

insured will be responsible only for any in-network cost sharing. Agency contact: Emily Donovan, Associate Attorney, Health Bureau – (518) 486-2970.

23. Summary description of proposal: Amendment of 11 NYCRR 52 (Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure) (Insurance Regulation 62), to set forth standards relating to health insurance producer payments including requiring producers to act in the best interest of their insureds. Agency contact: Lydia Hoffman, Director Financial Services Programs 1, Health Bureau – (518) 486-2970.

24. Summary of description of proposal: Amendment of 11 NYCRR Part 52 (Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure) (Insurance Regulation 62) and Part 215 (Advertisements of Accident and Health Insurance) (Insurance Regulation 34), to establish minimum standards and consumer protections for accident, travel and hospital indemnity insurance. Agency contact: Christina Fernet, Associate Attorney, Health Bureau – (518) 486-2970.

25. Summary of description of proposal: Adoption of a new Part to 11 NYCRR (Transparency) to require health plans to provide consumers with information about network providers, such as cost-estimator tools, to allow consumers to make more intelligent decisions regarding their choice of provider. Agency contact: John Powell, Director of Rate Review, Health Bureau – (518) 474-4567.

II. Banking Regulations

For inquiries about the Banking Regulations included in this Regulatory Agenda, or to obtain copies of current Banking Regulations, please contact:

Christine M. Tomczak
Assistant Counsel
New York State Department of Financial Services
One State Street
New York, NY 10004
Telephone Number: (212) 709-1642

1. Summary description of proposal: Amendments of Part 38 of the General Regulations of the Superintendent, 3 NYCRR Part 38 (Definition of Terms; Advertising; Application and Commitment Disclosures and Procedures; Improper Conduct under Article 12-D), to enhance advertising, disclosure and conduct rules for mortgage bankers and brokers and to incorporate applicable changes under federal laws and regulations.

2. Summary description of proposal: Amendment of Part 41 of the General Regulations of the Superintendent, 3 NYCRR Part 41 (Restrictions and Limitations on High Cost Home Loans), to address threshold limits, the impact of lender paid fees, and otherwise to conform to the requirements of Section 6-l of the Banking Law.

3. Summary description of proposal: Amendment of Part 79 of the General Regulations of the Superintendent, 3 NYCRR Part 79 (Reverse Mortgage Loans), to incorporate advertising requirements for reverse mortgage loans and clarify the applicability of disclosure and filing requirements for HUD's Home Equity Conversion Mortgage program.

4. Summary description of proposal: Amendment of Part 322.7 of the Superintendent's Regulations, 3 NYCRR Part 322.7 (Definition of Well-Rated Foreign Banking Corporations), in connection with the elimination by the Federal Reserve System of the Strength of Support Assessment (SOSA) rating for all foreign banking organizations subject to the interagency program for supervising the U.S. operations of foreign banking organizations.

5. Summary description of proposal: Amendment of Part 400.2 of the Superintendent's Regulations, 3 NYCRR Part 400.2 (Books, Records and Microfilm), to eliminate outdated regulatory requirements (i.e. maintenance of records on microfilm) in connection with check cashers books and records.

6. Summary description of proposal: Amendment of Part 401 (Licensed Lenders), Part 403 (Sales Finance Companies) and Part 405 (Premium Finance Agencies) of the Superintendent's Regulations, 3 NYCRR Part 401, Part 403 and Part 405, to include a reporting

requirement for each licensee to submit to the Superintendent an independent audited annual financial statement within 90 days after the licensee's fiscal year end.

7. Summary description of proposal: Amendment of Part 410 and Part 413 of the Superintendent's Regulations, 3 NYCRR Part 410 (Mortgage Bankers; Licensing Requirements; Mortgage Brokers; Registration Requirements; Branch Applications; Notifications; Books and Records; Annual Reports; Surety Bonds; and Consultants of Licensed Mortgage Bankers and Registered Mortgage Brokers) and 3 NYCRR Part 413 (Procedures and Requirements for Mortgage Brokers to Act as FHA Mortgage Loan Correspondents) and Supervisory Procedure 3 NYCRR MB 101 (Application for a License as a Mortgage Banker), Supervisory Procedure 3 NYCRR MB 102 (Application for Registration as a Mortgage Broker), Supervisory Procedure 3 NYCRR MB 103 (Application for a Change in Control of a Mortgage Banker) and Supervisory Procedure 3 NYCRR MB 104 (Application for a Change in Control of a Mortgage Broker), to eliminate certain outdated regulatory requirements and to clarify language, the minimum licensing standards, and other requirements in connection with mortgage banker and mortgage broker applications.

