

# RULE MAKING ACTIVITIES

Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

AAM -the abbreviation to identify the adopting agency  
01 -the *State Register* issue number  
96 -the year  
00001 -the Department of State number, assigned upon receipt of notice.  
E -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

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## Office of Alcoholism and Substance Abuse Services

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### EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### OASAS Treatment Services: General Provisions

**I.D. No.** ASA-36-15-00020-EP

**Filing No.** 737

**Filing Date:** 2015-08-25

**Effective Date:** 2015-08-25

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Proposed Action:** Repeal of Part 800; and addition of new Part 800 to Title 14 NYCRR.

**Statutory authority:** Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01 and 32.07(a)

**Finding of necessity for emergency rule:** Preservation of public health, public safety and general welfare.

**Specific reasons underlying the finding of necessity:** The immediate adoption of this new Part is necessary for the preservation of the health, safety, and welfare of individuals receiving services. October 1, 2015 the initial implementation of a major initiative of Governor Cuomo's Medicaid Redesign Team (MRT) – carve-in of behavioral health services into Medicaid Managed Care -- will begin in New York City; followed by the rest of the state in January 2016. The concurrent promulgation of Part 800 (General Provisions), Part 822 (Outpatient Services), Part 820 (Residential Services) and Part 841 (Medical Assistance for Chemical Depen-

dence Services) is necessary because these regulations are foundational to all OASAS treatment modalities affected by the Medicaid Managed Care transition.

To be effective by October 1, the earliest the proposed rules would have to have been submitted for publication for regular (non-emergency) adoption (including the required 45-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5)) no later than August 5; assuming no comments, the notices of adoption would have been published in the September 26 State Register. Amendments to the texts related to federal Medicaid standards delayed publication and necessitate emergency adoption.

Therefore, emergency action is necessary for the preservation of the general welfare in order to immediately establish consistent standards in Part 800 applicable to all OASAS programs certified to provide outpatient and residential services and therefore to maximize newly available federal Medicaid revenues for certain certified residential services.

**Subject:** OASAS Treatment Services: General Provisions.

**Purpose:** General provisions applicable to all OASAS treatment services: definitions, incorporation by reference, staffing.

**Substance of emergency/proposed rule (Full text is posted at the following State website: [www.oasas.ny.gov](http://www.oasas.ny.gov)):** The Proposed Rule amends Part 800 (formerly "Chemical Dependence Services: General Provisions") to centralize and consolidate into one Part definitions, applicable statutes and publications incorporated by reference, and authorizations applicable to all OASAS treatment modalities and regulations found in 14 NYCRR Chapter XXI related to the operations of the Office.

Section 800.1 sets forth the legal authorization in the Mental Hygiene Law for promulgation of this Rule.

§ 800.2 lists statutes, publications and other regulations which are incorporated by reference into one or all of the other Parts in Chapter XXI. Including them in one Part, rather than individually in each Part, is more efficient for purposes of regulatory enforcement and future amendments. Commonly referenced citations include:

a. The most current version of the "International Classification of Diseases";

b. The most current version of the "Diagnostic and Statistical Manual of Mental Disorders";

c. 42 Code of Federal Regulations Part 2, et. seq;

d. The most current version of the OASAS Level of Care Determination Tool (LOCADTR);

3. The most current version of the "Medicare Provider Reimbursement Manual";

4. "Health Insurance Portability and Accountability Act of 1996" (HIPPA).

§ 800.3 sets forth frequently used definitions applicable to all of the other Parts of Chapter XXI. Including them in one Part, rather than individually in each Part, is more efficient for purposes of regulatory enforcement and future amendments. Definitions, references and language usage in the field of substance use disorder treatment have evolved so that many existing definitions are no longer relevant and others have become more significant. Key amendments and definitions include:

a. Definition of "substance use disorder" which will include formerly preferred references to "chemical dependence";

b. "Sponsor" formerly "governing authority" to be consistent with other Department of Mental Hygiene Offices;

c. "Medical Director" setting forth specific requirements for the position;

d. "Program" and "Provider";

e. "Qualified Health Professional" to include recent additions to the list;

f. "Student intern" and "Peer advocate";

g. "diagnosis".

§ 800.4 outlines the parameters for a regulatory waiver granted by the Commissioner.

§ 800.5 is a standard severability clause.

**This notice is intended:** to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire November 22, 2015.

**Text of rule and any required statements and analyses may be obtained from:** Sara Osborne, Associate Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203, (518) 485-2317, email: Sara.Osborne@oasas.ny.gov

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 45 days after publication of this notice.

#### **Regulatory Impact Statement**

##### 1. Statutory Authority:

(a) Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner ("Commissioner") of the Office to adopt standards including necessary rules and regulations pertaining to chemical dependence services.

(b) Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.

(c) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner to issue operating certificates for the provision of chemical dependence services.

(d) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(f) Section 32.02 of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary to ensure quality services to those suffering from problem gambling.

(g) Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the Mental Hygiene Law.

2. Legislative Objectives: The Purpose of this Part is to centralize in one Part definitions, applicable statutes and publications incorporated by reference, and authorizations applicable to all OASAS treatment modalities and regulations related to the operations of the Office found in 14 NYCRR Chapter XXI.

3. Needs and Benefits: OASAS is proposing to adopt this regulation because accumulated changes in statutory requirements, language usage, and applicability since 1992 when OASAS was established (Chapter 223 / laws of 1992), have increasingly caused inconsistencies in usage throughout the Parts of Chapter XXI.

4. Costs: No additional administrative costs to the agency are anticipated; no additional costs to programs/providers are anticipated.

5. Paperwork: The proposed regulation will not require increased paperwork.

6. Local Government Mandates: There are no new local government mandates.

7. Duplications: This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

8. Alternatives: Continue adding repetitive definitions whenever a Part is amended or updated.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: The regulations will be effective October 1, 2015.

#### **Regulatory Flexibility Analysis**

##### 1. Effect of rule:

OASAS services are provided by programs of varying size in every county in New York State; some counties are also certified service providers. The proposed Rule consolidates existing standards applicable to all OASAS programs of all sizes and on local governments if they are certified operators; additionally this regulation has been reviewed by the OASAS Advisory Council which consists of providers and stakeholders of all sizes and municipalities.

##### 2. Compliance requirements:

The proposed regulation consolidates existing standards applicable to all programs. Programs compliance will be determined upon program certification.

##### 3. Professional services:

Providers will require no new professional services; no professional services will be lost.

##### 4. Compliance costs:

No additional professional services will be required by this new regulation; nor will the proposed regulation add to the professional service needs of local governments. There will be no disparate impact on providers based on location, size of business or municipality.

##### 5. Economic and technological feasibility:

No upgrades of hardware or software will be required; increasing

electronic communications means any additional recordkeeping will be minimal regardless of geographic location.

##### 6. Minimizing adverse impact:

The application of the rule will not impose additional costs or operating requirements on providers on local governments or small businesses; therefore, it is designed on its face to minimize adverse impact.

##### 7. Small business and local government participation:

The proposed rule is posted on the agency website; agency review process involves input from trade organizations representing providers in both public and private sectors, of all sizes and in diverse geographic locations.

#### **Rural Area Flexibility Analysis**

1. Rural areas in which the rule will apply (types and estimated number of rural areas):

OASAS services are provided in every county in New York State. 44 counties have a population less than 200,000: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Ontario, Orleans, Oswego, Otsego, Putnam, Rensselaer, St. Lawrence, Saratoga, Schoenectady, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming and Yates. 9 counties with certain townships have a population density of 150 persons or less per square mile: Albany, Broome, Dutchess, Erie, Monroe, Niagara, Oneida, Onondaga and Orange.

2. Reporting, recordkeeping and other compliance requirements; and professional services:

The Purpose of this Part is to centralize in one Part definitions, applicable statutes and publications incorporated by reference, and authorizations applicable to all OASAS treatment modalities and regulations related to the operations of the Office found in 14 NYCRR Chapter XXI. The regulation does not impose any new recordkeeping, compliance requirements or professional services.

##### 3. Costs:

No additional costs will be incurred for implementation by providers because no additional capital investment, personnel or equipment is needed.

##### 4. Minimizing adverse impact:

The application of the rule will not impose additional costs or operating requirements on providers in rural areas; therefore, it is designed on its face to minimize adverse impact.

##### 5. Rural area participation:

The proposed rule is posted on the agency website; agency review process involves input from trade organizations representing providers in diverse geographic locations.

#### **Job Impact Statement**

OASAS is not submitting a Job Impact Statement because it is evident from the subject matter of the regulation that it will have no impact on jobs and employment opportunities.

## **EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED**

#### **Medical Assistance for Chemical Dependence Services**

**I.D. No.** ASA-36-15-00021-EP

**Filing No.** 738

**Filing Date:** 2015-08-25

**Effective Date:** 2015-08-25

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Proposed Action:** Amendment of Part 841 of Title 14 NYCRR.

**Statutory authority:** Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01 and 32.07(a)

**Finding of necessity for emergency rule:** Preservation of public health, public safety and general welfare.

**Specific reasons underlying the finding of necessity:** The immediate adoption of this new Part is necessary for the preservation of the health, safety, and welfare of individuals receiving services. October 1, 2015 the initial implementation of a major initiative of Governor Cuomo's Medicaid Redesign Team (MRT) -- carve-in of behavioral health services into Medicaid Managed Care -- will begin in New York City; followed by the rest of the state in January 2016. The concurrent promulgation of Part 841 (Medical Assistance for Chemical Dependence Services), Part 822

(Outpatient Services), Part 800 (General Provisions), and Part 820 (Residential Services) is necessary because these regulations are foundational to all OASAS treatment modalities affected by the Medicaid Managed Care transition.

