

## Key Regulatory Changes Affecting Small Businesses — July 1, 2018 through June 30, 2019

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| <b><u>Agency:</u></b>                 | Department of Environmental Conservation  |
| <b><u>Title/Section(s):</u></b>       | Sanitary Condition of Shellfish Lands – 6 NYCRR – Amendment of Part 41  |
| <b><u>State Register I.D. No:</u></b> | ENV-21-18-00028-A   |
| <b><u>Filing Date:</u></b>            | October 25, 2018  |
| <b><u>Effective Date:</u></b>         | November 14, 2018   |
| <b><u>Summary:</u></b>                | This regulation reclassifies underwater shellfish lands to protect public health. This amendment includes changes to the shellfish growing area descriptions and updates, clarifies and corrects them to match the current physical appearance and names of local landmarks to achieve better consistency. These changes will aid harvesters and law enforcement officials in determining which areas are uncertified for the harvest of shellfish. |
| <b><u>Agency Contact:</u></b>         | Matthew Richards<br>New York State Department of Environmental Conservation<br>205 North Belle Mead Road, Suite 1<br>East Setauket, NY 11733<br>(631) 444-0491<br><a href="mailto:matt.richards@dec.ny.gov">matt.richards@dec.ny.gov</a>  |

**Agency:** Department of Environmental Conservation

**Title/Section(s):** CO<sub>2</sub> Emissions Standards for Major Electric Generating Facilities – 6 NYCRR – Amendment of Parts 200 and 251

**State Register I.D. No:** ENV-20-18-00006-A

**Filing Date:** September 5, 2019

**Effective Date:** 30 days after filing

**Summary:** This regulation establishes CO<sub>2</sub> emissions standards for non-modified existing fossil fuel fired major electric generating facilities. These amendments establish CO<sub>2</sub> emissions rate requirements, which are applicable to non-modified existing major electric generating facilities and includes revisions that incorporate references to federal rules. These revisions apply to owner or operators of fossil fuel-fired non-modified existing major electric generating facilities that provide more than 10 percent of their annual electric output to the electric grid.

**Agency Contact:** Laura Stevens  
New York State Department of Environmental Conservation  
Division of Air Resources  
625 Broadway  
Albany, NY 12233-3251  
(518) 402-8396  
[air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov)

**Agency:** Department of Financial Services

**Title/Section(s):** Registration Requirements and Prohibited Practices for Credit Reporting Agencies – 23 NYCRR – Addition of Part 201

**State Register I.D. No:** DFS-40-17-00003-A

**Filing Date:** June 13, 2018

**Effective Date:** July 3, 2018

**Summary:** This regulation addresses deficient practices of consumer credit reporting agencies and protects user of, and the market for financial services. This addition sets forth that every consumer credit reporting agency that assembles, evaluates, or maintains a consumer credit report on one thousand or more New York consumers within the previous twelve-month period must register with the Superintendent of Financial Services and be subject to examination by the Superintendent as necessary; prohibits any individual or entity required to be registered from assembling, evaluating, or maintaining a consumer credit report on any consumers located in New York State if they have not registered with the Superintendent and prohibits any regulated entity from paying any fee or transmitting any information to any consumer credit reporting who fails to register as required; requires annual reporting of information requested by the Superintendent, and such other regular reporting as the Superintendent may require; and authorizes the Superintendent to refuse to renew, revoke, or suspend the registration of any consumer credit reporting agency if, after notice and hearing, the Superintendent determines that the registrant or any member, principal, office, director, or controlling person of the registrant has engaged in any of the enumerated improper conduct. These revisions sets forth certain conduct in which a consumer credit reporting agency may not engage; that consumer credit reporting agencies are deemed covered entities; and the transition periods specific for consumer credit reporting agencies to come into compliance.

**Agency Contact:** Eamon G. Rock  
New York State Department of Financial Services  
One Commerce Plaza  
Albany, NY 12257  
(518) 474-4567  
[Eamon.Rock@dfs.ny.gov](mailto:Eamon.Rock@dfs.ny.gov)

**Agency:** Department of Health

**Title/Section(s):** Food and Beverages in Funeral Establishments – 10 NYCRR – Amendment of Sections 77.5, 78.1 and 79.4

**State Register I.D. No:** HLT-49-17-00002-A

**Filing Date:** July 30, 2018

**Effective Date:** August 15, 2018

**Summary:** This regulation lifts the ban of the consumption of food and beverages in funeral establishments. These amendments permit the consumption of food or nonalcoholic beverages in the funeral establishment but does not require it to be offered; food or nonalcoholic beverages may also be provided by a third-party catering service, provided that such catering service is not owned by or affiliated with the funeral firm engaged in funeral directing at the establishment; preparation and serving of food and nonalcoholic beverages in the funeral establishment shall be limited to arranging, opening, displaying , and assembling items for consumption, and does not include cooking or heating of food items with the exception hot beverages such as coffee, tea or similar items; food items are limited to incidental refreshments such as baked goods, sandwiches, snacks, platters, pre-packaged food items and items which may be required by the religious practices of the family members, mourners, visitors or friends of the deceased; preparation and servicing of any food and beverages shall be prohibited in the preparation area, chapel or reposing room and whenever there is deceased person present for a viewing, visitation or funeral services; and any separate charges for the use of facilitates for the serving of food and nonalcoholic beverages shall be charged only for a specifically dedicated food and beverage service area, stated clearly on the general price list, include any charges for cleaning equipment or the like, and shall be specifically described and may be made either as a “Funeral Home Charges” in the section “Additional Services and Merchandise Selected”, or as a “Cash Advance” if the funeral home does not charge the customer in excess of the amount advanced to a third party.

