

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 7:00 a.m. to 5:00 p.m., at:

1-800-221-9311 (In New York State)
(518) 270-2200 (Outside New York State)
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236

PUBLIC NOTICE Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for April 2005 will be conducted on April 11 commencing at 10:00 a.m. and April 12 commencing at 10:00 a.m. This meeting will be conducted in the Commission Conference Rm., 2nd Fl., Dept. of Civil Service, Bldg. 1, State Campus, Albany, NY.

For further information contact: the Office of Commission Operations, Department of Civil Service, State Campus, Bldg. 1, Albany, NY 12239, (518) 457-2575

PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan payment methodology for reimbursing Medicare Part B coinsurance amounts for recipients that are eligible for both the Medicare and Medicaid Programs (dual eligibles) to provide a 2005 coinsurance enhancement" for physician services.

Effective July 1, 2003, the Department of Health amended the State Plan to limit the amount paid by the Medicaid program for Medicare Part B coinsurance (deductible amounts would continue to be paid in full) as follows:

- For all Part B services other than the services specifically exempted by statute (see below), Medicaid would pay 20% of the Medicare Part B coinsurance for Medicaid recipients who are dual eligibles or are Qualified Medicare Beneficiaries.
- Medicaid continued to pay the full Medicare Part B coinsurance amount for dual eligibles and Qualified Medicare Beneficiaries for the services provided by an ambulance (Public Health Law Article 30); psychologist (Education Law, Article 153); OMRDD facility (Mental Health Law Article 16), OMH facility (Mental Health Law, Article 31); OASAS facility (Mental Health Law, Article 32); outpatient hospital and clinic facilities (Public Health Law, Article 28).

Under the proposed State Plan Amendment, any Medicaid payments made to physicians for Medicare Part B services during the period April 1, 2005 through June 30, 2005 which are made subject to the 20% of the coinsurance payment provisions cited above, will be increased in an aggregate amount not to exceed \$5 million pursuant to the following methodology:

For each physician that received such payments during the period (April 1, 2005 through June 30, 2005), the Department of Health will determine the ratio of each physician's payments to the total amount of Medicare Part B physician payments made during the period, expressed as a percentage.

For each physician, the Department of Health will multiply this percentage by \$5 million. The result of such calculation will represent the "2005 coinsurance enhancement" and will be paid expeditiously to each physician.

If Federal financial participation is not available the coinsurance enhancement amount for physicians will be limited to a total of \$2.5 million.

The State share of any payments under this provision shall be made from the Maintenance Undistributed General Fund Community Projects Fund.

The new Medicare coinsurance enhancement payment to physicians will result in a State Fiscal Year 2005-06 expenditure of \$5 million (\$2.5 million State share), presuming Federal financial participation. There is no local share.

Copies of the proposed State Plan Amendment are on file in each local (county) social services district and are available for public review.

For the New York City district, copies are available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

The public is invited to review and comment on this proposed state plan amendment.

For further information or to review and comment on this proposed state plan amendment, please contact or write: William Johnson, Department of Health, Division of Legal Affairs, Office of Regulatory Reform, Corning Tower, Rm. 2415, Empire State Plaza, Albany, NY 12237, (518) 473-7488, fax: (518) 486-4834, e-mail: regsqna@health.state.ny.us

PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR §447.205, the Department of Health hereby gives public notice of the following:

The Department of Health intends to amend the Title XIX (Medicaid) State Plan for inpatient hospital, long-term care, and non-institutional services to comply with proposed State legislation now under consideration. The following significant changes are proposed:

Inpatient Hospital Services:

- For services on or after April 1, 2005, the reimbursable operating cost component for general hospital inpatient rates will be established by the Commissioner of Health without trend factor projections attributable to the period January 1, 2005 through December 31, 2005.
- For periods beginning on and after April 1, 2005, the methodology for the previously approved rate adjustment, effective April 1, 2004, for purposes of reimbursing graduate medical education costs, will be revised as follows: the hold harmless provision prohibiting rate decreases will be eliminated; public general hospitals will receive an adjustment for rate decreases only; and, the 75% limitation will not apply to rate decreases.
- Continues, effective April 1, 2005 and thereafter, holding the operating component of rates of payment for patients assigned to one of the twenty most common non-Medicare diagnosis-related groups (DRGs) to the lower of the facility specific blended operating cost component or the group average operating cost price for all hospitals assigned to the same peer group.
- For state fiscal years beginning April 1, 2005 and thereafter, additional medical assistance payments will be made for inpatient hospital services to public general hospitals operated by the State of New York, State University of New York, counties which shall not include a city with a population over one million, and those public general hospitals located in the counties of Westchester, Erie, or Nassau, up to one hundred percent (100%) of each such public hospital's medical assistance and uninsured patient losses after all other medical assistance, including disproportionate share payments to such general hospitals. For state fiscal years beginning on and after April 1, 2005, initial payments will be based on

- reported 2000 reconciled data and be further reconciled to actual reported data for 2005 and to actual reported data for each respective succeeding year. Payments to eligible public general hospitals may be added to rates of payment or made as aggregate payments.
- For state fiscal years beginning April 1, 2005 and thereafter, additional medical assistance payments will be made for inpatient hospital services to public general hospitals, other than those operated by the State of New York or the State University of New York, that are located in a city with a population over one million. Additional payments for inpatient hospital services of up to \$120 million may be made during each state fiscal year beginning April 1, 2005 and each state fiscal year thereafter. For state fiscal years beginning on and after April 1, 2005, initial payments will be based on reported 2000 reconciled data and be further reconciled to actual reported data for 2005 and to actual reported data for each respective succeeding year. Payments to eligible public general hospitals may be added to rates of payment or made as aggregate payments.
- For state fiscal years beginning April 1, 2005 and thereafter, public general hospitals, other than those operated by the State of New York or the State University of New York, located in a city with a population of over one million, are authorized to receive additional disproportionate share payments of up to \$210 million annually, allocated in accordance with the previously approved methodology. Payments to eligible public general hospitals may be added to rates of payment or made as aggregate payments.
- For state fiscal years beginning April 1, 2005 and thereafter, continues specialty hospital adjustments for hospital inpatient services provided on or after April 1, 2005, to public general hospitals, other than those operated by the State of New York or the State University of New York, located in a city with a population of over one million and receiving reimbursement pursuant to Part 86-1.57 of 10 NYCRR, of up to \$286 million annually. Payments to eligible public general hospitals may be added to rates of payment or made as aggregate payments.
- For state fiscal years beginning April 1, 2005 and thereafter, continues additional specialty hospital adjustments for hospital inpatient services provided on or after April 1, 2005, to public general hospitals, other than those operated by the State of New York or the State University of New York, receiving reimbursement pursuant to Part 86-1.57 of 10 NYCRR and located in a city with a population of over one million, of up to \$794 million annually. Payments to eligible public general hospitals may be added to rates of payment or made as aggregate payments.
- Payments to general hospitals for inpatient services provided to patients discharged on and after April 1, 2005, who are eligible for payments made by state governmental agencies and who are determined to be in diagnosis-related groups numbered 743, 745, 746, 748, 749 or 751 shall be made on a per diem basis in an amount equal to the fees paid in the same locality pursuant to §43.02 of the Mental Hygiene Law for community based detoxification services provided in facilities licensed pursuant to Article 32 of the Mental Hygiene Law.
- Continues, to the extent funds are available, for periods on and after April 1, 2005, increases to rates of payment for hospital inpatient services by an amount not to exceed \$48 million annually in the aggregate. Such amount shall be allocated among those voluntary non-profit and private proprietary general hospitals which continue to provide inpatient services as of April 1, 2005, under a previous or new name and which qualified for a similar rate adjustment as in effect for the period July 1, 1995 through June 30, 1996, provided however, that amounts allocable to previously but no longer qualified hospitals shall be proportionately reallocated to the remaining qualified hospitals. These payments may be made as rate adjustments or aggregate payments.

