

## RURAL AREA FLEXIBILITY ANALYSIS

### 1. Types and estimated number of rural areas:

The regulation applies to all social services districts (districts), including the 44 districts that contain rural areas. Those voluntary agencies in rural areas contracting with social services districts to provide preventive services also will be affected by the regulation. Currently, there are approximately 84 such agencies.

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

OCFS is mandated by statute to report to the Governor and Legislature on local compliance with respect to performance or outcome-based provisions for preventive services. OCFS has developed a one-page attestation form for local districts to report on initial compliance. Subsequent reporting will be incorporated into existing district reporting procedures.

As provided for in statute, OCFS will be offering technical assistance to local districts to assist with compliance. This technical assistance will minimize the need for additional professional services.

### 3. Costs:

Because the regulation is necessary to implement Part H of Chapter 57 of the Laws of 2007 and other statutory standards governing state reimbursement for preventive services (SSL 153-k; Chapter 53 of the Laws of 2007), the regulation will not impose any costs on social services districts, including those in rural areas, beyond those imposed by these laws. Technical assistance from OCFS will

assist local districts and any private services agencies with which they contract in meeting this statutory requirement.

4. Minimizing adverse impact:

It is not anticipated that the regulation will result in an adverse impact on rural areas. As outlined above, OCFS is offering technical assistance to all affected local governmental agencies to assist with compliance. Consistent with State Administrative Procedure Act § 202-bb(2), the regulation does not impose input or design standards or mandate specific types of performance or outcome-based provisions that local districts must include. The regulation also appropriately allows for exemption from fiscal consequences where compliance is not possible due to extenuating circumstances beyond the district's control. Additionally, based on discussions with districts, OCFS understands that many local districts already include performance or outcome measures for the preventive services they provide or for which they contract, and thus many districts already satisfy the minimum standards required by statute and the implementing regulation.

5. Rural area participation:

OCFS presented a workshop on the implementation of Part H of Chapter 57 of the Laws of 2007, the statutory provision that requires OCFS to develop this regulation, at the New York State Public Welfare Association's summer 2007 conference. Comments on the proposed regulation were received from workshop participants, who included commissioners and staff of social services districts that contain rural areas. OCFS subsequently held a telephone conference on the proposed regulation for all districts during which OCFS received input from

district representatives on issues concerning compliance and the types of technical assistance needed by districts, including those districts encompassing rural areas.