

REGULATORY AGENDA

Department of Agriculture and Markets

Pursuant to subdivision 1 of section 202-d of the State Administrative Procedure Act, notice is hereby provided of the following rules which the Department of Agriculture and Markets is considering proposing but for which a rulemaking proceeding has not been commenced. All section and Part references are to Title 1 of the New York Code of Rules and Regulations, except where noted.

DIVISION OF ANIMAL INDUSTRY

Part 46: Consider amending the program for the control and eradication of brucellosis to remove obsolete provisions and adopt updated federal standards.

Part 53: Consider amendments relative to the movement of cattle into New York State.

Part 57: Consider repealing sections 57.7 through 57.23 pertaining to the salmonella enteritidis testing program.

Part 58: Consider amendments to incorporate by reference the USDA cattle tuberculosis program.

Part 60: Consider amending requirements governing the intrastate movement of deer in light of amendments to health requirements for captive cervids (Part 68).

Part 61: Consider adopting recordkeeping requirements for swine, cervid, camelid, goat and sheep dealers.

Part 68: Consider amending animal health requirements to require tuberculosis surveillance on all captive cervid herds; to provide owners of herds of chronic wasting disease (CWD) susceptible species with a one-time option to move such animals to a special purpose herd; and to exempt special purpose herds of less than 10 animals from sampling requirements.

Part 77: Consider amending the standards of care for seized dogs, clarify the definition of a dog dealer and conform the definition of euthanasia to State law.

Part 82: Consider adding animal exercise requirements for pet dealers.

Name of agency contact: David C. Smith, DVM, Director, Division of Animal Industry

Office Address: 10B Airline Drive, Albany, New York 12235

Telephone number: (518) 457-3502

david.smith@agriculture.ny.gov

DIVISION OF FOOD SAFETY AND INSPECTION

Part 165: Consider amending regulations regarding the grading of potatoes and the definition of culls.

Part 185: Consider amending regulations to incorporate USDA standards for grades of apples.

Part 245: Consider amending regulations concerning structural and sanitary requirements for slaughterhouses.

Parts 250, 252, 259; sections 261.8, 262.1, 265.1, 266.1, 267.1, 271-4.7, 271-5.3(h), 271-5.3(j), 271-5.4(g); and Parts 277, 279 and 280: Consider amending these Parts/sections to incorporate by reference the most recent Federal regulations.

Part 262: Consider amending regulations regarding fish processing and smoking establishments.

Name of agency contact: Stephen D. Stich, Director, Division of Food Safety and Inspection

Office Address: 10B Airline Drive, Albany, New York 12235

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stephen.stich@agriculture.ny.gov

DIVISION OF MILK CONTROL AND DAIRY SERVICES

Section 2.8: Consider repealing the standards for sediment in prepasteurized milk and raw milk.

Part 10: Consider repealing requirements for the processing of milk and cream using the injection of steam.

Part 12: Consider repealing this Part which pertains to requirements and methods for testing prepasteurized milk and raw milk for sediment.

Name of agency contact: Casey McCue, Director, Division of Milk Control and Dairy Services

Office Address: 10B Airline Drive, Albany, New York 12235

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casey.mccue@agriculture.ny.gov

DIVISION OF PLANT INDUSTRY

Part 127: Consider amending the golden nematode quarantine to deregulate areas in Orleans, Nassau and Suffolk Counties.

Part 140: Consider amending the plum pox virus quarantine to deregulate areas in Niagara, Wayne and Orleans Counties.

Name of Agency Contact: Christopher Logue, Director, Division of Plant Industry

Office Address: 10B Airline Drive, Albany, New York 12235

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BUREAU OF WEIGHTS AND MEASURES

Section 220.4: Consider increasing fees for metrology laboratory testing.

Section 220.12: Consider increasing fees for type evaluations.

Part 221: Consider adopting NIST Handbook 130 standards for packaging and labeling and for methods of sale.

Section 221.11: Consider adopting national standards for the checking of the net contents of packaged goods as published in the 2014 edition of NIST Handbook 133.

Part 224: Consider adopting diameter size requirements for diesel fuel dispensers.

Section 224: Consider adopting current standards of the American Society for Testing Materials (ASTM) regarding gasoline (D 4814), diesel (D 975) and kerosene (D 3699). Also consider adopting stricter standards for levels of water in storage tanks.

Name of agency contact: Michael Sikula, Director, Bureau of Weights and Measures

Office Address: 10B Airline Drive, Albany, New York 12235

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Education Department

June 2014 Regulatory Agenda

Pursuant to section 202-d of the State Administrative Procedure Act, the State Education Department presents its regulatory agenda for the remainder of calendar year 2014. All section and part references are to Title 8 of the New York Code of Rules and Regulations. The State Education Department reserves the right to add, delete or modify, without further notice, except as required by the State Administrative Procedure Act, any item or information presented herein as relating to the June 2014 Regulatory Agenda.

OFFICE OF P-12 EDUCATION

Amendment of Part 100 of the Commissioner's Regulations relating to multiple pathways to graduation. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.1(a) of the Commissioner's Regulations relating to the definition of a unit of study. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.1(b) of the Commissioner's Regulations relating to the definition of a unit of credit. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.3 of the Commissioner's Regulations relating to the PreK-4 Program requirements to reflect the adoption of the Common Core Learning Standards. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4 of the Commissioner's Regulations relating to program requirements in grades 5-6 to reflect the adoption of the Common Core Learning Standards. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.5 of the Commissioner's Regulations to reflect the adoption of the Common Core Learning Standards in English Language Arts and Mathematics. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2 of the Commissioner's Regulations relating to general school requirements. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.5 of the Commissioner's Regulations, relating to graduation requirements. A regulatory change may be required to allow for additional options for English language learners. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.5 of the Commissioner's Regulations relating to diploma requirements for students pursuing a career/technical education program. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4(b) of the Commissioner's Regulations relating to program requirements in grades five and six. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4(c) of the Commissioner's Regulations relating to unit of study requirements in grades seven and eight. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4(d) of the Commissioner's Regulations relating to grade eight acceleration for diploma credit. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4(h) of the Commissioner's Regulations relating to models for Middle Level Education. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.5(a), (b) and (c) of the Commissioner's

Regulations relating to graduation and diploma requirements. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.5 of the Commissioner's Regulations relating to implementation of the Seal of Biliteracy. Chapter 271 of the Laws of 2012 (Section 815 of Education Law) established the state Seal of Biliteracy to recognize high school graduates who have attained a high 2 level of proficiency in listening, speaking, reading, and writing in one or more languages in addition to English. The NYS Seal of Biliteracy will be awarded by the Commissioner to students who meet criteria established by the Board of Regents and attend schools in districts that voluntarily agree to participate in the program. The Seal of Biliteracy will be affixed to the high school diploma and transcript of graduating pupils attaining Seal criteria and must be made available to students at no cost. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Repeal of sections 100.14 and 100.15 of the Commissioner's Regulations relating to Excelsior Scholars Program and Grants for Summer Institutes for Mathematics and Science Teachers. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.18 to revise the procedure for those districts seeking to open or modify a public school during a current school year as well as to address accountability issues resulting from the administration of new Grade 3-8 English language arts and mathematics assessments. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.18(i)(1) and (2) of the Commissioner's Regulations to align with the State's ESEA Flexibility Waiver Renewal Request, by allowing the Commissioner to consider additional progress measures, including, but not limited to, Student Growth Performance (SGP) and gap reduction, in determining whether to remove Priority Schools, Focus Districts and Focus Schools from accountability status while also requiring that accountability groups for which a school or district has not been identified perform above the threshold for identification at the time of removal. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 117 of the Commissioner's Regulations relating to initial identification and enrollment processes for English language learners. A regulatory change may be required to align to regulatory changes made to Part 154. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 117 of the Commissioner's Regulations pertaining to the screening of students to determine whether they are English language learners.

Amendment of Part 117 of the Commissioner's Regulations relating to diagnostic screening for students who are new entrants or who have low test scores in reading or mathematics. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 118 of the Commissioner's Regulations relating to implementation of waivers from specified provisions of the Elementary and Secondary Education Act of 1965, as amended, that have been granted by the Secretary of the U.S. Department of Education pursuant to section 9401 of the ESEA for purposes of ESEA flexibility pertaining to school and district accountability. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 119 of the Commissioner's Regulations to add a section relating to procedures regarding complaints brought pursuant to Education Law section 2855. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 119.1 of Commissioner's Regulations, relating to Charter School Tuition Reimbursement, to conform to section 4 of Part BB of Chapter 56 of the Laws of 2014. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 120 of the Commissioner's Regulations relating to implementation of waivers from specified provisions of the Elementary and Secondary Education Act of 1965, as amended, that have been granted by the Secretary of the U.S. Department of Education pursuant to section 9401 of the ESEA for purposes of ESEA flexibility pertaining to Supplemental Educational Services and Public School Choice. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 125 of the Commissioner's Regulations relating to the requirements for the voluntary registration of nonpublic nursery schools and kindergartens. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 151-1.3 of the Commissioner's Regulations relating to the Universal Pre-Kindergarten program. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of the Commissioner's Regulations relating to the instructional reporting and improvement system. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of the Commissioner's Regulations relating to the Early Warning System and the use of standardized student-level attendance rules. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 136.3(b) to conform to Education Law section 901, as amended by the Laws of 2006, Ch. 58, pt. A-1, § 57, which removed the exemption of the city school districts of Rochester and Buffalo from the requirement to provide school health services. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 144.11 of the Commissioner's Regulations to eliminate the requirement that school districts have an Early Grade Class Size Reduction Plan. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 154 of Commissioner's Regulations regarding the identification of and provision of services to English Language Learners including administration of a new assessment to determine whether students are English language learners upon their first enrollment in a New York state school. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Development of a new Part of the Commissioner's Regulations to create identification, placement and program requirements for students who are English language learners in preschool.

Amendment of section 200.2(b) of the Commissioner's Regulations relating to written policies for the declassification of students with disabilities, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of sections 200.4(i) and 200.5(a) of the Commissioner's Regulations relating to written notice upon graduation or aging out and the development of adult service recommendations for students with disabilities placed in residential schools, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.5(c) of the Commissioner's Regulations relating to written notice to parents regarding CSE and Subcommittee meetings, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment to sections 200.5(h) and (j) of the Commissioner's Regulations relating to mediation and impartial due process hearings for students with disabilities parentally placed in private schools, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.5(j) of the Commissioner's Regulations relating to the statute of limitations for requesting an impartial hear-

ing, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.7 of the Commissioner's Regulations relating to conditions of approval and the program standards for private schools approved to serve students with disabilities. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.7(d) of the Commissioner's Regulations relating to the approval of the Commissioner of Education on an appointment of a student with a disability to a State-supported school and evaluations conducted by State-supported schools, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.16 of the Commissioner's Regulations relating to parent selection of a preschool evaluator, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of sections 200.9, 200.16 and 200.20 of the Commissioner's Regulations relating to the preschool rate-setting methodology and the approval of programs serving preschool students with disabilities. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.20(a) of the Commissioner's Regulations relating to public school districts as preschool evaluators as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting: Ken Slentz, Ken Wagner, Deputy Commissioners P-12, Education Department, State Education Bldg., Rm. 2M W, 89 Washington Ave., Albany, NY 12234, (518) 474-3862, e-mail: nysedp12@mail.nysed.gov

OFFICE OF HIGHER EDUCATION

Amendment of section 3.56 of Regents Rules to clarify requirements for out-of-state institutions of higher education that are seeking Regents permission to operate in New York. A rural area flexibility analysis may be required.