8. Summary description of proposal: Amendment of Part 420 of the Superintendent's Regulations, 3 NYCRR Part 420 (Mortgage Loan Originators: Education Requirements), to conform to amendments made to the federal SAFE Mortgage Licensing Act, which gives qualifying out-of-state mortgage loan originators the temporary authority to operate as a mortgage loan originator in New York prior to completing all licensing requirements.

9. Summary description of proposal: Repeal of Supervisory Procedure 3 NYCRR (Public Access to Department of Financial Services Records), to repeal this outdated Banking regulation in connection with the promulgation of a new Financial Services regulation to provide one set of unified and updated rules governing public access to records of the Department of Financial Services.

III. Financial Services Regulations

For specific inquiries about the Financial Services Regulations included in this Regulatory Agenda, or to obtain copies of current Financial Services Regulations, please contact the person identified in the item.

1. Summary description of proposal: Adoption of new Part to 23 NYCRR (Public Access to Department Records) in conjunction with the repeal of outdated regulations 3 NYCRR SPP G 106 and 11 NYCRR 241 (Insurance Regulation 71) to provide one set of unified and updated rules governing public access to records of the Department of Financial Services. Agency contact: Colleen Dawson, Assistant Counsel, Office of General Counsel – (518) 486-4737.

2. Summary of description of proposal: Amendment of 23 NYCRR 400 (Independent Dispute Resolution for Emergency Services and Surprise Bills), to establish independent dispute resolution for emergency services from a non-participating physician or hospital including a bill for inpatient services that follow an emergency room visit. Agency contact: Emily Donovan, Associate Attorney, Health Bureau – (518) 486-2970.

New York State Gaming Commission

Pursuant to subdivision 1 of section 202-d of the State Administrative Procedure Act (SAPA), the Gaming Commission presents its regulatory agenda for calendar year 2020. All section and part references are to Title 9 of the New York Code of Rules and Regulations. As indicated in SAPA section 202-d(2), the Gaming Commission is not required to propose or adopt a rule listed on the regulatory agenda and may propose or adopt a rule that is not on the agenda. The Gaming Commission may add, delete or modify without further notice, except as required by the State Administrative Procedure Act, any item or information presented in this 2020 Regulatory Agenda.

Publication of this notice is intended to further assure that small businesses, local governments and public and private interests in rural areas are given opportunity to participate in the rule making process, as provided by sections 202-b and 202-bb of SAPA. Each rule listed below may require a regulatory flexibility analysis or a rural area flex-

ibility analysis, pursuant to SAPA sections 202-b and 202-bb, respectively.

The public may submit written comments in regard to this regulatory agenda to the agency representative indicated at the end of this agenda.

Administration

Considering the adoption of hearing rules and procedures to standardize the governance of all Gaming Commission administrative hearings.

Considering the addition of new sections to address trade secret designation and trade secrets received in conjunction with procurement and contract monitoring activities. These amendments would provide for agency procedures to safeguard trade secrets that are submitted to the Gaming Commission in the course of licensing and regulatory supervision of gaming entities.

Charitable Gaming

Considering harmonizing rules for charitable games of chance with rules for games at commercial casinos, where advisable.

Considering amendments to various charitable gaming regulations to implement aspects of recent legislation, including regulation of internet raffle sales by authorized organizations.

Commercial Casinos

Considering the addition of a new rule requiring gaming facility licensees to notify the Commission in the event the licensee is penalized for casino-related infractions in another jurisdiction.

Considering the amendment of Part 5324, which concerns casino table games, to add new table games and bets.

Considering regulating the wagering of employees of casino vendor registrants who have responsibility for services to a casino.

Horse Racing

Considering the amendment of rules governing veterinary technicians.

Considering the amendment of rules concerning show wagering in Thoroughbred racing.