- Continues, effective April 1, 2005 and thereafter, the 3.33% reduction to the average reimbursable operating costs per discharge of a general hospital, excluding the costs of graduate medical education, to encourage improved productivity and efficiency.
 - Continues, effective April 1, 2005 and thereafter, an \$89 million reduction per year in inpatient rates of payment for general hospital services to encourage improved productivity and efficiency.
 - Continues, effective April 1, 2005 and thereafter, the case mix cap adjustment in general hospital inpatient rates of payment. The increase in the statewide average case mix in the period April 1, 2005 through December 31, 2005, and annually thereafter, from the statewide average case mix for the period January 1, 1996 through December 31, 1996, shall not exceed 8%. This increase continues to be based on comparison of data only for patients that are eligible for medical assistance including those patients enrolled in health maintenance organizations.
 - Continues, effective April 1, 2005 and thereafter, the provision that rates of payment for inpatient hospital services shall reflect no trend factor projections or adjustments for the period of April 1, 1996 through March 31, 1997.
 - The State proposes to extend, effective April 1, 2005 and thereafter, certain cost containment initiatives that were enacted in Chapter 81 of the Laws of 1995 and extended by subsequent legislation. The extended provisions are as follows: (1) hospital short stay adjustment factor remains at 100%; (2) hospital long stay adjustment factor remains at 50%; (3) hospital capital costs shall exclude 44% of major moveable equipment costs; (4) elimination of reimbursement of staff housing costs – operating and capital costs; (5) capital costs will be allocated between Medicare and non-Medicare payors based on the proportion of total days for these payors; (6) budgeted capital inpatient costs of a general hospital applicable to the rate year shall be decreased to reflect the percentage amount by which the budgeted costs for capital related inpatient costs of the hospital for the base year two years prior to the rate year exceeded actual costs; (7) reimbursement of base year inpatient administrative and general costs of a general hospital are limited to the statewide average of total reimbursable base year inpatient administrative and general costs; and, (8) elimination of NYPHRM rate enhancements for new technology and universal precautions.
- Long Term Care Services:
- Effective April 1, 2005 and thereafter, the reimbursable operating cost component for RHCf (RHCf) rates will not include trend factor projections attributable to the period of January 1, 2005 through December 31, 2005, but shall include the retroactive impact of final trend factor adjustments for prior periods for which a trend factor was included.
 - Effective April 1, 2005 and thereafter, the operating component of rates of payment for RHCfs shall be based on the regional average of facility specific allowable costs as reported by RHCfs in the calendar year 2003 cost report, trended pursuant to law to the rate year and adjusted by case mix. Such regional average shall also be adjusted by a corridor percentage to be determined by the Commissioner to arrive at a final average operating component of rates of payment for each region. This provision will not apply to rates paid for RHCf services provided to residents residing in a designated AIDS RHCf or RHCf discrete AIDS unit. The provision will also not apply to RHCf services provided to residents residing in the following approved discrete units: (1) long-term inpatient rehabilitation program for traumatic brain injured (TBI) patients; (2) long-term ventilator dependent; (3) specialized programs for behavioral interventions; or, (4) RHCfs or units within RHCfs that provide extensive nursing, medical, psychological, and counseling support services solely to children. The operating component of the rate shall mean all components of the rate except for the capital component. The sixteen geographic regions are the existing regions previously established for determining the wage equalization factors. For newly constructed RHCfs receiving establishment approval, new operators of an ongoing RHCf or any facility in receivership, on or after April 1, 2005, the operating component of the rate of payment shall equal the average operating component of facilities within its region, however such regional average shall not be adjusted by a corridor percentage.
- Currently nursing facility rates are based on resident case mix of all residents during the applicable rate period. Effective April 1, 2005 and thereafter, rates shall be adjusted based upon the case mix of Medicaid residents only, except for the establishment of any statewide or any peer group base, mean, or ceiling prices per day.
 - Continues, effective April 1, 2005 and thereafter, the provision that rates of payment for RHCfs shall not reflect trend factor projections or adjustments for the period April 1, 1996 through March 31, 1997.
 - Continues, effective April 1, 2005 and thereafter, certain cost containment initiatives currently in effect for rates of payment for RHCfs. These are as follows: annual aggregate reduction of \$56 million to encourage improved productivity and efficiency; RHCf administrative and fiscal services reimbursement limits including the provisions to address RHCfs with low patient acuity levels; and long-term care Medicare maximization initiatives that shall be prorated for the period April 1, 2005 through March 31, 2006 and each respective year thereafter.
 - For all gross receipts received by RHCfs on or after April 1, 2005, the reimbursable assessment shall be 6%.
 - RHCf rates of payment for services provided on and after January 1, 2006 shall not include an amount for prescription drugs for residents eligible for Medicaid and those residents eligible for Medicare, Part D. This adjustment is contingent upon implementation of such provision of the federal social security act in the State.
 - For state fiscal years beginning April 1, 2005 and thereafter, additional medical assistance payments will be made to non-state operated public RHCfs, including public RHCfs located in Nassau, Westchester, and Erie counties, but excluding public RHCfs operated by a town or city within a county, in an aggregate amount of up to \$150.0 million. The amount allocated to each eligible public RHCf shall be in accordance with the previously approved methodology except that patient days utilized in the calculation shall reflect actual reported data for 2003 and each representative succeeding year as applicable. Payments to eligible public RHCfs may be added to rates of payment or made as aggregate payments.
- Non Institutional Services:
- Effective for services provided on and after April 1, 2005, for general hospital outpatient and adult day health services provided by nursing homes, the rates of payment for such services shall not include a trend factor projection attributable to the period January 1, 2005 through December 31, 2005.
 - Continues, effective October 1, 2005 and thereafter, the provision that payments for hospital-based and freestanding ambulatory surgery services will be at the rates in effect as of March 31, 2003.
 - Effective April 1, 2005 and thereafter, specialty outpatient services for which the Commissioner may waive the maximum allowable payment and limitations on the rate of payment shall not include services for which the rate of payment is established by the Office of Mental Health pursuant to Section 43.02 of the Mental Hygiene Law.
 - Effective for rate year 2005, the annual reconciliation of the State share savings in excess of or lower than \$1,500,000 attributed to the implementation of the ceiling on administrative and general costs in the calculation of payment rates for certified home health agency providers is no longer required.