Amendment of Part 52 of the Commissioner's Regulations, relating to the registration of curricula of general academic and/or educator preparation programs, including pupil personnel education programs and the clinically rich teacher preparation program. A rural area flexibility analysis may be required.

Amendment of Part 80 of the Commissioner's Regulations relating to changes regarding the new certification examinations. A rural area flexibility analysis may be required.

Amendment of Part 80 of the Commissioner's Regulations relating to the certification requirements for pupil personnel service providers. A rural area flexibility analysis may be required.

Amendment of section 80-1.6 of the Commissioner's Regulations relating to the ability to time extend a Teaching Assistant Level II for Citizenship. A rural area flexibility analysis may be required.

Amendment of section 80-3.4 of the Commissioner's Regulations relating to education requirements for the professional certificate. A rural area flexibility analysis may be required.

Amendment of section 80-5.6 of the Commissioner's regulations to define "school year" for purposes of experience for a teaching assistant certificate. A rural area flexibility analysis may be needed.

Amendment of Part 83 of the Commissioner's Regulations relating to streamline moral character hearings. A regulatory flexibility analysis for local governments and a rural area flexibility analysis may be required.

Amendment of Part 86 of the Commissioner's Regulations relating to the requirements for the Albert Shanker Grant. A rural area flexibility analysis may be required.

Amendment of section 100.2(dd) of the Commissioner's Regulations, relating to professional development hours. A regulatory change may be required to specific percentage of hours for professional development specific to the needs of ELLs and language acquisition. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2(dd) and section 80-3.6 of the Commissioner's Regulations to require professional development plans to include a description of alignment to the Common Core Standards and to include as part of the 175 hour requirement, professional development and training on the Common Core Standards. A regulatory flexibility analysis for local governments and a rural area flexibility analysis may be required.

Amendment of Part 135 of the Commissioner's Regulations to clarify the due process procedures relative to coaching licenses. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment to Part 145 of the Commissioner's Regulations to establish: (1) a uniform submission process for the nomination of scholarship recipients; and (2) a final due date for the submission of nomination(s) for the scholarships for academic excellence.

Amendment to Commissioner's Regulations 145-2.1(a)iii to provide a definition of a remedial course(s). A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment to Commissioner's Regulations 145-2.15(c)(1) to clarify and establish jurisdiction over a student at the time of the completion of secondary education. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting: John D'Agati, Deputy Commissioner for the Office of Higher Education, Education Department, Office of Higher Education, Rm. 977, Education Bldg. Annex, 89 Washington Ave., Albany, NY 12234, (518) 486-3633, e-mail: sroberso@nysed.mail.gov

OFFICE OF THE PROFESSIONS

Amendment of Part 29 of the Regents Rules relating to definitions of unprofessional conduct in the public accountancy and certified public accountancy professions. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 29 of the Regents Rules relating to definitions of unprofessional conduct in the nursing professions. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 29 of the Regents Rules relating to unprofessional conduct in the pharmacy profession. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment to Part 29 and Part 63 relating to the registration and regulation of outsourcing facilities to implement Ch. 60 of the Laws of 2014. A regulatory flexibility analysis and a rural area flexibility analysis may be needed.

Amendment of Part 52 and Subpart 79-8 of the Commissioner's Regulations relating to educational requirements for licensure in medical physics. A rural area flexibility analysis may be required.

Amendment of Parts 52 and 79 of the Commissioner's Regulations to add a new profession entitled "Applied Behavior Analysis," to establish educational requirements and licensure for Licensed Behavior Analysts and certification for Certified Behavior Analyst Assistants, to protect the titles "Licensed Behavior Analyst" and "Certified Behavior Analyst Assistant."

Amendment of Part 60.8 of the Commissioner's Regulations relating to the segregation, in law, of physician assistants and specialist assistants and conversion of Physician Assistants from a registered profession to a licensed profession; retaining Specialist Assistants as a registered profession.

Amendment of Part 61 of the Commissioner's Regulations relating to dental anesthesia certification. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment to Part 61 of the Commissioner's Regulations to allow dental hygienists working for a hospital, hospital based dental clinics, local health department dental clinics, school-based dental health centers, pursuant to a collaborative agreement with a licensed and registered dentist who has a formal relationship with the same hospital, to provide certain dental services that are currently provided under general supervision.

Amendment to Part 63 of the Commissioner's Regulations relating to the registration and operation of New York pharmacy establishments and registration of nonresident pharmacy establishments. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 64 of the Commissioner's Regulations to allow certified nurse practitioners, with specified experience practicing as a licensed or certified nurse practitioner, in lieu collaborating with a physician pursuant to a written practice agreement and written protocols, to enter into collaborative relationships with one of more licensed physicians qualified to collaborate in the specialty involved or a hospital, licensed under Article 28 of the Public Health Law, that provides services through licensed physicians qualified to collaborate in the specialty involved and having privileges at such institution.

Amendment of Subparts 79-9, 79-10, 79-11, and 79-12 of the Commissioner's Regulations to establish mandatory continuing education requirements for mental health counselors, marriage and family therapists, creative arts therapists, and psychoanalysts. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 79 of the Commissioner's Regulations to create a new Subpart 79-17 to add a new profession entitled "Perfusionists"; to describe the scope of practice of a Perfusionist and to make Perfusion a title protected profession. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting: Douglas E. Lentivech, Deputy Commissioner for the Professions, Education Department, Office of the Professions, 89 Washington Ave., West Wing, Second Fl. - Education Bldg., Albany, NY 12234, (518) 486-1765, e-mail: opdepcom@mail.nysed.gov

OFFICE OF CULTURAL EDUCATION

Amendment of Part 90 of the Commissioner's Regulations, relating to the library and library system programs and services. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning the above proposed amendment by contacting: Bernard A. Margolis, State Librarian and Assistant Commissioner for Libraries, Education Department, New York State Library, Rm. 10C34, Albany, NY 12230, (518) 474-5930, e-mail: bmargolis@mail.nysed.gov

Amendment of sections 189.1 and 189.3 of the Commissioner's Regulations relating to the Documentary Heritage program, to revise procedures for the award of grants and for the provision of field services. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 188 of the Commissioner's Regulations related to state government archives and records management to update the agency fee list to match the current organizational structure of executive branch agencies. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

Christine Ward, Assistant Commissioner for the State Archives, 9A49 Cultural Education Center, Albany, NY 12230, (518) 473-7091, e-mail: cward@mail.nysed.gov

OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES (ACCES)

Amendment of Parts 246, 247 and 248 of the Commissioner's Regulations, regarding conforming and technical amendments pertaining to the vocational rehabilitation and independent living programs. A regulatory flexibility analysis for local government and a rural flexibility analysis may be required.

Amendment of Parts 246, 247 and 248 of the Commissioner's Regulations relating to the State vocational rehabilitation and independent living programs, as necessary, to eliminate references to the former Office of Vocational and Educational Services for Individuals with Disabilities. A regulatory flexibility analysis for local government and a rural flexibility analysis may be required.

Amendment of Part 246 of the Commissioner's Regulations relating to sheltered workshop programs and community rehabilitation providers, as may be necessary to conform to federal regulations and to reflect new standards for services established in contracts. A regulatory flexibility analysis for local government and a rural flexibility analysis may be required.

Amendment of Parts 246 and 247 of the Commissioner's Regulations relating to the State vocational rehabilitation program operated pursuant to Title I of the Rehabilitation Act, as may be appropriate in order to conform to possible changes made if Congress reauthorizes that act this year. A regulatory flexibility analysis for local government and a rural flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning the modification or continuation of any of the above rules by contacting: Lisa Van Ryn, Manager, VR Policy and Partnerships, Office of Adult Career and Continuing Education Services, Rm. 580 EBA, 89 Washington Ave., Albany, NY 12234

Adult Education Programs and Policy

Amendment to Section 100.7 of the Commissioner's Regulations that would update and revise outdated provisions of the regulation to conform with the new High School Equivalency exam, the Test Assessing Secondary Completion – TASC™. The amendment would also authorize the National External Diploma Program (NEDP) as an alternative assessment to a New York State High School Equivalency Diploma. Currently, the NEDP is an accepted program under Section 100.8 as a local high school equivalency diploma. Regulation 100.8 expires on June 30, 2015. A regulatory flexibility analysis for local government and a rural flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted concerning the above proposed amendments by contacting: Mark Leinung, Director – Adult Education Programs and Policy, Adult Career and Continuing Education Services, Education Department, 89 Washington Ave., Albany, NY 12234, e-mail: mleinung@mail.nysed.gov

OFFICE OF STATE REVIEW

Amendment of section 279.1 of the Commissioner's Regulations, relating to the incorporation and clarification of definitions and other provisions, as relevant to state-level review of hearings for students with disabilities, that are currently referenced in Parts 275 and 276; deletion of references to parts 275 and 276; clarification of the jurisdiction of a state review officer and procedures regarding state review proceedings; and clarification regarding the authority of a state review officer to review manifestation determinations. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.2 of the Commissioner's Regulations, relating to timelines for serving and filing a Notice of Intention to Seek Review; clarification of purpose of Notice of Intention to Seek review; clarification of timeframe in which to serve upon another party and file a Notice of Intention to Seek review; and addition of a notice of certification requirement. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.3 of the Commissioner's Regulations, relating to service of an answer. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.4 of the Commissioner's Regulations, relating to the initiation and scope of a review and the timeliness of an appeal, clarify sufficiency of content and time in which to serve the petition for review and memorandum of law upon the opposing party; procedures for filing a petition for review with the Office of State Review; and add disclosure of whether a related action or proceeding is pending in another forum. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.5 of the Commissioner's Regulations, relating to the content and service of an answer and supporting papers upon the opposing party and filing with the Office of State Review. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.6 of the Commissioner's Regulations, relating to additional pleadings and new matters raised in an answer. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of sections 279.4, 279.5 and 279.6 of the Commissioner's Regulations to permit electronic filing of pleadings and documents. A regulatory flexibility analysis and a rural area flexibility analysis may be required.

Amendment of section 279.7 of the Commissioner's Regulations, relating to verification of pleadings. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.8 of the Commissioner's Regulations, relating to the table of authorities, clarification of the requirement that pleadings be signed consistent with 22 NYCRR 130-1.1a(a); and submission of electronic copies of pleadings and memoranda of law. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.9 of the Commissioner's Regulations, relating to content and submission of record; certification of record and clarification that 279.9 (b) refers to complete record. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.10 of the Commissioner's Regulations, relating to requests for extensions of time and length of extensions permitted; submission of additional evidence; clarification of effect of agreements to extend the time in which to initiate a review. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.11 of the Commissioner's Regulations, relating to calculating date of mailing and type of mail. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.12 of the Commissioner's Regulations, clarifying provisions relating to the finality of state review officer decisions. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 279.12 of the Commissioner's Regulations to permit correction of clerical errors or mistakes and minor technical changes in a decision of the State Review Officer. A regulatory flexibility analysis and a rural area flexibility analysis may be required.

Amendment of section 279.13 of the Commissioner's Regulations, relating to service of petition for review. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Addition of 279.15 of the Commissioner's Regulations, relating to definitions of terms in Part 279. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting: Justyn P. Bates, Office of State Review, 80 Wolf Rd., 2nd Fl., Albany, NY 12203, (518) 485-9373

Department of Environmental Conservation

The New York State Department of Environmental Conservation maintains an updated regulatory agenda on its website at <http://www.dec.ny.gov/regulations/36816.html>.

