



**Notice of Proposed Rulemaking
Regulatory Impact Statement**

Amend 14 NYCRR Part 817

SUBSTANCE USE DISORDER RESIDENTIAL REHABILITATION SERVICES FOR YOUTH

1. Statutory Authority:

- (a) Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner to adopt standards including necessary rules and regulations pertaining to addiction services.
- (b) Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under their jurisdiction.
- (c) Section 19.15(e) of the Mental Hygiene Law authorizes the Commissioner to implement programs of children and youth.
- (d) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner to issue operating certificates for the provision of addiction services.
- (e) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.
- (f) Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the Mental Hygiene Law.
- (g) Section 32.09 of the Mental Hygiene Law authorizes the Commissioner to issue operating certificates for services that treat individuals with a substance use disorder.
- (h) Section 3309 of the Public Health Law authorizes the DOH to establish standards for approval of any opioid overdose prevention program.
- (i) Article 27F of the Public Health Law defines the rules governing HIV testing and treatment in New York.

2. Legislative Objectives: The legislature has authorized OASAS to establish standards and regulations governing the provision of addiction services, including the provision of medications for addiction treatment, as well as standards for providers seeking to offer such services.
3. Needs and Benefits: OASAS is updating the language used in this regulation consistent with amendments made to other OASAS regulations and OASAS guidance to clarify provider requirements with respect to the provision of medication for addiction treatment for substance use disorder and to update definitions consistent with other OASAS regulations.
4. Costs: No additional administrative costs to the agency are anticipated.
5. Paperwork: There is no additional paperwork beyond what is already required.
6. Local Government Mandates: There are no new local government mandates.
7. Duplications: This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.
8. Alternatives: The alternative is to leave the regulation as it currently reads, with language inconsistent across Title 14 regulations and providers unsure of their obligation to provide medication for addiction treatment for substance use disorders.
9. Federal Standards: This regulation does not conflict with federal standards.
10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the *State Register*.

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