

significant paperwork requirements for gaming facility applicants and licensees.

6. **LOCAL GOVERNMENT MANDATES:** The proposed rules do not impose any mandatory program, service, duty, or responsibility upon local government because the licensing of gaming facilities is strictly a matter of State law.

7. **DUPLICATION:** The proposed rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. **ALTERNATIVES:** The Board is required to create these rules under Racing Law sections 1306(5) and 1321-e(1). The Board considered retaining existing minimum capital investment amounts for Title 2-A applicants in Zone Two (upstate counties) and setting minimum capital investment amounts by region or by county, but determined that setting a uniform minimum amount and allowing applicants to propose higher capital investment amounts as a part of their applications would best serve the competitive structure of the gaming facility application process.

9. **FEDERAL STANDARDS:** There are no federal standards applicable to the licensing of gaming facilities in New York because such licensing is solely in accordance with New York State law.

10. **COMPLIANCE SCHEDULE:** The Board anticipates that affected parties will be able to achieve compliance with the proposed rules upon the adoption of the rules.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

The proposed changes do not require a Regulatory Flexibility Analysis, Rural Area Flexibility Analysis or Job Impact Statement. There will be no adverse impact on small businesses, local governments, rural areas or jobs.

The proposed rules prescribe the minimum capital investment for an additional gaming facility license issued by the New York State Gaming Commission. It is not expected that any small business or local government will apply for a gaming facility license.

The proposal imposes no adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. The rules apply uniformly throughout the State to any applicant seeking a license to develop and operate an additional gaming facility in the State.

The proposal will not adversely impact small businesses, local governments, jobs, or rural areas. It does not require a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, or Job Impact Statement.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

License Fee for Additional Gaming Facility

I.D. No. GFB-31-24-00017-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 601.1 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 1306(4), (9) and 1321-e(3)

Subject: License fee for additional gaming facility.

Purpose: To establish a license fee for additional gaming facilities.

Text of proposed rule: § 601.1. Gaming facility license fees.

(a) The license fee for a gaming facility license issued by the Gaming Commission pursuant to [subdivision 4 of section 1315 of the] Racing, Pari-Mutuel Wagering and Breeding Law *article 13, title 2* shall be as follows, unless a gaming facility licensee has agreed to pay an amount in excess of the fees listed below:

(1) in Zone Two, Region One (Counties of Columbia, Delaware, Dutchess, Greene, Orange, Sullivan and Ulster), as such zone and region are defined in [section 1310 of the] Racing, Pari-Mutuel Wagering and Breeding Law *section 1310*, the following fees will apply to counties as designated below:

(i) \$70,000,000 for a gaming facility in Dutchess and Orange Counties;

(ii) \$50,000,000 for a gaming facility in Columbia, Delaware, Greene, Sullivan and Ulster Counties, if no license is awarded for a gaming facility located in Dutchess or Orange Counties; and

(iii) \$35,000,000 for a gaming facility in Columbia, Delaware, Greene, Sullivan and Ulster Counties, if a license is awarded for a gaming facility located in Dutchess or Orange Counties.

(2) \$50,000,000 in Zone Two, Region Two (Counties of Albany, Fulton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie and Washington), as such zone and region are defined in [section 1310 of the] Racing, Pari-Mutuel Wagering and Breeding Law *section 1310*;

(3) in Zone Two, Region Five (Counties of Broome, Chemung (east of State Route 14), Schuyler (east of State Route 14), Seneca, Tioga, Tompkins, and Wayne (east of State Route 14)), as such zone and region are defined in [section 1310 of the] Racing, Pari-Mutuel Wagering and Breeding Law *section 1310*, the following fees will apply to counties as designated below:

(i) \$35,000,000 for a gaming facility in Broome, Chemung, Schuyler, Tioga or Tompkins Counties;

(ii) \$50,000,000 for a gaming facility in Wayne or Seneca Counties; and

(iii) \$20,000,000 for a gaming facility in Broome, Chemung, Schuyler, Tioga and Tompkins Counties, if a license is awarded for a gaming facility located in Wayne or Seneca Counties.