- Continues effective April 1, 2005 and thereafter, certain cost containment initiatives currently in effect for Medicaid rates of payment. These are as follows: diagnostic and treatment center rate freeze, including Products of Ambulatory Care; diagnostic and treatment center and certified home health agency administrative and general cost reimbursement limits; home health care Medicare maximization initiatives; hospital outpatient and emergency department reimbursement reductions attributable to exclusion of forty-four percent of major moveable equipment capital costs and elimination of staff housing costs; and adult day health care reimbursement caps.
- Effective for Adult Day Health Care services rendered on or after April 1, 2005, the maximum daily rate of payment may not exceed 65% of the RHCF's per diem rate established on a regional basis.
- Effective April 1, 2005, podiatry services are no longer billable as a clinic visit.
- For state fiscal years beginning April 1, 2005 and thereafter, continues hospital outpatient payment adjustments that increase the operating cost components of rates of payment for hospital outpatient and emergency department services for public general hospitals other than those operated by the State of New York or the State University of New York, which are located in a city with a population of over one million. The eligibility criteria remain unchanged. The amount to be paid will be up to \$287 million annually. Payments to eligible public general hospitals may be added to rates of payment or made as aggregate payments.
- Supplemental payments of \$9.824 million in aggregate shall be made to certain qualified freestanding diagnostic and treatment centers, for the period April 1, 2005 through June 30, 2005, to reflect additional costs associated with the transition to managed care. This amount is to be paid to qualified providers as defined in paragraph (a) of subdivision two of §364-j-2 of the Social Service Law per the payment methodology specified in the current approved state plan.
- Supplemental payments in the aggregate of \$224,000 for the period April 1, 2005 through June 30, 2005, shall be made to freestanding facilities, sponsored by a university or dental school, which have been granted an operating certificate under Article 28 of the Public Health Law, and which provide dental services as their principal mission.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to these proposed initiatives is \$623.3 million.

Copies of the proposed state plan amendments will be on file in each local (county) social services district and available for public review.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

The public is invited to review and comment on these proposed state plan amendments.