Department of Financial Services

Pursuant to State Administrative Procedure Act (“SAPA”) Section 202-d, the following Regulatory Agenda is a list of the regulatory additions and amendments to Titles 3 and 11 of the NYCRR that the New York State Department of Financial Services (“Department”) is presently considering proposing during the second half of 2014. Many of these items were previously published in the January 2014 Regulatory Agenda. Items that have already been published in the State Register as “proposed” actions are not included on the list. The Department’s regulatory plans are subject to change and the Department reserves the right to add to, delete from, or modify items in the Regulatory Agenda without further notice.

This notice also is 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 required by Sections 202-b and 202-bb of SAPA.

I. Insurance Regulations

For inquiries about a specific item, please contact the person identified in the item. For general inquiries about the Insurance Regulations included in this Regulatory Agenda, or to obtain copies of current Insurance Regulations, please contact:

Sally Geisel, Supervising Attorney
Camielle Barclay, Senior Attorney
Department of Financial Services
One State Street
New York, NY 10004

Telephone Numbers: Sally Geisel - (212) 480-5287 and Camielle Barclay - (212) 480-5299

1. Summary description of proposal: Adoption of a new Part 11 NYCRR to establish guidelines regarding the proper expensing of title insurance premiums and additional charges by both insurers and their agents. Agency Contact: Ellen R. Buxbaum, Associate Counsel, Civil Investigations, Financial Frauds & Consumer Protection Division – (212) 480-5383.

2. Summary description of proposal: Adoption of a new part 35 to 11 NYCRR (Title Insurance Agents, Affiliated Relationships, and Required Disclosures) (Insurance Regulation 206) and amendments to certain other regulations, including 11 NYCRR Part 20 (Brokers and Agents - General) (Insurance Regulations 9, 18, and 29), 11 NYCRR Part 29 (Special Prohibitions) (Insurance Regulation 87), 11 NYCRR Part 30 (Producer Compensation Transparency) (Insurance Regulation 194), and 11 NYCRR Part 34 (Requirements Pertaining to the Location of an Insurance Agent or Broker at Each Place of Insurance Business: Reporting Requirements) (Insurance Regulation 125), to address amendments made to the Insurance Law by Part V of Chapter 57 of the Laws of 2014 regarding the licensing of title insurance agents and title insurance business. Agency Contact: Paul Zuckerman, Office of General Counsel - (212) 480-5286.

3. Summary description of proposal: Amendment of 11 NYCRR 136 (Standards for the Management of the New York City and New York State Retirement Systems) (Insurance Regulation 85) to establish higher ethical standards, strengthen internal controls and governance, and enhance the operational transparency of the city and state retirement systems. Agency Contact: Eugene Bengier, General Counsel for Insurance, Office of General Counsel - (212) 480-2317.

4. Summary description of proposal: Amendment of Part 101 to 11 NYCRR (Standards for Financial Risk Transfer Between Insurers and Health Care Providers) (Insurance Regulation 164) to permit, in consultation with the commissioner of the Department of Health, certain insurers to enter into financial risk transfer agreements with Accountable Care Organizations. Agency contact: Pascale Jean-Baptiste, Associate Attorney, Office of General Counsel - (212) 480-5289.

5. Summary description of proposal: Adoption of a new part 5 to 11 NYCRR (Insurance Regulation 195) to implement the Superintendent’s authority under Insurance Law Section 316 to require an insurer or other person or entity making a filing or submission with the Superintendent to do so by electronic means, unless the insurer or other person or entity applies for, and the Superintendent grants, an exemption from the electronic filing requirement. Agency Contact: Barbara Kluger, Principal Attorney, Office of General Counsel - (212) 480-7211.

6. Summary description of proposal: Amendment of 11 NYCRR Part 28 (Professional Bail Bond Agents) (Insurance Regulation 42) to provide standards designed to prevent the use of the bail bond business in furtherance of organized crime and to protect collateral given by indemnitors for the purpose of posting bail. Agency Contact: Paul Zuckerman, Assistant Deputy Superintendent and Counsel for Insurance, Office of General Counsel – (212) 480-5286.

7. Summary description of proposal: Amendment of 11 NYCRR Part 25 (Public Adjusters) (Insurance Regulation 10) to address amendments made to the Insurance Law by Chapter 546 of the Laws of 2013. Agency Contact: Joana Lucashuk, Associate Attorney, Office of General Counsel – (212) 480-2125.

8. Summary description of proposal: Amendment of 11 NYCRR Part 60-2 (Supplementary Uninsured/Underinsured Motorists Insurance) (Insurance Regulation 35-D) to replace references in Sections 60-2.3 and 60-2.4 to “AAA/American Arbitration Association” with “designated organization”; amend rules related to the manner in which the organization designated by the Superintendent to administer the SUM arbitration program assesses the cost of the program to the insurance industry; and clarify the intent and application of the coverage via various editorial revisions to the regulation and to the prescribed policy endorsement form. Agency Contact: Hoda Nairooz, Supervising Insurance Examiner, Property Bureau – (212) 480-5595.

9. Summary description of proposal: Amendment of 11 NYCRR Part 65-4 (Regulation Implementing the Comprehensive Motor Vehicle Insurance Reparations Act) (Insurance Regulation 68-D) to modify certain provisions implementing New York Insurance Law Section 5106(a), which concern attorney’s fees awarded to healthcare providers seeking reimbursement of overdue no-fault insurance claims in the context of litigation over those claims. Agency Contact: Camielle Barclay, Senior Attorney, Office of General Counsel – (212) 480-5299.

10. Summary description of proposal: Amendment of 11 NYCRR Part 67 (Mandatory Underwriting Inspection Requirements for Private Passenger Automobiles) (Insurance Regulation 79) to include additional circumstances under which an insurer may voluntarily waive mandatory inspection of a motor vehicle for physical damage coverage, and to clarify that the use of digital photography and electronic access to inspection report data are permitted. Agency Contact: Hoda Nairooz, Supervising Insurance Examiner, Property Bureau – (212) 480-5595.

11. Summary description of proposal: Amendment of 11 NYCRR Part 94 (Valuation of Individual and Group Accident and Health Insurance Reserves) (Insurance Regulation 56) to adopt a new disability table for valuing group long term disability reserves in consideration of a proposed NAIC adoption of such table. Agency Contact: Michael Cebula, Deputy Chief Life Actuary, Life Bureau - (518) 474-7929.

12. Summary description of proposal: Amendment of 11 NYCRR Part 98 (Valuation of Life Insurance Reserves) (Insurance Regulation 147) to revise existing standards for varying premium term life insurance policies and universal life products with secondary guarantees. Agency Contact: Amanda Fenwick, Supervising Actuary, Life Bureau – (518) 474-7929.

13. Summary description of proposal: Amendment of 11 NYCRR Part 100 (Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits and Recognition and Application of Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities) (Insurance Regulation 179) to revise existing mortality standards for varying premium term life insurance policies and universal life products with secondary guarantees. Agency Contact: Amanda Fenwick, Supervising Actuary, Life Bureau – (518) 474-7929.

14. Summary description of proposal: Amendment of 11 NYCRR Part 51 (Replacement of Life Insurance Policies and Annuity Contracts) (Insurance Regulation 60) to make revisions to certain disclosure technical specifications that would allow consumers to bind coverage immediately, reduce wait time for consumers to obtain new coverage, minimize the need for revised disclosure statements, and facilitate more commerce over the internet. Agency Contact: Michael Maffei, Chief, Life Bureau – (212) 480-5027.

15. Summary description of proposal: Amendment of 11 NYCRR Part 350 (Continuing Care Retirement Communities) (Regulation 140) to clarify and modify the actuarial reserve calculation, distribution allowances, allowable investments, and necessary filing requirements, in view of marketplace expansion in both the number and types of Continuing Care Retirement Communities. Agency Contact: Warren Youngs, Supervising Examiner, Health Bureau – (212) 480-3883.

16. Summary description of proposal: Adoption of a new Part 440 to 11 NYCRR (Provider Requirements for Insurance Reimbursement of Applied Behavior Analysis) (Insurance Regulation 201) to establish, in consultation with the commissioners of the Departments of Health and Education, standards of professionalism, supervision, and relevant experience for individuals who provide or supervise the provision of behavioral health treatment in the form of applied behavior analysis, for insurance coverage pursuant to Insurance Law §§ 3216(i)(25), 3221(l)(17) and 4303(ee). Agency Contact: Thomas Fusco, Supervising Insurance Attorney, Health Bureau - (518) 473-7470.

17. Summary description of proposal: Amendment of 11 NYCRR 362 (The Healthy New York Program and the Direct Payment Stop Loss Relief Program) (Regulation 171) to conform with statutory amendments that discontinue the Healthy New York program for individuals and sole proprietors and revise covered benefits for small employer groups to comply with federal requirements. Agency Contact: Mary Frances Sabo, Associate Insurance Attorney, Health Bureau – (518) 486-7815.

18. Summary description of proposal: Adoption of a new part to 11 NYCRR and/or amendment of 11 NYCRR 52 (Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure) (Regulation 62) to adopt requirements for the minimum standards for the form, content and sale of policies and contracts of student accident and health insurance. Agency Contact: Sarah L. Allen, Associate Insurance Attorney, Health Bureau (518) 486-7815.

19. Summary description of proposal: Amendment of 11 NYCRR 86.6 (Fraud Prevention Plans and Special Investigations Unit) (Insurance Regulation 95) to establish a requirement that any amendment to a fraud prevention plan that the Criminal Investigations Unit had previously approved must be submitted to the Criminal Investigations Unit within thirty days of its implementation. Agency Contact: Jessica Heegan, Counsel, Criminal Investigations Unit - (212) 480-5683.

II. Banking Regulations

For inquiries about the Banking Regulations included in this Regulatory Agenda, or to obtain copies of current Banking Regulations, please contact:

Sam L. Abram, Assistant Counsel

Christine M. Tomczak, Assistant Counsel

Department of Financial Services

One State Street

New York, NY 10004

Telephone Numbers: Sam L. Abram - (212) 709-1658 and Christine M. Tomczak - (212) 709-1642

1. Summary description of proposal: Adoption of new rules to implement the provisions of legislation addressing the mortgage foreclosure crisis in the state, including:

(a) Rules governing the registration and financial responsibility requirements for mortgage loan servicers (rules on this subject were adopted on an emergency basis most recently on May 28, 2014);

(b) Rules governing the business conduct of mortgage loan servicers (rules on this subject were adopted on an emergency basis most recently on March 18, 2014);

(c) Rules determining the applicability of those mortgage loan servicer regulations to loans secured by interests in manufactured housing;

(d) Rules governing the licensing and education requirements for mortgage loan originators (rules on this subject were adopted on an emergency basis most recently on May 12, 2014); and

(e) Rules concerning force-placed insurance.

2. Summary description of proposal: Amendment of various aspects of the regulations of mortgage brokers and mortgage bankers, including regulations on advertising, misleading business conduct, disclosures for new mortgage loans and loan modifications, table funding and participation in the Federal Housing Administration's correspondent lender program, including revisions to implement provisions of state legislation addressing the mortgage crisis and to take account of changes in federal laws and regulations.

3. Summary description of proposal: Amendment of the Superintendent's Regulations regarding the Banking Development District ("BDD") program to implement amendments to the BDD legislation.

4. Summary description of proposal: Various amendments of the Superintendent's Regulations regarding check cashers, licensed lenders, money transmitters, sales finance companies, and premium finance agencies.

