, 363, 364, 375, 376, 377, 378, 379, 390, 391, and 393 to change all references from "Chairman", "chairman" and "chair" to "Chair" for uniformity and to connote gender neutrality and to correct punctuation, grammatical and typographical errors. Subpart 358-3 and sections 363.12 and 378(1) are being amended so that the headings conform to the text of the rules contained in the subpart and sections. Section 363.11(a) is being further amended to comply with notice filing requirements established in section 217 of the Workers' Compensation Law.

The Board will continue to review its rules in an effort to provide for clearer and more accurate references to Board policies and procedures, while also eliminating typographical errors and obsolete forms/practices, etc.

To obtain information or submit written comments regarding this regulatory agenda, contact Cheryl M. Wood, General Counsel, Workers' Compensation Board, 20 Park Street, Rm. 401, Albany, NY 12207, (518) 486-9564, e-mail: [OfficeofGeneralCounsel@wcb.state.ny.us](mailto:OfficeofGeneralCounsel@wcb.state.ny.us)