**Agency Contact:** Katherine Ceroalo  
New York State Department of Health  
Bureau or Program Counsel  
Reg. Affairs Unit, Room 2438  
ESP Tower Building  
Albany, NY 12237  
(518) 473-7488  
[regsqna@health.ny.gov](mailto:regsqna@health.ny.gov)

**Agency:** Department of Environmental Conservation

**Title/Section(s):** Repeal and Replace – 6 NYCRR Parts 243, 244 and 245 and Amend Part 200

**State Register I.D. No:** ENV-20-18-00007-A

**Filing Date:** December 3, 2018

**Effective Date:** 30 days after filing

**Summary:** This regulation sets forth the process the Department of Environmental Conservation (Department) will use to allocate allowances under the Environmental Protection Agency’s (EPA) Cross-State Air Pollution Rule (CSAPR) Trading Programs. These amendments, repeals and replacements allow the Department to allocate Transport Rule allowances to regulated entities in New York and allow for these rules to be incorporated in the New York State Implementation Plan (SIP) to ensure New York State receives EPA SIP approval and maintains control of CSAPR allowance allocation to regulated entities within the state.

**Agency Contact:** Marie Barnes  
New York State Department of Environmental Conservation  
Division of Air Resources  
625 Broadway  
Albany, NY 12233-3251  
(518) 402-8396  
[air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov)

**Agency:** Office of Temporary and Disability Assistance

**Title/Section(s):** Reengagement/Conciliation and Sanction Procedures for Employment Programs – 18 NYCRR – Amendment of Sections 385.11 and 385.13

**State Register I.D. No:** TDA-12-18-00004-A

**Filing Date:** December 20, 2018

**Effective Date:** January 15, 2019

**Summary:** This regulation implements the statutory changes relative to public assistance (PA) reengagement/conciliation and sanction procedures for PA recipients living in a city with one million or more people and refusing or failing to comply with employment requirements assigned by the social service district. These amendments establish a consistent standard for imposing a PA and Supplemental Nutrition Assistance Program (SNAP) employment sanction; reduce the minimum durational SNAP sanction period for first – and second-level SNAP employment sanctions for SNAP applicants and recipients; and to implement changes to SNAP voluntary quit consistent with state and federal laws, regulations and policies.

**Agency Contact:** Richard P. Rhodes, Jr.  
New York State Office of Temporary and Disability Assistance  
40 North Pearl Street, 16-C  
Albany, NY 12243-0001  
(518) 486-7503  
[richard.rhodesjr@otda.ny.gov](mailto:richard.rhodesjr@otda.ny.gov)

**Agency:** Department of Financial Services

**Title/Section(s):** Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure – 11 NYCRR – Addition of Section 52.73

**State Register I.D. No:** DFS-39-17-00002-A

**Filing Date:** September 10, 2018

**Effective Date:** November 25, 2018

**Summary:** This regulation provides a formulary exception process for medication for detoxification or maintenance treatment of a substance use disorder. This addition establishes the standards for formulary exception for every insurer that delivers or issues for delivery in this state an accident and health insurance policy that provides hospital, surgical, or medical expense coverage and also provides coverage for medication for the detoxification or maintenance treatment of a substance use disorder shall include in the policy processes that allow an insured, the insured’s designee, or the insured’s prescribing physician (or other prescribers as appropriate) to request a formulary exception and gain access to clinically appropriate medication for the detoxification or maintenance treatment of a substance use disorder not otherwise covered by the policy (a request for formulary exception).

**Agency Contact:** Eamon Rock, Esq.  
New York State Department of Financial Services  
One Commerce Plaza  
Albany, NY 12257  
(518) 474-4567  
[Eamon.Rock@dfs.ny.gov](mailto:Eamon.Rock@dfs.ny.gov)

**Agency:** Department of Health

**Title/Section(s):** Hospital Policies and Procedures for Individuals with Substance Use Disorders – 10 NYCRR – Amendment of Parts 405 and 407

**State Register I.D. No:** HLT-02-18-00002-A

**Filing Date:** June 22, 2018

**Effective Date:** July 11, 2018

**Summary:** This regulation requires hospitals to establish policies and procedures to identify, assess and refer individuals with substance use disorders. These amendments set forth that a hospital shall develop and maintain written policies and procedures for inpatient and outpatient care of individuals with documented substance use disorders or who appear to have or be at risk for substance use disorders; use of an evidence-based approach to identify and assess individuals for substance use disorders, and refer individuals with documented substance use disorders or who appear to have or be at risk for a substance use disorders; inform upon admission, treatment, or discharge of an individual with a documented substance use disorder or who appears to have or be at risk for a substance use disorder about the availability of the substance use disorder treatment services that may be available to him or her through a substance use disorder services program; provide each individual with a documented substance use disorder or who appears to have or be at risk for a substance use disorder with educational materials identified by the Office of Alcoholism and Substance Abuse Services; and establish and implement training for all individuals licensed or certified, in addition to current training programs, who provide direct patient care regarding the policies and procedures.