To be effective by October 1, the earliest the proposed rules would have to have been submitted for publication for regular (non-emergency) adoption (including the required 45-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5)) no later than August 5; assuming no comments, the notices of adoption would have been published in the September 26 State Register. Amendments to the texts related to federal Medicaid standards delayed publication and necessitate emergency adoption.

Therefore, emergency action is necessary for the preservation of the general welfare in order to immediately establish consistent standards in Part 841 applicable to all OASAS programs certified to provide outpatient and residential services and therefore to maximize newly available federal Medicaid revenues for certain certified residential services.

**Subject:** Medical Assistance for Chemical Dependence Services.

**Purpose:** Update for Medicaid managed care implementation; coordinate with amendments to Parts 822, 820 and 800; technical amendments.

**Substance of emergency/proposed rule (Full text is posted at the following State website: [www.oasas.ny.gov](http://www.oasas.ny.gov)):** The Proposed Rule Amends Part 841 (Medical Assistance for Chemical Dependence Services) to make technical corrections and to accommodate the “carve-in” of behavioral health services into the Medicaid Managed Care system of service reimbursement. Provisions previously in Part 841 related to Medicaid services are moved into 14 NYCRR Part 841. Other Medicaid billing provisions subject to change beyond OASAS control have been removed from this Part and made available on the agency website.

Section 841.1 is a statement of background and intent.

§ 841.2 sets forth the legal basis for regulatory action and other statutory authorizations required for methods of payments made by government agencies.

§ 841.3 states the regulation’s applicability to eligible providers.

§ 841.4 sets forth definitions applicable to this Part; makes technical amendments; and removes expired provisions. In conjunction with proposed concurrent amendments to 14 NYCRR Part 800, definition of “Office” was removed to reduce page length and redundancy.

§ 841.5 sets forth requirements for financial and statistical reporting. Technical amendments only.

§ 841.6 is a non-discrimination clause; no amendments.

§ 841.7 sets forth recordkeeping requirements; no amendments.

§ 841.8 relates to billing standards; no amendments.

§ 841.9 is a statement of compliance with general medical assistance program requirements; no amendments.

§ 841.10 relates to medical assistance payments for chemical dependence inpatient services. Removes references to short term residential treatment for adolescents; adds residential service providers and residential services under 16-beds (Part 819 and Part 820 currently being drafted); other technical amendments.

§ 841.11 relates to medical assistance payments for inpatient medically supervised withdrawal services; no amendments.

§ 841.12 relates to medical assistance payments for residential rehab services for youth; technical amendments.

§ 841.13 relates to audits and revisions to rates for inpatient rehabilitation services and fees and fee add-ons for residential rehabilitation services for youth services; technical amendments.

§ 841.14 relates to Medical assistance payments for chemical dependence outpatient and opioid treatment programs. Technical amendments and removed APG categories subject to change from regulation and indicate posting on agency website. Added provisions deleted from amendments to Part 822 regarding APG billing services.

§ 841.15 relates to capital costs; technical amendments.

§ 841.16 regulates related party transactions; no amendments.

§ 841.17 is a standard severability clause; no amendments.

**This notice is intended:** to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire November 22, 2015.

**Text of rule and any required statements and analyses may be obtained from:** Sara Osborne, Associate Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203, (518) 485-2317, email: [Sara.Osborne@oasas.ny.gov](mailto:Sara.Osborne@oasas.ny.gov)

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 45 days after publication of this notice.

#### Regulatory Impact Statement

1. Statutory Authority:

(a) Section 19.07(e) of the Mental Hygiene Law authorizes the Com-

missioner (“Commissioner”) of the Office to adopt standards including necessary rules and regulations pertaining to chemical dependence services.

(b) Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.

(c) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner to issue operating certificates for the provision of chemical dependence services.

(d) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(f) Section 32.02 of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary to ensure quality services to those suffering from problem gambling.

(g) Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the Mental Hygiene Law.

(h) Section 364 of the Social Service Law provides that each office within the Department of Mental Health shall be responsible for establishing and maintaining standards for medical care and services received in institutions operated by it or subject to its supervision pursuant to the mental hygiene law.

(i) Section 23 of part C of chapter 58 of the laws of 2009, authorizes the Commissioner to adopt and amend rules and regulations, subject to the approval of the Commissioner of Health and the Director of the Budget, utilizing the Ambulatory Patient Group (APG) methodology for the purpose of establishing standards and methods of payments for chemical dependence outpatient clinic services.

2. Legislative Objectives: These amendments anticipate the “carve-in” of substance use disorder treatment services (now known as “chemical dependence treatment services”) and other behavioral health services into the Medicaid Managed Care system of service reimbursement. Provisions previously in Part 822 related to Medicaid services are moved into 14 NYCRR Part 841. Other Medicaid billing provisions subject to change beyond OASAS control have been removed from this Part and made available on the agency website. Part 841 was last amended in 2011 to incorporate the implementation of Ambulatory Patient Groups billing and reimbursement methodology (APGs) for Chemical Dependence Outpatient and Opioid Treatment Programs in the Medicaid program and provide clear guidance regarding Medicaid billing and related party transactions; APGs are being phased out.

3. Needs and Benefits: Amendments to this regulation are necessary to accommodate amendments to Part 822 wherein provisions related to Medicaid billing were deleted from that regulation to reduce number of pages and added to Part 841. Other Medicaid billing provisions subject to change beyond OASAS control have been removed from this Part and made available on the agency website. Technical amendments also correct numbering.

4. Costs: No additional administrative costs to the agency are anticipated; no additional costs to programs/providers are anticipated.

5. Paperwork: The proposed regulation will add no new paperwork requirements.

6. Local Government Mandates: There are no new local government mandates.

7. Duplications: This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

8. Alternatives: The current regulation would not be consistent with amendments to 14 NYCRR Part 822, 820 and 800.

9. Federal Standards: Federal standards governing Medicaid requirements for these services are found at 42 Code of Federal Regulations Section 441.150 et seq. These amendments do not exceed any minimum standard of the federal government for the same or similar subject areas.

10. Compliance Schedule: The regulations will be effective October 1, 2015. However, all standards of Medical Assistance reimbursement applicable to chemical dependence treatment programs shall be contingent on approval the state plan amendment associated with federal financial participation.

#### Regulatory Flexibility Analysis

1. Effect of rule:

OASAS services are provided by programs of varying size in every county in New York State; some counties are also certified service providers. The proposed Rule has been reviewed by OASAS in consideration of its impact on service providers of all sizes and on local governments, whether or not they are certified operators; additionally this regulation has been reviewed by the OASAS Advisory Council which consists of providers and stakeholders of all sizes and municipalities.

2. Compliance requirements:

Regardless of program size, it is anticipated that there will be no new

reporting or recordkeeping imposed on local governments or small businesses. There are no new mandates or administrative requirements placed on local governments.

3. Professional services:

No new or additional professional services are required in order to comply with the proposed amendments.

4. Compliance costs:

No new or additional costs are anticipated in order to comply with the proposed amendments. There will be no impact on costs to local governments.

5. Economic and technological feasibility:

Small businesses will be able to comply with the economic and technological aspects of this rule.

6. Minimizing adverse impact:

No adverse impact is anticipated.

7. Small business and local government participation:

The proposed rule is posted on the agency website; agency review process involves input from trade organizations representing providers in both public and private sectors, of all sizes and in diverse geographic locations.

8. Not applicable. (establish or modify a violation or penalties associated with a violation).

**Rural Area Flexibility Analysis**

1. Rural areas in which the rule will apply (types and estimated number of rural areas): OASAS services are provided in every county in New York State. 44 counties have a population less than 200,000: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Ontario, Orleans, Oswego, Otsego, Putnam, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming and Yates. 9 counties with certain townships have a population density of 150 persons or less per square mile: Albany, Broome, Dutchess, Erie, Monroe, Niagara, Oneida, Onondaga and Orange.

2. Reporting, recordkeeping and other compliance requirements; and professional services: There will be no new reporting or recordkeeping imposed on providers in rural areas as a result of these amendments. No new professional services are required; no professional services will be lost.

3. Costs: No additional costs will be incurred for implementation by providers because no additional capital investment, personnel or equipment is needed.

4. Minimizing adverse impact: The application of the rule will not impose additional costs or operating requirements on providers in rural areas; therefore, it is designed on its face to minimize adverse impact.

5. Rural area participation: The proposed rule is posted on the agency website; agency review process involves input from trade organizations representing providers in diverse geographic locations.

**Job Impact Statement**

OASAS is not submitting a Job Impact Statement because it is evident from the subject matter of the regulation that it will have no impact on jobs and employment opportunities.

**EMERGENCY/PROPOSED  
RULE MAKING  
NO HEARING(S) SCHEDULED**

**Residential Services**

**I.D. No.** ASA-36-15-00022-EP

**Filing No.** 739

**Filing Date:** 2015-08-25

**Effective Date:** 2015-08-25

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Proposed Action:** Addition of Part 820 to Title 14 NYCRR.

**Statutory authority:** Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01 and 32.07(a)

**Finding of necessity for emergency rule:** Preservation of public health, public safety and general welfare.

**Specific reasons underlying the finding of necessity:** The immediate adoption of this new Part is necessary for the preservation of the health, safety, and welfare of individuals receiving services. October 1, 2015 the initial implementation of a major initiative of Governor Cuomo's

Medicaid Redesign Team (MRT) – carve-in of behavioral health services into Medicaid Managed Care -- will begin in New York City; followed by the rest of the state in January 2016. The concurrent promulgation of Part 820 (Residential Services), Part 800 (General Provisions), Part 822 (Outpatient Services), and Part 841 (Medical Assistance for Chemical Dependence Services) is necessary because these regulations are all related to the implementation of Medicaid Managed Care.