(b) *The license fee for a gaming facility license issued by the Gaming Commission pursuant to Racing, Pari-Mutuel Wagering and Breeding Law article 13, title 2-A shall be \$500,000,000, unless a gaming facility licensee has agreed to pay an amount in excess of that.*

[(b)] (c) A gaming facility licensee shall pay the required license fee by electronic fund transfer according to directions issued by the Gaming Commission.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, NY 12301, (518) 388-3332, email: sitingrules@nysemail.onmicrosoft.com

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:** Racing, Pari-Mutuel Wagering and Breeding Law (“Racing Law”) section 1306(1) and section 1321-b prescribe that the Gaming Facility Location Board, which is established by the Commission, shall issue a request for applications (“RFA”) for applicants seeking one of the additional gaming facility licenses to develop and operate a gaming facility in New York State. On January 3, 2023, the Gaming Facility Location Board issued the RFA.

Racing Law sections 1306(4) and 1321-e(3) authorize the Board to determine a gaming facility license fee to be paid by an applicant.

Racing Law 1306(9) authorizes the Board to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. **LEGISLATIVE OBJECTIVES:** This rule making carries out the legislative objectives of the above referenced statutes by implementing the requirements of Racing Law section 1306(4) and section 1321-e(3).

3. **NEEDS AND BENEFITS:** This rule making is necessary to enable the Gaming Facility Location Board to carry out its statutory duty to prescribe the license fee for a gaming facility license issued by the Commission. Some stylistic amendments are also made to the existing rule to mirror Gaming Commission style conventions.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with the rules: An applicant chosen for gaming facility licensure will be required, by statute, to pay the license fee that is established.

(b) Costs to the regulating agency, the State, and local government: The proposed rules will impose no additional costs on the Board, the State or local governments.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The cost estimates are based on the Gaming Commission’s experience regulating racing and gaming activities within the State.

5. **PAPERWORK:** The proposed rules are not expected to impose any significant paperwork requirements for gaming facility applicants and licensees.

6. **LOCAL GOVERNMENT MANDATES:** The proposed rules do not impose any mandatory program, service, duty, or responsibility upon local government because the licensing of gaming facilities is strictly a matter of State law.

7. **DUPLICATION:** The proposed rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. **ALTERNATIVES:** The Board is required to create these rules under Racing Law sections 1306(4) and 1321-e(3). Racing Law section 1321-e(3) requires a minimum license fee of \$500,000,000. The Board considered setting a higher license fee, but determined that setting the fee at the statutory minimum and allowing applicants to propose paying a higher fee as a part of their applications would best serve the competitive structure of the gaming facility application process. The Board also considered setting variable license fees according to the term of the license or the level of capital investment proposed, or setting different license fees according to the location of the gaming facility, but determined that a flat fee for all applicants would best serve the competitive structure of the gaming facility application process.

9. FEDERAL STANDARDS: There are no federal standards applicable to the licensing of gaming facilities in New York because such licensing is solely in accordance with New York State law.

10. COMPLIANCE SCHEDULE: The Board anticipates that affected parties will be able to achieve compliance with the proposed rules upon the adoption of the rules.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

The proposed changes do not require a Regulatory Flexibility Analysis, Rural Area Flexibility Analysis or Job Impact Statement. There will be no adverse impact on small businesses, local governments, rural areas or jobs.

The proposed rules prescribe the license fee for an additional gaming facility license issued by the New York State Gaming Commission. It is not expected that any small business or local government will apply for a gaming facility license.

The proposal imposes no adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. The rules apply uniformly throughout the State to any applicant seeking a license to develop and operate an additional gaming facility in the State.

The proposal will not adversely impact small businesses, local governments, jobs, or rural areas. It does not require a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, or Job Impact Statement.

Department of Labor

NOTICE OF ADOPTION

Injury and Illness Reporting and Recordkeeping Requirements

I.D. No. LAB-18-24-00002-A

Filing No. 604

Filing Date: 2024-07-15

Effective Date: 2024-07-31

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

Action taken: Repeat of sections 801.39, 801.41; addition of new sections 801.39 and 801.41 to Title 12 NYCRR.

Statutory authority: Labor Law, section 21(11)

Subject: Injury and Illness Reporting and Recordkeeping Requirements.

Purpose: To adopt updates to OSHA regulations regarding reporting and recordkeeping requirements as required by law.

Text or summary was published in the May 1, 2024 issue of the Register, I.D. No. LAB-18-24-00002-P.

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

Text of rule and any required statements and analyses may be obtained from: Elizabeth Robins, Department of Labor, State Office Campus, Building 12, Albany, NY 12240, (518) 485-2191, email:regulations@labor.ny.gov

Assessment of Public Comment

The agency received no public comment.