**Agency Contact:** Katherine Ceroalo  
New York State Department of Health  
Bureau of Program Counsel  
Reg. Affairs Unit, Room 2438  
ESP Tower Building  
Albany, NY 12237  
(518) 473-7488  
[regsqa@health.ny.gov](mailto:regsqa@health.ny.gov)



**Agency:** Division of Criminal Justice Services

**Title/Section(s):** Standard Specifications for Professional Probation Positions – 9  
NYCRR – Repeal of Appendix H-10 and Addition of New Appendix  
H-10

**State Register I.D. No:** CJS-32-18-00004-A

**Filing Date:** November 29, 2018

**Effective Date:** December 19, 2018

**Summary:** This regulation updates job specifications and required knowledge, skills, and abilities for probation professionals employed by localities. This repeal and addition updates, clarifies, and strengthens regulatory provisions to accurately reflect current duties and responsibilities, and required knowledge, skill, and abilities of probation professionals; updates in education and experience requirements in the job specifications will promote the hiring of appropriate candidates, as well as the professional development and growth of qualified probation professionals; and provides clear paths of promotional and open competitive ascendancy for qualified probation professionals into leadership positions while creating opportunities for a broadened pool of candidates eligible for hiring and/or promotion.

**Agency Contact:** Danise Linen  
New York State Division of Criminal Justice Services  
80 South Swan Street  
Albany, NY 12210  
(518) 457-8413  
[dcjslegalrulemaking@dcjs.ny.gov](mailto:dcjslegalrulemaking@dcjs.ny.gov)

**Agency:** Office of Children and Family Services

**Title/Section(s):** Specialized Secure Detention Facilities – 9 NYCRR – Amendment of Part 180

**State Register I.D. No:** CFS-15-18-00007-A

**Filing Date:** July 11, 2018

**Effective Date:** July 25, 2018

**Summary:** This regulation relates to the certification, construction, staffing, and basic operation of specialized secure detention facilities. This amendment requires a specialized secure detention facility to: provide case management and discharge services and establishes the minimum level of contact for case managers and requires them to engage in discharge planning; provide access to health services for youth and requires a comprehensive health assessment with seventy-two (72) hours of a youth’s admission and provide for routine ambulatory care, emergency services and other outside services as necessary; provide access to behavioral health services for youth, including admission screening, suicide prevention program, adequate space for interview for emergency services; supervision of youth at all times and to establish procedures for supervision of youth with special need and restrictions on personal activities while engaged in supervision; allow the Office of Children and Family Services (OCFS) officials and agency representative, including staff of the OCFS Office of the Ombudsman to visit and inspect all areas of a facility, facility records and speak to youth; provide access to make telephone calls and be allowed telephone access at least once a week; allow visits to youth from family and community members and have an opportunity for a minimum of two hours of visitation per week and be permitted to visit with more than one person at a time; provide for a youth’s personal hygiene needs which at a minimum shall include showers, shaving equipment, haircare and hygiene items; establish procedure for loss of good behavior allowance for youth who have been sentenced to a term of confinement in the facility; develop a plan for fire prevention and safety, including but not limited to, inspections, drill, appropriately trained staff and recordkeeping, which shall be reviewed annually; and develop policies and procedures to govern food services, contraband, access to legal representatives, physical activity, recreation and leisure activities, religious services and practices, correspondence, review of printed material and publications, deathbed or funeral visit, and maintenance of personal property.

**Agency Contact:** Leslie Robinson, Senior Attorney  
New York State Office of Children and Family Services  
52 Washington Street  
Rensselaer, NY 12144  
(518) 474-3333  
[regcomments@ocfs.ny.gov](mailto:regcomments@ocfs.ny.gov)

**Agency:** Department of Environmental Conservation

**Title/Section(s):** Revisions to the Regulations That Implement the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law) – 6 NYCRR – Amendment of Part 617

**State Register I.D. No:** ENV-06-17-00001-A

**Filing Date:** June 27, 2018

**Effective Date:** January 1, 2019

**Summary:** This regulation streamlines the State Environmental Quality Review Act (SEQR) without sacrificing meaningful environmental review. This amendment to SEQR regulations serve to modernize the SEQR process that includes the new environmental assessment forms along with the creation of workbooks and a spatial data platform on the Department of Environmental Conservation’s website; reduce the number of minor projects and routine governmental decisions that are subject SEQR by adding them to the statewide list actions that are exempt from further SEQR review, which is known as the “Type II list of actions”; and modify certain threshold in the Type I list of actions (actions deemed more likely to require the preparation of an environmental impact statement (EIS).

**Agency Contact:** James Eldred  
Environmental Analyst  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-1750  
(518) 402-9167  
[DEPpermitting@dec.ny.gov](mailto:DEPpermitting@dec.ny.gov)

**Agency:** Department of Environmental Conservation

**Title/Section(s):** Regulations Governing the Recreational and Commercial Fishing of Tautog (Blackfish) – 6 NYCRR – Amendment of Part 40

**State Register I.D. No:** ENV-16-18-00003-A

**Filing Date:** August 7, 2018

**Effective Date:** August 22, 2018

**Summary:** This regulation revises the rules concerning the recreational and commercial harvest of Tautog in New York State. This amendment is necessary to protect the general welfare of New York State citizens and remain in compliance with the Atlantic States Marine Fisheries Commission’s (ASMFC) new Amendment to the Tautog (blackfish) Fishery Management Plan; applies more restrictive tautog fishing rules for both recreational and commercial fishers specific to the Long Island Sound and New York Bight areas; and achieves reductions for each through changes to possession limits and/or open and closed seasons for the recreational and commercial fisheries.