To be effective by October 1, the earliest the proposed rules would have to have been submitted for publication for regular (non-emergency) adoption (including the required 45-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5)) no later than August 5; assuming no comments, the notices of adoption would have been published in the September 26 State Register. Amendments to the texts related to federal Medicaid standards delayed publication and necessitate emergency adoption.

Therefore, emergency action is necessary for the preservation of the general welfare in order to immediately establish provisions applicable to OASAS residential programs and therefore to maximize newly available federal Medicaid revenues for certain certified residential services.

**Subject:** Residential Services.

**Purpose:** Residential services restructured for Medicaid managed care and Medicaid redesign.

**Substance of emergency/proposed rule (Full text is posted at the following State website: [www.oasas.ny.gov](http://www.oasas.ny.gov)):** This Rulemaking proposes a new Part 820 ("Residential Services") added to 14 NYCRR to facilitate restructuring of OASAS residential programs in response to goals of Gov. Cuomo's Medicaid Redesign Team (MRT) in order to realize more efficient and effective use of state run and state authorized treatment resources, and in response to the transition of state authorized Medicaid payments for substance use disorder treatment from fee-for-service to managed care.

Section 820.1 sets forth the legal authorization in the Mental Hygiene Law for promulgation of this Rule.

§ 820.2 designates programs to which this rule would apply.

§ 820.3 sets forth definitions applicable to residential services and the corresponding elements of recovery: stabilization, rehabilitation, and community reintegration.

§ 820.4 relates to assignment of services pursuant to OASAS statutory and regulatory requirements for certification of treatment programs (14 NYCRR Part 810).

§ 820.5 sets forth general standards for all programs certified to provide residential services.

§ 820.6 describes Staffing requirements for all programs certified to provide residential services.

§ 820.7 sets forth requirements and standards for admission, screening and assessment of residents.

§ 820.8 relates to requirements for development of a treatment/recovery or service plan for each residential service.

§ 820.9 relates to discharge requirements.

§ 820.10 describes additional requirements for stabilization services in a residential setting related to program services and staffing.

§ 820.11 sets forth additional requirements for rehabilitation services in a residential setting related to program services and staffing.

§ 820.12 sets forth additional requirements for reintegration in a residential setting related to program services and staffing.

§ 820.13 sets forth Standards pertaining to Medicaid reimbursement.

§ 820.14 is a standard Severability clause.

**This notice is intended:** to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire November 22, 2015.

**Text of rule and any required statements and analyses may be obtained from:** Sara Osborne, Associate Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203, (518) 485-2317, email: [Sara.Osborne@oasas.ny.gov](mailto:Sara.Osborne@oasas.ny.gov)

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement**

1. Statutory Authority:

(a) Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt standards including necessary rules and regulations pertaining to chemical dependence services.

(b) Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.

(c) Section 19.40 of the Mental Hygiene Law authorizes the Commis-

sioner of the Office of Alcoholism and Substance Abuse Services to issue operating certificates for the provision of chemical dependence services.

(d) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(e) Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt regulations to effectuate the provisions and purposes of Article 32 of the Mental Hygiene Law.

(f) Section 220.78 of the Penal Law affords limited protections from prosecution for persons seeking medical attention for accidental overdose.

(g) Section 3309 of the Public Health Law authorizes the Department of Health to establish standards for approval of any opioid overdose prevention program.

2. Legislative Objectives: The Purpose of adding this new Part is to accomplish restructuring of OASAS residential services as a goal set by Gov. Cuomo's Medicaid Redesign Team (MRT) in order to realize more efficient and effective use of state run and state authorized treatment resources, and in response to the transition of state authorized Medicaid payments for substance use disorder treatment from fee-for-service to managed care.

3. Needs and Benefits: OASAS is proposing to adopt this regulation because clinical, statutory and policy changes in delivery of behavioral health care services at the state and federal level require the implementation of regulatory revisions in order to realize the efficiencies and opportunities available to OASAS certified providers.

4. Costs: No additional administrative costs to the agency are anticipated; no additional costs to programs/providers are anticipated.

5. Paperwork: The proposed regulation will not require increased paperwork.

6. Local Government Mandates: There are no new local government mandates.

7. Duplications: This proposed rule does not duplicate, overlap, or conflict with any state or federal statute or rule.

8. Alternatives: No reasonable alternatives exist.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: The regulations will be effective October 1, 2015.

**Regulatory Flexibility Analysis**

1. Effect of rule:

OASAS services are provided by programs of varying size in every county in New York State; some counties are also certified service providers. The proposed Rule has been reviewed by OASAS in consideration of its impact on service providers of all sizes and on local governments, whether or not they are certified operators; additionally this regulation has been reviewed by the OASAS Advisory Council which consists of providers and stakeholders of all sizes and municipalities.

2. Compliance requirements:

The proposed regulation implements recommendations of the governor's Medicaid Redesign Team including Medicaid Managed Care for behavioral health services. Programs compliance will be determined upon program certification.

3. Professional services:

Providers will require no new professional services; no professional services will be lost. Residential services are already being provided.

4. Compliance costs:

No additional professional services will be required by this new regulation; nor will the proposed regulation add to the professional service needs of local governments. There will be no disparate impact on providers based on location, size of business or municipality.

5. Economic and technological feasibility:

No upgrades of hardware or software will be required; increasing electronic communications means any additional recordkeeping will be minimal regardless of geographic location.

6. Minimizing adverse impact: The application of the rule will not impose additional costs or operating requirements on providers on local governments or small businesses; therefore, it is designed on its face to minimize adverse impact.

7. Small business and local government participation:

The proposed rule is posted on the agency website; agency review process involves input from trade organizations representing providers in both public and private sectors, of all sizes and in diverse geographic locations. The Office has prepared webinars and guidance documents for provider use and for training of agency administration.

**Rural Area Flexibility Analysis**

1. Rural areas in which the rule will apply (types and estimated number of rural areas):

OASAS services are provided in every county in New York State. 44 counties have a population less than 200,000: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Ontario, Orleans, Oswego, Otsego, Putnam, Rensselaer, St. Lawrence, Saratoga, Schoenectady, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming and Yates. 9 counties with certain townships have a population density of 150 persons or less per square mile: Albany, Broome, Dutchess, Erie, Monroe, Niagara, Oneida, Onondaga and Orange.

2. Reporting, recordkeeping and other compliance requirements; and professional services:

The proposed regulation accomplishes the restructuring of OASAS residential services as a goal set by Gov. Cuomo's Medicaid Redesign Team (MRT) in order to realize more efficient and effective use of state run and state authorized treatment resources in response to the transition of state authorized Medicaid payments for substance use disorder treatment from fee-for-service to managed care. Residential services providers will not be required to add professional services or increase recordkeeping and reporting beyond what they already provide for residential services.

3. Costs:

No additional costs will be incurred for implementation by providers because no additional capital investment, personnel or equipment is needed.

4. Minimizing adverse impact:

The application of the rule will not impose additional costs or operating requirements on providers in rural areas; therefore, it is designed on its face to minimize adverse impact.

5. Rural area participation:

The proposed rule is posted on the agency website; agency review process involves input from trade organizations representing providers in diverse geographic locations. The Office has prepared webinars and guidance documents for provider use and for training of agency administration.

**Job Impact Statement**

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed new regulation because the amendments either clarify or streamline provider actions which will not be eliminated or supplemented. Treatment providers already providing residential services will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State.

**EMERGENCY/PROPOSED  
RULE MAKING  
NO HEARING(S) SCHEDULED**

**General Service Standards for Chemical Dependence Outpatient (CD-OP) and Opioid Treatment Programs (OTP)**

**I.D. No.** ASA-36-15-00023-EP

**Filing No.** 740

**Filing Date:** 2015-08-25

**Effective Date:** 2015-08-25

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Proposed Action:** Repeal of Part 822; and addition of new Part 822 to Title 14 NYCRR.

**Statutory authority:** Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01 and 32.07(a)

**Finding of necessity for emergency rule:** Preservation of public health, public safety and general welfare.

**Specific reasons underlying the finding of necessity:** The immediate adoption of this new Part is necessary for the preservation of the health, safety, and welfare of individuals receiving services. October 1, 2015 the initial implementation of a major initiative of Governor Cuomo's Medicaid Redesign Team (MRT) – carve-in of behavioral health services into Medicaid Managed Care -- will begin in New York City; followed by the rest of the state in January 2016. This transition also coincides with the phase out of ambulatory patient groups (APG) payment methodology reflected in the previous Part 822. The concurrent promulgation of Part 822 (Outpatient Services), Part 800 (General Provisions), Part 820 (Residential Services) and Part 841 (Medical Assistance for Chemical Dependence Services) is necessary because these regulations are foundational to

all OASAS treatment modalities affected by the Medicaid Managed Care transition.

To be effective by October 1, the earliest the proposed rules would have to have been submitted for publication for regular (non-emergency) adoption (including the required 45-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5)) no later than August 5; assuming no comments, the notices of adoption would have been published in the September 26 State Register. Amendments to the texts related to federal Medicaid standards delayed publication and necessitate emergency adoption.

Therefore, emergency action is necessary for the preservation of the general welfare in order to immediately establish consistent standards in Part 822 applicable to all OASAS programs certified to provide outpatient services and therefore to maximize newly available federal Medicaid revenues for certain certified residential services.

