

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
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 December 2008 will be conducted on December 9 commencing at 9:30 a.m. and December 10 at 9:30 a.m. This meeting will be conducted at New York Network, Suite 146, South Concourse, Empire State Plaza, Albany, NY. Directions and parking information available at (www.nyn.suny.edu).

For further information, contact: Office of Commission Operations, Department of Civil Service, Alfred E. Smith State Office Building, Albany, NY 12239 (518) 473-6598

PUBLIC NOTICE Division of Criminal Justice Services Commission on Forensic Science

Pursuant to Public Officers Law Section 104, the Division of Criminal Justice Services gives notice of a meeting of the Commission on Forensic Science:

Date: Tuesday, December 11, 2008
Time: 1:30 p.m.
Place: Empire State Development Corporation
633 3rd Avenue, 37th Floor
New York, NY

For further information, or if you need a reasonable accommodation to attend this meeting, contact: Cathryn Levine, Division of Criminal Justice Services, Office of Forensic Services, Four Tower Place, Albany, NY 12203-3764, (518) 485-5052

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 for non-institutional services to comply with recently enacted statutory provisions. The following provides clarification to the provisions contained in the March 26, 2008 and June 25, 2008 public notices.

- Effective December 1, 2008, rates of payment for Medicaid services will be adjusted for outpatient hospital services, general hospital emergency services, ambulatory surgical services, and diagnostic and treatment center services, except those payments made on behalf of persons enrolled in Medicaid HMOs or Family Health Plus, in the following manner.

General Hospital Outpatient Services: for periods on and after January 1, 2012, 100% of such payment rates will reflect the utilization of the APG reimbursement methodology.

Effective December 1, 2008 and thereafter, reimbursement for physician services for outpatient clinic patient care will be determined based on whether or not physician costs are included in a hospital's cost report. Physicians may submit a separate bill to Medicaid only when the physician's costs are not reported in the hospital's cost report. The methodology for reimbursement for capital costs remains unchanged.

General Hospital Emergency Services: for periods on and after January 1, 2009, the operating cost component of rates of payment will reflect the utilization of the APG reimbursement methodology and will not reflect any maximum payment amount. Reimbursement for physician services for patient care will not be included with the APG payment. Physicians should bill Medicaid directly for services rendered in the emergency department. The methodology for reimbursement for capital costs remains unchanged.

Hospital Ambulatory Surgery Services: for periods on and after January 1, 2009, the operating cost component of rates of payment will reflect the utilization of the APG reimbursement methodology. Reimbursement for physician services for patient care will not be included with the APG payment. Physicians should bill Medicaid directly for hospital ambulatory surgical services.

- For any rates periods beginning after March 31, 2009, the Commissioner may prospectively adjust rates of payments for freestanding Federally Qualified and Rural Health Centers (FQHCs) to reflect alternative rate setting methodologies. This alternative methodology, known as the Ambulatory Patient Group (APG) classification and reimbursement system, must be authorized by applicable state law, be agreed to by the Commissioner, and each facility to which they are applied; and in no event shall rates, in aggregate, be less than rates of payment calculated in accordance with the current approved rate methodology.

There are no projected additional expenditures attributable to this proposed initiative for state fiscal year 2008/2009 other than previously noticed.

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 this proposed state plan amendment.

For further information and to review and comment, please contact: Philip N. Mossman, Department of Health, Bureau of HCRA Operations & Financial Analysis, Corning Tower Bldg., Rm. 984, Empire State Plaza, Albany, NY 12237, (518) 473-8822, (518) 486-5796 (FAX), e-mail: PNM01@health.state.ny.us

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 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

- Effective for services rendered on December 1, 2008 and thereafter, rates of payment for general hospitals shall reflect a zero trend factor projection attributed to calendar year 2008. In addition, no adjustment to the 2008 trend factor for the period April 1, 2008 through December 31, 2008 shall be made on a prospective basis to reflect the reconciliation of such trend factor to the final Consumer Price Index for Urban Consumers for 2008. Furthermore, for services on and after January 1, 2009, the trend factor applicable for the 2009 calendar year will be reduced to zero.

- Effective for services rendered on and after December 1, 2008 through March 31, 2009, the operating component of per diem and per discharge rates of payment will be adjusted to reflect a uniform percentage reduction of 8%. Effective for services rendered on and after April 1, 2009 through March 31, 2010, the operating component of per diem and per discharge rates of payment will be adjusted to reflect a uniform percentage reduction of 2%. These uniform percentage reductions will be applied after applicable adjustments to the trend factors affecting such rates.