Considering the amendment of the pick-five and pick-six rules in Thoroughbred racing.

Considering the amendment of the pick-four, pick-five and pick-six rules in harness racing.

Considering adding a trainer medication log rule to require Thoroughbred trainers to keep a record of medications administered by the trainer when no veterinarian makes a record of the administrations.

Considering adding continuing education requirements for horsepersons in harness racing.

Considering the amendment of Section 4043.2(b) for exercise-induced pulmonary hemorrhage (EIPH) in Thoroughbred horses. The amendment would require Thoroughbred trainers to maintain a record of EIPH episodes of grade four, defined with the universal one-to-four grading system, or epistaxis (visible bleeding from the nose). Trainers would be required to provide such information to subsequent owners within 48 hours of the request for the information, unless the Commission has collected and provided the information itself. The rules would require an endoscopic examination when the horse next works out or races after a serious EIPH episode.

Considering the amendment of Section 4012.5 in regard to out-of-competition testing in Thoroughbred racing to conform to the national Model Rule of the Association of Racing Commissioners International, Inc. (ARCI) as amended on December 9, 2016. The amendments would add rebuttable presumptions regarding the jurisdiction of the Commission, codify the sample collection procedure and further protect the privacy interests of horsepersons.

Considering rules to formalize practice that race-day furosemide (a/k/a Lasix) administration to race horses is provided by independent, third-party veterinarians who are not caring for the horses of a trainer or owner who participates at the race meeting.

Considering allowing a claimant to void a claim of a Thoroughbred horse that is determined in the test barn to have experienced EIPH-related epistaxis or become lame in a claiming race.

Considering updating the per se threshold for furosemide to a higher specific gravity of urine.

Considering expanding eligibility for owners to claim horses to include those who have raced in New York within a certain period of time.

Considering environmental thresholds for common contaminants that might be present in a horse.

Considering establishment of a Jackpot Pick Six wager in harness racing.

Considering amendments to equine drug rules.

Considering amendment to Thoroughbred show wagering rule.

Considering amendment to harness racing eligibility rule to allow for longer periods of time without racing before a horse must requalify.

Considering amendment to Standardbred triple wager rule.

Considering the addition of a Jackpot Super High Five wager in Standardbred racing.

Considering amendments to Thoroughbred rules to restrict a horse from racing for 14 days after a joint injection treatment, to require that all joint injections be reported to the commission within 48 hours, and to forward such information to the veterinarians who perform pre-race examinations of horses.

Considering amendments to Thoroughbred rules to require medical clearance to be licensed as a jockey and to return to riding after a traumatic event, to require self-reports of medical conditions including a baseline concussion assessment, and to require steeplechase jockeys to obtain a commission license and to participate in 40 sanctioned races before riding in a steeplechase race with pari-mutuel wagering.

Considering establishing standards for backstretch worker housing at all race tracks.

Interactive Fantasy Sports

Considering the adoption of regulations implementing Article 14 of the Racing, Pari-Mutuel Wagering and Breeding Law.

Lottery

Considering administrative fees for the processing of prize payments.

Information may be obtained, and written comments may be submitted, regarding any of the above proposed amendments by contacting:

Kristen Buckley

New York State Gaming Commission

One Broadway Plaza

P.O. Box 7500

Schenectady, NY 12301-7500

(518) 388-3407

gamingrules@gaming.ny.gov

This agenda is posted on the Commission's website at <https://www.gaming.ny.gov/proposedrules.php>

Department of Health

The following regulatory actions are under consideration for submission as a Notice of Proposed Rulemaking from January through December 2020:

DESCRIPTION OF THE RULE SUBJECT MATTER

Title 10 NYCRR (Health)

2.1 Communicable Diseases - Modify the list of reportable diseases set forth in the New York State Sanitary code (10 NYCRR 2) to add new emerging infections and remove diseases that do not require a public health response. The addition of new or emerging cases to the list of reportable communicable diseases allows public health officials to prevent secondary transmission, identify new emerging infections, identify outbreaks and evaluate the effectiveness of control measures.

2.5 Communicable Diseases - Revise the list of reportable diseases in 10 NYCRR, section 2.5 (list of diseases for which physicians have a duty to submit specimens) to be consistent with those listed in section 2.1.