**Subject:** General Service Standards for Chemical Dependence Outpatient (CD-OP) and Opioid Treatment Programs (OTP).

**Purpose:** Amend to accommodate Medicaid managed care and Medicaid redesign; phase out APGs; amendments to Part 800.

**Substance of emergency/proposed rule (Full text is posted at the following State website: [www.oasas.ny.gov](http://www.oasas.ny.gov)):** The Proposed Rule Repeals Part 822 (Chemical Dependence Outpatient and Opioid Treatment Programs; effective July 1, 2011) and Adds a New Part 822. The current Part 822 was substantially rewritten in 2011 to accommodate implementation of the Ambulatory Patient Group (APG) billing and reimbursement methodology. In addition that revision incorporated provisions related to opioid treatment programs, which are also outpatient treatment, from a previously separate and distinct Part 828. This current revision anticipates the “carve-in” of chemical dependence treatment services (now known as “substance use disorder services”) and other behavioral health services into the Medicaid Managed Care system of service reimbursement.

Section 822.1 is a statement of background.

§ 822.2 sets forth the legal basis for regulatory action and other statutory authorizations required for medication assisted treatment.

§ 822.3 states the regulation’s applicability to chemical dependence outpatient programs (CD-OPs) and such outpatient programs known as opioid treatment programs (CD-OTPs).

§ 822.4 is a savings and renewals clause for purposes of a transition period for issuance of program operating certificates.

§ 822.5 sets forth definitions uniquely applicable to this Part. In conjunction with proposed concurrent amendments to 14 NYCRR Part 800, some definitions were removed to reduce page length and redundancy (ie, “commissioner,” “governing authority” or “sponsor,” “Medical Director,” “clinical staff,” “peer advocate,” “student intern,” “prescribing professional”). Significant definitions unique to this Part include, for example: “accrediting body,” “central registry system,” “complex care coordination,” “continuing care treatment,” “intensive outpatient services,” “opioid detoxification,” and “opioid taper.”

§ 822.6 sets forth minimum standards pertaining to Medicaid reimbursement (specific enumerated services are identified in 14 NYCRR Part 841) such as services which, by themselves, are not Medicaid reimbursable.

§ 822.7 details general program standards applicable to both CD-OPs and CD-OTPs or to a specific modality. These standards include requirements for policies and procedures, emergency medical kits on-site, utilization review, minimum required services, staffing, hours of operation, and optional services.

§ 822.8 relates to admission, initial services, transfers and readmission requirements for all programs and some requirements specific to CD-OPs or CD-OTPs. Requirements include pre-admission testing, timing of a decision to admit, initial medications, patient orientation, documentation required for transfers or readmissions.

§ 822.9 relates to the development, documentation, implementation and periodic review of the patient-specific treatment/recovery plan; also indicates special requirements for pregnant patients required by federal block grant.

§ 822.10 relates to minimum requirements for preparation and maintenance of case records applicable to all programs. Standards include periodic review, discharge plans, document retention, transfers, patient deaths, and confidentiality.

§ 822.11 includes minimum standards for documentation of services including required signatures, content and date of service.

§ 822.12 relates to discharge planning including minimum criteria, timing of a required discharge summary, requirement for patient participation in the development of a discharge plan and special requirements for discharge of minors pursuant to mental hygiene law § 22.11.

§ 822.13 relates to a continuing care which is a service unique to CD-OPs. Continuing care requires a discharge from active treatment and subsequent admission to continuing care with limitations on the amount and types of services available to support continued recovery.

§ 822.14 regulates additional locations of a primary CD-OP location by restricting location in relation to the primary site, extent of services, and requirement for certification.

§ 822.15 identifies additional requirements for chemical dependence outpatient rehabilitation services in CD-OPs designated to provide such services. Special requirements relate to staffing, type and frequency of services, and meals.

§ 822.16 identifies additional standards unique to CD-OTPs including medication administration, regulation of take-home medications, voluntary and involuntary tapers, provisions for diversion control, and program participation in the central registry maintained by the Office to track patients receiving opioid treatment.

§ 822.17 is a standard severability clause.

**This notice is intended:** to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire November 22, 2015.

**Text of rule and any required statements and analyses may be obtained from:** Sara Osborne, Associate Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203, (518) 485-2317, email: [Sara.Osborne@oasas.ny.gov](mailto:Sara.Osborne@oasas.ny.gov)

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 45 days after publication of this notice.

#### Regulatory Impact Statement

##### 1. Statutory Authority:

(a) Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner (“Commissioner”) of the Office to adopt standards including necessary rules and regulations pertaining to chemical dependence services.

(b) Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.

(c) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner to issue operating certificates for the provision of chemical dependence services.

(d) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(e) Section 32.02 of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary to ensure quality services to those suffering from problem gambling.

(f) Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the Mental Hygiene Law.

2. Legislative Objectives: The Proposed Rule Repeals Part 822 (Chemical Dependence Outpatient and Opioid Treatment Programs; effective July 1, 2011) and adds a new Part 822. The current Part 822 was substantially rewritten in 2011 to accommodate implementation of the Ambulatory Patient Group (APG) billing and reimbursement methodology. In addition that revision incorporated provisions related to opioid treatment programs, which are also outpatient treatment, from a previously separate and distinct Part 828.

This current revision anticipates the “carve-in” of substance use disorder treatment services (now known as “chemical dependence treatment services”) and other behavioral health services into the Medicaid Managed Care system of service reimbursement. Provisions previously in this Part that are related to Medicaid services are moved into 14 NYCRR Part 841 (“Medical Assistance for Chemical Dependence Services”). In conjunction with the revisions also proposed to 14 NYCRR Part 800, this revision reduces the page length of the existing regulation and updates and aligns significant definitions used throughout the other Parts of Chapter XXI.

3. Needs and Benefits: This regulation responds to the needs and expectations of a changing service delivery landscape for OASAS providers, substantially altered by the anticipated “carve-in” of behavioral health services into Medicaid Managed Care (on/about October 2015), implementation of certain recommendations of the NYS Medicaid Redesign Team (MRT) and aspects of the federal Affordable Care Act (ACA) such as Behavioral Health Organizations (BHOs), Preferred Provider Organizations (PPOs) and other integrative health care delivery restructurings. Driving many of these developments is the demand for provider outcome measures and accountability. Providers will receive and retain operating certificates increasingly based on demonstrated results of their clinical decisions and treatment methods rather than on rote compliance with prescriptive rules and regulations.

The proposed amendments are less prescriptive with the intent of not boxing in providers to comply with narrow regulatory requirements in an increasingly integrated behavioral health/physical health service delivery

marketplace. OASAS is also proposing to adopt this regulation because changes in statutory requirements, language usage and applicability, and issuance of the fifth edition of the Diagnostic and Statistical Manual (DSM V) since OASAS was consolidated (chapter 223 of the laws of 1992) have increasingly created inconsistencies throughout Parts of Chapter XXI.

4. Costs: No additional administrative costs to the agency are anticipated; no additional costs to programs/providers are anticipated.

5. Paperwork: The proposed regulation will add no new paperwork requirements.

6. Local Government Mandates: There are no new local government mandates.

7. Duplications: This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

8. Alternatives: The current regulation would not be consistent with changes in health care delivery; new regulation is the only alternative.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: The regulations will be effective October 1, 2015.

#### **Regulatory Flexibility Analysis**

##### 1. Effect of rule:

OASAS services are provided by programs of varying size in every county in New York State; some counties are also certified service providers. The proposed Rule has been reviewed by OASAS in consideration of its impact on service providers of all sizes and on local governments, whether or not they are certified operators; additionally this regulation has been reviewed by the OASAS Advisory Council which consists of providers and stakeholders of all sizes and municipalities.

##### 2. Compliance requirements:

The proposed regulation implements recommendations of the governor's Medicaid Redesign Team including Medicaid Managed Care for behavioral health services and transition from ambulatory patient group (APG) payment methodology. Compliance will be determined upon recertification reviews.

##### 3. Professional services:

Providers will require no new professional services; no professional services will be lost. Outpatient services are already being provided.

##### 4. Compliance costs:

No additional professional services will be required by this new regulation; nor will the proposed regulation add to the professional service needs of local governments. There will be no disparate impact on providers based on location, size of business or municipality.

##### 5. Economic and technological feasibility:

No upgrades of hardware or software will be required; increasing electronic communications means any additional recordkeeping will be minimal regardless of geographic location.

##### 6. Minimizing adverse impact:

The application of the rule will not impose additional costs or operating requirements on providers on local governments or small businesses; therefore, it is designed on its face to minimize adverse impact.

##### 7. Small business and local government participation:

The proposed rule is posted on the agency website; agency review process involves input from trade organizations representing providers in both public and private sectors, of all sizes and in diverse geographic locations. The Office has prepared webinars and guidance documents for provider use and for training of agency administration.

#### **Rural Area Flexibility Analysis**

1. Rural areas in which the rule will apply (types and estimated number of rural areas):

OASAS services are provided in every county in New York State. 44 counties have a population less than 200,000: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Ontario, Orleans, Oswego, Otsego, Putnam, Rensselaer, St. Lawrence, Saratoga, Schoenectady, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming and Yates. 9 counties with certain townships have a population density of 150 persons or less per square mile: Albany, Broome, Dutchess, Erie, Monroe, Niagara, Oneida, Onondaga and Orange.