Long Term Care Services

- Effective for services rendered on December 1, 2008 and thereafter, rates of payment for nursing home inpatient services except for nursing home services provided to children, shall reflect a zero trend factor projection attributed to calendar year 2008. In addition, no adjustment to the 2008 trend factor for the period April 1, 2008 through December 31, 2008 shall be made on a prospective basis to reflect the reconciliation of such trend factor to the final Consumer Price Index for Urban Consumers for 2008. Furthermore, for services on and after January 1, 2009 except for services provided to children, the trend factor applicable for the 2009 calendar year will be reduced to zero.

- Effective for services rendered on January 1, 2009 through March 31, 2009, the operating component of nursing home rates shall be the operating component effective as of December 31, 2006 adjusted for the applicable inflation adjustments.

- Effective for services rendered on April 1, 2009 and thereafter, the operating component of nursing home rates shall be based on the operating costs for each facility as reported in the 2002 annual cost report and in accordance with the previously noticed rebasing provisions.

- Effective for services rendered on and after December 1, 2008 through March 31, 2009, the operating component of nursing home rates of payment will be adjusted to reflect a uniform percentage reduction of 8%. Effective for services rendered on and after April 1, 2009 through March 31, 2010, the operating component of such rates of payment will be adjusted to reflect a uniform percentage reduction of 2%. These uniform percentage reductions will be applied after applicable adjustments to the trend factors affecting such rates.

- The current authority to adjust Medicaid rates of payment for non-public residential health care facilities (RHCs) to include an adjustment for recruitment and retention of non-supervisory health care workers or any worker with direct patient care responsibility has been extended through March 31, 2010, and each state fiscal year thereafter. Aggregate payments for the period December 1, 2008 through March 31, 2009, have been reduced to \$51.7 million; and for the period April 1, 2009 through March 31, 2010 and each state fiscal year thereafter, have been reduced to \$13.1 million.

Non-Institutional Services

- Effective for services rendered on December 1, 2008 and thereafter, rates of payment for hospital outpatient services, home health services including services provided to home care patients diagnosed with AIDS, personal care services, adult day health care services, and assisted living services, rates shall reflect a zero trend factor projection attributed to calendar year 2008. In addition, no adjustment to the 2008 trend factor for the period April 1, 2008 through December 31, 2008 shall be made on a prospective basis to reflect the reconciliation of such trend factor to the final Consumer Price Index for Urban Consumers for 2008. Furthermore, for such services provided on and after January 1, 2009, the trend factor applicable for the 2009 calendar year will be reduced to zero. These trend factor reductions also apply to rates of payment for personal care services provided in social services districts, including New York City, whose rates of payments for such services are issued by such social services districts pursuant to a rate-setting exemption issued by the Commissioner of Health.

- Effective for services rendered on and after December 1, 2008, rates of payment for home health services including AIDS home care services, and personal care services, including those personal care services provided in social services districts, including New York City, whose rates of payments for such services are issued by such social services districts pursuant to a rate-setting exemption issued by the Commissioner of Health shall be adjusted to reflect a uniform percentage reduction of 1%. These uniform percentage reductions will be applied after applicable adjustments to the trend factors affecting such rates.

- Effective for services rendered by Certified Home Health Care Agencies on and after December 1, 2008, the reimbursable base year administrative and general costs for those agencies with annual expenses in excess of \$20 million, as determined using the reported base year cost data used to establish the statewide average administrative and general ceiling for the applicable rate year, shall not exceed the lower of such statewide average, or twenty percent of such agency's total reimbursable base year costs.

- Effective for services rendered by Certified Home Health Care Agencies on and after December 1, 2008, no amount shall be included in the rate for any community-based agency or program that is in excess of 100% of the weighted average cost of all community-based agencies or programs in each such agency's or program's group. In the case of hospital-based agencies or programs, no amount shall be included that is in excess of 100% of the weighted average cost of community-based agencies or programs in the area in which such hospital-based agencies or programs are located.

- Additional payments of \$4,617,000 for the period December 1, 2008 through December 31, 2008, will be made to qualifying diagnostic and treatment centers to reflect additional costs associated with the operation of electronic health records systems that meet such stan-

dards as established by the Commissioner of Health. This represents a 50% reduction in the previously noticed amount. Such additional payments shall not be subject to subsequent adjustment or reconciliation and can be made as aggregate payments to eligible providers.

- The previously enacted statutory provisions providing for additional payments of up to \$16 million in the aggregate to enhance the provision, accessibility, quality, and/or efficiency of home care services by home care providers located in social services districts that do not include a city with a population of over one million persons, effective for the period April 1, 2008 through March 31, 2009, will be reduced by 50% (\$4,000,000) and will be paid as additional payments for services rendered for the period December 1, 2008 through March 31, 2009.

Prescription Drugs

- Effective January 1, 2009, for sole or multi-source brand name drugs, the Estimated Acquisition Cost (EAC) is defined as Average Wholesale Price (AWP) minus 17.25%. For multi-source generic drugs, the EAC remains as currently defined without change. For approved HIV pharmacies, the EAC remains as currently defined without change.