5. Summary description of proposal: Amendment of Part 41 of the General Regulations of the Banking Board to address threshold limits, the impact of lender paid fees, and otherwise to conform to the requirements of Section 6-1 of the Banking Law.

6. Summary description of proposal: Amendment of Part 79 of the General Regulations of the Banking Board to incorporate advertising requirements for reverse mortgage loans and clarify the applicability of disclosure and filing requirements for HUD-HECMS.

7. Summary description of proposal: Amendment of Part 410 of the Superintendent's Regulations to clarify language on required notifications to the Department.

8. Summary description of proposal: Adoption of new rules clarifying that when financial statements submitted to the Department are required by law or regulation to be audited, the external auditors who provide the audit opinion on the statements may not also perform bookkeeping services for the audited entity.

9. Summary description of proposal: Amendment of Supervisory Procedure CB 117 in connection with the Department's consideration of adopting the interagency change of control application used by the federal financial institutions regulatory agencies.

10. Summary description of proposal: Adoption of a new regulation setting forth the manner and extent to which credit exposure resulting from derivative transactions, repurchase agreements, reverse repurchase agreements, securities lending transactions and securities borrowing transactions are to be taken into account for purposes of the lending limits applicable to banks, trust companies, savings banks and savings and loan associations. (Rules on this subject were adopted on an emergency basis most recently on March 26, 2014.)

11. Summary description of proposal: Adoption of a new regulation formalizing the assessment process for persons regulated under the Banking Law. (Rules on this subject were adopted on an emergency basis most recently on April 7, 2014.)

12. Summary description of proposal: Amendment of Part 301(6) of the Superintendent's Regulations regarding the periodic reporting process for banking institutions to conform the regulation to changes in the ATM Safety Act (Article II-A of the Banking Law) and to make the process more efficient and less expensive. (Rules on this subject were adopted on an emergency basis most recently on April 3, 2014.)

13. Summary description of proposal: Amendments of the Superintendent's Regulations to eliminate certain outdated regulatory requirements and to clarify certain other requirements in connection with applications to become mortgage bankers, mortgage brokers, and mortgage loan servicers.

Department of Health

The following regulatory actions are under consideration for submission as a Notice of Proposed Rulemaking from June through December 2014:

DESCRIPTION OF THE RULE SUBJECT MATTER

Title 10 NYCRR (Health)

Accountable Care Organizations - Promulgate regulations governing ACOs pursuant to Article 29-E of the Public Health Law, including criteria for issuing certificates of authority, quality standards, and reporting requirements.

1.31 Disclosure of Confidential Cancer Information for Research Purposes - Amend the existing regulation which specifies that confidential cancer data can only be disclosed for governmental or government-sponsored research projects to be more consistent with current cancer research needs and sponsorship practices. The regulations will provide clearer definitions of the circumstances under which cancer information can be released for research and non-research purposes.

2.5 Communicable Diseases - Revise the list of reportable diseases in 10 NYCRR, section 2.5 (list of diseases for which physicians have a duty to submit specimens) to be consistent with those listed in section 2.1.

2.10 Communicable Diseases - Modify the list of reportable diseases defined in the New York State Sanitary code (10 NYCRR 2) in response to new emerging infections and changing priorities for disease surveillance. The addition of new or emerging cases to the list of reportable communicable diseases allows public health officials to prevent secondary transmission, identify new emerging infections, identify outbreaks and evaluate the effectiveness of control measures. Some communicable diseases, though important public health problems, may be either exceedingly rare or no longer pose a significant risk to the public. They do not require a public health response and should, therefore, be deleted from the list of reportable communicable diseases.

2.14 Communicable Diseases - Update the rabies regulations to be consistent with changes enacted to the Public Health Law. The regulations will provide definitions and requirements for reporting human exposures, confinement of animals exposing people to rabies, quarantine of animals exposed to rabies, and county responsibility for establishing provisions for animal control related to rabies.

5-1 Public Water Systems - Amend the regulation to reflect changes to Public Health Law section 1125 pertaining to water supply emergency plans.

5-1 Public Water Systems - Amend the regulation to incorporate mandatory federal regulations to improve control of microbial pathogens (federal LT2SWTR) while limiting risks associated with the formation of and exposure to disinfection byproducts (federal Stage 2 D/DBPR).

5-1 Public Water Systems - Amend the regulation to incorporate mandatory federal regulations to improve the control of lead and copper in public water supply systems. This will include the federal minor revisions and short-term revisions to the Lead and Copper Rule. A restructuring of 5-1 Appendix C will be included to update and simplify listings of analytical methods approved for drinking water, including lead and copper analyses.

5-1 Public Water Systems - Amend the regulation to update provisions pertaining to backflow device tester certification requirements; revise the provisions applicable to variances and exemptions and update and clarify specific code references.

7-2 Children's Camps - Amend the regulation to address the requirements of the Laws of 2012 Chapter 501, which established the New York State Justice Center for the Protection of People with Special Needs (Justice Center) to strengthen and standardize the safety of vulnerable people that receive care from New York's Human Services Agencies and Programs. The legislation includes children's camps for children with developmental disabilities as a type of facility within the oversight of the Justice Center and requires the Department to promulgate regulations approved by the Justice Center pertaining to staff hiring, staff training and incident management.

14 Food Protection - Amend the regulation to consolidate all current subparts by adopting Chapters one through seven of the U.S. Food and Drug Administration (FDA) Model Food Code. Adopting the technical content of the Model Food Code will address requirements

of Chapter Laws of 2001 and 2007, modernize Part 14 which was last amended in 1997, and provide consistency with national standards. The amendments will also promote uniformity among local health departments, many of which have already established local requirements more consistent with the FDA Model Food Code.

16 Ionizing Radiation - Amend the regulation for consistency with federal requirements applicable to industrial use of radioactive material, radiation protection standards and license termination/decommissioning standards; update the quality assurance requirements for diagnostic x-ray equipment, including computed tomography, to align with current equipment and imaging modalities to ensure patient safety; consolidate current requirements in 12 NYCRR 38 (NYS DOL Ionizing Radiation) into 10 NYCRR 16, consistent with the merger of the NYS DOL Radiological Health unit into the DOH/CEH/BERP program in 2006.

19 Clinical Laboratory Directors - Revise qualifications for directors of clinical laboratories to recognize professional boards accepted as qualifying under the federal Clinical Laboratory Improvement Amendments; codify the definition of assistant director; and establish qualifications for directors of forensic identity and other categories not currently specified in the regulation.

22.3 Supplementary Reports of Certain Congenital Anomalies for Epidemiological Surveillance; Filing - Amend the regulation by requiring reporting to the Congenital Malformations Registry of children up to 10 years of age with certain birth defects, as well as fetuses diagnosed with defects prior to birth. Reporting of cytogenetic test results confirming presence of a birth defect will also be required. Changes will support an improved ability to accurately document prevalence rates for certain birth defects and help monitor the impact of environmental factors or preventive measures.

22.7 Reportable Levels of Heavy Metals in Blood and Urine - Amend the regulation to remove the threshold levels for reporting cadmium, mercury and arsenic. All laboratory tests for cadmium, mercury and arsenic will be submitted to enable case monitoring to assist in assessing interventions and education to reduce elevated exposures.

23.2 Sexually Transmitted Diseases Treatment Facilities - General Public Health Work updates to Article 6: Modernize Part 23 consistent with and in conjunction with amendments to Article 23 contained in the 2013-14 enacted State budget which became effective on April 1, 2013.

34-2 Laboratory Business Practices - Amend the regulation to be consistent with the recently published Federal rules that permit HIPAA-covered laboratories to provide, upon the request of a patient, or the patient's personal representative, copies of completed test reports.

39 Payment of State Aid - Amend the regulation to comply and maintain consistency with the recent Public Health Law Article 6 statute changes.

40 State Aid for Public Health Services: Counties and Cities - Amend the regulations to comply and maintain consistency with the recent Public Health Law Article 6 statute changes.

46 Physically Handicapped Children - Amend the existing regulations to update and clarify current policy regarding coverage of medical and orthodontic services to children under the age of 21 years under the Physically Handicapped Children's Program. The proposed amendments will allow the inclusion of specific orthodontic procedures and criteria in the Department's Medicaid Dental Provider Manual.

52 Tissue Banks and Nontransplant Anatomic Banks - Revise requirements for procurement of tissue from deceased donors, including setting restrictions on banks' ownership and business relationships with funeral directors and funeral firms, and limiting recovery of tissue to hospitals and appropriately licensed banks, and update technical requirements to reflect advances in technology and changes in industry standards and enhance monitoring and enforcement of restrictions on the sale of human tissue for transplant.

52-12 Therapeutic Cell Banks - Promulgate a new subpart to propose standards for the collection, processing, storage, and distribu-

tion of nucleated somatic cells, including, but not limited to, mesenchymal cells, embryonic stem cells, dendritic cells, and stromal cells, intended for a therapeutic purpose other than hematopoietic reconstitution.

55-2 Approval of Laboratories Performing Environmental Analysis - Amend the regulation to accommodate a tiered level of certification pertaining to types of analysis performed, application requirements, requirements for on-site assessment and proficiency testing as well as requisite qualification of technical directors, and to clarify that regulated analytes exclude analytes considered process controls by the NYS Department of Environmental Conservation (DEC).

57 Rabies - Dogs at Large in Rabies Areas - Delete this provision. It is outdated since rabies is endemic in wildlife in New York. Important provisions are being included in section 2.14.

58-1 Clinical Laboratories - Revise laboratory personnel requirements to reflect industry standards; consolidate existing requirements for clarity; codify quality systems, performance testing and other requirements as necessary to align with federal CLIA standards; clarify assistant director responsibilities; establish standards for tracking and referral of critical agent and communicable disease specimens; establish standards for demonstrating the technical and clinical validity of test methods; require that the address of the patient be captured on the accessioning records and the laboratory report to facilitate follow up when, pursuant to PHL 2102, the laboratory reports to the department or local health official, a laboratory examination that discloses evidence of communicable disease; and amend the regulation to be consistent with amendments to 45 CFR 164.524 that will permit HIPAA-covered laboratories to provide, upon the request of a patient, or the patient's personal representative, copies of completed test reports. The amendments to 45 CFR 164.524 became effective on April 7, 2014, however, HIPAA-covered laboratories have until October 6, 2014 to come into compliance with the same.

58-2 Blood Banks - Amend the regulations to permit emergency medical technicians, with additional training, to administer transfusions during inter-facility transport; enhance donor and patient safeguards; update technical requirements; eliminate obsolete requirements; clarify regulatory intent; meet federal requirements as directed by the Centers for Medicare and Medicaid Services; provide regulated parties with greater flexibility in complying with regulations regarding emergency transfusions, qualifying donors over 75 and apheresis donors, and provide options for equivalent electronic records.

58-5 Hematopoietic Progenitor Cell Banks - Update requirements for donor suitability determination, infectious disease testing, and record keeping related to hematopoietic progenitor cell (HPC) donation and transplantation. Amend the regulations to require the HPC bank medical director to establish a policy regarding testing allogeneic donors for West Nile virus, Trypanosoma cruzi, and hemoglobinopathies.

58-8 Human Immunodeficiency Virus (HIV) Testing - Amend the regulation to create consistency with the HIV testing law and supporting regulations in Part 63. Address updated technologies and revise testing algorithms for the management of HIV.

59 Chemical Analysis of Blood, Urine, Breath or Saliva for Alcoholic Content - Amend the regulation pertaining to the certification of ignition interlock devices to comply with model specifications adopted by National Highway Traffic Safety Act (NHTSA) as published in the Federal Register on May 8, 2013 (78 Fed. Reg. 26849 - 26867).

