

REGULATORY AGENDA

Department of Health
ADDENDUM TO
REGULATORY AGENDA PUBLISHED DECEMBER 28, 2005
DESCRIPTION OF THE RULE SUBJECT MATTER
Title 10 NYCRR (Health)

98-1 Health Maintenance Organization (HMO) Non-discrimination in enrollments and service provision - A technical correction will be made to the regulation by adding back language that prohibits HMOs from discriminating in enrollments and services provision. This language was inadvertently deleted when the regulation was revised.

Workers' Compensation Board
REGULATORY AGENDA: JANUARY 2006

Pursuant to section 202-d of the State Administrative Procedures Act, the Workers' Compensation Board presents its regulatory agenda for January 2006. 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 proposed the following two regulatory changes in the November 26, 2005, New York State Register:

1. Amend Section 314.2(d)(5) to amend the time for filing reports of injury in Alternative Dispute Resolution (ADR) claims and add Section 314.8 to set forth a procedure for Board resolution of certain issues arising in ADR claims but not subject to the ADR program, and;
2. Amend Section 300.36(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. Amend Section 300.2 regarding independent medical examinations regarding the time period within which reports of such examinations must be filed with the Board and served on all others, procedures for review of records without an examination of a claimant, process to revoke the authorization of an independent medical examiner whose medical license has been restricted or Board Certification revoked, and process to rescind the registration of independent medical examination entities who engage in misconduct.

4. Add a new Section 325-1.25 to set forth the process for temporary suspensions of medical professionals who are authorized to treat or conduct independent medical examinations of claimants.

5. 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.

6. Amend Sections 300.22, 300.23, 300.29, and 403.1 to eliminate references to obsolete forms.

7. 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.

8. 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

ERRATUM

Regulatory Agendas for the Department of State and the Office of Temporary and Disability Assistance were published in the January 4th issue of the *State Register*. Due to a publishing error, their websites were erroneously left out of the notices. The complete notices for each agency follow in their entirety.

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 unless otherwise noted. 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. The Department is not required to propose for adoption any rule summarized in this regulatory agenda. In addition,

the Department may propose a regulation for adoption which was not under consideration at the time that this regulatory agenda was submitted for publication.

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 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

Part 1210—Considering permanently adding regulations which implement Article 21-B (Manufactured Homes) of the Executive Law. These regulations were adopted as an emergency measure on December 22, 2005.

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

Section 197-1.1—Considering adding a section to prescribe the type and amount of liability coverage that will be required of licensed home inspectors.

Subpart 197-2—Considering adding a new subpart to establish standards for home inspection courses, as well as procedures for course approval, pursuant to Article 12-B of the Real Property Law.

Section 1106.1—Considering amending section 1106.1 to adopt the 2006 edition of the Uniform Standards of Professional Appraisal Practice as the appraisal standards applicable to certified and licensed real estate appraisers in the State of New York.

Part 197—Considering adding a series of regulations dealing with home inspectors licensed pursuant to the Real Property Law.

Chapter XXXI—Considering regulations to implement new federal guidelines which will become effective in 2008 for the licensing and reissue of licenses for all categories of real estate appraisers.

DIVISION OF LOCAL GOVERNMENT

Part 814—Considering amending the Shared Municipal Services Incentive Award Program rules to comply with any new eligibility requirements which are included in the 2006-2007 state budget.

OFFICE OF FIRE PREVENTION AND CONTROL

Part 205 of Title 9 NYCRR—Considering an amendment/update to the Fire Mobilization and Mutual Aid Plan.

The Department of State maintains a continuously updated regulatory agenda on its website. The address of this website is: www.dos.state.ny.us.

To obtain information about or submit written comments concerning any item in this Regulatory Agenda, contact: Nathan A.

Hamm, Office of Counsel, Department of State, 41 State St., Albany, NY 12231.

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 first half of 2006. Chapters 402 and 635 do not preclude the Office from proposing for adoption a regulation that 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.

Establish criteria for closing child support cases.

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

Employment and Transitional Supports

Revise regulations relating to methods of payment to conform to current policy.

Authorize the provision of public assistance to residents of adult homes and enriched housing programs when such facilities become classified as congregate care level III.

Clarify provisions concerning the submission of a social security number as a condition of eligibility for public assistance.

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.

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

Revise food stamp employment and training regulations to conform with federal regulations.

Revise assessment regulations to make the requirements for exempt individuals in households without dependent children consistent with those for exempt individuals in households with dependent children.

Implement changes to participation rate regulations to conform to amendments to Social Services Law which require social services districts to expand the countable work activities available to Safety Net Assistance participants without children to include community service programs, the provision of child care services to an individual participating in community service and time limited vocational education training and job search and job readiness assistance.

Clarify how participation rates are calculated based on federal reporting guidance and clarify the calculation of two distinct Safety Net Assistance work participation rates.

Correct a technical error in regulation related to good cause for failing to comply with work requirements.

Update the determination of food stamp eligibility regulations to include SSI live-alone New York State Nutrition Improvement Program provisions, and education grant exclusions, implementation of the Group Home Standardized Benefit program, delete monthly reporting/retrospective budgeting references and add provisions for change reporting.

Delete provisions relating to Food Assistance Program.

Revise regulations to provide that eligibility for a regular Home Energy Assistance Program benefit would include an assets test, delete the provision that alternate housing must be explored prior to issuing a HEAP benefit, and delete as an emergency provision and add a separate provision on heating equipment repair and replacement.

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

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

Program Support and Quality Improvement

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

Reimbursement and Claims

Amend provisions concerning sampling of cases for quality control purposes.

Update administrative cap section on changes to exemptions.

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

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

Technical Amendments

Implement provisions of Chapter 22 of the Laws of 2005, concerning the time to respond to requests for records under the Freedom of Information Law.

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 Anne Grace, Office of Temporary and Disability Assistance, 40 N. Pearl St., Albany, NY 12243, (518) 474-9498.

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