For further information and to review and comment please contact: William Johnson, Department of Health, Division of Legal Affairs, Office of Regulatory Reform, Corning Tower, Rm. 2415, Empire State Plaza, Albany, NY 12237, (518) 473-7488, fax: (518) 486-4834, e-mail: regsqna@health.state.ny.us

PUBLIC NOTICE

Office of Mental Retardation and Developmental Disabilities

Pursuant to 42 CFR 447.205 and 42 USC 1396a(a)(13)(A), the NYS Office of Mental Retardation and Developmental Disabilities (OMRDD) and the NYS Department of Health hereby give notice of the following:

OMRDD proposes to change its methods and standards for setting Medicaid rates and fees for Specialty Hospitals, Intermediate Care Facilities for the Developmentally Disabled (ICF/DD), and Day Treatment Facilities serving persons with developmental disabilities. The changes relate to a new State Law, Chapter 575 of the Laws of 2004, which is effective April 1, 2005. The new law requires fingerprinting and criminal history record checks performed by the Division of Criminal Justice Services and reviewed and processed by OMRDD. These checks are required for prospective employees and volunteers of providers of services in the OMRDD system. The actual changes in the methodologies are that the costs which are incurred as a result of requests for criminal history record information will be considered part of the respective rates or fees of reimbursement for these facilities. The reason for these changes is to consider these costs as allowable costs. The changes will be effective April 1, 2005 for Day Treatment facilities. The changes for Specialty Hospitals and ICF/DD facilities will be effective April 15, 2005 at the earliest, and May 2, 2005 at the latest.

Other than these changes, OMRDD will use the same reimbursement methodologies contained in the most recently promulgated regulations and corresponding State Plan for these facilities.

The potential annual cost impacts of these changes are approximately \$414,000 for Day Treatment Facilities, \$8,000 for the Specialty Hospital, and \$1 million for ICF/DD Facilities. These costs include a 50 percent Federal share.

Copies of this Notice of these changes to the payment methodologies of Specialty Hospitals, ICF/DD facilities, and Day Treatment Facilities are on file in each local (county) social services district and are available for public review. For the New York City district, copies are available at the following locations:

New York County
250 Church Street
New York, NY 10013

Queens County
Queens Center
3220 Northern Boulevard
Long Island City, NY 11101

Kings County
Fulton Center
114 Willoughby Street
Brooklyn, NY 11201

Bronx County
Tremont Center
1910 Monterey Avenue
Bronx, NY 10457

Richmond County
 Richmond Center
 95 Central Avenue
 St. George, Staten Island, NY 10301

The public is invited to review and comment on these changes beginning March 30, 2005. Comments must be received no later than May 2, 2005, in order to receive due consideration.

Any written comments and inquiries for further information may be addressed to: Barbara Brundage, Regulatory Affairs Unit, Office of Counsel, Office of Mental Retardation and Developmental Disabilities, 44 Holland Ave., Albany, NY 12229, (518) 474-1830

PUBLIC NOTICE
Public Service Commission

In response to a request by the City of New Rochelle, the public hearings regarding the Water Rates and Charges of United Water New Rochelle, Inc. will be rescheduled from April 7 and 8, 2005, to April 13 (starting at 10:00 a.m.) and April 14, 2005. The hearing location, at the Department of Public Service, 3 Empire State Plaza, 3rd fl, Albany, NY, is the same. There could be further requests to reschedule the hearings.

Notification of the above scheduling change, as well as any subsequent changes, are available at the DPS website (www.dps.state.ny.us) under Case No. 04-W-1221.

Department of State
Proclamation
Revoking Limited Liability Partnerships

WHEREAS, Article 8-B of the Partnership Law, requires registered limited liability partnerships and New York registered foreign limited liability partnerships to furnish the Department of State with a statement every five years updating specified information, and

WHEREAS, the following registered limited liability partnerships and New York registered foreign limited liability partnerships have not furnished the department with the required statement, and

WHEREAS, such registered limited liability partnerships and New York registered foreign limited liability partnerships have been provided with 60 days notice of this action;

