

**Compliance Costs:**

While the current regulations do not specifically refer to individuals with substance use disorders, hospitals are already required to establish written policies and procedures related to various operational requirements, train staff in such policies and procedures and refer patients to appropriate follow-up care. The proposed regulations do require additional effort to ensure that the policies and training encompasses the identification, assessment and referral of individuals with substance use disorder, as well as the provision of information related to substance use disorder services, consistent with the requirements of the statute. However, these efforts are expected to assist individuals in obtaining treatment that will help them avoid future emergency room visits and hospital admissions.

**Economic and Technological Feasibility:**

This proposal is economically and technically feasible. While existing regulations do not specifically refer to individuals with substance use disorders, hospitals are already required to establish written policies and procedures related to various operational requirements, train staff in such policies and procedures and refer patients to appropriate follow-up care.

**Minimizing Adverse Impact:**

There are no alternatives to the proposed regulations related to hospital policies and procedures, which are consistent with PHL § 2803-u, added by Chapter 70 of the Laws of 2016.

**Small Business and Local Government Participation:**

Development of these regulations included input from organizations including those whose members include general hospitals that are operated by local governments or that constitute small businesses.

**Cure Period:**

Chapter 524 of the Laws of 2011 requires agencies to include a “cure period” or other opportunity for ameliorative action to prevent the imposition of penalties on a party subject to enforcement when developing a regulation or explain in the Regulatory Flexibility Analysis why one is not included. As this proposed regulation does not create a new penalty or sanction, no cure period is necessary.

**Rural Area Flexibility Analysis**

**Types and Estimated Numbers of Rural Areas:**

This rule applies uniformly throughout the state, including rural areas. Rural areas are defined as counties with a population less than 200,000 and counties with a population of 200,000 or greater that have towns with population densities of 150 persons or fewer per square mile. The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010 (<http://quickfacts.census.gov>). Approximately 17% of small health care facilities are located in rural areas.

Allegany County	Greene County	Schoharie County
Cattaraugus County	Hamilton County	Schuyler County
Cayuga County	Herkimer County	Seneca County
Chautauqua County	Jefferson County	St. Lawrence County
Chemung County	Lewis County	Steuben County
Chenango County	Livingston County	Sullivan County
Clinton County	Madison County	Tioga County
Columbia County	Montgomery County	Tompkins County
Cortland County	Ontario County	Ulster County
Delaware County	Orleans County	Warren County
Essex County	Oswego County	Washington County
Franklin County	Otsego County	Wayne County
Fulton County	Putnam County	Wyoming County
Genesee County	Rensselaer County	Yates County
	Schenectady County	

The following counties have a population of 200,000 or greater and towns with population densities of 150 persons or fewer per square mile. Data is based upon the United States Census estimated county populations for 2010.

Albany County	Monroe County	Orange County
Broome County	Niagara County	Saratoga County
Dutchess County	Oneida County	Suffolk County
Erie County	Onondaga County	

There are 47 general hospitals, approximately 90 diagnostic and treatment centers, 159 nursing homes, and 92 certified home health agencies in rural areas.

**Reporting, Recordkeeping, Other Compliance Requirements; and Professional Services:**

The proposed regulation is applicable to those general hospitals located in rural areas and is expected to impose only minimal costs upon hospitals, which are already required to establish written policies and procedures related to various operational requirements, train staff in such policies and procedures and refer patients to appropriate follow-up care. Because the proposed regulatory requirements can be incorporated into existing processes, they are not expected to substantially increase the administrative burden on these entities.

**Costs:**

While the current regulations do not specifically refer to individuals with substance use disorders, hospitals are already required to establish written policies and procedures related to various operational requirements, train staff in such policies and procedures and refer patients to appropriate follow-up care. The proposed regulations do require additional effort to ensure that the policies and training encompasses the identification, assessment and referral of individuals with substance use disorder, as well as the provision of information related to substance use disorder services, consistent with the requirements of the statute. However, these efforts are expected to assist individuals in obtaining treatment that will help them avoid future emergency room visits and hospital admissions.

**Minimizing Adverse Impact:**

There are no alternatives to the proposed regulation. The proposed regulations are consistent with PHL § 2803-u, added by Chapter 70 of the Laws of 2016 to require general hospitals to establish policies and procedures pertaining to individuals with substance use disorders.

**Rural Area Participation:**

Development of these regulations included input from organizations including those that include as members general hospitals located in rural areas.

**Job Impact Statement**

No job impact statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act. No adverse impact on jobs and employment opportunities is expected as a result of these proposed regulations.

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## State Commission on Judicial Conduct

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### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

**Issuing of Subpoenas**

**I.D. No.** JDC-02-18-00003-P

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

**Proposed Action:** Amendment of section 7000.6(e) of Title 22 NYCRR.

**Statutory authority:** Judiciary Law, section 42(5)

**Subject:** Issuing of subpoenas.

**Purpose:** To clarify that only the referee has subpoena issuing power in Commission hearings.

**Text of proposed rule:** Section 7000.6(e) is amended to read as follows:

(e) Subpoenas. [The judge who is the subject of a formal written complaint may request the referee designated by the commission to issue subpoenas on the judge’s behalf.] *Only the referee designated by the commission is empowered to issue subpoenas for a Commission hearing pursuant to a formal written complaint. If Commission counsel or the judge who is the subject of a formal written complaint wishes to subpoena a witness or books, records, documents or other evidence, a request must be made to the referee on notice to the opposing side, affording a reasonable opportunity to be heard.* The referee shall grant reasonable requests for subpoenas.

