

Sections 810.5, 810.6, 810.8, 810.9 and 810.10 of 14 NYCRR Part 810 (Establishment, Incorporation and Certification of Providers of Substance Use Disorder Services) are AMENDED to read as follows:

1. Subdivision (a) of section 810.5 is amended to read as follows:

810.5 Applications requiring full review

(a) The following applications are subject to full review in accordance with the provisions of Section 810.8 of this Part:

(1) establishment of any service by a prospective provider that has not been previously certified by the Office to provide substance use disorder services; or

(2) any transfer, assignment or other disposition of ten percent or more of the stock or voting rights of a business corporation which is the operator of an authorized service, or any transfer, assignment or other disposition of the stock or voting rights thereunder of such business corporation which results in the ownership or control of more than ten percent of the stock or voting rights there under of such business corporation; or

(3) any capital project proposed by a certified voluntary provider which requires a new or amended operating certificate; or

~~[(4) any capital project proposed by a certified voluntary provider which proposes a funding source for such project, other than the mental health services facilities program (DASNY), directly or indirectly through a closely related entity]~~

2. Subdivision (a) of section 810.6 is amended to read as follows:

810.6 Applications requiring administrative review

(a) The following applications are subject to administrative review in accordance with the provisions of Section 810.9 of this Part:

(1) establishment or operation of a new service by an existing provider of certified services, including an additional location application submitted in accordance with subdivision (c) of Section 810.13 of this Part; or

(2) an increase in the capacity of a service where capacity is identified on the operating certificate; or

(3) the relocation of any certified service[-]; **or**

(4) any capital project proposed by a certified voluntary provider which proposes a funding source for such project, other than the mental health services facilities program (DASNY), directly or indirectly through a closely related entity.

3. Subdivisions (c), (d) and (e) of section 810.8 are amended to read as follows:

810.8 Full review process

(c) ~~[Completeness review]~~ **Office reviews.** (1) **Threshold review. Upon receipt of any application indicated by the applicant as being complete, the Office will verify that no components of the application are missing. If any components are missing, the application shall be deemed incomplete and returned to the applicant. Applicants may resubmit when the required documentation is provided.**

(2) Completeness review. (i) The Office shall review the content of each application **which has passed the threshold review pursuant to paragraph (1) of this subdivision** for completeness and if necessary, notify the applicant within **a reasonable time** ~~[forty five days of]~~ **from** the Office's receipt of such application, of any lack **or insufficiency** of information and the need to submit such **additional** information within **a reasonable time** ~~[forty five days of]~~ **from** the date of such notification.

~~[(2)]~~ (ii) If the applicant does not provide the additional information within **a reasonable time** ~~[forty five days of the]~~ **from the date of** notification, or within any additional time as may have been approved by the Office, the application shall be deemed abandoned and withdrawn and no further action shall be taken thereon.

~~[(3)]~~ (iii) The Office shall provide notice of status to any applicant requiring criminal history information reviews pursuant to Part 805; no application shall be considered complete until such history review, if required, has been concluded.

~~[(4)]~~ (iv) The Office may at its discretion, based upon review of required criminal history information, decline to consider an application any further.

(d) Local governmental unit review. If the Office determines that the application is eligible for full review:

(1) The Office shall provide copies of the completed application and accompanying documents to each local governmental unit in the area of the proposed project. However, when an application is submitted by a local governmental unit, the application shall not require local governmental unit review.

(2) The local governmental unit shall have **a reasonable time** ~~[forty five days]~~ to review the application, commencing with its receipt of the application, and submit its recommendations to the Office. ~~[If the local governmental unit requests an extension of the time for review during the forty five days, an additional period of time not to exceed thirty days may be granted by the Office.]~~

(e) Behavioral Health Services Advisory Council. Upon completion of the Office's review, a summary of the application with the recommendation of each responding reviewer shall be submitted to the Behavioral Health Services Advisory Council ("Advisory Council") for review and recommendation to the Commissioner.

(1) The Commissioner shall make a decision on the application within **a reasonable time** ~~[forty five days]~~ after his or her receipt of the recommendations of the Advisory Council.

(2) If the Commissioner proposes to act on the application in a manner contrary to the recommendation of the Advisory Council, the Commissioner shall first appear before the Advisory Council and explain the reasons for the action, unless the Advisory Council waives such appearance.

4. Subdivision (b) of section 810.9 is amended to read as follows:

810.9 Administrative review process

(b) Local Governmental Unit Review. If the Office determines that the application is eligible for administrative review:

(1) The Office shall provide copies of the completed application and accompanying documents to each local governmental unit in the area of the proposed project. However, when an application is submitted by a local governmental unit, the application shall not require local governmental unit review.

(2) The local governmental unit shall have **a reasonable time** ~~[fifteen days,]~~ from its receipt of the application, to review the application and provide its recommendations to the Office.

~~[(3) If requested by the local governmental unit during the fifteen day period, an additional period of time not to exceed fifteen days may be granted by the Office.]~~

5. Subdivision (b) of section 810.10 is amended to read as follows:

810.10 Actions requiring prior approval

(b) Upon receipt of written notification by a provider of services requesting prior approval of the proposed actions listed under subdivision (a) of this Section, the Office shall, within ~~[forty five days]~~ **a reasonable time** of its receipt of such notification, advise the applicant whether:

- (1) the proposed action is acceptable; or
- (2) the proposed action is acceptable, provided that certain identified additional actions are followed in implementing the approved change or action; or
- (3) additional information must be submitted to the Office in order to make a determination; or
- (4) the proposed action is not approved with a statement of the reasons therefore and, as appropriate, identifying acceptable alternatives to the proposed change or action.