NOW, THEREFORE, I, Randy A. Daniels, Secretary of State of the State of New York, do declare and proclaim that the registrations of the following registered limited liability partnerships are hereby revoked and the status of the following New York foreign limited liability partnerships are hereby revoked pursuant to the provisions of Article 8-B of the Partnership Law, as amended:

DOMESTIC REGISTERED LIMITED LIABILITY PARTNERSHIPS

- A**
 AESTHETIC PLASTIC SURGERY CENTER, L.L.P.(99)
 ANESTHESIA ASSOCIATES OF STONY BROOK, LLP (99)
- B**
 BERNSTEIN & PUNTURO LLP (99) R
 BODY-MIND HEALTH, LLP (99)
 BRINEN & INGBER, LLP (99)
 BRIXAUGUSTIN LLP (99)
 BRONX NEONATOLOGY ASSOCIATES, LLP (99)

- C**
 CHARLES, BOUDIN & COMPANY L.L.P. (99)
 COLLINS AND MAXWELL, LLP (99) S
 CORNER ANIMAL HOSPITAL LLP (99)
- D**
 DENNIN & FRIEDMAN LLP (99)
 DEUTSCH, COFFEY & METZ, LLP (94)
- E**
 EDWARD N. SZERLIP, D.P.M., LLP (94)
 EICHLER BERGSMAN & CO., LLP (94)
 EISNER LLP (94)
 EXCEPTIONAL HEALTH & WELLNESS CENTER, LLP (99)
- F**
 FALK & SIEMER, LLP (94)
 FIXLER & ASSOCIATES, A LIMITED LIABILITY PARTNERSHIP (94)
 FRIEDBERG GREENER COHEN, LLP (99)
 FRIEDLAND LAIFER & ROBBINS, LLP (94)
- G**
 G & G MEDICAL ASSOCIATES, LLP (99)
 GANFER & SHORE, LLP (94)
 GREENBERG & MEROLA, LLP (99)
- H**
 H. J. BEHRMAN & COMPANY, LLP, CERTIFIED PUBLIC ACCOUNTANTS (94)
 HARTMAN & CRAVEN LLP (94)
 HARVIS & TRIEN, LLP (94)
 HENDERSON AND BODWELL, L.L.P. (94)
 HUIE & ASSOCIATES, LLP (99)
- I**
 IU + BIBLIOWICZ ARCHITECTS LLP (99)
- J**
 JACKSON & ST. GEORGE, LLP (99)
 JAMES D. MILLER & CO. LLP (99)
- K**
 KIRK MEDINA LIPTON & KETOVER, LLP (99)
 KNAUF KOEGEL & SHAW, LLP (99)
- M**
 MANKO & BINDER LLP (99)
 MARTONE & ROMANZO CERTIFIED PUBLIC ACCOUNTANTS LLP (94)
 MASON & COMPANY, LLP (94)
 MICALE, STOCK & SOBOLEVSKI, LLP (99)
 MINA, ROSE & COMPANY, LLP (99)
 MINEOLA MEDICAL CARE, LLP (99)
 MURPHY STECICH & POWELL LLP (99)
- N**
 NAIDICH & WEINSTOCK, LLP (99)
 NEW ISLAND IMAGING, LLP (99)
 NEW YORK MENTAL HEALTH SERVICES, L.L.P. (94)
 NICCHIA & BORG, LLP (99)
 NORTHSIDE MEDICAL CARE, LLP (99)
- O**
 OPPENHEIM, SCHMETZ AND TURK L.L.P. (94)
- P**
 PARKER CHAPIN LLP (94)
 PREMIER WOMEN'S HEALTH OF NEW YORK, LLP (99)
 PREMIO & HERNANDEZ LLP (99)
 PULVERS, PULVERS, THOMPSON & KUTNER, LLP (99)
- Q**
 QUINN & MONTANYE, LLP (99)
- R**
 RADIATION ONCOLOGY PROFESSIONALS OF N.Y. LLP (99)
 REDA & COMPANY, LLP (99)