2. Reporting, recordkeeping and other compliance requirements; and professional services:

The proposed regulation is related to the restructuring of OASAS residential services as a goal set by Gov. Cuomo's Medicaid Redesign Team (MRT) in order to realize more efficient and effective use of state run and state authorized treatment resources in response to the transition of state authorized Medicaid payments for substance use disorder treatment from fee-for-service to managed care and the phase out of ambulatory patient groups (APGs) as a payment methodology. Outpatient service providers

will not be required to add professional services or increase recordkeeping and reporting beyond what they already provide for residential services.

##### 3. Costs:

No additional costs will be incurred for implementation by providers because no additional capital investment, personnel or equipment is needed.

##### 4. Minimizing adverse impact:

The application of the rule will not impose additional costs or operating requirements on providers in rural areas; therefore, it is designed on its face to minimize adverse impact.

##### 5. Rural area participation:

The proposed rule is posted on the agency website; agency review process involves input from trade organizations representing providers in diverse geographic locations. The Office has prepared webinars and guidance documents for provider use and for training of agency administration.

#### **Job Impact Statement**

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed new regulation because the amendments either clarify or streamline provider actions which will not be eliminated or supplemented. Treatment providers already providing residential services will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State.

## **NOTICE OF ADOPTION**

### **Establishment, Incorporation and Certification of Providers of Substance Use Disorder Services**

**I.D. No.** ASA-26-15-00006-A

**Filing No.** 731

**Filing Date:** 2015-08-19

**Effective Date:** 2015-09-09

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Repeal of Part 810; and addition of new Part 810 to Title 14 NYCRR.

**Statutory authority:** Mental Hygiene Law, sections 19.09(b), 19.20, 19.20-a, 19.40 and 32.02; Executive Law, section 296(15) and (16); Corrections Law, art. 23-A; Civil Service Law, section 50; Protection of People with Special Needs Act (L. 2012, ch. 501)

**Subject:** Establishment, Incorporation and Certification of Providers of Substance Use Disorder Services.

**Purpose:** To enhance protections for service recipients in the OASAS system.

**Text or summary was published** in the July 1, 2015 issue of the Register, I.D. No. ASA-26-15-00006-EP.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Sara Osborne, Associate Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203-3526, (518) 485-2317, email: Sara.Osborne@oasas.ny.gov

#### **Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2018, which is no later than the 3rd year after the year in which this rule is being adopted.

#### **Assessment of Public Comment**

The agency received no public comment.

## **NOTICE OF ADOPTION**

### **Criminal History Information Reviews**

**I.D. No.** ASA-26-15-00007-A

**Filing No.** 732

**Filing Date:** 2015-08-19

**Effective Date:** 2015-09-09

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Addition of Part 805 to Title 14 NYCRR.

**Statutory authority:** Mental Hygiene Law, sections 19.09(b), 19.20,

19.20-a, 19.40 and 32.02; Executive Law, section 296(15) and (16); Corrections Law, art. 23-A; Civil Service Law, section 50; Protection of People with Special Needs Act (L. 2012, ch. 501)

**Subject:** Criminal History Information Reviews.

**Purpose:** To enhance protections for service recipients in the OASAS system.

**Text or summary was published** in the July 1, 2015 issue of the Register, I.D. No. ASA-26-15-00007-EP.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Sara Osborne, Associate Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203-3526, (518) 485-2317, email: Sara.Osborne@oasas.ny.gov

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2018, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Patient Rights**

**I.D. No.** ASA-26-15-00008-A

**Filing No.** 733

**Filing Date:** 2015-08-19

**Effective Date:** 2015-09-09

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Repeal of Part 815; and addition of new Part 815 to Title 14 NYCRR.

**Statutory authority:** Mental Hygiene Law, sections 19.09(b), 19.20, 19.20-a, 19.40 and 32.02; Executive Law, section 296(15) and (16); Corrections Law, art. 23-A; Civil Service Law, section 50; Protection of People with Special Needs Act (L. 2012, ch. 501)

**Subject:** Patient Rights.

**Purpose:** To enhance protections for service recipients in the OASAS system.

**Text or summary was published** in the July 1, 2015 issue of the Register, I.D. No. ASA-26-15-00008-EP.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Sara Osborne, Associate Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203-3526, (518) 485-2317, email: Sara.Osborne@oasas.ny.gov

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2018, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Credentialing of Addictions Professionals**

**I.D. No.** ASA-26-15-00010-A

**Filing No.** 734

**Filing Date:** 2015-08-19

**Effective Date:** 2015-09-09

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Repeal of Part 853; and addition of new Part 853 to Title 14 NYCRR.

**Statutory authority:** Mental Hygiene Law, sections 19.09(b), 19.20, 19.20-a, 19.40 and 32.02; Executive Law, section 296(15) and (16); Corrections Law, art. 23-A; Civil Service Law, section 50; Protection of People with Special Needs Act (L. 2012, ch. 501)

**Subject:** Credentialing of Addictions Professionals.

**Purpose:** To enhance protections for service recipients in the OASAS system.

**Text or summary was published** in the July 1, 2015 issue of the Register, I.D. No. ASA-26-15-00010-EP.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Sara Osborne, Associate Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203-3526, (518) 485-2317, email: Sara.Osborne@oasas.ny.gov

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2018, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**

The agency received no public comment.

**Department of Civil Service**

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Jurisdictional Classification**

**I.D. No.** CVS-36-15-00001-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Corrections and Community Supervision, by increasing the number of positions of Assistant Parole Services Program Specialist from 10 to 11.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Jurisdictional Classification**

**I.D. No.** CVS-36-15-00002-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office of the State Inspector General," by adding thereto the positions of Assistant Inspector General (2) and by increasing the number of positions of Deputy Chief Investigator from 2 to 4, Director and Chief of Investigations from 2 to 3, Investigative Aide from 8 to 16, Investigative Auditor from 16 to 20, Investigative Counsel from 14 to 26 and Investigator State Inspector General from 28 to 49.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Jurisdictional Classification**

**I.D. No.** CVS-36-15-00003-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office of Information Technology Services," by increasing the number of positions of Special Assistant from 17 to 22.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS

Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Jurisdictional Classification**

**I.D. No.** CVS-36-15-00004-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Labor, by adding thereto the position of Stores and Mail Operations Supervisor (1).

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Jurisdictional Classification**

I.D. No. CVS-36-15-00005-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To delete a position from and classify a position in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the State University of New York under the subheading "Each State University College," by deleting therefrom the position of Secretary and by adding thereto the position of Secretary (2 at Oswego and 1 at each other State University College).

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Jurisdictional Classification**

I.D. No. CVS-36-15-00006-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Health, by adding thereto the position of Affirmative Action Administrator 4 (1).

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS

Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Jurisdictional Classification**

I.D. No. CVS-36-15-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Health under the subheading "Office of the Medicaid Inspector General," by increasing the number of positions of Medicaid Investigator 4 from 4 to 5.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Jurisdictional Classification**

**I.D. No.** CVS-36-15-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Environmental Conservation, by adding thereto the position of Director Division of Mineral Resources (1).

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Jurisdictional Classification**

**I.D. No.** CVS-36-15-00009-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office of Indigent Legal Services," by adding thereto the positions of Confidential Legal Assistant (2) and by increasing the number of positions of Special Assistant from 3 to 4.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Jurisdictional Classification**

**I.D. No.** CVS-36-15-00010-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of State under the subheading "Joint Commission on Public Ethics," by increasing the number of positions of Associate Counsel from 4 to 6.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Jurisdictional Classification**

I.D. No. CVS-36-15-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Mental Hygiene under the subheading "Office of Mental Health," by increasing the number of positions of Mental Health Program Manager 1 from 7 to 9.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Jurisdictional Classification**

I.D. No. CVS-36-15-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To delete a position from and classify a position in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Taxation and Finance, by deleting therefrom the position of Director, Real Property Tax Research (1) and by increasing the number of positions of Tax Policy Analyst 5 from 4 to 5.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS

Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Jurisdictional Classification**

I.D. No. CVS-36-15-00013-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To delete positions from and classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Justice Center for the Protection of People with Special Needs," by decreasing the number of positions of Internal Investigator 1 (OPWDD) from 18 to 9 and by increasing the number of positions of Internal Investigator 1 (Justice Center) from 92 to 104.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously

printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Jurisdictional Classification**

**I.D. No.** CVS-36-15-00014-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To delete a position from and classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office of Information Technology Services," by deleting therefrom the position of øDirector Office for Technology (1) and by adding thereto the positions of Deputy Cluster Chief Information Officer (10).

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Jurisdictional Classification**

**I.D. No.** CVS-36-15-00015-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendices 1 and 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To delete positions/subheadings from and classify positions in the exempt class and delete positions from non-competitive class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office of the Governor," by deleting therefrom the positions of Special Assistant Counsel to the Governor (part-time) and Special Office Assistant (part-time) (2), by decreasing the number of positions of Special Assistant from 9 to 7, by adding thereto the positions of

Associate Counsel (2), Confidential Secretary (4), Counsel, Deputy Director Women's Division, Director New York State Office of Federal Affairs, Director Women's Division, Executive Director and Investigative Auditor (6) and by increasing the number of positions of Confidential Assistant from 21 to 28, Confidential Stenographer from 51 to 52, Legislative Assistant from 5 to 11 and Special Office Assistant from 19 to 20; and, in the Executive Department by deleting therefrom the subheading "Office of Contract Compliance," and the positions of Confidential Stenographer (2) and Program Specialist, Office of Contract Compliance (1); by deleting therefrom the subheading "Office of Development Planning," and the positions of Assistant Director for Program Coordination and Confidential Stenographer; by deleting therefrom the subheading "Moreland Act Commission," and the positions of Associate Counsel (2), Confidential Assistant (7), Confidential Secretary (4), Counsel, Executive Director and Investigative Auditor (6); by deleting therefrom the subheading "NYS Washington Office," and the positions of Confidential Stenographer (3), Director of New York State Office of Federal Affairs, Legislative Assistant (6) and Special Office Assistant (2); by deleting therefrom the subheading "Women's Division," and the positions of Confidential Assistant, Deputy Director of Women's Division and Director of Women's Division; and, in the Executive Department under the subheading "Division of the Budget," by increasing the number of positions of Special Assistant from 1 to 3; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office of the Governor," by deleting therefrom the positions of øOffice Assistant (2) and øSupervising Office Assistant (1).

