

proposed regulation allows regulated parties to stop the sale of Buxus nursery stock or delay planting Buxus until such time as an approved treatment is available. The proposed rule provides the flexibility to permit the relaxation of the restriction on the movement of host plants once a treatment becomes available.

3. Costs:

Regulated parties in rural areas exporting regulated articles, other than pursuant to compliance agreements, would require an inspection of the materials, reviewing shipment records and issuing a federal or state certificate of inspection. These services are available at a rate of \$25 per hour. Most inspections will take one hour or less. However, most shipments would be made pursuant to compliance agreements, for which there is no charge. A regulated plant grower or dealer may incur sales losses due to geographic market limitations. A grower or dealer who chooses to pre-emptively destroy Buxus stock may incur product losses and disposal costs. There are other landscape plants which serve a similar purpose and have similar appearance that are suitable replacements for Buxus.

There is currently no approved protocol for the treatment of and certification of regulated Buxus to leave the quarantine. Regulated parties may choose to stop the sale of Buxus nursery stock or delay planting Buxus until such time as an approved treatment is available. However, the proposed rule contemplates relaxing the regulatory restriction on the movement of host plants once one is available.

4. Minimizing adverse impact:

The proposed rule targets only the infested county (Niagara County) and two additional contiguous high-risk counties. The establishment of a larger quarantine area consisting of additional counties, including a state-wide quarantine, was considered. This option was rejected, as it would regulate businesses in areas without evidence of infestation, based on available survey data. Accordingly, by limiting the BTM quarantine to areas at highest risk of natural spread from Canada, the rule minimizes economic impacts while maintaining, and without compromising, efforts to slow the human assisted spread of BTM.

The Department has also sought to minimize adverse impact of the BTM quarantine through compliance agreements between the Department and regulated parties in rural areas and limited permits, which allow the shipment of regulated articles without state or federal inspection and for which there is no charge. The proposed rule also contemplates relaxing the regulatory restriction on the movement of host plants once an approved treatment is available. Regulated parties may choose to stop the sale of Buxus nursery stock or delay planting Buxus until such time as an approved treatment is available. Given all of the facts and circumstances, the regulations minimize adverse economic impact as much as is currently possible.

5. Rural area participation:

Department officials have been monitoring BTM in high-risk establishments in the quarantine for two years, including the trapping and surveying for BTM in high-risk locations in western New York. The Department has communicated with nursery growers, including those in rural areas regarding the risk that the BTM poses to producers in the region. The Department will continue to work with regulated parties to further minimize any identified impacts and work with regulated parties to pursue treatment options that would permit the movement of regulated articles more easily in the future. The Department also plans to continue to keep stakeholder groups informed concerning this proposed rule and will incorporate information about this rule into industry and trade meetings over the winter months.

Job Impact Statement

This rule establishes the Box Tree Moth (BTM) quarantine in Niagara, Erie and Orleans counties, necessary to prevent the further establishment and spread of BTM into New York State. There are 368 registered nursery growers and 498 registered plant dealers in the newly established quarantine areas. However, only a small fraction of these businesses are believed to handle or sell the Buxus plant. Current registration and inspection data indicates that 61 growers and 52 dealers have recently grown or sold Buxus. The rule may also impact landscape contractors and maintenance firms, which are not required to register with the Department. The Department has limited the quarantine area to the maximum extent possible to avoid any potential adverse effect arising from this regulation.

Implementation of the BTM quarantine is designed to prevent the further spread of this pest to other parts of the State, thereby helping to prevent adverse economic consequences to those areas by preserving jobs and employment opportunities associated with the production and sale of the Buxus plant within New York's nursery and landscape industry.

Assessment of Public Comment

The agency received no public comment.

Office of Alcoholism and Substance Abuse Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Designated Services

I.D. No. ASA-12-22-00005-P

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

Proposed Action: Amendment of Part 830 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 1.03(6), 19.07(c), (e), 19.09(b), 19.21(d), 32.01, 32.05(b), 32.07(a), 32.09(b); Education Law, art. 160; Public Health Law, art. 29-G, section 3351; 21 USC, section 3351; Executive Law, art. 15

Subject: Designated Services.

Purpose: To add new Adolescent Program Endorsement and new Ancillary Withdrawal Designation.

Substance of proposed rule (Full text is posted at the following State website: <https://oasas.ny.gov/legal>): In addition to technical amendments updating this regulation consistent with Title 14, the Proposed Rule amends Part 830 as follows:

§ 830.7 Adolescent Outpatient Program Endorsement. Adds standards for programs to obtain an optional Adolescent Endorsement.

§ 830.8 Ancillary Withdrawal Outpatient Designation. Adds standards for programs to obtain an optional Ancillary Withdrawal Outpatient Designation.

§ 830.9 Open Access Services Designation. Add standards for programs to obtain an optional designation for the provision of open access services.