**Agency Contact:** Rachel Sysak  
New York State Department of Environmental Conservation  
205 North Belle Mead Road, Suite 1  
East Setauket, NY 11733  
(631) 444-0469  
[rachel.sysak@dec.ny.gov](mailto:rachel.sysak@dec.ny.gov)

**Agency:** Niagara Frontier Transportation Authority

**Title/Section(s):** Transportation Network Operators Providing Commercial Ground Transportation Services at Niagara Frontier Transportation Authority Airports – 21 NYCRR – Amendment of Part 1160

**State Register I.D. No:** NFT-37-18-00020-A

**Filing Date:** December 5, 2018

**Effective Date:** December 26, 2018

**Summary:** This regulation provides cohesive operating procedures and practices for Transportation Network Operators’ (TNC) operating at Niagara Frontier Transportation Authority (NFTA) airports. This amendment is intended to promote high quality and reasonably priced ground transportation services consistent with the public safety, while simultaneously fostering and cultivating fair competition among providers of ground transportation services, ensuring the efficient movement of passengers, and developing revenues for support of the airport system.

**Agency Contact:** Mary E. Perla, Esq.  
Niagara Frontier Transportation Authority  
4200 Genesee Street  
Buffalo, NY 14225  
(716) 630-6034  
[Mary\\_Perla@nfta.com](mailto:Mary_Perla@nfta.com)

**Agency:** Office of Children and Family Services

**Title/Section(s):** Specialized Secure Detention Facilities – 9 NYCRR – Amendment of Part 180

**State Register I.D. No:** CFS-51-17-00017-A

**Filing Date:** July 11, 2018

**Effective Date:** July 25, 2018

**Summary:** This regulation addresses the need for specialized secure detention facilities, which will house youth alleged to be adolescent offenders, who will be youth sixteen and seventeen years of age who are accused of felonies and also house convicted adolescent offenders who are serving definite sentences for felony convictions of a year or less, and youth detained or sentenced on a vehicle and traffic violation who are sixteen or seventeen years old. This amendment establishes: the procedure by which the local counties (New York City included as a single county for this purpose) may apply for certification to operate specialized secure detention facilities from the Office of Children and Family Services (OCFS) and require review and approval by OCFS and the State Commission of Correction (SCOC); basic guidelines by which the local counties can operate the new specialized secure detention facilities, including a regionalized approach or contracting with a public or nonprofit child caring agency and requires nondiscrimination policies and policies to prevent child abuse and abuse of vulnerable youth; that any plans to construct or to substantially remodel a specialized secure detention facility must be approved by OCFS and SCOC prior to construction; physical plant requirements for a specialized secure detention facility, including minimum design and security requirements for bathrooms, sleeping accommodations, recreation areas, school facilities, health facilities, screening and fencing, communication and monitoring, among other requirements; maintaining current case records for each youth and establishes records retention requirements; reporting incidents through the Juvenile Detention Automated System (JDAS) or any other system or manner as required by OCFS and SCOC; minimum assessment that must be performed when a youth first enters a specialize secure detention facility to address the youth’s well-being and proper placement as well as the safety of others in the facility; how to determine classification, which results in a youth’s proper placement and supervision in the facility; required staffing necessary for the adequate and continuous supervision, safety, health, proper care and treatment of youth under the care of a specialized secure detention facility, including staff to youth rations, programmatic staff requirements, staffing qualifications, and staff training; creating a policy for managing youth behavior that must be approved by OCFS;

requirements to approve all educational programs and have alternative programs for youth who have a diploma, a high school equivalency diploma or aged out of compulsory attendance; a policy and methods approved by OCFS that will direct staff on how to address instances of escalated behavior by youth and de-escalation techniques, as well as the use of physical or mechanical restraints; requirements pertaining to the use of physical or mechanical restraint and staff who are expected to use physical or mechanical restraint must be specially trained, but physical or mechanical restraint shall not be used for discipline, punishment or administrative convenience; development of procedure for room confinement approved by OCFS if room confinement is to be used, which may be used to calm or control acute physical behavior, but not to be used for discipline, punishment or administrative convenience; development of a policy that must be approved by OCFS and SCOC that outlines search parameters; and that OCFS in consultation with SCOC may grant a waiver of a non-statutory requirement if the waiver does not affect the health, safety or welfare of the youth in the specialized secure detention facility.

**Agency Contact:**

Leslie Robinson, Senior Attorney  
New York State Office of Children and Family Services  
52 Washington Street  
Rensselaer, NY 12144  
(518) 474-3333  
[regcomments@ocfs.ny.gov](mailto:regcomments@ocfs.ny.gov)

**Agency:** Department of Environmental Conservation

**Title/Section(s):** Regulations Governing the Recreational Fishing of Scup and Summer Flounder (Fluke) – 6 NYCRR – Amendment of Part 40

**State Register I.D. No:** ENV-16-18-00004-A

**Filing Date:** August 7, 2018

**Effective Date:** August 22, 2018

**Summary:** This regulation revises the rules concerning the recreational harvest of scup and summer flounder in New York State. This amendment is necessary for New York State to liberalize the recreational harvest of scup and summer flounder by the start of the recreational fishing season and remain in compliance with the Atlantic State Marine Fisheries Commission (ASMFC); addresses the ASMFC and Mid-Atlantic Fishery Management Council increase of the recreational harvest limits for scup and summer flounder; and involves lowering the minimum size limit for scup and increasing the possession limit and extending the fishing season for summer flounder.