60-1.13 Vendor Applicant Enrollment Criteria - Amend the regulation to maintain compliance with USDA program requirements regarding vendor authorization and management including vendor participant ratio, geographic proximity and transaction volume of nearby vendors.

63.4 Filing of reports - Amend the regulation to describe exceptions that allow for sharing of identifying information with providers. Broader sharing of data will enable health departments and health care providers to work together to determine which patients are truly not currently receiving care and what kind of assistance is needed for them to return to receiving care. This amendment would allow local and state health departments to share HIV surveillance information

with health care providers for purposes of patient linkage and retention in care. The proposed modification is required to be consistent with statutory amendments to PHL section 2135.

66 Immunization - Amend Subpart 66-1 (School Immunization Requirements) to clarify the number of immunization doses required for school entry for vaccines which are Advisory Committee on Immunization Practices (ACIP) recommended across an age range. These regulations were last updated and adopted in February, 2014 and will go into effect on July 1, 2014.

66-1.1 Immunization - Amend the regulation to clarify the number of doses required for kindergarten entry for measles, mumps, and rubella-containing vaccine, inactivated polio vaccine, diphtheria and tetanus toxoids and acellular pertussis vaccine and varicella vaccine.

66-1.2 Immunization - Amend the New York State Immunization Information System (NYSIIS) regulation to update language so that it conforms to recent statutory changes.

69-1 Testing for Phenylketonuria and Other Diseases and Conditions - Amend.

69-1.2(b) of the regulation to include Adrenoleukodystrophy (XALD) to the list of diseases or conditions for newborn testing.

69-4 Early Intervention Program - Amend the regulations, as needed, to comply with 34 CFR Parts 300 and 303. Amendments are also needed to comply with statutory changes enacted with the SFY 2012-13 budget. Section 10 NYCRR Section 69-4.30 will be amended to clarify the commissioner's authority to establish a fixed payment methodology for service coordination services. Amendments may also be needed to address other areas of regulation to ensure quality and consistency of EI service delivery.

69-8 Newborn Hearing Screening - Amend the regulation to specify follow-up where conditions of the screening are considered to contribute to invalid results; require reporting of individualized, identifiable data to the department; require staff involved in newborn hearing screenings to complete training; require that infants who fail an initial screening receive at least one additional screening prior to discharge; require that a re-screening post discharge from a facility occur within 8 weeks of discharge; require that an infant be referred to the early intervention program as an at-risk child, unless the parent objects, if the results of a follow-up outpatient screening are not returned to the facility within 45 days post discharge; and require reporting to an electronic data system.

72-2 Body Piercing and Tattooing - Amend the regulations to be consistent with Public Health Law Article 4-A - Regulation of Body Piercing and Tattooing. The regulations will provide definitions and requirements for permit, inspection, and operation of tattooing and body piercing studios and the permitting of body piercing specialists and tattooists.

73 Asbestos Safety Training Program Requirements - Amend the regulations to incorporate changes made by the New York State Department of Labor to Code Rule 56 as well as changes that have occurred in the industry that should be reflected in the training programs.

74 Approval of Realty Subdivisions - Amend the regulation to update and clarify requirements for plan submittals and approvals of realty subdivisions.

75 Standards for Individual Water Supplies and Individual Sewage Treatment Systems and Appendix 75C - Individual Water Well Quality Standards - Amend the individual water supplies and sewage treatment system regulations to clarify design submittal and approval procedures; add new regulations for individual water wells in order to establish water quality reference standards for individual household wells.

77 Funeral Establishments, Registrations, Funeral Directing, and Misconduct - Amend the regulations to prohibit the recovery of tissue within a funeral establishment and not allow non-transplant anatomical banks to operate within such establishments or the requesting of consent for an anatomical donation by a funeral director or employees of a funeral firm.

80 Controlled Substances - Amend the regulations to reflect recent statutory changes pertaining to the implementation of an upgraded Prescription Monitoring Program (PMP) Registry for collecting, mon-

itoring and reporting data concerning the prescribing and dispensing of controlled substances. The amended regulations will address the statutory requirements for prescribing controlled substances, including consulting the PMP Registry prior to prescribing controlled substances, providing pharmacists and designees access to the PMP Registry, and providing for more timely reporting of prescription information. Amended regulations will supplement recently adopted regulations that reflect statutory changes requiring the use of electronic prescribing for all prescriptions with limited exceptions; will relate to the treatment of narcotic addiction and associated requirements to allow for the ability to treat a greater number of patients by authorized physicians; will update reporting requirements for Methadone Maintenance Treatment Programs enacted by Public Health Law section 3352 statutory changes; will relate to the storage, surrender and disposal of controlled substances; will outline the training requirements associated with certification of Euthanasia technicians (for animals) as required by section 374 (3)(b) of the Agriculture and Markets Law; will allow for interstate sharing of PMP information; and will update exceptions, reclassification and exemptions of scheduled controlled substances.

80.131 and 80.137 Expanded Syringe Access Demonstration Program - Sale and possession of hypodermic syringes and hypodermic needles without a prescription under the Expanded Syringe Access Demonstration Project (ESAP) - Amend section 80.137 by removing "Demonstration" from the title of the program and formally adopt "Expanded Syringe Access Program" as the name of the program since the program has become permanent.

80.138 Opioid Overdose Prevention Programs - Revise the regulation with respect to language pertaining to the definitions of "person," "affiliated prescriber" and "registered provider" in 10 NYCRR 80.138(a); the responsibilities of the program director in 10 NYCRR 80.138(c)(1); and the supplies which must be maintained and provided by opioid overdose prevention programs in 10 NYCRR 80.138(c)(5).

83-1 Certificate of Public Advantage - Add a new subpart to the Shared Health Facilities provisions to allow health care providers that are entering into cooperative agreements with other providers, or other healthcare-related entities to gain limited protection from liability under state antitrust laws, and a defense against federal antitrust claims, by obtaining a certificate of public advantage.

85.13 Physically Handicapped Children - Delete the regulation thereby allowing providers outside of the Physically Handicapped Children's Program to provide hearing assessments and order hearing aids for Medicaid eligible children.

86-1 Rebase Hospital Inpatient Rates - Amend the regulation to rebase current hospital inpatient rates.

86-1.45 Language Assistance Medicaid Reimbursement for Hospital Inpatient Services - Add regulations and develop rates for the payment of Language Assistance services provided by hospitals to inpatients.

86-2 Nursing Home Quality Incentive - Amend the regulation to provide an incentive for nursing homes to improve quality by linking payments to quality.

86-2.9 Adult Day Health Care in Residential Health Communities - Amend the regulations describing reimbursement for adult day health care (ADHC) programs based in residential health care facilities (RHCFs) to include a subsection specific to reimbursement for AIDS ADHC programs. The proposed amendment to Section 86-2.9 is intended to establish a new reimbursement model that is based on the assessed needs of the client. Other modifications are necessary to make the regulation current with proposed changes to Part 759 as well as program guidelines issued by the AIDS Institute.

86-4.41 Computation of basic rates for day health care services provided to patients with acquired immune deficiency syndrome (AIDS) and other human immunodeficiency virus (HIV) related illnesses by freestanding ambulatory care facilities - Amend the regulations to describe reimbursement for AIDS adult day health care (ADHC) programs based in freestanding ambulatory care programs. The proposed amendment to Section 86-4.41 is intended to establish a new model of reimbursement that is based on the assessed needs of the client. Other modifications are necessary to make the regulation

current with proposed changes to Part 759 as well as program guidelines issued by the AIDS Institute.

86-7 ALPs Billing for Assessment - Add regulations to provide for reimbursement of the cost of preadmission assessments conducted directly by assisted living programs.

86-8 Physician Home Visits for Hospitals and Clinic - Amend the regulation to establish Medicaid rates and billing policies to allow hospitals and clinics to be reimbursed for physician home visits for chronically ill patients.

94.2 Physician Assistants - Amend the regulations to allow a Physician Assistant (PA) to prescribe controlled substances, including Schedule II substances, for patient's under the care of the supervising physician in conformance with Public Health Law section 3703 (3). Update to conform with recent changes in the Education Law regarding licensure and physician supervision including allowing physicians to supervise up to four PAs instead of up to 2 PAs in the private practice setting.

98-1 Accountable Care Organization - Amend to expand an Independent Practice Association's powers and purposes to include the formation of an Accountable Care Organization pursuant to Article 29-E of the Public Health Law.

98-1 Various Technical Amendments - Revise the regulations, making technical corrections: 1) 98-1.9(b)(3), requiring managed care organizations (MCOs) to provide assurances of continuing compliance with Article 49 of the Public Health Law, in addition to Article 44 and Part 98; 2) 98-1.11(h), restoring language that prohibits health maintenance organizations (HMOs) from discriminating in enrollments and services provisions; 3) 98-1.11(k)(4), clarifying that the MCO is responsible for monitoring contractors' fiscal stability; 4) 98-1.11(q), clarifying that MCOs must comply with Article 49 of the Public Health Law, in addition to Article 44 and Part 98; 5) 98-1.13(c)(iii), correcting a 2005 change which inadvertently limited provider contract assignments to within one year of promulgation of the rule to reflect that the rule applies prospectively; and 6) amending 98-1.5(6)(e)(2) the MCO management functions to reflect that if an IPA is delegated MCO management functions, then a separate management contract is required and it must be separate from the delivery of service contract.

98-1.5 Application for a Certificate of Authority - Amend the regulations to require electronic submission of the managed care organization's provider network, consistent with the filing requirements in 98-1.16(j). Modify section (b)(6)(vii)(e)(2) to specify that an independent provider association (IPA) performing management functions should have requirements detailed in a contract separate and apart from the IPA provider agreement.

98-1.6 Issuance of the Certificate of Authority - Amend the regulations to add a provision requiring managed care organizations (MCOs) to maintain a complete file on each request for health care services or benefits and associated appeals pursuant to Article 49 of the Public Health Law and federal law and regulations.

98-1.8 Continuance of a Certificate of Authority - Amend the regulations to clarify that managed care organizations must maintain compliance with the requirements of PHL Articles 44 and 49 and 10 NYCRR Part 98, including provisions related to initial application and certification standards, in order to maintain their certificate of authority.

98-1.11 (e) Operational and Financial Requirements for MCOs - Amend Section 98-1.11(e) to extend the lower contingent reserve requirement applied to revenues from the Medicaid managed care, Family Health Plus and HIV SNP programs.

98-1.13 Assurance of Access to Care - Amend the regulations to: 1) require that managed care organizations (MCOs) ensure each member has selected a primary care provider from which the member receives all primary care services; 2) address requirements related to subdivision 5-d to section 4406-c which imposes a "cooling off" period after termination or non renewal of a contract between an MCO and a hospital; 3) amend regulations to clarify that certain out-of-network service denial notices must include internal MCO and external appeal rights afforded by section 4904(1-a); and 4) promote consistency of initial adverse determination notices issued in accordance with section 4903(5) by clarifying notice content requirements.

98-1.16(c) Preparation and Filing of Audited Financial Statements - Amend this part and new section 98-3 to establish standards for the preparation and filing of audited financial statements by Prepaid Health Services Plans, HIV Special Needs Plans, and managed long term care plans that are consistent with the National Association of Insurance Commissioners (NAIC) model audit rules already adopted by the Department of Financial Services for other insurers.

98-1.18(a) MCO Agreements - Amend the regulations to add this section as it applies to MCO agreements with licensed pharmacies and laboratories acting as benefit managers arranging for services, equipment and supplies.