REMINICK, AARONS & COMPANY, LLP (94)
 RICHARDS & O'NEIL, LLP (94)
 RUBINBAUM LLP (99)
S
 SHAYS, HEISLER & ROSENTHAL, LLP (99)
 STEIN ROSENFELD KING & KAPLAN, L.L.P. (99)
 STONE & WIENEKE LLP (99)
 STRONGIN ROTHMAN & ABRAMS, LLP (99)
 SUFFOLK ENDOCRINOLOGY ASSOCIATES, L.L.P. (94)
 SWIDLER BERLIN LLP (94)

T
 THE HULING LAW OFFICE, LLP (99)
 THE LAW OFFICE OF CRAIG ROSUCK, LLP (99)
V
 VLACHOS & VLACHOS LLP (99)
W
 WEINICK SANDERS LEVENTHAL & CO., LLP (94)
 WEISS & ALLEN, LLP (94)
Z
 ZWISSLER, DIEDOLF, FEUER & VOLKMANN, L.L.P. (94)

FOREIGN REGISTERED LIMITED
 LIABILITY PARTNERSHIPS

A
 ANDREWS KURTH LLP (94) (TX)
K
 KPMG LLP (94) (DE)
M
 MINTZER, SAROWITZ, ZERIS & LEDVA, LLP (99) (PA)

WITNESS my hand and the official seal of the Department of State at its office in the City of Albany this 30th day of March in the year two thousand five.

[SEAL]
 RANDY A. DANIELS
Secretary of State

PUBLIC NOTICE
 Department of State

Pursuant to 15 CFR 923.84(b), the New York State Department of State (DOS) has submitted to the federal Office of Ocean and Coastal Resource Management (OCRM) a routine program implementation action. The DOS considers this action to be routine and requests OCRM's concurrence in this determination. The change to the NYS Coastal Management Program (CMP) covered by this request is the incorporation into the State's CMP of the following:

Revised Significant Coastal Fish and Wildlife Habitats in Nassau and Suffolk Counties, and New Significant Coastal Fish and Wildlife Habitats in Suffolk County.

Revised Significant Coastal Fish and Wildlife Habitats include: In the Town of North Hempstead: Prospect Point; Manhasset Bay; and Hempstead Harbor, and in the Town of Oyster Bay: Mill Neck Creek, Beaver Brook, and Frost Creek; and Oyster Bay and Cold Spring Harbor, and in the Town of Huntington: Eaton's Neck Point; Sand City; Huntington Bay; Northport Bay; Lloyd Point; Lloyd Harbor; Crab Meadow Wetlands and Beaches; and Oyster Bay and Cold Spring Harbor, and in the Town of Smithtown: Nissequogue Inlet Beaches; Stony Brook Harbor and West Meadow; and Nissequogue River, and in the Town of Brookhaven: Stony Brook Harbor and West Meadow; Flax Pond; Conscience Bay, Little Bay, and Setauket Harbor; Port Jefferson Harbor; Port Jefferson Beaches; Mt. Sinai Harbor; and

Wading River march and Beach, and the Town of Riverhead: Wading River Marsh and Beach, and Town of Southold; Plum Gut; The Race; Mattituck Inlet Wetlands and Beaches; and Fishers Island Beaches, Pine Islands, and Shallows.

New habitat designations include: Caumsett State Park in the Town of Huntington, Asharoken Beach in the Town of Huntington, Herod Point Shoal in the Towns of Brookhaven and Riverhead, Roanoke Shoals in the Town of Riverhead, Baiting Hollow Wetlands and Beach in the Town of Riverhead, Grandifolia Sandhills in the Town of Riverhead, Goldsmith Inlet and Beach in the Town of Southold, Pipes Cove Creek and Moores Drain in the Town of Southold, and Dumpling Islands and Flat Hammock in the Town of Southold.

A major policy of the State's CMP and the Waterfront Revitalization and Coastal Resources act (Article 42 of the NYS Executive Law) calls for the designation of coastal fish and wildlife habitats which are significant due to ecosystem rarity, vulnerable species, human use, population levels, or replaceability. The habitat policy calls for areas so designated to be protected, preserved, and where practical, restored so as to maintain their viability as habitats.