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Jurisdictional Classification**

**I.D. No.** CVS-36-15-00016-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To delete positions from and classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Division of Criminal Justice Services," by deleting therefrom the position of Laboratory Accreditation Specialist

(1) and by adding thereto the position of Laboratory Accreditation Specialist 1 (1); and, in the Executive Department under the subheading "Office of Parks, Recreation and Historic Preservation," by deleting therefrom the position of Director of Law Enforcement (1) and by adding thereto the position of Director Park Police (1); and, in the Department of Mental Hygiene under the subheading "Office of Mental Health," by increasing the number of positions of Mental Health Program Manager 2 from 1 to 2; and, in the Department of Family Assistance under the subheading "Office of Children and Family Services," by deleting therefrom the positions of Child Abuse Specialist 1, Child Abuse Specialist 2 and Child Abuse Specialist 3 (2) and by adding thereto the positions of Child Abuse Prevention Specialist 1, Child Abuse Prevention Specialist 2 and Child Abuse Prevention Specialist 3 (2).

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

#### **Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

## **PROPOSED RULE MAKING NO HEARING(S) SCHEDULED**

### **Jurisdictional Classification**

**I.D. No.** CVS-36-15-00017-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendices 1 and 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class and to delete a position from the non-competitive class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Education Department, by adding thereto the position of Chief Privacy Officer; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Education Department, by deleting therefrom the position of Chief Privacy Officer (1).

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was

previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

#### **Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

## **PROPOSED RULE MAKING NO HEARING(S) SCHEDULED**

### **Jurisdictional Classification**

**I.D. No.** CVS-36-15-00018-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To delete positions from and classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Agriculture and Markets, by deleting therefrom the positions of Apiary Inspector 1 (seasonal), Apiary Inspector 2 (seasonal), Apiary Inspector 3 (seasonal), Assistant Farm Products Inspector 1 (seasonal), Assistant Farm Products Inspector 2 (seasonal), Director of Plant Industry, Farm Products Inspector 1 (seasonal), Farm Products Inspector 2 (seasonal), Farm Products Inspector 3 (seasonal) and Senior Apiary Inspector (seasonal) and by decreasing the number of positions of Building Services Assistant 2 from 2 to 1 and by adding thereto the positions of Apiary Inspector 1, Apiary Inspector 2, Apiary Inspector 3, Apiary Inspector 4, Assistant Farm Products Inspector 1, Assistant Farm Products Inspector 2, Director Plant Industry (1), Farm Products Inspector 1, Farm Products Inspector 2 and Farm Products Inspector 3.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

#### **Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously

printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

## Education Department

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### State High School Equivalency Diploma

I.D. No. EDU-36-15-00019-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of section 100.7 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101(not subdivided), 207(not subdivided), 208(not subdivided), 209(not subdivided), 305(1), (2), 308(not subdivided) and 3204

**Subject:** State high school equivalency diploma.

**Purpose:** To update, clarify and make technical changes, including provisions relating to the Alternative High School Equivalency Preparation Programs (AHSEP).

**Substance of proposed rule (Full text is posted at the following State website: <http://www.acces.nysed.gov/hse/what-hsetasc-test>):** The Commissioner of Education proposes to amend section 100.7 of the Commissioner's Regulations, regarding the High School Equivalency (HSE) diploma, to update, provide clarity and make necessary technical changes, including provisions relating to the Alternative High School Equivalency Preparation Programs (AHSEP), to implement certain policy changes, and to conform the regulation to reflect Department policy and practice. The following is a summary of the substance of the proposed rule.

Section 100.7(a)(1) is amended to reflect Departmental policy since 1998 which allows Home Schooled students who are 17 years old to take the HSE, and to extend that policy to include Home Schooled students who are 16 years old to take the HSE.

Section 100.7(a)(1)(ii)(e) is amended to replace the phrase "shall be a resident of a narcotic addiction control center, or an adjudicated youth under the direction of a prison, jail, detention center, Office of Children and Family Services facility, parole or probation officer, or other correction facility, or a patient in a hospital in the State of New York" with the phrase "is a resident of a narcotic addiction control center, a rehabilitation facility, county jail, prison, detention center or hospital, or is an adjudicated youth under the direction of a court or a parole, probation or other law enforcement agency."

Section 100.7(a)(2)(i)(b) is amended to allow candidates who take the HSE test in a language other than English, where available, (and receive a transcript with an inscription stating that the exam was taken in such language) to receive a new transcript without such designation providing that the candidate take and pass the HSE Reading and Writing subtests in English.

Section 100.7(a)(2)(ii) is amended to make permanent the provision that allows a passing score on at least one but not more than four of the sub-tests of the high school equivalency examination taken in calendar years 2002 through 2013 (2003 through 2013 for the Spanish version of the examination) to be accepted as a passing score on the corresponding sub-test or sub-tests of any general comprehensive examination prescribed for the program and administered on or after January 1, 2014 and before January 1, 2016. The proposed amendment would allow such substitution of sub-test scores for such examinations administered on or after January 1, 2014.

Section 100.7(a)(1) and (3) are amended to allow all candidates under the age of 19 to receive a HSE diploma upon passing the HSE test. (Eliminates the current provision that provides only a passing transcript to such candidates who meet age eligibility criteria of acceptance into the military or acceptance to a post-secondary institution).

Section 100.7(c) is amended to delete an outdated provision regarding fees for HSE applications.

Section 100.7(d), regarding retesting, is amended to include reference to the provision in 100.7(a)(2)(ii) relating to substituting certain sub-test passing scores, as an additional basis for reevaluation for eligibility for a HSE diploma for those candidates who do not otherwise qualify for a HSE diploma on the basis of retest scores.

Section 100.7(e), regarding reporting test scores, is amended to delete an outdated provision imposing a fee for the initial reporting of test scores.

Section 100.7(h), regarding alternative high school equivalency preparation programs (AHSEP) is amended to:

(1) increase the age of eligibility from "under the age of 19" to "under the age of 21";

(2) require a school district, BOCES or Office of Children and Family Services facility to submit its AHSEP application annually no later than June 30th for programs to be operated during the following school year in a form and format as prescribed by the commissioner;

(3) require assurance be provided in the AHSEP application that:

- the program requirements in section 100.7(h)(4) are satisfied;
- for students with reading and mathematics levels at grade nine or

above on tests approved by the commissioner, preparation for the high school equivalency examination shall be no less than nine hours of the minimum 15 hours for the high school equivalency examination as part of the program;

• for students with reading or mathematics levels below grade nine on tests approved by the commissioner, no less than 12 hours of the minimum 15-hours for the high school equivalency examination as part of the program;

• subjects or activities are scheduled in addition to preparation for the high school equivalency examination as part of the program of at least 15 hours as further specified in the reg, including that instruction in reading, or mathematics, oral and written communication, instructional supports, enrichment, programs that are aligned with career readiness, counseling, and other related life skills activities shall be subject to approval by the department; and

(4) provide that the AHSEP program shall be designed for students who will not graduate with their class because of credit deficiency but who are otherwise capable of completing graduation requirements.

Section 100.7(h)(4)(i), regarding AHSEP program approval requirements, is amended to replace "a curriculum developed or approved by the department is to be used" with "a curricula that satisfactorily addresses the subject matter areas included in a general comprehensive examination prescribed for the program pursuant to subparagraph (i) of paragraph (2) of subdivision (a) of this section and meets the required State standards pertaining to such examination."

Subdivision (i) of section 100.7, regarding HSE preparation programs operated by school districts and BOCES for students at least 18 years of age and under the age of 21, is deleted; subdivision (j) of section 100.7 is relettered as subdivision (i); and a reference to paragraph (i)(2) in the former subdivision (j) is deleted.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kirti Goswami, State Education Department, Office of Counsel, State Education Building, Room 148, 89 Washington Ave., Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

**Data, views or arguments may be submitted to:** Mark Leinung, Director, Adult Education Programs and Policy, Office of Adult Career and Continuing Education Services, 99 Washington Ave., Room 1622 OCP, Albany, NY 12234, (518) 474-8892, email: mleinung@nysed.gov

**Public comment will be received until:** 45 days after publication of this notice.

#### Regulatory Impact Statement

##### 1. STATUTORY AUTHORITY:

Education Law section 101 continues the existence of the Education Department, with the Board of Regents at its head and the Commissioner of Education as the chief administrative officer, and charges the Department with the general management and supervision of public schools and the educational work of the State.

Education Law section 207 empowers the Board of Regents and the Commissioner to adopt rules and regulations to carry out laws of the State regarding education and the functions and duties conferred on the Department by law.

Education Law section 208 authorizes the Regents to establish examinations as to attainments in learning and to award and confer suitable certificates, diplomas and degrees on persons who satisfactorily meet the requirements prescribed.