**Agency Contact:** John Maniscalco  
New York State Department of Environmental Conservation  
205 North Belle Mead Road, Suite 1  
East Setauket, NY 11733  
(631) 444-0437  
[John.Maniscalco@dec.ny.gov](mailto:John.Maniscalco@dec.ny.gov)



**Agency:** Department of Financial Services

**Title/Section(s):** Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure – 11 NYCRR – Addition of Sections 52.1(r), 52.17(a)(39) and 52.18(a)(14) (Regulation 62)

**State Register I.D. No:** DFS-23-18-00001-A

**Filing Date:** May 28, 2019

**Effective Date:** August 11, 2019

**Summary:** This regulation is established to require coverage for maternal screening and referrals. These additions set forth that individuals have access to comprehensive preventive care services of which a critical component is maternal depression screening and prompt referrals for treatment and it makes explicit that health insurance policies, including child health insurance plan policies, that cover maternal depression screening and prompt referrals for treatment must provide coverage under the mother’s policy and under the policy in which the infant is covered as such services are an important preventive service for both the mother and the infant.

**Agency Contact:** Nathaniel Dorfman  
New York State Department of Financial Services  
One Commerce Plaza  
Albany, NY 12257  
(518) 473-4824  
[Nathaniel.Dorfman@dfs.ny.gov](mailto:Nathaniel.Dorfman@dfs.ny.gov)

**Agency:** Department of State

**Title/Section(s):** Suspension and Revocation of Certifications of Code Enforcement Personnel – 19 NYCRR – Amendment of Section 1208-3.5(b) and Addition of Subpart 1208-6

**State Register I.D. No:** DOS-20-18-00002-A

**Filing Date:** August 7, 2018

**Effective Date:** August 22, 2018

**Summary:** This regulation authorizes the Secretary of State to suspend or revoke the certification of a building safety inspector (BSI) or code enforcement official (CEO) who is found, after a hearing conducted by the administrative law judge (ALJ), to have materially failed to uphold his or her code enforcement duties, including but not limited to making material errors or omissions on an inspection report. This amendment and addition provides that the BSI or CEO shall be deemed to have materially failed to uphold his or her code enforcement duties if he or she fails to note one or more serious violation of the Uniform Code and/or Energy Code on an inspection report relating to a fire safety and/or property maintenance inspection, provided that such violations are of a type that should have been observed by a certified BSI or CEO exercising reasonable care in the performance of the inspection; makes any other material error or omission on an inspection report relating to a fire safety and/or property maintenance inspection provided that such error or omission is of a type that should not have been made by a certified BSI or CEO exercising reasonable care in the performance of the inspection; demonstrates by act or omission willful misconduct, gross negligence or gross incompetence in the performance of his or her code enforcement activities; and performs any code enforcement activity (applicable only to CEO, fire safety and/or property maintenance) at a time when his or her certification is inactive or suspended.

**Agency Contact:** Joseph Ball  
New York State Department of State  
99 Washington Avenue  
Albany, NY 12231-0001  
(518) 474-6740  
[joseph.ball@dos.ny.gov](mailto:joseph.ball@dos.ny.gov)

**Agency:** Department of State

**Title/Section(s):** Minimum Standards for Administration and Enforcement of the Uniform Code and Energy Code – 19 NYCRR – Amendment of Sections 1203.2(b), 1203.3(g)(1), (j), (k); 1202.4(c); and 1204.12(c)

**State Register I.D. No:** DOS-20-18-00001-A

**Filing Date:** August 8, 2018

**Effective Date:** August 29, 2018

**Summary:** This regulation provides the minimum standards required for code enforcement programs for local governments administering and enforcing the Uniform Code and Energy Code. These amendments include the provisions requiring condition assessments of parking garages ; operating permits for the use of parking garages; and establishing the procedures applicable in circumstances where the Secretary of State must administer and enforce the Uniform Code in the place and stead of a local government or county, and the procedures for administration and enforcement of the Uniform Code by state agencies to also include provisions requiring condition assessments of parking garages.

**Agency Contact:** Gerard Hathaway  
New York State Department of State  
99 Washington Avenue, Suite 1160  
Albany, NY 12231  
(518) 486-6990  
[gerard.hathaway@dos.ny.gov](mailto:gerard.hathaway@dos.ny.gov)

**Agency:** Department of Financial Services

**Title/Section(s):** Suitability and Best Interests in Life Insurance and Annuity Transactions – 11 NYCRR – Amendment of Part 224 (Regulation 187)

**State Register I.D. No:** DFS-52-17-00020-A

**Filing Date:** July 18, 2018

**Effective Date:** August 1, 2019

**Summary:** This regulation establishes suitability standards for life insurance and clarifies that a transaction must be in the best interest of the consumer. This amendment expands the purpose of the regulation to apply to life insurance and explains the sections of the Insurance Law that establishes standards of conduct for insurers and producers which require any recommended transaction to be in the best interest of the consumer and to appropriately address the insurance needs and financial objectives of the consumer at the time of the transaction.

**Agency Contact:** James V. Regalbuto  
Deputy Superintendent for Life Insurance  
New York State Department of Financial Services  
One State Street  
New York, NY 10004  
(212) 480-5027  
[james.regalbuto@dfs.ny.gov](mailto:james.regalbuto@dfs.ny.gov)

**Agency:** Department of Financial Services

**Title/Section(s):** Supplementary Uninsured/Underinsured Motorists Insurance – 11 NYCRR – Amendment of Subpart 60-2 (Regulation 35-D)

**State Register I.D. No:** DFS-22-18-00002-A

**Filing Date:** November 13, 2018

**Effective Date:** November 28, 2018

**Summary:** This regulation provides the applicability with regards to a motor vehicle liability insurance policy originally entered into on or after June 16, 2018. This amendment sets forth that other than a commercial risk insurance policy, an insurer must provide supplementary uninsured/underinsured motorists (SUM) limits in an amount equal to the bodily injury liability insurance limits of coverage provided under the motor vehicle liability insurance policy, unless a first named insured declines the SUM coverage or selects a lower amount of coverage through a written waiver signed by the first named insured, subject to the requirements of Insurance Law; and the insurer may require the insured’s SUM coverage limit to be equal to the insured’s bodily injury liability insurance limit under the policy.