In Nassau and Suffolk Counties, a total of 25 areas in the Long Island north shore region have been revised, and 9 new areas have been recommended for designation by the Department of Environmental Conservation under the State's CMP as administered by the DOS. Public hearings on the proposed habitat revisions and designations were held by the DOS on October 13, 2004 at the Suffolk County Center in Riverhead, NY, and on October 14, 2004 at C.W. Post College in Brookville, NY. Copies of the maps and narratives which describe the location and values of the habitats are available at the Department of State Office, 41 State Street, Albany, NY.

The purpose of this notice is to specifically solicit comments on whether or not revision and designation of these habitats constitutes a routine program implementation under the Coastal Zone Management Act of 1972, as amended.

Any comments on whether or not the action constitutes a routine program implementation should be submitted within three weeks of the date of this Notice to John R. King, Chief, Office of Ocean and Coastal Resource Management, Coastal Programs Division, N/ORM3, 1305 East-West Highway, Silver Spring, MD 20910.

Comments regarding specific areas to be revised or designated should be forwarded to the NYS Department of State.

Contact: Michael Corey, Division of Coastal Resources, Department of State, 41 State St., Albany, NY 12231, (518) 474-6000

PUBLIC NOTICE
 Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Roy Scott, Codes Division, Department of State, 41 State Street, Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2005-0166 Matter of Bethel Performing Arts Center, LLC c/o Joel Schwarz, 925 Euclid Ave., Suite 1900, Cleveland, OH 44115 for a variance concerning building and fire safety requirements, regarding the construction classification requirements for a building.

Involved is the construction of a public assembly building in the Town of Hyde Park, Sullivan County, State of New York.

2005-0176 Matter of Akzo Nobel Salt, 3080 Cuylerville Road, Leicester, NY 14481 for a variance concerning flood plain requirements, including construction below minimum allowed elevations.

Involved is the construction of a F2 Factory - Low Hazard desalination plant of Type 2B non-combustible unprotected construction, one story in height and approximately 8,400 square feet in area. It is located at 3080 Cuylerville Road, Town of Leicester, Livingston County, State of New York.

For further information (including billing) contact: Mark Zubal, Forester I, Department of Environmental Conservation, Division of Lands and Forests, Region 7, 1285 Fisher Ave., Cortland, NY 13045-1090, (607) 753-3095

**SALE OF
FOREST PRODUCTS**

NOTICE OF SALE

**Allegany Reforestation Area No. 19
Contract No. X005579**

Pursuant to section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives public notice of the following:

Sealed bids for 487.6 MBF more or less of softwood sawtimber, and 233 cords more or less of softwood cordwood located on Allegany Reforestation Area No. 19, Stand(s) 3, 17, 18, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, Albany, NY 12233-5027 until 11:00 a.m., Thursday, April 14, 2005.

For further information (including billing) contact: Ronald Abraham, Senior Forester, Department of Environmental Conservation, Division of Lands and Forests, Region 9, 5425 County Rte. 48, Belmont, NY 14813-9758, (585) 268-5392

**SALE OF
FOREST PRODUCTS**

NOTICE OF SALE

**Chautauqua Reforestation Area No. 4
Contract No. X005592**

Pursuant to section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives public notice of the following:

Sealed bids for 283.2 MBF more or less of Int. 1/4" hardwood sawtimber, and 113 cords more or less hardwood cordwood located on Chautauqua Reforestation Area No. 4, Stand(s) 15, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, Albany, NY 12233-5027 until 11:00 a.m., Thursday, April 14, 2005.

For further information (including billing) contact: Stephen Smith, Sr. Forester, Department of Environmental Conservation, Division of Lands and Forests, Region 9, 215 S. Work St., Falconer, NY 14733, (716) 665-6111

**SALE OF
FOREST PRODUCTS**

NOTICE OF SALE

**Cortland Reforestation Area No. 3
Contract No. X005575**

Pursuant to section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives public notice of the following:

Sealed bids for 3,600 tons more or less and 4.4 MBF more or less of softwood and hardwood sawtimber, pulpwood and firewood stumpage located on Cortland Reforestation Area No. 3, Stand(s) B-2, 6, 9, 10, 17, 18, 20, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, Albany, NY 12233-5027 until 11:00 a.m., Thursday, April 14, 2005.

