

RULE REVIEW

Department of Civil Service Rules Continued Without Modification

Pursuant to section 207 of the State Administrative Procedure Act (SAPA), notice is hereby provided that upon publication of the Five Year Review of Existing Regulations and the conclusion of the forty-five (45) day public comment period, no public comments were received regarding any of the subject rules. The rules referenced herein have functioned consistent with the purposes underlying their adoption and shall be continued without modification.

2000

Amendment to Chapter I of Title 4 of NYCRR (Rules for the Classified Service)

The resolution added a new subdivision (vii) to paragraph (2) of section (b) of Rule 4.5 to provide for a probationary term for the position of “Thruway Maintenance Worker” of not less than 26 weeks nor more than 52 weeks.

Amendments to Chapter IV of 4 NYCRR (Regulations of the State Civil Service Commission [Commission’s Regulations])

A new section 55.5 codified the long-standing Civil Service Commission practice of granting prior approval for certain examination rating keys, according to the conditions and standards set forth within such section, upon the request of the Department’s director of examinations or his or her designee. Previous sections 55.5 and 55.6 were renumbered 55.6 and 55.7, respectively.

2005

Amendment to Chapter I of Title 4 of NYCRR (Rules for the Classified Service)

The resolution added a new paragraph (viii) to subdivision (1) of subsection (b) of Rule 4.5 to provide for a probationary term for the positions of “University Police Officer 1 and “University Police Officer 1 (Spanish Language)” of not less than 52 weeks nor more than 78 weeks.

2010

Amendment to Chapter V of Title 4 of NYCRR (Regulations of the Department of Civil Service [President’s Regulations])

The resolution added a new paragraph to Rule 72.1 designating the Authorities Budget Office as a separate unit for suspension, demotion or displacement within the Department of State.

Office of Mental Health

Rule Review Continuation – 2010, 2005 and 2000

Pursuant to Section 207 of the State Administrative Procedure Act, notice is hereby provided of the continuation without modification of the following rules that were reviewed in 2015 by the Office of Mental Health (OMH). These rules had been adopted during the calendar years 2010, 2005, and 2000. Notice that a review of these regulations would be conducted, and that public comment would be accepted until 45 days after date of publication, was provided in the February 4, 2015 edition of the State Register. No comments were received.

All Part and Section references are to Title 14 of the New York Codes, Rules and Regulations.

#OMH-45-09-00008-A Personalized Recovery-Oriented Services (PROS). Proposed in State Register on November 10, 2009; Adopted January 27, 2010.

Action: Amendment of Part 512 of Title 14 NYCRR.

Legal Base: Mental Hygiene Law Sections 7.09(b), 31.04(a), 43.02(a) and (b); Social Services Law Sections 364(3) and 364-a(1).

Justification: OMH has determined that continuation of this regulation without modification is necessary because the amendments served to modify the PROS registration process; reduced the documentation requirements consistent with other outpatient programs; eliminated provisions with respect to payment disallowance for certain groups exceeding a specific number of participants; reduced the number of hours per week as the minimum required for ongoing rehabilitation and support; changed the methodology related to the calculation of capital costs and increased the monthly base rates consistent with the enacted State budget.

#OMH-52-09-00005-A Certification of Relief from Disabilities Related to Firearms Possession. Proposed in State Register on December 30, 2009; Adopted March 10, 2010.

Action: Addition of a new Part 543 to Title 14 NYCRR.

Legal Base: Mental Hygiene Law Sections 7.09(b) and (j).

Justification: OMH has determined that continuation of this regulation without modification is necessary because the regulation established the relief from disabilities program by which a person who is disqualified from purchasing a firearm due to an involuntary commitment can seek to have that disqualification removed. This process is required under the Federal National Instant Criminal Background Check System (NICS) Improvement Amendment Act of 2007 and Public Law 110-180, Section 105, which amended the Federal Brady Handgun Violence Prevention Act of 1993.

#OMH-15-10-00011-A Rates of Reimbursement – Hospitals Licensed by the Office of Mental Health. Proposed in State Register on April 14, 2010; Adopted June 23, 2010.

Action: Amendment of Part 577 of Title 14 NYCRR.

Legal Base: Mental Hygiene Law Sections 7.09 and 43.02.

Justification: OMH has determined that continuation of this regulation without modification is necessary because the regulation removed the 2010 trend factor of 2.5 percent in developing the 2010 per diem Medicaid rates for Article 31 private psychiatric hospitals, effective January 1, 2010. This action was consistent with the elimination of the inflationary adjustments and trends applied to rates for community mental health programs in 2009-2010, and was made in accordance with the 2009-2010 enacted Deficit Reduction Legislation.