**Agency Contact:** Paul Zuckerman  
New York State Department of Financial Services  
One State Street, 20<sup>th</sup> Floor  
New York, NY 10004  
(212) 480-5286  
[Paul.Zuckerman@dfs.ny.gov](mailto:Paul.Zuckerman@dfs.ny.gov)

**Agency:** Department of Financial Services

**Title/Section(s):** Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure – 11 NYCRR – Amendment of Part 52 (Regulation 62)

**State Register I.D. No:** DFS-25-18-00005-A

**Filing Date:** October 16, 2018

**Effective Date:** October 31, 2018

**Summary:** This regulation establishes minimum requirements for policies of volunteer firefighter enhanced cancer insurance. This amendment requires that every legally organized fire district, department or company in this state to provide eligible volunteer firefighters with enhanced cancer benefits, which may either be self-funded by a fire district, department or company or be provided in an insurance policy; and establishes the minimum standards for the policies providing this insurance coverage, which must be provided beginning January 1, 2019.

**Agency Contact:** Tobias Len  
New York State Department of Financial Services  
One Commerce Plaza  
Albany, NY 12257  
(518) 486-2970  
[Tobias.Len@dfs.ny.gov](mailto:Tobias.Len@dfs.ny.gov)

**Agency:** Department of Health

**Title/Section(s):** Criminal History Record Checks and Advanced Home Health Aides – 10 NYCRR – Amendment of Parts 402, 403, 700, 763, 765, 766, 793, 794 and 1001

**State Register I.D. No:** HLT-22-18-00010-A

**Filing Date:** November 23, 2018

**Effective Date:** December 12, 2018

**Summary:** This regulation implements statutory changes related to criminal history records checks and advanced home health aides. These amendments reflect the enactment of legislation requiring for criminal history record checks (CHRCs) for adult homes, enriched housing programs, and residences for adults licensed; requiring CHRCs for hospice programs; authorizing the performance of advanced tasks by advanced home health aides supervised by registered professional nurses employed by home care services agencies, hospice programs, and enhanced assisted living residents (EALRs); requiring the inclusion of information related to workers employed by hospice programs in the Home Care Worker Registry (Registry); and requiring the inclusion of information related to the training and testing of advanced home health aides in the Registry.

**Agency Contact:** Katherine Ceroalo  
New York State Department of Health  
Reg. Affairs Unity, Room 2438  
ESP Tower Building  
Albany, NY 12237  
(518) 473-7488  
[regsqna@health.ny.gov](mailto:regsqna@health.ny.gov)

**Agency:** Division of Homeland Security and Emergency Services

**Title/Section(s):** New York State Volunteer Firefighter Enhanced Cancer Disability Benefits Program – 9 NYCRR- Addition of Part 210

**State Register I.D. No:** HES-25-18-00001-A

**Filing Date:** October 2, 2018

**Effective Date:** October 17, 2018

**Summary:** This regulation establishes claims process for eligible volunteer firefighters with certain cancers to receive disability and death benefits. This addition establishes: the eligibility criteria for volunteer firefighters to qualify to receive cancer benefits, including 5 years of interior firefighting duties, proof of 5 years of mask fit tests as required by regulation for interior firefighting, that the firefighter must have received a physical exam prior to performing interior firefighting duties, and that the firefighter has been diagnosed with cancer; notification requirements for fire districts, departments and companies regarding claims; requirements for all fire districts, department and companies to certify to the Office of Fire Prevention and Control (OFPC) by January 1, 2019 and annually thereafter that they have the required benefit coverage in place for all eligible members by providing proof of an insurance or demonstrating that the authority having jurisdiction has taxing authority and agrees to fund all claims for benefits or eligible volunteer firefighters; procedures for firefighters regarding filing of claims and appeals, with claims required to be filed within 120 days of diagnosis of cancer and the benefit provider being required to evaluate the claim within 30 days and provide claimant 45 days to submit additional documentation if needed and provide notification requirements for claims denials and limit reasons for denials based upon statutory qualifications; appeal process if a claim is denied, which allows claimant to sue insurance company if claim is denied and not resolved within 60 days of filing claim, establishes a 2-year statute of limitations for filing claims for benefits, establishes when a claim is denied by an authority having jurisdiction, it is a final and binding agency determination thereby allowing the claimant to pursue judicial remedies; and the statutory annual claims reporting and filing requirement for fire districts, department and companies and the required submission of information OFPC will collect and compile to report on volunteer firefighter enhanced cancer disability claims to the Governor and the Legislature beginning January 1, 2020.

**Agency Contact:** Kenneth Bruno  
Deputy Counsel  
Division of Homeland Security and Emergency Services  
1220 Washington Avenue, Building 7A  
Albany, NY 12226  
(518) 474-6746  
[Kenneth.Bruno@dhses.ny.gov](mailto:Kenneth.Bruno@dhses.ny.gov)



**Agency:** Workers' Compensation Board

**Title/Section(s):** Medical Fee Schedules – 12 NYCRR – Amendment of Sections 329-1.3, 333.2, 343.2 and 348.2

**State Register I.D. No:** WCB-23-18-00005-A

**Filing Date:** December 11, 2018

**Effective Date:** April 1, 2019

**Summary:** This regulation updates the fees paid for medical treatment in workers' compensation claims. These amendments set forth the medical fee schedule for medical, physical therapy and occupational therapy that shall be the Official New York Workers' Compensation Medical Fee Schedule, which is available to be examined at the office of the Department of State.