The estimated annual net aggregate decrease in gross Medicaid expenditures attributable to these proposed initiatives for state fiscal year 2009/2010 is \$1.2 billion.

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 this proposed state plan amendment.

For further information and to review and comment, please contact: Philip N. Mossman, Department of Health, Bureau of HCRA Operations & Financial Analysis, Corning Tower Bldg., Rm. 984, Empire State Plaza, Albany, NY 12237, (518) 473-8822, (518) 486-5796 (FAX), e-mail: PNM01@health.state.ny.us

PUBLIC NOTICE

Department of State

A meeting of the New York State Board of Real Estate Appraisal will be held on Wednesday, December 5, 2008 at 10:30 a.m. at the Department of State, Alfred E. Smith State Office Bldg., 80 South Swan Street, 10th Floor Conference Room, Albany, NY, and 123 William Street, 19th Floor Conference Room, NYC, NY.

Should you wish to attend or require further information, please contact Debra Campana, Board Coordinator, at debra.ryan-campana@dos.state.ny.us or 518-486-3857. Please always consult the Department of State website (www.dos.state.ny.us/about/calendar.htm) on the day before the meeting to make sure the meeting has not been rescheduled.

PUBLIC NOTICE

Department of State

Pursuant to 15 CFR 923.84(b), the New York State Department of State (DOS) has submitted a routine program implementation action

to the federal Office of Ocean and Coastal Resource Management (OCRM). The DOS considers this action to be routine and has requested 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 Babylon: Great South Bay- West (in part); Jones Beach East; South Oyster Bay (in part), and in the Town of Brookhaven: Beaverdam Creek; Carmans River; Cupsogue County Park (in part); Great South Bay- East; Moriches Bay (in part); Shinnecock Bay (in part); Smith Point County Park; and Swan River, and in the Town of Hempstead: East Hempstead Bay; Jones Beach West; Middle Hempstead Bay; Nassau Beach; Silver Point Beach; South Oyster Bay (in part); Storehouse, Jones Beach State Park; and West Hempstead Bay, and the Town of Islip: Connetquot River; Great South Bay- West (in part), and in the Town of Oyster Bay: Parking Lot 9, Jones Beach State Park; South Oyster Bay (in part); and Tobay Sanctuary, and in the Town of Southampton: Cupsogue County Park (in part); Dune Road Marsh; Far and Middle Pond Inlets; Mecox Bay and Beaches; Moriches Bay (in part); Sagaponack Inlet; Shinnecock Bay (in part); Southampton Beach; and Tiana Beach.

New proposed habitat designations include: Democrat Point in the Town of Babylon, and Westhampton Beach and Dunes in the Town of Southampton.

Previously designated habitats proposed to be repealed include: Orowoc Creek in the Town of Islip, Champlin Creek in the Town of Islip, and Cedar Creek County Park in the Town of Hempstead.

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, species vulnerability, 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 30 previously designated Significant Coastal Fish and Wildlife Habitat areas along the south shore of Long Island have been revised to 27 Significant Coastal Fish and Wildlife Habitat areas, and 2 new areas have been recommended for designation by the Department of Environmental Conservation under the State's CMP as administered by the DOS. The Secretary of State is also proposing to repeal 3 previously designated Significant Coastal Fish and Wildlife Habitat areas, Orowoc Creek, Champlin Creek, and Cedar Creek County Park. A public hearing on the proposed habitat revisions, designations, and repeals was held by the DOS on May 15, 2006 at the Babylon Town Hall in Babylon, NY.

Copies of the maps and narratives which describe the location and values of the habitats are available at the Department of State Office, 99 Washington Avenue, Albany, NY. The most recent coastal area map can be found at http://nyswaterfronts.com/maps__regions.asp and will be updated upon concurrence from OCRM. This action is an Unlisted Action and a Negative Declaration has been prepared pursuant to the SEQRA regulations at 6 NYCRR Part 617.

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, SSMC4, 11th Floor, 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.

For further information, contact: Fred Anders, Division of Coastal Resources, Department of State, 99 Washington Ave., Albany, NY 12231, (518) 474-6000

PUBLIC NOTICE

Department of State
F-2008-0628

Date of Issuance-November 26, 2008

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicants have certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue in Albany, New York.

In F-2008-00628, LaFarge North America, 350 Broadway, Town of Cortlandt, Westchester County, has applied to the U.S. Army Corps of Engineers, New York District, for a permit to convert the existing mined rock gypsum processing plant at the above-mentioned address to a synthetic gypsum processing facility. The plant changeover will require the modification to the existing waterfront unloading operations on the Hudson River in order to safely berth and efficiently unload the oceangoing fry bulk material barges delivering the material.