Text of proposed rule and any required statements and analyses may be obtained from: Kelly E. Grace, Office of Addiction Services and Supports, 1450 Western Ave., Albany, NY 12203, (518) 366-7958, email: Kelly.Grace@oasas.ny.gov

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

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

1. Statutory Authority:

(a) Section 1.03(6) of the Mental Hygiene Law defines "facility" as any place in which services for the mentally disabled are provided.

(b) Section 19.07(c) of the Mental Hygiene Law authorizes the commissioner to adopt standards ensuring the personal and civil rights of persons seeking and receiving addiction services, care, treatment and rehabilitation are adequately protected.

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

(d) 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.

(e) Section 19.21(d) of the MHL requires the Office to establish reasonable performance standards for providers of services certified by the Office.

(f) 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.

(g) Section 32.05(b) of the MHL provides that a controlled substance designated by the commissioner of the New York State Department of Health (DOH) as appropriate for such use may be used by a physician to treat a chemically dependent individual pursuant to section 32.09(b) of the MHL.

(h) Section 32.07(a) of the MHL authorizes the commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the MHL.

(i) Section 32.09(b) of the MHL provides that the commissioner may, once a controlled substance is approved by the commissioner of DOH as appropriate for such use, authorize the use of such controlled substance in treating a chemically dependent individual.

(j) Article 160 of the Education Law provides for the licensure or certification of acupuncturists and limited practice of unlicensed persons in treatment of substance use disorder.

(k) Article 29-G of the Public Health Law relates to reimbursement for health care services delivered via “telehealth.”

(l) Section 3351 of the Public Health Law authorizes the prescribing or dispensing of controlled substances for the purposes of substance use disorder treatment.

(m) Section 829 of Title 21 of the United States Code governs the law concerning internet prescribing of controlled substances.

(n) Article 15 of the Executive Law enacts the Human Rights Law prohibiting discrimination against protected classes of New Yorkers including on the basis of sexual orientation and gender identity or expression.

2. Legislative Objectives: The legislature has authorized OASAS to establish standards and regulations governing the provision of addiction services, including the provision of medications for addiction treatment, as well as standards for providers seeking to offer such services. The amendments to Part 830 add three new designations for providers to obtain if they meet the standards and wish to do so. They include the Adolescent Endorsement, the Ancillary Withdrawal Designation and the Open Access Services Designation.

3. Needs and Benefits: The designations and program endorsement allow programs the option of meeting the standards for an additional optional designation and/or program endorsement. The regulatory amendments serve as a formal means of identifying adolescent programs in the OASAS system, and/or those that offer ancillary withdrawal services and/or open access services in outpatient settings for providers certified pursuant to Part 822 and meet the standards in the regulation. The addition of these optional designations and endorsement make it easier for those seeking OASAS services to identify programs providing specific services.

4. Costs: No additional administrative costs to the State, local governments, or the agency are anticipated.

5. Paperwork: There is no additional paperwork beyond what is already required. The adolescent endorsement, ancillary withdrawal designation and open access services designation are optional for providers and therefore any additional paper work required will not create additional burdens.

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 alternative is to leave the regulation as it currently reads, without options for either the adolescent endorsement or ancillary withdrawal or open access services designations. Not creating a distinction for OASAS certified programs that meet these additional requirements for the designations and endorsement may have the effect of limiting access to appropriate care.

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

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because all designations, including the new Adolescent Endorsement, Ancillary Withdrawal Designation and Open Access Services Designation, in the regulation are optional for providers that are already certified by the Office.

Rural Area Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because all designations, including the new Adolescent Endorsement, Ancillary Withdrawal Designation and Open Access Services Designation in the regulation are optional for providers that are already certified by the Office.

Job Impact Statement

OASAS is not submitting a Job Impact Statement for this rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities because all designations, including the new Adolescent Endorsement, Ancillary Withdrawal Designation and Open Access Services Designation, in the regulation are optional for providers that are already certified by the Office.

Office of Children and Family Services

NOTICE OF WITHDRAWAL

To Establish Minimum Standards to Control the Spread of COVID-19

I.D. No. CFS-52-21-00002-W

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

Action taken: Notice of proposed rule making, I.D. No. CFS-52-21-00002-EP, has been withdrawn from consideration. The notice of proposed rule making was published in the *State Register* on December 29, 2021

Subject: To establish minimum standards to control the spread of COVID-19

Reason(s) for withdrawal of the proposed rule: The rule as proposed no longer conforms to guidelines provided by the NYS DOH regarding control of COVID-19.

Department of Civil Service

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-23-21-00007-A

Filing No. 137

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text or summary was published in the June 9, 2021 issue of the Register, I.D. No. CVS-23-21-00007-P.

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

Text of 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: commops@cs.ny.gov

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-40-21-00008-A

Filing No. 141

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text or summary was published in the October 6, 2021 issue of the Register, I.D. No. CVS-40-21-00008-P.

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