Education Law section 209 authorizes the Regents to establish secondary school examinations in studies furnishing a suitable standard of graduation and of admission to colleges; to confer certificates or diplomas on students who satisfactorily pass such examinations; and requires the admission to these examinations of any person who shall conform to the rules and pay the fees prescribed by the Regents.

Education Law section 305(1) and (2) provide that the Commissioner, as chief executive officer of the State system of education and of the Board of Regents, shall have general supervision over all schools and institutions subject to the provisions of the Education Law, or of any statute relating to education, and shall execute all educational policies determined by the Board of Regents.

Education Law section 308 authorizes the Commissioner to enforce and

give effect to any provision in the Education Law or in any other general or special law pertaining to the school system of the State or any rule or direction of the Regents.

Education Law section 309 charges the Commissioner with the general supervision of boards of education and their management and conduct of all departments of instruction.

Education Law section 3204(3) provides for required courses of study in the public schools and authorizes the State Education Department to alter the subjects of required instruction.

#### 2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the authority conferred by the above statutes and is necessary to implement policy enacted by the Board of Regents relating to requirements for a high school equivalency diploma.

#### 3. NEEDS AND BENEFITS:

Commissioner's Regulation section 100.7 implements the High School Equivalency (HSE) Diploma. The regulation provides conditions, standards and requirements for the administration of the High School Equivalency test and the issuance of the State's High School Equivalency Diploma. The regulation has been amended a number of times over the past 30 years and contains some outdated provisions, inaccuracies and inconsistencies.

The proposed regulation will update, provide clarity and make necessary technical changes to section 100.7 including provisions relating to the Alternative High School Equivalency Preparation Programs (AHSEP) as well as implementing the following policy changes:

- Allow candidates who take the HSE test in a language other than English, where available, (and receive a transcript with an inscription stating that the exam was taken in such language) to receive a new transcript without such designation providing that the candidates take and pass the HSE Reading and Writing subtests in English.

- Allow all candidates under the age of 19 to receive a HSE diploma upon passing the HSE test. (Eliminates the current provision that provides only a passing transcript to such candidates who meet age eligibility criteria of acceptance into the military or acceptance to a post-secondary institution).

- Make permanent the provision in section 100.7(a)(2)(ii) that allows a passing score on at least one but not more than four of the sub-tests of the HSE examination taken in calendar years 2002 through 2013 ( 2003 through 2013 for the Spanish version of the examination) to be accepted as a passing score on the corresponding sub-test or sub-tests of any general comprehensive examination prescribed for the program and administered on or after January 1, 2014 and before January 1, 2016. The proposed amendment would allow such substitution of sub-test scores for such examinations administered on or after January 1, 2014.

- Will reflect Departmental policy since 1998 which allows Home Schooled students who are 17 years old to take the HSE, and extend that policy to include Home Schooled students who are 16 years old to take the HSE.

#### 4. COSTS:

(a) Costs to the State: There may be a minimal cost to New York State to pay for those Spanish language candidates who elect to retake the test in English in order to receive a transcript without the Spanish designation. However, there will also be a minor savings to the State (from reduced mail costs and processing records) due to the elimination of the current provision in the regulations that prevents underage candidates from receiving a diploma until they become fully eligible.

(b) Costs to local government: None. The proposed amendment generally applies to individuals seeking a New York State High School Equivalency Diploma and does not impose any direct costs on local governments. Those school districts and BOCES that chose to provide AHSEP programs may incur some costs to comply with the application requirements in section 100.7(h)(2), but those costs are anticipated to be minimal and capable of being absorbed using existing staff and resources.

(c) Costs to private regulated parties: None. The proposed amendment merely updates, provides clarity and makes necessary technical changes, including provisions relating to the Alternative High School Equivalency Preparation Programs (AHSEP), implements certain policy changes, and conforms the regulation to reflect Department policy and practice.

(d) Costs to regulating agency for implementation and continued administration of this rule: Implementation of these amendments will simplify processing records for the New York State Education Department and will thus result in cost savings.

#### 5. LOCAL GOVERNMENT MANDATES:

The proposed amendment generally applies to individuals seeking a New York State High School Equivalency Diploma and does not impose any additional program, service, duty or responsibility upon any county, city, town, village, school district, fire district or other special district. A school district or BOCES that chooses to provide an approved AHSEP program must meet the requirements discussed under the Paperwork section.

#### 6. PAPERWORK:

A school district or BOCES that chooses to provide an approved AHSEP program must submit its application annually no later than June 30th for programs to be operated during the following school year in a form and format as prescribed by the commissioner.

The AHSEP application must include assurance that:

- the program requirements in section 100.7(h)(4) are satisfied;
- for students with reading and mathematics levels at grade nine or above on tests approved by the commissioner, preparation for the high school equivalency examination shall be no less than nine hours of the minimum 15 hours for the high school equivalency examination as part of the program;

- for students with reading or mathematics levels below grade nine on tests approved by the commissioner, no less than 12 hours of the minimum 15-hours for the high school equivalency examination as part of the program;

- subjects or activities are scheduled in addition to preparation for the high school equivalency examination as part of the program of at least 15 hours as further specified in the reg, including that instruction in reading, or mathematics, oral and written communication, instructional supports, enrichment, programs that are aligned with career readiness, counseling, and other related life skills activities shall be subject to approval by the department; and

The AHSEP program shall be designed for students who will not graduate with their class because of credit deficiency but who are otherwise capable of completing graduation requirements.

#### 7. DUPLICATION:

The proposed amendment does not duplicate existing State or federal regulations.

#### 8. ALTERNATIVES:

There are no significant alternatives and none were considered.

#### 9. FEDERAL STANDARDS:

There are no related federal standards.

#### 10. COMPLIANCE SCHEDULE:

It is anticipated that regulated parties will be able to achieve compliance with the proposed amendment by its effective date. The proposed amendment merely updates, provides clarity and makes necessary technical changes, including provisions relating to the Alternative High School Equivalency Preparation Programs (AHSEP), implements certain policy changes, and conforms the regulation to reflect Department policy and practice.

#### *Regulatory Flexibility Analysis*

##### Small Businesses:

The proposed amendment is necessary to implement policy enacted by the Board of Regents relating to requirements for a high school equivalency diploma and does not impose any adverse economic impact, reporting, record keeping or any other compliance requirement on small businesses. Because it is evident from the nature of the rule that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

##### Local Government:

##### 1. EFFECT OF RULE:

The proposed amendment, for the most part, applies to individuals seeking a New York State High School Equivalency Diploma, and otherwise applies only to those school districts and boards of cooperative educational services (BOCES) that choose to provide alternative high school equivalency preparation (AHSEP) programs. Currently, there are 78 approved AHSEP programs operated by school districts and 35 approved AHSEP programs operated by BOCES.

##### 2. COMPLIANCE REQUIREMENTS:

A school district or BOCES must submit its AHSEP application annually no later than June 30th for programs to be operated during the following school year in a form and format as prescribed by the commissioner.

The AHSEP application must include assurance that:

- the program requirements in section 100.7(h)(4) are satisfied;
- for students with reading and mathematics levels at grade nine or above on tests approved by the commissioner, preparation for the high school equivalency examination shall be no less than nine hours of the minimum 15 hours for the high school equivalency examination as part of the program;

- for students with reading or mathematics levels below grade nine on tests approved by the commissioner, no less than 12 hours of the minimum 15-hours for the high school equivalency examination as part of the program;

- subjects or activities are scheduled in addition to preparation for the high school equivalency examination as part of the program of at least 15 hours as further specified in the reg, including that instruction in reading, or mathematics, oral and written communication, instructional supports, enrichment, programs that are aligned with career readiness, counseling,

and other related life skills activities shall be subject to approval by the department; and

The AHSEP program shall be designed for students who will not graduate with their class because of credit deficiency but who are otherwise capable of completing graduation requirements.

### 3. PROFESSIONAL SERVICES:

The proposed rule does not impose any additional professional services requirements.

### 4. COMPLIANCE COSTS:

The proposed amendment generally applies to individuals seeking a New York State High School Equivalency Diploma and does not impose any direct costs on local governments. Those school districts and BOCES that choose to provide AHSEP programs may incur some costs to comply with the application requirements in section 100.7(h)(2), but those costs are anticipated to be minimal and capable of being absorbed using existing staff and resources.

### 5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional costs or technological requirements on local governments. Economic feasibility is addressed in the Costs section above.

### 6. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to implement policy enacted by the Board of Regents relating to requirements for a high school equivalency diploma and does not directly impose any compliance requirements or costs on local governments. The proposed amendment merely updates, provides clarity and makes necessary technical changes, including provisions relating to the Alternative High School Equivalency Preparation Programs (AHSEP), implements certain policy changes, and conforms the regulation to reflect Department policy and practice. Those school districts and BOCES that choose to provide AHSEP programs may incur some costs to comply with the application requirements in section 100.7(h)(2), but those costs are anticipated to be minimal and capable of being absorbed using existing staff and resources.

### 7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts.

#### *Rural Area Flexibility Analysis*

#### 1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed amendment, for the most part, applies to individuals seeking a New York State High School Equivalency (HSE) Diploma, and otherwise applies only to those school districts and boards of cooperative educational services (BOCES) that choose to provide alternative high school equivalency preparation (AHSEP) programs, including those residing or located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less. Currently, there are 44 approved AHSEP programs operated by school districts and 30 approved AHSEP programs operated by BOCES, which serve students in rural areas.