Specifically, the proposed modifications include the following:

- Expansion of Southside Mooring Dolphin M-1: The cap of the existing 26' x 26' x 5' dolphin will be expanded to 36' x 36' by doweling a 5' wide x 5' thick concrete piece around 4 sides. Eight new 20'' diameter steel pipe piles filled with concrete with rock sockets will support the dolphin.
- Upgrade the Existing Breasting Dolphin D-3 at Bow of Material Handling Barge: The cap of the existing 20' x 20' x 2' dolphin will be expanded to 25' x 30' x 4' by placing a concrete piece around 3 sides and installing 11 new 20'' diameter steel pipe piles with rock sockets to support the dolphin. The dolphin will be provided with a buckling column fender with fender panel.
- Upgrade Existing Breasting Dolphin D-2: The existing 30' x 35' x 5' dolphin will be upgraded by adding (4) 20'' diameter pipe piles filled with concrete rock sockets connected to the existing pile cap by 5' wide x 10' long x 5' thick concrete caps.
- New Breasting Dolphin: the new breasting dolphin will consist of a 15' x 20' x 5' cap supported by (12) 20'' diameter pipe piles filled with rock sockets, and a buckling column fender with fender panel.
- New Crane Platform: An existing dolphin would be removed in order to construct a new crane platform of 50' x 80' x 5' thick concrete supported (36) 20'' diameter pipe piled filled with concrete with rock sockets with two buckling column fenders with fender panels. The crane platform will have a small storage shed and a storage area for a skid loader.
- Catwalk Modification: Existing catwalks will be modified to suit the access to the modified dock structures. No new piles will be added.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, December 26, 2008.

Comments should be addressed to the New York State Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231. Telephone (518) 474-6000; Fax (518) 473-2464.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Village of Victor

The Village of Victor is soliciting proposals from Administrative Service Agencies, Trustees, and Financial Organizations for services in connection with a Deferred Compensation Plan that will meet the

requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

A copy of the proposal questionnaire may be obtained from: Diane M. White, Treasurer, Village of Victor, 60 E. Main St., Victor, NY 14564

All proposals must be submitted not later than 30 days from the date of this publication.

SALE OF
FOREST PRODUCTS

Cattaraugus Reforestation Area No. 14
Contract No. X007175

Pursuant to Section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives Public Notice for the following:

Sealed bids for 193.2 MBF more or less of sawtimber and 317 cords more or less of cordwood located on Cattaraugus Reforestation Area No. 14, Stand 15, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, 10th Fl., Albany, NY 12233-5027 until 11:00 a.m., Thursday, Dec. 11, 2008.

For further information, contact: Daniel Schaffer, Principal Forestry Tech., Department of Environmental Conservation, Division of Lands and Forests, Region 9, 182 E. Union St., Suite 3, Allegany, NY 14706-1328, (716) 372-0645

SALE OF
FOREST PRODUCTS

Chautauqua Reforestation Area No. 5
Contract No. X007196

Pursuant to Section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives Public Notice for the following:

Sealed bids for 336.1 MBF more or less of sawtimber and 0.3 cords more or less of cordwood located on Chautauqua Reforestation Area No. 5, Stands 15, 16 and 20, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, 10th Fl., Albany, NY 12233-5027 until 11:00 a.m., Thursday, Dec. 11, 2008.

For further information, contact: Theresa J. Laurie, Forestry Tech., 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

Cortland Reforestation Area No. 17
Contract No. X007203

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 220.4 MBF more or less of sawtimber, 302.58 cords more or less of hardwood pulp located on Cortland Reforestation Area No. 17, Gee Brook SF, Stands B-2.1, 12 and 13, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, 10th Fl., Albany, NY 12233-5027 until 11:00 a.m., Thursday, Dec. 11, 2008.

For further information, contact: Henry C. Dedrick, Senior Forester, Department of Environmental Conservation, Division of Lands and Forests, Region 7, 1285 Fisher Ave., Cortland, NY 13045-1090, (607) 753-3095 ext. 218

SALE OF
FOREST PRODUCTS
Tompkins Reforestation Area No. 3
Contract No. X007225

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 373.3 MBF more or less of sawtimber; 673 cords more or less of mixed hardwood cordwood located on Tompkins Reforestation Area No. 3, Stand(s) E2, 3.1; F13, 21, 23, 24, 25, 30; G21, 22, 23, 24 and 25, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, 10th Fl., Albany, NY 12233-5027 until 11:00 a.m., Thursday, Dec. 11, 2008.

For further information, contact: John Clancy, Senior Forester, Department of Environmental Conservation, Lands and Forests, Region 7, 1285 Fisher Ave., Cortland, NY 13045-1090, (607) 753-3095