**Agency Contact:** Heather MacMaster  
Workers' Compensation Board  
328 State Street  
Schenectady, NY 12305  
(518) 486-9564  
[regulations@wcb.ny.gov](mailto:regulations@wcb.ny.gov)

**Agency:** State Commission of Correction

**Title/Section(s):** Specialized Secure Juvenile Detention Facilities for Older Youth – 9 NYCRR – Addition of Parts 7301, 7302, 7305, 7306, 7308, 7309, 7310, 7311, 7312, 7313, 7320, 7322, 7326, 7328, 7331, 7332, 7334, 7336, 7342, 7346, 7350, 7352, 7354, 7356 and 7360

**State Register I.D. No:** CMC-27-18-00002-A

**Filing Date:** September 11, 2018

**Effective Date:** September 26, 2018

**Summary:** This regulation enacts the minimum standards and regulations for the management of specialized secure juvenile detention facilities for older youth (SSDs). These amendments establish that SSDs shall: ensure that all youth are admitted in accordance with law and in manner which protects the safety of all persons and the security of the facility, including adequate identification procedures, necessary searches, health screening, the issue of personal hygiene items and clothing, telephone calls and orientation of facility rules and information; operate in a manner that provides for the adequate supervision of youth and for a safe and secure environment, including minimum supervision levels inside and outside living areas, the maintenance of supervisory records, and the performance of formal youth population counts, and ensuring key control, tool and equipment control, perimeter control, and the inspection of locks and other securing devices; ensure that youth receive contact visitation by providing sufficient space for a visiting room, establishing and publishing a visitation schedule that allows for two (2) hours of weekly visitation per youth and affording effective visitor identification and registration; maintain a facility food service program sufficient to satisfy the daily nutritional needs of each youth and compliant with both sanitation requirements and youth religious and medical needs; provide adequate health care and health care services shall be provided to all SSD youth to promote their well-being through the prevention, detection, treatment and management of disease and disability, including availability of both clinical and ambulatory health care services, emergency medical services, provision of medical diets, and maintenance of youth medical records; provide uniform access to comprehensive mental health services, including mental health screening, and emergency and inpatient mental health services; provide for and maintain standards of personal hygiene for youth, including the opportunity for daily showers and shaving, haircuts, and the provision of clothing, personal health care items, bedding and linen; establish, implement and maintain a formal and objective system for the consistent classification of facility youth, including initial screening and assessment, assignment of the youth to an appropriate facility living unit upon facility admission and reassessment reviews; promote a safe secure and healthy environment by limiting the total number of youth confined at any given time with a SSD and each individual occupancy room shall contain at least seventy (70) square feet of floor space and contain one bed and mattress, and have available at least one functioning toilet, one functioning sink and one functioning shower for every six (6) youth contained with a living unit; provide a mechanism by which SSD operations, policies and procedures can be

monitored evaluated and improved, and each SSD shall internally review and assess all incidents of a serious or potentially problematic nature and report such incidents to the Commission; provide SSD youth to receive printed material and publication suitable for minors, obtained from any approved vendor, including but not limited to bookstores or publishers; provide youth with at least two hours per day of exercise, recreation and leisure activities, forty-five (45) minutes of which shall generally be held in an outdoor recreation area; provide access to legal services for the legal preparation of any matter, action or proceeding, including access to legal counsel, the Ombudsman and a notary public; establish, implement and maintain a formal youth grievance program, including the availability of grievance forms, necessary assistance to youth and ability to appeal facility determinations to the Commission's Citizens' Policy and Complaint Review Council (CPCRC); develop written policies and procedures that govern correspondence and telephone usage including necessary assistance to youth in writing correspondence, the provision of writing materials and first-class postage for at least two one-ounce pieces of correspondence each week and collection and delivery of mail via to and from the United State Postal Services; allow for a youth's religious observance in a manner that does not constitute a threat to the safety, security or operational stability of the facility, or the safety, security or health of any person, including participation in congregate religious activities, celebration of religious holidays or festivals and possession and use of religious articles; provide permission to visit family members when the death of a family member is imminent or after death has occurred; develop written policies and procedures designed to prevent the unlawful discriminatory treatment of youth in the facility based upon race, creed, color, national origin, age, sex, sexual orientation, gender identity or expression, marital status, religion, disability, or any other characteristic protected by federal or state law, including but not limited to education, religious and vocational programs, work assignments, classification, disciplinary and grievance decision and consideration for program participation; develop and implement a system that ensures facility sanitation, including provision for general facility sanitation, food service sanitation, insect and rodent control, waste disposal, and performance of regular sanitation inspections; practice proper fire prevention and safety measures, which shall include compliance with all applicable laws, codes, rules and regulation related to fire safety and prevention; set standards for lighting, air quality, temperature and noise levels that are designed to preserve the health and well-being of youth and staff member and promote the operational stability and security of the facility; SSD youth receive time allowances as discretionary reductions of the term of the sentence; and provide a mechanism by which a SSD may apply for a variance to Commission regulation when situation exist or arise that would prevent or alter the facility's ability to meet such requirements.