#OMH-21-10-00010-A Operation of Psychiatric Inpatient Units of General Hospitals and Operation of Hospitals for Persons with Mental Illness. Proposed in State Register on May 26, 2010; Adopted: August 4, 2010.

Action: Amendment of Parts 580 and 582 of Title 14 NYCRR.

Legal Base: Mental Hygiene Law Section 7.09; Social Services Law Section 412-a.

Justification: OMH has determined that continuation of this regulation without modification is necessary because the regulation updated provisions that reflected outdated statutory references, nomenclature, practices or principles and served to provide greater accuracy and clarity to providers of mental health services with respect to the standards under which they are expected to operate.

#OMH-11-10-00003-A Clinic Treatment Programs. Proposed in State Register on March 17, 2010; Adopted: July 14, 2010; Effective: October 1, 2010.

Action: Addition of new Part 599 to Title 14 NYCRR.

Legal Base: Mental Hygiene Law Sections 7.09, 31.02, 31.04, 31.06, 31.07, 31.09, 31.11, 31.13, 31.19, 43.01, 43.02, Article 33; Social Services Law Sections 364, 364-a and 364-j, Title XIX of the Federal Social Security Act.

Justification: OMH has determined that continuation of this regulation without modification is necessary because this amendment updated the standards for certification, operation and reimbursement of OMH-licensed clinics serving adults and children and replaced the previously existing requirements of Part 587 of Title 14 NYCRR and phased out the requirements of Parts 588 and 592 of Title 14 NYCRR insofar as they pertained to mental health clinic services. In the four years since 14 NYCRR Part 599 was adopted as final, OMH has amended its clinic regulations on several occasions based on provider feedback.

#OMH-12-05-00002-A Residential Treatment Facilities for Children and Youth. Proposed in State Register on March 23, 2005; Adopted June 8, 2005.

Action: Amendment of Section 584.5(e) of Title 14 NYCRR.

Legal Base: Mental Hygiene Law Sections 7.09, 31.04 and 31.26.

Justification: OMH has determined that continuation without modification of this regulation is necessary because the regulation continued the temporary increase in the capacity of certain residential treatment facilities to serve the needs of children and youth with serious emotional disturbance who reside in New York City. The issue has been the subject of review over subsequent years and has resulted in several changes in the expiration date. The current amendment filed in 2013 extends the expiration date until September 30, 2016.

#OMH-04-05-00004-A Pre-Admission Certification for Residential Treatment Facilities (RTF) for Children and Youth. Proposed in State Register on January 26, 2005; Continued July 13, 2005; Adopted August 31, 2005.

Action: Amendment of Part 583 of Title 14 NYCRR.

Legal Base: Mental Hygiene Law Sections 7.09, 31.04 and 31.26

Justification: OMH has determined that continuation without modification of this regulation is necessary because the purpose of the amendment was to improve the operation of the Pre-admission Certification Committees (PACC). The amendments were needed to improve management of the RTF wait list and help to ensure that RTF case managers have the most current information concerning a child's eligibility and mental health needs.

#OMH-09-05-00003-A Personalized Recovery-Oriented Services. Proposed in State Register on March 2, 2005; Continued August 24, 2005; Adopted December 21, 2005.

Action: Addition of a new 14 NYCRR Part 512.

Legal Base: Mental Hygiene Law Sections 7.09, 31.04, 41.05, 43.02; Social Services Law Sections 364(3) and 364a(1).

Justification: OMH has determined that continuation of this regulation without modification is necessary because the rule established a new licensed program category for Personalized Recovery-Oriented Services (PROS) programs. This Part applies to any provider of service that has been licensed to operate, or proposes to operate, a PROS program that must be licensed by OMH.

#OMH-16-00-00001-A Operation of Outpatient Programs and Operation of Residential Programs for Adults. Proposed in State Register on April 19, 2000; Adopted September 6, 2000.

Action: Amendment of Parts 587 and 595 of Title 14 NYCRR.

Legal Base: Mental Hygiene Law Sections 7.09, 31.04; Chapter 408 of the Laws of 1999.

Justification: OMH has determined that continuation of this regulation without modification is necessary because the regulation added provisions to facilitate the implementation of Kendra's Law by requiring providers of service to give priority access to individuals enrolled in assisted outpatient treatment (AOT) programs and requiring providers of service to notify an individual's case manager and director of the AOT program of the discharge of an individual who is also enrolled in an AOT program.