Office of Mental Health

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Admission and Discharge Criteria for Psychiatric Inpatient Units of General Hospitals

I.D. No. OMH-04-24-00006-RP

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

Proposed Action: Amendment of Part 580 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.07, 7.09, 29.15, 31.04, 43.02; Social Services Law, sections 364 and 364-a

Subject: Admission and Discharge Criteria for Psychiatric Inpatient Units of General Hospitals.

Purpose: To standardize admissions and discharges.

Substance of revised rule (Full text is posted at the following State website: https://omh.ny.gov/omhweb/policy_and_regulations/): Part 580

In addition to technical amendments updating this regulation consistent with Title 14 and eliminating outdated terminology, the Proposed Rule amends Part 580 as follows:

Part 580.1. Background and Intent. Provides that it is the intention of this Part to provide for a person-centered process and that compliance with this Part shall ensure that services are collaborative in nature.

Part 580.2. Legal Base. No substantive edits.

Part 580.3. Definitions. Includes removing outdated references to behavioral health organizations and defines Managed Care (MCO), removes definition for concurrent review and defines utilization review. Provides uniform definition of Collateral, Credentialed Alcoholism and Substance Abuse Counselor (CASAC), creates a new definition of Individual with Complex Needs, Governing Body, Interventional Therapies, defines Intensive care management. Provides definitions for person-centered process, psychiatric advance directive, PSYCKES, shared decision making and SHIN-NY.

Part 580.4. Certification. No substantive edits.

Part 580.5. Organization and administration. Clarifies that policies and procedures must conform with confidentiality. Clarifies policies ensuring patient rights. Clarifies education programming requirements for school age children.

Part 580.6. Program.

-Clarifies that services shall be provided through a person-centered process with shared decision making and should be informed by the understanding that implicit bias may affect the assessment, diagnosis, treatment and discharge planning of Black, Indigenous, People of Color and other marginalized individuals.

-When an individual is admitted clinical staff shall in accordance with HIPAA and Mental Hygiene Law 33.13: review documentation of assessments, treatment, and other services provided in referring outpatient, emergency, or program and prior presentations; attempt to obtain collateral information on all admitted individuals; review information in PSYCKES regarding prior psychiatric and medical history; review information in any other available information network databases as may be required, regarding admitted individuals; and check to see if the individual has a Psychiatric Advance Directive (PAD) or other wellness plan and preferred contacts in PSYCKES.

-The following screenings shall take place on admission and documented in the individual's chart: suicide risk using a validated instrument, violence risk screening and assessment and inquiries about access to firearms or other weapons, substance use screenings using a validated instrument and a determination shall be made as to whether an individual has complex needs.

-Discharge plans shall reflect individual strengths and level of social support and address psychiatric, substance use disorder, chronic medical, and social needs. For discharges of individuals with complex needs, the discharging unit shall provide a verbal clinical sign-out to the receiving outpatient treatment program and residential or other long-term care program on the day of discharge, or as soon as possible thereafter in accordance with section 33.13 of the Mental Hygiene Law. Prior to discharge, the hospital shall contact aftercare providers to schedule and confirm a follow up appointment to occur within seven calendar days following discharge. Where a hospital cannot identify an aftercare provider with an available appointment within seven calendar days, after documenting diligent efforts, such appointment should be scheduled for as soon as possible. Individuals with complex needs enrolled in outpatient or residential care management, must coordinate discharge plan details and timing with care managers. For individuals in need of intensive care management, staff shall make a referral to an intensive care management provider. All individuals shall be screened for suicidality prior to their discharge. When determining whether an individual is ready for discharge and the most appropriate discharge setting, the whole clinical presentation and history, as well as the availability of existing services in the individual's community, shall be considered. Individuals who meet criteria for any substance use disorder shall be offered pharmacological interventions, if appropriate, and referred to a new or existing provider who can continue their treatment for their substance use disorder. Individuals who require treatment with an antipsychotic medication but have history of difficulty with consistently taking oral medications, shall be considered through shared decision making, for treatment with a long-acting injectable medication.

Part 580.7. Staffing. No substantive edits.

Part 580.8. Premises. Clarifies Electroconvulsive therapy (ECT) may not be used as an emergency procedure. Clarifies existing rule that no facility shall use restraint or seclusion without a written plan for the use of