**Agency Contact:**

Deborah Slack-Bean  
Senior Attorney  
New York State Commission of Correction  
Alfred E. Smith State Office Building  
80 S. Swan Street, 12<sup>th</sup> Floor  
Albany, NY 12210  
(518) 485-2346  
[Deborah.Slack-Bean@scoc.ny.gov](mailto:Deborah.Slack-Bean@scoc.ny.gov)

**Agency:** Department of Health

**Title/Section(s):** Newborn Screening for Phenylketonuria and Other Diseases – 10 NYCRR – Amendment of Subpart 69-1

**State Register I.D. No:** HLT-31-18-00004-A

**Filing Date:** January 28, 2019

**Effective Date:** February 13, 2019

**Summary:** This regulation supports the timely collection and submission of specimens for the detection of diseases in newborn infants in New York State. This amendment is necessary to enforce these standards and support the Department of Health’s efforts to improve timeliness by hospitals, birth attendants and responsible providers in New York State; the timing for specimen collection will require collection in the first twenty-four (24) to thirty-six (36) hours after birth and require that specimens be submitted to the testing laboratory within twenty-four (24) hours following collection; require the Chief Executive Officer (CEO) to appoint a designee who can receive and act on screening results and interface with the newborn screening (NBS) program; and require for an initial and yearly education on specimen collection.

**Agency Contact:** Katherine Ceroalo  
New York State Department of Health  
Bureau of Program Counsel  
Reg. Affairs Unit, Room 2438  
ESP Tower Building  
Albany, NY 12237  
(518) 473-7488  
[regsqa@health.ny.gov](mailto:regsqa@health.ny.gov)

**Agency:** Office of Temporary and Disability Assistance

**Title/Section(s):** Outreach, Homeless Services Plans and Outcome Reporting – 18 NYCRR – Addition of Section 304.2

**State Register I.D. No:** TDA-49-18-00009-A

**Filing Date:** March 8, 2019

**Effective Date:** March 27, 2019

**Summary:** This regulation promotes effective planning and strategic use of resources by social service districts in combating homelessness through their submission of homeless services plans and homeless services outcome reports, and to require social services districts to provide homeless services and engage in outreach to persons experiencing homeless, including the unsheltered homeless, in accordance with homeless service plans approved the Office of Temporary and Disability Assistance (OTDA). This addition is necessary for the preservation of the public health, public safety, and general welfare and specifically, to help ensure that individuals and families experiencing transitional and permanent housing as critical steps toward attaining the goal of long-term housing stability.

**Agency Contact:** Richard P. Rhodes, Jr.  
New York State Office of Temporary and Disability Assistance  
40 North Pearl Street, 16-C  
Albany, NY 12243-0001  
(518) 486-7503  
[richard.rhodesjr@otda.ny.gov](mailto:richard.rhodesjr@otda.ny.gov)

**Agency:** Department of Health

**Title/Section(s):** Voluntary Foster Care Agency Health Facility Licensure – 10  
NYCRR – Addition of Parts 769 and 770

**State Register I.D. No:** HLT-30-18-00008-A

**Filing Date:** February 4, 2019

**Effective Date:** February 20, 2019

**Summary:** This regulation establishes the process to license Voluntary Foster Care Agencies (VFCA) to provide limited health-related services. These additions allows for a VFCA that operates a residential program to file an application for licensure describing the limited health-related services it intends to provide, a description of the physical plan where it will provide the services, how it will staff the facility, including a medical director, to service children and youth in their care or in the custody of the local department of social service (LDSS), and to service for up to one year after discharge from the custody of the LDSS.

**Agency Contact:** Katherine Ceroalo  
New York State Department of Heath  
Bureau of Program Counsel  
Reg. Affairs Unit, Room 2438  
ESP Tower Building  
Albany, NY 12237  
(518) 473-7488  
[regsqna@health.ny.gov](mailto:regsqna@health.ny.gov)

**Agency:** Division of Criminal Justice Services

**Title/Section(s):** Role of Probation in Youth Part of Superior Court – 9 NYCRR –  
Addition of Part 359

**State Register I.D. No:** CJS-32-18-00010-A

**Filing Date:** March 8, 2019

**Effective Date:** March 27, 2019

**Summary:** This regulation updates the existing rule to reflect services which will be performed by the probation departments as a result of Raise the Age law. This addition, due to the passage of Raise the Age legislation, establishes a new Youth Part of Superior Court and a newly established statutory role for probation departments to provide Voluntary Assessment and Case Planning services to adolescent offenders and juvenile offenders with matters before this court.

**Agency Contact:** Danise Linen  
Division of Criminal Justice Services  
80 South Swan Street  
Albany, NY 12210  
(518) 457-8413  
[dcislegalrulemaking@dcjs.ny.gov](mailto:dcislegalrulemaking@dcjs.ny.gov)

**Agency:** Department of Health

**Title/Section(s):** Bill of Rights – 10 NYCRR – Amendment of Sections 405.7 and 751.9

**State Register I.D. No:** HLT-33-18-00017-A

**Filing Date:** December 18, 2018

**Effective Date:** January 9, 2019

**Summary:** This regulation requires general hospitals and diagnostic and treatment centers to update their statements of patient rights. These amendments include the rights of: patients to receive treatment without discrimination as to race, color, religion, sex, gender identity, national origin, disability, sexual orientation, age, or source of payment; and an individual who is 16 years of age or older to document their consent to donate their organs, eyes and/or tissues, upon their death by enrolling in the NYS Donate Life Registry or by documenting their authorization in writing in a number of ways, such as health care proxy, will, donor card, or other signed paper.

**Agency Contact:** Katherine Ceroalo  
New York State Department of Health  
Bureau of Program Counsel  
Regulatory Affairs Unit, Room 2438  
ESP Tower Building  
Albany, NY 12237  
(518) 473-7488  
[regsqa@health.state.ny.us](mailto:regsqa@health.state.ny.us)