For Department of State use only.

Notice of Emergency Adoption and Proposed Rule Making

Children and Family Services, Office of
(SUBMITTING AGENCY)

[x] Approval has been granted by Executive Chamber to propose this rule making.
[ ] This rule making does not require Executive Chamber approval.
  [x] This adoption will amend the NYCRR.
  [ ] This adoption will not amend the NYCRR.

NOTE: ***THIS FORM CANNOT BE USED FOR A CONSENSUS RULE MAKING.***
Typing and submission instructions are at the end of this form. Please be sure to COMPLETE ALL ITEMS. Incomplete forms will be cause for rejection of this notice.

1. A. *Proposed action:*

Amendment of	421.16	Title	18	NYCRR
Amendment of	442.18	Title	18	NYCRR
Amendment of	443.2	Title	18	NYCRR
Repeal of	Para. 3 of Subdiv. (c) of 448.3	Title	18	NYCRR
Addition of	Para. 3 of Subdiv. (c) of 448.3	Title	18	NYCRR
		Title		NYCRR

2. *Effective date of emergency rule:*
   [x] Date of filing.
   [ ] Other date (*specify*):

3. *History of emergency actions:*
   [x] This is the first time this emergency rule has been adopted.
   [ ] This is the first readoption of an emergency rule printed in the *State Register* on
   under I.D. No. -

4. *Statutory authority under which the rule was adopted:*
   Social Services Law sections: 20, 34, 372-b, 374-c, 378 and 462; and Executive Law sections 500 and 501

5. *This emergency rule is necessary for the preservation of:*
   [x] public health [x] public safety [x] general welfare

6. *The specific reasons underlying the finding of necessity, above, are as follows:*

7. Subject of the rule:

Medical reviews for child placement.

8. Purpose of the rule:

To modernize the requirements for medical reviews so that required standards not act as a barrier for child placement.

9. Public hearings (check box and complete as applicable):

[x] A public hearing is not scheduled. (*SKIP TO ITEM 12*)

[ ] A public hearing is required by law and is scheduled below. (***Note***: first hearing date must be at least 60 days **after** publication of this notice unless a different time is specified in statute.)

[ ] A public hearing is not required by law, but is scheduled below.

Time:	*Date:*	*Location:*

10. Interpreter services (check only if a public hearing is scheduled):

Interpreter services will be made available to hearing impaired persons, at no charge, upon written request to the agency contact designated in this notice.

11. Accessibility (check appropriate box only if a public hearing is scheduled):

All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Attached is a list of public hearing locations that are **not** reasonably accessible to persons with a mobility impairment. An explanation is submitted regarding diligent efforts made to provide accessible hearing sites.

12. Terms of rule (SELECT A, B **or** C. Item D is required.):

A. [x] The full text of the rule is attached because it does not exceed 2,000 words.

B. [ ] A summary of the rule is attached because the full text of the rule exceeds 2,000 words.

Full text is posted on the following State website. [Pursuant to SAPA §202(7)(d), provide sufficient information to enable the public to access the full text without extensive searching. For example, provide a URL or a title to either a webpage or a specific section of the website where the full text is posted]:

C. [ ] Pursuant to SAPA §202(7)(b), the agency elects to print a description of the subject, purpose and substance of the rule as defined in SAPA §102(2)(a)(ii) [Rate Making]. Web posting of full text of such rule is not required [SAPA §202(1)(a)].

D. Signed certification of adoption and full text of the rule are attached:

[x] Signed certification of adoption (scanned pdf).

Full text of the rule (MS Word).

13. *Emergency expiration date* (A first emergency rule is effective and enforceable for up to 90 days from the **date of filing**. Second and subsequent emergency rules are effective and enforceable for up to 60 days from their **date of filing** UNLESS the agency specifies an earlier date). This rule expires:

[x] 90 days after filing

[ ] 60 days after filing

[ ] Other (*specify date*): _____ .

14. Proposed expiration date (check only if applicable):

[ ] This proposal will not expire in 365 days because it is for a "rate making" as defined in SAPA §102 (2)(a)(ii).

15. The text of the final rule and any required statements and analyses may be obtained from:

Agency contact Office of Children and Family Services

Agency name Frank J. Nuara

Office address 52 Washington St.

Rensselaer, NY 12144

Telephone (914) 589-3096 *E-mail* REGCOMMENTS@ocfs.ny.gov

16. *Submit data, views or arguments to* (complete only if different than previously named agency contact):

Agency contact _____

Agency name _____

Office address _____

_____

Telephone _____ *E-mail* _____

17. *Public comment will be received until:*

[x] 60 days after publication of this notice (MINIMUM public comment period).

[ ] 5 days after the last scheduled public hearing required by statute (MINIMUM, with required hearing).

[ ] Other: (*specify*) _____ .

18. *Additional matter required by statute:*

[ ] YES (include below material required by statute).

[x] NO additional material required by statute.

19. *Regulatory Agenda* [see SAPA §202-d(1)]:

[ ] This action was a Regulatory Agenda item in the following issue of the *State Register*: _____ .

[ ] This action was not under consideration at the time this agency's Regulatory Agenda was submitted for publication in the *Register.*

[x] Not applicable.