#### 2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

The proposed amendment does not directly impose any additional compliance requirements on entities in rural areas, but merely will update, provide clarity and make necessary technical changes to section 100.7 including provisions relating to the Alternative High School Equivalency Preparation Programs (AHSEP) as well as implementing the following policy changes:

- Allow candidates who take the HSE test in a language other than English, where available, (and receive a transcript with an inscription stating that the exam was taken in such language) to receive a new transcript without such designation providing that the candidates take and pass the HSE Reading and Writing subtests in English.

- Allow all candidates under the age of 19 to receive a HSE diploma upon passing the HSE test. (Eliminates the current provision that provides only a passing transcript to such candidates who meet age eligibility criteria of acceptance into the military or acceptance to a post-secondary institution).

- Make permanent the provision in section 100.7(a)(2)(ii) that allows a passing score on at least one but not more than four of the sub-tests of the HSE examination taken in calendar years 2002 through 2013 ( 2003 through 2013 for the Spanish version of the examination) to be accepted as a passing score on the corresponding sub-test or sub-tests of any general comprehensive examination prescribed for the program and administered on or after January 1, 2014 and before January 1, 2016. The proposed amendment would allow such substitution of sub-test scores for such examinations administered on or after January 1, 2014.

- Will reflect Departmental policy since 1998 which allows Home Schooled students who are 17 years old to take the HSE, and extend that

policy to include Home Schooled students who are 16 years old to take the HSE.

The proposed amendment does not impose any additional professional services requirements.

### 3. COSTS:

The proposed amendment generally applies to individuals seeking a New York State High School Equivalency Diploma and does not impose any direct costs on local governments. Those school districts and BOCES in rural areas that choose to provide AHSEP programs may incur some costs to comply with the application requirements in section 100.7(h)(2), but those costs are anticipated to be minimal and capable of being absorbed using existing staff and resources.

### 4. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to implement policy enacted by the Board of Regents relating to requirements for a high school equivalency diploma and does not impose any additional compliance requirements or costs on entities in rural areas. The proposed amendment merely updates, provides clarity and makes necessary technical changes, including provisions relating to the Alternative High School Equivalency Preparation Programs (AHSEP), implements certain policy changes, and conforms the regulation to reflect Department policy and practice. Those school districts and BOCES in rural areas that choose to provide AHSEP programs may incur some costs to comply with the application requirements in section 100.7(h)(2), but those costs are anticipated to be minimal and capable of being absorbed using existing staff and resources.

Because the Regents policy upon which the proposed amendment is based applies to all persons seeking a New York State High School Equivalency diploma and school districts and BOCES located in rural areas, it is not possible to establish differing compliance or reporting requirements or timetables to exempt persons in rural areas from coverage by the proposed amendment.

### 5. RURAL AREA PARTICIPATION:

Comments on the proposed amendment were solicited from the Department's Rural Advisory Committee, whose membership includes entities located in rural areas.

#### *Job Impact Statement*

The proposed amendment is necessary to implement policy enacted by the Board of Regents relating to requirements for a high school equivalency diploma. The proposed amendment applies to individuals seeking a New York State High School Equivalency Diploma, and to those school districts and boards of cooperative educational services (BOCES) that choose to provide alternative high school equivalency preparation (AHSEP) programs. The proposed amendment will not have an adverse impact on jobs or employment opportunities. Because it is evident from the nature of the amendment that it will have a positive impact, or no impact, on jobs or employment opportunities, no further steps were needed to ascertain those facts and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

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## Department of Financial Services

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### NOTICE OF ADOPTION

#### Debt Collection

**I.D. No.** DFS-23-15-00002-A

**Filing No.** 741

**Filing Date:** 2015-08-25

**Effective Date:** 2015-09-09

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of Part 1 of Title 23 NYCRR.

**Statutory authority:** Financial Services Law, sections 202, 302 and 408

**Subject:** Debt Collection.

**Purpose:** Provides clarification to regulations of debt collectors in New York.

**Text or summary was published** in the June 10, 2015 issue of the Register, I.D. No. DFS-23-15-00002-P.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Max Dubin, Department of Financial Services, One State Street, New York, NY 10004, (212) 480-7232, email: FSLReg@dfs.ny.gov

*Assessment of Public Comment*

The agency received no public comment.

## Power Authority of the State of New York

### NOTICE OF ADOPTION

#### Rates for the Sale of Power and Energy

**I.D. No.** PAS-11-15-00016-A

**Filing Date:** 2015-08-24

**Effective Date:** 2015-08-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of the Net Metering Provisions of the Authority's Service Tariff Nos. 100 and 200 applicable to its New York City and Westchester County Governmental Customers, respectively.

**Statutory authority:** Public Authorities Law, sections 1005, 3rd undesignated paragraph and 1005(6)

**Subject:** Rates for the Sale of Power and Energy.

**Purpose:** To improve the net metering services currently offered by the Authority to its New York City and Westchester County Customers.

**Substance of final rule:** The Power Authority's Notice of Proposed Rulemaking published on March 8, 2015, proposed to amend the Net Metering Provisions of Service Tariff No. 100 applicable to its New York City Governmental Customers and Service Tariff No. 200 applicable to its Westchester County Governmental Customers. No comments on the proposal were received from the Customers. However, based on further analysis by staff, the Authority is proposing minor additional clarifications to the net metering service provisions. The proposal does not constitute a substantive modification.

**Final rule as compared with last published rule:** Nonsubstantive changes were made in Rider C.

**Text of rule and any required statements and analyses may be obtained from:** Karen Delince, Power Authority of the State of New York, 123 Main Street, White Plains, NY 10601, (914) 390-8085, email: [secretarys.office@nypa.gov](mailto:secretarys.office@nypa.gov)

#### Revised Regulatory Impact Statement

A revised regulatory impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

#### Revised Regulatory Flexibility Analysis

A revised regulatory flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

#### Revised Rural Area Flexibility Analysis

A revised rural area flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

#### Revised Job Impact Statement

A revised job impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

#### Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

## Public Service Commission

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Petition to Submeter Electricity with a Waiver of 16 NYCRR 96.5(h)

**I.D. No.** PSC-36-15-00024-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Public Service Commission is considering whether to grant, deny or modify, in whole or part, the Petition to Submeter Electricity with a Waiver of 96.5(h), filed by 12393 Owners Corp., for the building located at 123 West 93rd Street, New York, NY.

**Statutory authority:** Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

**Subject:** Petition to Submeter Electricity with a Waiver of 16 NYCRR 96.5(h).

**Purpose:** To consider the request to submeter electricity and for a waiver of 96.5(h) at 123 West 93rd Street, New York, New York.

**Substance of proposed rule:** The Public Service Commission is considering whether to grant, deny or modify, in whole or part, the Petition, filed by 12393 Owners Corp., to submeter electricity with a waiver of the refrigerator energy efficiency requirements in 16 NYCRR 96.5 (h), at 123 West 93rd Street, New York, New York, located in the Territory of Consolidated Edison Company of New York, Inc., and to take other actions necessary to address the Petition.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: [Deborah.Swatling@dps.ny.gov](mailto:Deborah.Swatling@dps.ny.gov)

**Data, views or arguments may be submitted to:** Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

**Public comment will be received until:** 45 days after publication of this notice.

#### Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0456SP1)

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Notice of Intent to Submeter Electricity

**I.D. No.** PSC-36-15-00025-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Public Service Commission is considering whether to grant, deny or modify, in whole or part, the Notice of Intent filed by 42 West Broad Developers LLC, to submeter electricity at 42 Broad Street West, Mount Vernon, New York.

**Statutory authority:** Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

**Subject:** Notice of Intent to submeter electricity.

**Purpose:** To consider the request of 42 West Broad Developers LLC to submeter electricity at 42 Broad Street West, Mount Vernon, New York.

**Substance of proposed rule:** The Public Service Commission is considering whether to grant, deny or modify, in whole or part, the Notice of Intent filed by 42 West Broad Developers LLC, to submeter electricity at 42 Broad Street West, Mount Vernon, New York, located in the territory of Consolidated Edison Company of New York, Inc., and to take other actions necessary to address the Notice of Intent.

*Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: Deborah.Swatling@dps.ny.gov*

*Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov*

*Public comment will be received until: 45 days after publication of this notice.*

***Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement***

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0467SP1)

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Petition for Authority to Transfer the Street Lighting System in the Village of Horseheads to the Village of Horseheads**

**I.D. No.** PSC-36-15-00026-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering whether to grant, modify or reject, in whole or in part, a petition by New York State Electric & Gas Corporation to transfer the street lighting system in the Village of Horseheads, New York to the Village of Horseheads.

**Statutory authority:** Public Service Law, section 70

**Subject:** Petition for authority to transfer the street lighting system in the Village of Horseheads to the Village of Horseheads.

**Purpose:** Whether to authorize the proposed transfer of the street lighting system to the Village of Horseheads.

**Substance of proposed rule:** The Public Service Commission is considering whether to grant, deny or modify, in whole or part, the petition of New York State Electric & Gas Corporation (NYSEG) for authority to transfer from NYSEG to the Village of Horseheads, Chemung County, New York (Village) the system of street lighting facilities installed throughout the Village. According to NYSEG, it proposes to sell the street lighting poles, luminaires and lamps, mast arms, electrical connections and wiring for street lighting (the Facilities), now owned by it to the Village. The Facilities have an original total cost of \$193,085 and a book value of \$66,445 as of December 31, 2014. Pursuant to the Agreement for Purchase and Sale of Street Lighting Facilities (Agreement), executed May 5, 2015, the total price to be paid to NYSEG by the Village for the Facilities is \$79,385. The Commission may address other matters related to the petition and the Agreement.

*Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov*

*Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov*

*Public comment will be received until: 45 days after publication of this notice.*

***Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement***

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0471SP1)