98-2 External Appeals of Adverse Determinations - Amend the regulations to reflect changes to Article 49 of the Public Health Law made by Chapter 237 of the Laws of 2009, Chapter 451 of the Laws of 2007, Chapter 219 of the Laws of 2011, Chapter 514 of the Laws of 2013, Chapter 60 of the Laws of 2014 and the Patient Protection and Affordable Care Act.

128 New York City Watershed Rules and Regulations - Amend the regulations to incorporate requirements intended to protect NYC's Watersheds and preserve NYC's Filtration Avoidance Determination by providing various limitations on watershed activities and construction.

300 Statewide Health Information Network for New York (SHIN-NY) - Promulgate regulations as required under Public Health Law section 206(18-a)(b).

400.18 Statewide Planning and Research Cooperative System (SPARCS) - Repeal section 400.18 and add a new section 400.18 to reflect current practices of SPARCS. New section 400.18 will permit SPARCS to collect all other outpatient clinic data not presently being collected by SPARCS from general hospitals and diagnostic and treatment centers licensed under Article 28 of the Public Health Law. In addition, the regulations will be updated to be consistent with the amendment to the PHL for the collection of claims data and covered person data from third party health care payers. As a result of the changes to section 400.18, the following will be repealed: Appendix C-2, Appendix C-3, Appendix C-5, section 755.10, and section 405.27. Section 407.5 and section 400.14 will be amended to coordinate to the revised section 400.18.

400.25 Disclosure of Nursing Quality Indicators - Amend the regulations to create a new section 400.25 in response to Chapter 422 of the Laws of 2009, the Nursing Care Quality Protection Act. The law requires Article 28 facilities to disclose identified nursing quality indicator information upon request to any member of the public, any state agency licensing the facility or responsible for overseeing the delivery of services by the facility, or any organization accrediting the facility.

405 Federal Conditions of Participation - Amend the regulation to include recent federal conditions of participation.

405.9 Admission/Discharge - Revise regulations to clarify that all donor and procurement responsibilities must be carried out before a dead body is removed from a hospital.

405.11 Infection Control - Amend the regulations to conform to PHL section 2819(2). The proposed regulation would define requirements for hospitals to report select hospital acquired infections using methods, definitions and protocols defined by the Department, ensures patient privacy in collection and release of data and creates standards for publication and release of the data reported.

405.19 Emergency Services Observation Units - Repeal the provisions in subdivision (g) regarding Observation Units.

405.19, 700.2, 709 Emergency Services - Amend existing regulations to allow hospitals to operate emergency services at a location that is geographically separate from the main hospital campus and that does not operate inpatient beds.

405.21 Perinatal Services - Amend the regulations relating to billing and transfer. Technical amendments are required in Section 405.21 Perinatal Services. A specialty hospital releasing a neonate back to the hospital of birth would be entitled to billing as a discharge, while transfer to another community hospital would be considered a transfer and therefore reimbursed at a lower rate. Transfer back to the hospital

of birth or another lower level perinatal service hospital is strongly encouraged to ensure proximity to parents, and to ensure that neonates who no longer need the higher level of care do not use higher level resources. It is anticipated that 86-1.15 will be amended as well. Therefore, to ensure consistency, amend the perinatal services regulations to allow release to "the sending hospital or other hospital providing a lower level of perinatal services...." to conform with changes to Sections 86-1.15 and current language in Section 721.4(c)(1).

405.21 Perinatal Services - Amend the regulations in Section 405.21 (c)(2)(ii) to cross reference 405.9(b)(12) of this Part, which is the correct regulatory reference instead of 405.9(b)(11).

405.22 Critical Care and Special Care Services - Update the regulations regarding the organ transplant center provisions (see 405.30 and 405.31); and provide specific minimum standards for pediatric intensive care units (PICUs) similar to adult ICUs, recognizing differences between adult and pediatric ICUs beyond just the size and weight of the patients.

405.27 Information, Policy and Other Reporting Requirements - Amend the regulations to repeal this section because the authority for the reporting requirements are detailed in either section 400.18 (SPARCS data) or section 86-1.2 and 86-1.3 (Uniform financial report and uniform statistical reports).

405.30 Organ and Vascularized Composite Allograft Transplant Services/Programs - Add a new section to the Hospital (General) Minimum Standards provisions that would set forth the organ and vascularized composite allograft transplant services/programs provisions. Specify general requirements for hospitals that provide transplant services and also outline organization, staffing and quality assessment and performance improvement (QAPI) requirements.

405.31 Living Donor Transplantation Services - Add a new section to the Hospital (General) Minimum Standards provisions that outlines the living donor transplantation services requirements to incorporate the existing regulations on living liver donation regarding donor advocate responsibilities, donor advocate requirements, education of the donor requirements, informed consent provisions, disclosure requirements, risk, primary medical evaluation and psychosocial provisions, recipient criteria, donor management, imaging service, discharge planning and post-discharge requirements. Living kidney donation will now be included in these requirements.

405.32 Observation Services - Amend the regulation to update operational standards for observation services. This will conform the regulations with recent legislation, help ease administrative burdens by increasing consistency with Medicare rules, reduce unnecessary emergency room visits by allowing direct referrals and reduce unnecessary inpatient admissions by increasing the maximum time allowed in observation status.

405.33 Trauma Centers - Add a new section to the Hospital (General) Minimum Standards provisions regarding designation standards for trauma centers.

407 Federal Conditions of Participation - Amend the regulation to incorporate federal conditions of participation for Critical Access Hospitals (CAHs).

415.3(h) Resident Rights - Amend the regulations to require nursing home providers to issue a valid written transfer/discharge notice to the resident and his or her designated representative. Such notice shall include date of notice, resident's identity, effective date of proposed transfer/discharge, reason for proposed discharge or transfer, notice of the resident's right to an evidentiary hearing to appeal the proposed discharge, contact information for the NYS Long Term Care Ombudsman, contact information for the agency responsible for the protection and advocacy of individuals with mental illness or development disabilities, and notice of the resident's right to remain in the facility (except in cases of imminent danger), pending the appeal hearing decision. The proposed amendment outlines the Department's interim policy in effect since December 1, 2004.

425 Adult Day Health Care Programs and Managed Long Term Care - Amend the regulations to specify that the managed long term care plan or care coordination model that refers an enrollee to an adult day health care program will be responsible for meeting certain requirements that are currently the responsibility of the adult day

health care program operator with the intent of avoiding duplication of services; and to clarify the full range of adult day health care services available to the managed long term care plan and care coordination model enrollees with a medical need for such services, but which allows them to order less than such full range based on an enrollee's individual medical needs, as determined in the comprehensive assessment performed. Regulations will allow reimbursement arrangements with the adult day health care program that take into account a program registrant's receipt of less than the full range of services.

425.18 Adult Day Health Care (Services for Registrants with Acquired Immune Deficiency Syndrome) - Amend the regulations to create a more flexible model appropriate to the clinical state of the HIV/AIDS epidemic and for inclusion into the Medicaid Managed Care benefit package.

600.1 - 600.7; 610.1 - 610.2; 620.1 - 620.3; 630.1; 640.2 - 640.3; 650.1 - 650.2; 670.1 - 670.6; 680.2; 680.4 - 680.6; 680.8 - 680.10, 705.9 Public Health and Health Planning Council (PHHPC) - Amend the regulations to change references to the Public Health Council to the Public Health and Health Planning Council; and to delete references to the State Hospital Review and Planning Council.

600.3 Certificate of Need (CON) Applications - Amend the regulation to simplify the process for review of amendments to Certificate of Need (CON) applications that have received approval for establishment by the Public Health and Health Planning Council (PHHPC) but which have not yet proceeded to actual establishment.

700 Accountable Care Organizations (ACOs) - Amend the regulations, as necessary, to add to 10 NYCRR Part 700 pursuant to amendments to PHL Article 29-E governing Accountable Care Organizations (ACOs).

705.7, 708.1, 710.1, 710.2, 710.5 Public Health and Health Planning Council (PHHPC) - Amend the regulations to change references to the State Hospital Review and Planning Council to the Public Health and Health Planning Council.

708 Appropriateness Review - Amend the regulations regarding the Trauma Center Designation Standards for consistency with the current practice of trauma care in New York State. Repeal references to burn care.

710.1 Medical Facility Construction - Amend the regulations to reflect amendments to PHL 2802 that substitute written notice for limited review, CON administrative review and CON full review for projects confined to non-clinical infrastructure, repair and maintenance, and one-for-one equipment replacement and further amend to allow greater flexibility in the relocation of extension clinics in rural areas.

710.5 Certificate of Need (CON) Applications - Amend the regulation to simplify the process for review of amendments to Certificate of Need (CON) applications that have received approval for construction by the Public Health and Health Planning Council (PHHPC) but which have not yet proceeded to actual construction.

710.7 Approval to Start Construction - Amend the regulations to repeal current provisions and replace with an expedited construction process.

711.3 General Standards of Construction - Site Requirements - Amend the regulations to require health facilities to install flood resistant emergency generators and fuel supplies, readily accessible generators and fuel pumps, external pre-connections in power systems for use in the event of an emergency power system failure and on HVAC systems for temporary boiler and chiller back-up and ensure that the emergency power generation capacity is capable of powering the HVAC system during a power outage. Also amend to increase the flood crest level year from 100 to 500.

721.4 Patient Care and Patient Transfers - Amend the regulations to allow release to "the sending hospital or other hospital providing a lower level of perinatal services....." to conform with proposed changes to Section 86-1.15, 405.21 and current language in Section 721.4(c)(1).

722 Sexual Assault Forensic Examiner (SAFE) Program - Amend existing regulations related to the review and approval of licensed Article 28 hospitals as Sexual Assault Forensic Examiner (SAFE)

programs. This includes the standards for approving SAFE hospital programs, approving programs that train individual SAFE examiners, and certifying individual SAFE examiners and criteria for continuous quality improvement program activities. The SAFE program provides a specialized standard of medical care and evidence collection to victims of sexual assault.

750-759 Treatment Center and Diagnostic Center Operation - Update the regulations to reflect current practice.

757 Chronic Renal Dialysis Services - Amend the regulations to be consistent with federal changes to 42 CFR regarding Medicare and Medicaid Programs; Conditions for Coverage for End-Stage Renal Disease Facilities.

759 Adult Day Health Care (Services for Registrants with AIDS) - Amend the regulations to create a more flexible model appropriate to the clinical state of the HIV/AIDS epidemic and for inclusion into the Medicaid Managed Care benefit package.

760 and 761 Home Health Services - Amend the regulations to update the current need methodology for establishment of certified home health agencies and to reflect statutory modification of Certified Home Health Agency Charity Care program requirements.

790 Hospices - Amend the regulations implementing changes in the federal Conditions of Participation; expand the definition of terminal illness as a result of Chapter 441 of the Laws of 2011; provide for children under age 21 to receive curative treatment concurrent with hospice benefit.

800 Emergency Medical Services (EMS) - General - Amend the regulations to conform with federal requirements/recommendations, current medical practice and national safety standards. Add regulations related to the use and application by members of the public of automatic external defibrillators; codify regulatory requirements for Advance Life support First Response Agencies; codify regulatory requirements for Basic Life Support Providers; make updates to EMS certification and training regulations. Modernize course sponsors provisions to address the current environment and technology as well as reflecting the current EMS education curricula. Strengthen the surveillance portions of these provisions to appropriately address issues of quality, student rights and safety. Establish a new section on the mobilization and/or sharing of resources in the event of a declared disaster. Amend to reflect current ambulance vehicle construction requirements, technology and safety for the patients and EMS providers.