20. ***Regulatory Impact Statement (RIS)***
(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS, EXCLUDING SUMMARIES OF STUDIES, REPORTS OR ANALYSES [Needs and Benefits])

A. The attached RIS contains:

[x] The full text of the RIS.

[ ] A summary of the RIS.

Full text is posted on the following State website. [Pursuant to SAPA §202(7)(d), provide sufficient information to enable the public to access the full text without extensive searching. For example, provide a URL or a title to either a webpage or a specific section of the website where the full text is posted]:

[ ] A consolidated RIS, because this rule is one of a series of closely related and simultaneously proposed rules or is virtually identical to rules proposed during the same year.

B. A RIS is **not** attached:

[ ] because this rule is subject to a consolidated RIS printed in the *Register* under I.D. No.: _____-_____ ; issue date: _____ .

[ ] because this rule is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].

[ ] but will be published in the *Register* within 30 days of the rule's effective date.

C. [ ] A **statement is attached** claiming exemption pursuant to SAPA §202-a (technical amendment).

21. ***Regulatory Flexibility Analysis (RFA) for small businesses and local governments***
(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached RFA contains:

[x] The full text of the RFA.

[ ] A summary of the RFA.

Full text is posted on the following State website. [Pursuant to SAPA §202(7)(d), provide sufficient information to enable the public to access the full text without extensive searching. For example, provide a URL or a title to either a webpage or a specific section of the website where the full text is posted]:

[ ] A consolidated RFA, because this rule is one of a series of closely related rules.

B. [ ] A **statement is attached** explaining why a RFA is not required. This statement is in scanner format and explains the agency's finding that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments and the reason(s) upon which the finding was made, including any measures used to determine that the rule will not impose such adverse economic impacts or compliance requirements.

C. A RFA is **not attached:**

[ ] because this rule is subject to a consolidated RFA printed in the *Register* under I.D. No.: _____-_____ ; issue date: _____ .

[ ] because this rule is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].

[ ] but will be published in the *Register* within 30 days of the rule's effective date.

22. ***Rural Area Flexibility Analysis (RAFA)***
(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached RAFA contains:

[x] The full text of the RAFA.

[ ] A summary of the RAFA.

Full text is posted on the following State website. [Pursuant to SAPA §202(7)(d), provide sufficient information to enable the public to access the full text without extensive searching. For example, provide a URL or a title to either a webpage or a specific section of the website where the full text is posted]:

[ ] A consolidated RAFA, because this rule is one of a series of closely related rules.

B. [ ] A **statement is attached** explaining why a RAFA is not required. This statement is in scanner format and explains the agency's finding 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 and the reason(s) upon which the finding was made, including what measures were used to determine that the rule will not impose such adverse impact or compliance requirements.

C. A RAFA is **not attached:**

[ ] because this rule is subject to a consolidated RAFA printed in the *Register* under I.D. No.: - ; issue date: .

[ ] because this rule is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].

[ ] but will be published in the *Register* within 30 days of the rule's effective date.

23. ***Job Impact Statement (JIS)***
(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached JIS contains:

[x] The full text of the JIS.

[ ] A summary of the JIS.

[ ] Full text is posted on the following State website. [Pursuant to SAPA §202(7)(d), provide sufficient information to enable the public to access the full text without extensive searching. For example, provide a URL or a title to either a webpage or a specific section of the website where the full text is posted]:

[ ] A consolidated JIS, because this rule is one of a series of closely related rules.

B. [ ] A **statement is attached** explaining why a JIS is not required. This statement is in scanner format and explains the agency's finding that the rule will not have a substantial adverse impact on jobs and employment opportunities (as apparent from its nature and purpose) and will have a positive impact or no impact on jobs and employment opportunities; except when it is evident from the subject matter of the rule that it could only have a positive impact or no impact on jobs and employment opportunities, the statement shall include a summary of the information and methodology underlying that determination.

[ ] A JIS/Request for Assistance is submitted with this notice.

C. A JIS is **not attached** :

[ ] because this rule is subject to a consolidated JIS printed in the *Register* under I.D. No.: - ; issue date: .

[ ] because this rule is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].

[ ] because this rule was proposed by the State Comptroller or Attorney General.

[ ] but will be published in the *Register* within 30 days of the rule's effective date.

24. Referenced material:

[x] No information is being incorporated by reference in this rule making.

[ ] This rule making contains referenced material in the following Parts, sections, subdivisions, or paragraphs:

AGENCY CERTIFICATION (To be completed by the person who PREPARED the notice.)

I have reviewed this form and the information submitted with it. The information contained in this notice is correct to the best of my knowledge.

I have reviewed Article 2 of SAPA and Parts 260 through 263 of 19 NYCRR, and I hereby certify that this notice complies with all applicable provisions.

Name Frank J. Nuara *Signature* _____

Address OCFS, 52 Washington St., Rensselaer, NY 12144

Telephone (914) 589-3096 *E-Mail* REGCOMMENTS@ocfs.ny.gov

Date 05/26/2020

Reset Form

Please read before submitting this notice:

1. Except for this form itself, all text must be typed in the prescribed format as described in the Department of State's *Register* procedures manual, *Rule Making in New York*.
2. Rule making notices, with any necessary attachments (in MS Word unless otherwise specified), should be e-filed via the Department of State website.