

REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES and LOCAL GOVERNMENTS

1. Effect on Small Businesses and Local Governments

The regulation implements statutory requirements applicable to all social services districts (districts). Those voluntary agencies contracting with social services districts to provide preventive services also will be affected by the regulation. Currently, there are approximately 200 such agencies.

2. Compliance Requirements

As required by Part H of Chapter 57 of the Laws of 2007 (the Act), the regulation implements the statutory requirement that social services districts include performance or outcome-based provisions in preventive services. OCFS is mandated by the Act to report to the Governor and Legislature on local compliance with this requirement, and the regulation therefore directs local districts to prepare and submit information about compliance in a form and manner specified by OCFS. 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.

3. Professional Services

The technical assistance to be provided by OCFS will include professional services to assist local districts in complying with the statutory requirements implemented by the regulation. It is anticipated that this assistance will minimize the need for districts to incur any additional costs for professional services to comply with the regulation.

4. Compliance 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 local social services districts 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.

5. Economic and Technological Feasibility

It is anticipated that the affected local governmental agencies (social services districts) have the economic and technological feasibility to include performance or outcome-based provisions in preventive services.-

6. Minimizing Adverse Impact

It is not anticipated that the regulation will result in an adverse impact on small businesses or local government agencies or instrumentalities. As outlined above, OCFS is offering technical assistance to affected local governmental agencies (social services districts) to assist with compliance. Consistent with State Administrative Procedure Act § 202-b(1), the regulation does not impose 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 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.

7. Small Business and Local Government 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 local social services districts. 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.