**Text of proposed rule and any required statements and analyses may be obtained from:** Marisa E. Harrison, Commission on Judicial Conduct, Corning Tower, Suite 2301, Empire State Plaza, Albany, New York 12223, (646) 453-4600, email: [harrison@cjc.ny.gov](mailto:harrison@cjc.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: Judiciary Law, Section 42(5).
2. Legislative objectives: The proposed changes would make it clear that only the referee may issue subpoenas for witnesses and records at a Commission hearing pursuant to a formal written complaint and that applications for subpoenas must be made on notice to the opposing side, affording a reasonable opportunity to be heard.
3. Needs and benefits: The proposal specifies who is empowered to issue hearing subpoenas, averts potential confusion among attorneys for judges as to whom they must apply for a subpoena, and enhances public confidence in the fairness of commission proceedings by clarifying that both commission counsel and the judge’s counsel must follow the same procedure to obtain a subpoena for a commission hearing held pursuant to a formal written complaint.
4. Costs: None.
5. Local government mandates: None.
6. Paperwork: None.
7. Duplication: None.
8. Alternatives: None.
9. Federal standards: None.
10. Compliance schedule: None.

**Regulatory Flexibility Analysis**

1. Effect of rule: These are internal agency operating rules concerning disciplinary proceedings against judges. No small businesses or local governments are affected.
2. Compliance requirements: None.
3. Professional services: None.
4. Compliance costs: None.
5. Economic and technological feasibility: Not applicable.
6. Minimizing adverse impact: There is no economic impact on small businesses or local governments.
7. Small business and local government participation: This internal agency operating rule concerning disciplinary proceedings against judges do not involve small businesses or local governments.
8. For rules that either establish or modify a violation or penalties associated with a violation: Not applicable.
9. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462: Not applicable.

**Rural Area Flexibility Analysis**

This proposal will not impose any adverse economic impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. This proposal contains internal agency operating rules concerning disciplinary proceedings against judges of the state unified court system. The agency analyzed the plain language of the proposed rule and concluded that the subject matter – i.e. the issuance of subpoenas during commission hearings – is not addressed to rural areas and, in any event, contains no reporting or recordkeeping requirements.

**Job Impact Statement**

This proposal will not impose any adverse impact on jobs and employment opportunities. This proposal contains internal agency operating rules concerning disciplinary proceedings against judges of the state unified court system. It does not add or eliminate any jobs, nor does it impose or modify any responsibilities associated with existing jobs. The agency analyzed the plain language of the proposed rule and concluded that the subject matter – i.e. issuance of subpoenas during commission hearings – does not address, create or impact upon any jobs.

**Statutory authority:** Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

**Subject:** Submetering of electricity and waiver request.

**Purpose:** To approve 412-14 East’s petition to submeter electricity and request for waiver of 16 NYCRR section 96.5(k)(3).

**Substance of final rule:** The Commission, on December 14, 2017, adopted an order approving 412-14 East 10th Street Housing Development Fund Corporation’s petition to submeter electricity at 412-14 East 10th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. and request for waiver of the energy audit and energy efficiency plan requirements in 16 NYCRR § 96.5(k)(3), subject to the terms and conditions set forth in the order.

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

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (17-E-0234SA1)

**NOTICE OF ADOPTION**

**Submetering of Electricity**

**I.D. No.** PSC-25-17-00006-A

**Filing Date:** 2017-12-20

**Effective Date:** 2017-12-20

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

**Action taken:** On 12/14/17, the PSC adopted an order approving The Charles Condominiums, LLC’s (Charles Condominiums) notice of intent to submeter electricity at 1355 First Avenue, New York, New York.

**Statutory authority:** Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

**Subject:** Submetering of electricity.

**Purpose:** To approve Charles Condominiums’ notice of intent to submeter electricity.

**Substance of final rule:** The Commission, on December 14, 2017, adopted an order approving The Charles Condominiums, LLC’s notice of intent to submeter electricity at 1355 First Avenue, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (17-E-0290SA1)

**NOTICE OF ADOPTION**

**Submetering of Electricity and Waiver Request**

**I.D. No.** PSC-36-17-00008-A

**Filing Date:** 2017-12-20

**Effective Date:** 2017-12-20

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

**Action taken:** On 12/14/17, the PSC adopted an order approving Bowery Residents’ Committee’s (Bowery) notice of intent to submeter electricity at 233 Landing Road, Bronx, New York and request for waiver of 16 NYCRR section 96.5(k)(3).

**Statutory authority:** Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

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**Public Service Commission**

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**NOTICE OF ADOPTION**

**Submetering of Electricity and Waiver Request**

**I.D. No.** PSC-22-17-00008-A

**Filing Date:** 2017-12-20

**Effective Date:** 2017-12-20

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

**Action taken:** On 12/14/17, the PSC adopted an order approving 412-14 East 10th Street Housing Development Fund Corporation’s (412-14 East) petition to submeter electricity at 412-14 East 10th Street, New York, New York and request for waiver of 16 NYCRR section 96.5(k)(3).