1003 Accountable Care Organizations - Promulgate regulations governing ACOs pursuant to Article 29-E of the Public Health Law, including criteria for issuing certificates of authority, quality standards, and reporting requirements.

Title 18 NYCRR (Social Services)

360 Medicaid - Amend the regulations as necessary to conform to statutory changes made by Part D of Chapter 56 of the Laws of 2013 with respect to Medicaid applications and determinations, financial eligibility methodologies, and covered benefits.

485, 486, 487, 488, 490, 494 and 1001 Adult Homes, Enriched Housing Programs, Residences for Adults, Assisted Living Programs and Assisted Living Residences - Amend the regulations to consolidate and streamline provisions relating to adult homes, enriched housing programs, residences for adults, assisted living programs and assisted living residences to reflect recent legislative changes and the changing environments of these types of facilities. Amendments will provide clarification and consistency to residents, operators and the public with regards to adult care facilities, including role of nurse practitioners and physician assistants, as well as modifications to the assisted living program, including admission of chair-fast residents and changes to the admission and assessment process.

505.3 Drugs - Amend existing regulations, in conformance with Part C of Chapter 60 of the Laws of 2014, with respect to developing a new methodology for the Medicaid reimbursement of pharmacies.

505.3(b)(1) Drugs - Amend the regulations to conform to the provisions of the Affordable Care Act (ACA) requiring prescribers to be enrolled in state Medicaid programs to be eligible to order or refer services reimbursed by the fee-for-service (FFS) Medicaid program.

505.10 Transportation for Medical Care and Services - Amend the regulations to reflect current policy: definitions will be modified, quality standards for transportation will be introduced, trip documentation requirements will be revised, and existing information regarding the involvement of local county departments of social services in the administration of the transportation benefit will be removed.

505.11 Rehabilitation Services - Amend the regulations to align with State Education law, federal guidelines, and current standards of practice; clarify who can order rehabilitation services, particularly speech-language pathology services provided to Medicaid recipients; clarify supervision requirements for services provided "under the direction of" speech-language pathologists, occupational therapists, and physical therapists.

505.12 Podiatry Services - Amend the regulation to expand podiatry coverage to Medicaid eligible adults with a diagnosis of Diabetes Mellitus. This will align the regulation with 2012 changes made to state social service laws.

505.14 Personal Care Services Program - Amend the regulations to reflect the statutory change regarding the limitation of housekeeping services to 8 hours weekly, and to clarify eligibility requirements for continuous and live-in personal care services.

505.15 Psychiatric Care - Amend the regulations to align with federal requirements regarding who may provide school supportive health services.

505.18 Clinical Psychological Services - Amend the regulations to align with federal guidelines and current standards of practice and clarify which practitioners are qualified to provide services in the Preschool/School Supportive Health Services Program to Medicaid recipients.

505.28 Consumer Directed Personal Assistance Program (CDPAP) - Amend the regulations to reflect the statutory change regarding the limitation of housekeeping services to 8 hours weekly, and to clarify eligibility requirements for continuous and live-in consumer directed personal assistance.

505.31(d)(e)(1) Audiology, Hearing Aid Services and Products - Amend the regulations to align Medicaid regulations with federal guidelines, State Education Law and current standards of practice and clarify who can order audiology services.

505.33 Personal Emergency Response Services (PERS) - Amend the regulations to allow for annual authorizations and to delete the requirement that authorization of PERS be contingent upon a reduction/elimination of personal care aide/home health aide hours.

Contact Person: Katherine Ceroalo, Department of Health, Bureau of House Counsel, Regulatory Affairs Unit, Empire State Plaza, Corning Tower Bldg., Rm. 2438, Albany, NY 12237, (518) 473-7488, (518) 473-2019 FAX, e-mail: REGSQNA@health.state.ny.us

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 that 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. Please note that regulatory plans of the Department of State are subject to change; the Department reserves the right to add, delete, or modify items appearing on this list. Further, as indicated in SAPA section 202-d(2), the Department of State is not required to propose or adopt any rule listed on a regulatory agenda, and may propose or adopt a rule that has not been listed on an agenda.

Publication of this notice is intended to further assure that small businesses, local governments, and public and private interests in rural areas are given the opportunity to participate in the rule making process, as provided by sections 202-b and 202-bb of SAPA. Each rule listed below may require a regulatory flexibility analysis or a rural area flexibility analysis pursuant to SAPA sections 202-b and 202-bb, respectively.

The public is welcome to send written comments regarding the regulatory agenda of the Department of State to the agency representative indicated at the end of this list.

DIVISION OF BUILDING STANDARDS AND CODES

Chapter XXXII

Considering adding new Part(s) and/or amending existing Parts to establish rules, regulations, standards and procedures relating to (1) the approval of code enforcement training programs for code enforcement personnel charged with enforcement of the Uniform Fire Prevention and Building Code and/or the State Energy Conservation Construction Code and for certified code technicians (CCTs), and the revocation of such approvals; (2) minimum courses of study, attendance requirements, and equipment and facilities to be required for approved code enforcement training programs for code enforcement personnel and CCTs; (3) minimum qualifications for instructors for approved code enforcement training programs for code enforcement personnel and CCTs; (4) the requirements of minimum basic training which code enforcement personnel and CCTs shall complete in order to be eligible for continued employment or permanent appointment, and the time within which such basic training must be completed following such appointment; (5) the requirements for in-service training programs designed to assist code enforcement personnel and CCTs in maintaining skills and being informed of technological advances; (6) categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to such categories or classifications; (7) approval of code enforcement training programs for code enforcement personnel and CCTs, the issuance of certificates of approval to such programs, and the revocation of such approvals and certificates; (8) certification of instructors for approved code enforcement training programs for code enforcement personnel and CCTs and the issuance of appropriate certificates to such instructors, and the revocation of such approvals and certificates; (9) certification of code enforcement personnel and CCTs who have satisfactorily completed basic training programs and in-service training programs, the issuance of appropriate certificates to such code enforcement personnel and CCTs, and the revocation of such certificates; (10) measurement of the rate of compliance with the State Energy Conservation Construction Code, and requirements that such rate of compliance be measured on an annual basis; and (11) otherwise to implement Chapter 560 of the Laws of 2010 and section 376-a of the Executive Law.

Considering adding new Parts relating to energy efficiency standards for appliances and equipment.

Part 1201

Considering amending this Part to provide that (1) where a county elects not to enforce the Uniform Code, the local government in which a county facility is situated shall be responsible for enforcement of the Uniform Code with respect to such facility and (2) where both a county and the local government in which a county facility is located have elected not to enforce the Uniform Code, the Secretary of State shall be responsible for enforcement of the Uniform Code with respect to such facility.

Part 1202

Considering amending this Part to make the provisions relating to the administration of the Uniform Fire Prevention and Building Code by the Department of State in certain local governments and counties substantially similar to the corresponding provisions in revised Part 1203 (which became effective on January 1, 2007), to update the provisions authorizing the use of third party inspectors, to add provisions authorizing the use of third party plan reviewers, and to update the fee schedule currently contained in section 1202.7.

Part 1203

Considering amending this Part to (1) establish more appropriate inspection intervals for normally unoccupied buildings; (2) clarify the language found in this Part; (3) make such changes to this Part as may be required or appropriate to reflect the applicability of this Part to enforcement of the State Energy Conservation Construction Code; (4) make such other changes to this Part as may be required or appropriate to implement Chapter 560 of the Laws of 2010 and Section 376-a of the Executive Law; and (5) delete the requirement that local governments and counties file annual reports related to their code enforcement activities.

Part 1204

Considering amending this Part to make the provisions relating to the administration of the Uniform Fire Prevention and Building Code by state agencies substantially similar to the corresponding provisions in revised Part 1203 (which became effective on January 1, 2007).

Considering amending this Part to authorize the Department of State to prescribe the form to be used for construction-permitting agencies' annual reports, to require construction-permitting agencies to submit their annual reports to the Department of State, to authorize the Department of State to post construction-permitting agencies' annual reports on the Department's website, and otherwise to implement recommendations made in the New York State / New York City Building Code Task Force report issued June 2012.

Part 1205

Considering amending this Part to (1) make the procedures for variances under the State Uniform Fire Prevention and Building Code applicable to variances under the State Energy Conservation Construction Code; (2) add new provisions relating to variances under the State Energy Conservation Construction Code; (3) revise procedures for appeals on variance matters; (4) address reopening and rehearing of variance hearings; (5) establish procedures for decisions to be made on a written record; (6) revise and/or clarify the circumstances under which an appeal of a determination made by a code enforcement official may be filed under this Part; and (7) expand and clarify the circumstances under which a Uniform Code variance may be granted by Department of State staff without referral to a Regional Board of Review.

Part 1208

Considering amending provisions relating to the minimum qualifications of code enforcement personnel.

Part 1209

Considering amending this Part pertaining to factory manufactured housing to update it, to increase fees for plan review and Insignias of Approval, and to add provisions relating to non-residential modular buildings.

Part 1210

Considering updating and amending this Part concerning manufactured homes and the certification and training of manufacturers, retailers, installers and mechanics of manufactured homes.

Chapter XXXIII

Parts 1219-1228

Considering amending the Uniform Fire Prevention and Building Code (Uniform Code) to add provisions allowing certain buildings to be used for certain alternative uses for short periods of time; to amend provisions applicable to abandoned buildings; to make technical corrections to the updated version of the Uniform Code adopted in 2010; to update the Uniform Code to one based substantially on the 2012 edition or the 2015 edition of the model International Codes published by the International Code Council; and otherwise update the provisions of the Uniform Code. Consider amending Part 1225 (Fire Code) to implement recommendations made in the New York State / New York City Building Code Task Force report issued June 30, 2012.

Part 1240

Considering amending the State Energy Conservation Construction Code (Energy Code) to make the Energy Code provisions applicable to residential building meet or exceed the 2012 edition or the 2015 edition of the International Energy Conservation Code, to make the Energy Code provisions applicable to commercial buildings meet or exceed the 2010 edition of ASHRAE Standard 90.1, and otherwise to update the provisions of the Energy Code.

Part 1260

Considering amending or repealing the provisions relating to Certificates of Acceptability.

DIVISION OF CEMETERIES

Part 200

Considering adding new sections regarding various financial matters, such as permanent maintenance fund allocations, pre-need sales, trust fund reconciliations, and financial reports.

DIVISION OF CONSUMER PROTECTION

21 NYCRR 4600 *et seq.*

Considering renumbering and amending regulations of the former State Consumer Protection Board.

21 NYCRR Part 4603

Considering amending regulations pertaining to "do-not-call" registry in order to conform them to recent statutory changes.

DIVISION OF CORPORATIONS, STATE RECORDS AND UCC Part 150

Considering adding a new section 150.8 regarding punctuation in entity names on filing certificates. The section would authorize the Division to accept for filing corporation and other business entity documents, such as certificates of amendment, that list the entity's name with or without a comma or period that is present in the entity's real name. The filing of such certificates would not change an entity's name on the records of the Division.

DIVISION OF LICENSING SERVICES

Part 160

Considering amending regulations to clarify that appearance enhancement practitioners may maintain material safety data sheets in electronic form.

Considering amending appearance enhancement regulations regarding esthetics curriculum and waxing procedures.

Part 175

Considering amending regulations pertaining to the deposit of money into escrow by real estate brokers and salespeople.

Considering amending regulations pertaining to the record retention requirements for real estate brokers.

Section 175.17

Considering amending this section to update the Albany address of the Division of Licensing Services.

Parts 175-179

Considering revising regulations applicable to real estate brokers and salespeople to account for statutory and industry changes, and to add clarity to existing regulations.

Part 195

Considering amending regulations pertaining to alarm installation, service and maintenance in order to clarify licensing requirements and to incorporate new technology and terminology.

Part 1102 *et seq.*

Considering amending regulations pertaining to real estate appraisal in order to permit the completion of qualifying education via distance learning.

Considering amending regulations pertaining to real estate appraisal in order to update the regulation pertaining to acceptable appraisal experience.

Considering amending regulations pertaining to appraisal qualifications in order to conform them to upcoming federal requirements.

Section 1106.1

Considering amending this section to update the Albany address of the Division of Licensing Services.

Parts 170-175 and Part 1102 *et seq.*

Considering amending regulations pertaining to private investigators, watch guard patrol companies, security guards and real estate appraisers in order to further implement the New York State Enterprise E-Licensing initiative.

NEW YORK STATE ATHLETIC COMMISSION

Part 217

Considering repealing obsolete sections of Part 217 regarding professional wrestling in order to achieve consistency with Title 25 of the Unconsolidated Laws.

Part 218

Considering adding a new Part 218 concerning special rules for review, addition, and removal of single-discipline martial arts sanctioning organizations in New York State.

OFFICE OF PLANNING AND DEVELOPMENT

Parts 600 - 603

Considering amending the New York State Coastal and Inland Waterway Regulations affecting federal, state, local, and individual actions concerned with Article 42 of the New York State Executive Law ("Waterfront Revitalization of Coastal Areas and Inland Waterways") and implementation of the Federal Coastal Zone Management Act in New York as described in the New York Coastal Management Program.

To obtain information or submit written comments concerning an item listed above, please contact: David Treacy, Esq., Office of General Counsel, Department of State, One Commerce Plaza, Albany, NY 12231-0001, (518) 474-6740, e-mail: David.Treacy@dos.ny.gov, this agenda is posted on the Department's website at: http://www.dos.ny.gov/info/regulatory_activity/index.html

Office of Temporary and Disability Assistance

Pursuant to State Administrative Procedure Act (SAPA) § 202-d, the Office of Temporary and Disability Assistance (OTDA) is required to publish a regulatory agenda for those regulations that it is considering for publication in the New York State Register. Set forth below is an agenda for the second half of 2014. SAPA § 202-d does not preclude OTDA from proposing for adoption a regulation that is not described in the agenda, nor does it require OTDA to propose for adoption a regulation that is described in the agenda.

All references are to Title 18 of the New York Codes, Rules and Regulations (NYCRR) unless otherwise noted. The agenda items are organized pursuant to the Part of Title 18 NYCRR that most likely would be amended. However, the agenda items eventually could require amendments to different Parts than those listed below and/or to more than one Part of Title 18 NYCRR.

PART 300 Local Welfare Administration

A new § 300.13 will be added to reflect programmatic responsibility for desk review of distribution and collections under § 347.25.*

PART 301 – Veteran Assistance

Amend regulations to replace gender-specific terms with gender-neutral terms.

Part 340 – Public Access to Department Records under the Freedom of Information Law

Update regulations concerning public access to records under the Freedom of Information Law to reflect the current organization of the Department of Family Assistance.

Part 341 – Local Advisory Councils

Remove the regulatory requirement for social services districts to create and maintain local advisory councils.*

Part 344 – Income Withholding for Persons Not Served by the Title IV-D

Child Support Enforcement Program

Amend regulations governing income withholding for persons not served by the Title IV-D child support program and income withholding for persons served by the Title IV-D child support program consistent with the Civil Practice Law and Rules, the Social Services Law (SSL) and federal law requirements.

Part 346 – Support Collection

Establish guidelines for the local child support enforcement units to follow in determining whether and under what circumstances a passport, which has been denied, revoked, or restricted by the United States (U.S.) Department of State due to non-payment of child support, may be released.*

Update regulations to address State statutory amendments, and an exemption thereof, concerning property execution provisions.*

Update regulations to address process changes to lottery intercept provisions.*

Part 347 – Establishment of Paternity and Enforcement of Child Support

Update regulations to address State statutory amendments concerning the time limits for filing a petition to vacate an Acknowledgment of Paternity.*

Update regulation pertaining to the modification of child support orders and the calculation of basic child support obligations, and repeal the child support standards chart.*

Revise regulations for the distribution and assignment of child support collections to reflect the requirements of federal and State statutes and to conform with the Personal Responsibility Work Opportunity Reconciliation Act's elimination of excess current support.*

Update regulation setting forth definitions used in this Part.*

Revise desk review procedures addressing the accounting and disbursement of child support for certain current and former recipients of public assistance.*

Revise regulation to update the procedures by which the State will distribute child support incentives received from the U.S. Department of Health and Human Services and allocate portions of those incentives to social service districts.*

Promulgate regulations for establishing and enforcing medical support obligations.*

Revise regulation concerning confidentiality of information based on federal requirements and the SSL.*

Revise regulation concerning case closure to add new criteria as set forth in the federal Department of Health and Human Services regulation at Title 45 of the Code of Federal Regulations (CFR) § 303.11.

Revise regulations concerning the provision of child support services in intergovernmental cases.

Part 349 – General Provisions

Update provisions regarding persons who are permanently residing in the United States under the color of law (PRUCOL).*

Part 351 – Investigation and Eligibility

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

Delete the regulatory provisions relating to the Learnfare Program.

Require social services districts to make all applicants for and recipients of public assistance aware of their option to receive information appropriate for victims of sexual assault consistent with SSL § 131(20).*

Part 352 – Standards of Assistance

Amend regulations to make technical updates to Part 352, including updating references to "aid to dependent children" and "home relief" with "family assistance" and "safety net assistance" respectively.

Amend regulations to address support payments, noncountable income and resources, and estimates of need and application of income.*

Amend regulations to update schedules for the standard of monthly need for determining eligibility for all categories of public assistance consistent with SSL § 131-a.*

Amend regulations authorizing social services districts to provide shelter allowance supplements at local option to prevent eviction and address homelessness.*

Amend regulations governing emergency shelter allowances for persons medically diagnosed with acquired immunodeficiency syndrome (AIDS) or human immunodeficiency virus (HIV)-related illness.*

Update regulations to comply with the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.*

Amend regulations to implement a shared living reduction.*

Amend regulations to implement changes to public assistance lien policy consistent with SSL § 106.*

Part 358 – Fair Hearings

Revise regulations to clarify the distinction between the standard of proof required at the fair hearing and the standard required for judicial review.*

Amend regulations to state that when a person is objecting to the amount deducted from his or her initial payment of Supplemental Security Income as reimbursement of public assistance, the social services district must establish that its actions were correct.*

Amend regulations to add provisions concerning the video hearings process.*

Amend the definition of the fair hearing record as it pertains to decisions without a hearing.*

Part 359 – Disqualification for Intentional Program Violation

Amend regulations to reflect changes to federal Supplemental Nutrition Assistance Program (SNAP) regulations regarding Intentional Program Violations, including changes to the definition of “trafficking” and the imposition of a ten-year disqualification.*

Part 369 – Family Assistance

Amend regulation to address applications for or receipt of public assistance as an assignment to the State and the social services district of rights to support.

Part 385 – Public Assistance and Food Stamp Employment Program Requirements

Amend the title and the regulations of Part 385 to make technical updates, including updating references from “food stamp” to “SNAP.”

Implement a federal waiver regarding the SNAP employment sanction process.*

Revise assessment regulations to clarify that the requirements for exempt individuals in households without dependent children are consistent with those for exempt individuals in households with dependent children.*

Amend employment program provisions for notices of conciliation and notices of discontinuance or reduction to incorporate plain language requirements.*

Establish additional guidelines regarding work activity definitions and work documentation and verification procedures to make them consistent with standards required by federal regulations.*

Implement changes to participation rate regulations to conform to amendments to the SSL 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, job search and job readiness assistance.*

Revise regulations for employment to comply with final federal regulations.*

Revise SNAP employment and training regulations to conform to federal regulations.*

Clarify how participation rates are calculated based on federal reporting requirements 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.

Identify cases that may be excluded from participation rates pursuant to federal Temporary Assistance for Needy Families (TANF) regulations.*

Repeal provisions which permit foster care parents and individuals who are caring for a disabled household member to be deemed as community service participants as required by federal regulations.

Authorize shift of certain cases to non-TANF family assistance or to non-Maintenance of Effort (non-MOE) safety net assistance to facilitate implementation of changes as required by federal regulations.*

Part 387 – Supplemental Nutrition Assistance Program

Amend regulations to make technical updates to Part 387.

Update regulations to reflect the current policy that standard allowances for heating/air conditioning, utility and telephone costs are used in calculating shelter expenses for SNAP.*

Revise regulations to raise the level of the minimum annual Home Energy Assistance Program (HEAP) or other energy assistance benefit required to confer eligibility for the SNAP Heating and Cooling Standard Utility Allowance (HCSUA) from \$1.00 to \$21.00.*

Update regulations to reflect the current policy that households in shared living arrangements are entitled to the full applicable level of the standard utility allowance.*

Revise SNAP regulations concerning the special definition of the “head of the household.”*

Update the determination of SNAP eligibility regulations to include

Supplemental Security Income live-alone New York State Nutrition Improvement Program provisions and education grant exclusions.*

Delete SNAP monthly reporting/retrospective budgeting references and add provisions for change reporting.*

Conform regulations concerning in-office interviews for SNAP applicants to federal requirements.*

Generally update SNAP regulations to conform to changes in federal regulations and law.*

Amend regulations to reflect expanded categorical eligibility for SNAP.*

Update regulations for the SNAP Transitional Benefits Alternative Program, which helps provide nutritional assistance to households who often are transitioning from public assistance programs to employment and would otherwise not be eligible for SNAP benefits.*

Amend regulations regarding what is a complete periodic report to require verification of income only if a change in income has been reported.*

Update regulations concerning household cooperation with quality control reviews to reflect changes in federal requirements.*

Part 388 – Food Assistance Program (FAP)

Repeal provisions relating to FAP to reflect that the authority to operate FAP pursuant to SSL § 95(10) has expired.

Part 393 – Home Energy Assistance Program (HEAP)

Amend HEAP regulations to reflect current practices and the provisions of the federally accepted HEAP State Plan.*

Part 800 - Homeless Housing and Assistance Program (HHAP)

Amend regulations regarding the conflict of interest rules for HHAP to address all ownership entities involved in HHAP projects. Revise and update certain definitions and terminology, clarify funding processes, and provide for the role of the Homeless Housing and Assistance Corporation Board as established in Private Housing Finance Law § 45-c.

It is not anticipated that small business regulation guides will need to be developed for the proposals set forth in this agenda.

* The asterisks identify rules for which a regulatory flexibility analysis or a rural area flexibility analysis may be required.

At this time, OTDA cannot specify the dates for publication in the New York State Register of the items listed above. OTDA would welcome comments related to this regulatory agenda at the address listed below, and each published Notice of Proposed Rule Making will provide a public comment period and a contact person to whom comments may be sent.

Any questions, comments, or requests for information concerning the items listed in this agenda may be referred to: Jeanine S. Behuniak, Office of Temporary and Disability Assistance, 40 N. Pearl St., 16C, Albany, NY 12243, (518) 474-9779, e-mail: Jeanine.Behuniak@OTDA.ny.gov, the regulatory agenda may be accessed on OTDA’s website at <http://otda.ny.gov/legal/>