

NEW YORK STATE DEPARTMENT OF HEALTH
PUBLIC HEALTH AND HEALTH PLANNING COUNCIL
COMMITTEE ON CODES, REGULATIONS AND LEGISLATION MEETING
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TRANSCRIPT

Mr. Holt Good morning. I'm Tom Holt, Chair of the Committee on Codes, Regulations and Legislation. I have the privilege to call to order the Codes Committee and welcome members, participants and observers. I'd like to remind council members, staff and the audience that this meeting is subject to the Open Meeting Law and is broadcast over the internet. The webcast is accessed at the Department of Health's website. The On Demand webcast will be available no later than seven days after the meeting for a minimum of thirty days, and then a copy will be retained by the department for four months. There are some suggestions or ground rules to make this meeting a little bit more successful. Because there are synchronized captioning it's important that people do not speak over one another. Captioning cannot be done correctly when two people are speaking at the same time. The first time you speak please state your name and briefly identify yourself as a council member or DOH staff. This will be of assistance to the broadcasting company who is recording this meeting. Please note that the microphones are hot mics, meaning they pick up every sound. Therefore, I ask that you avoid rustling papers next to the microphone and be sensitive about personal conversations or sidebars as the microphones can pick up this chatter. We have three regulations on the agenda for today.

Mr. Holt We'll move right into the three codes that we have for adoption, the first one being reproductive health standards.

Mr. Holt Can I have a motion for a recommendation of adoption of this regulation to the Public Health and Health Planning Council.

Mr. Kraut So moved.

Mr. Holt Mr. Kraut.

Mr. Holt Second?

Mr. Holt Dr. Watkins.

Mr. Holt Thank you.

Mr. Holt Staff from the department are here and available to provide us with information on this proposal.

Dr. Siegenthaler Dr. Siegenthaler. We are available to speak about this.

Mr. Holt Please go ahead.

Dr. Siegenthaler Okay.

Dr. Siegenthaler Thank you for having us. This is our second time appearing. We provided this information previously. These proposed amendments are going to update Sections 10 and 18 of New York Codes, Rules and Regulations. They will seek to modernize the definition of abortion, reflect the most current clinical guidance regarding abortion care, and ensure patients receiving abortion care do not undergo unnecessary treatments due to outdated laws and regulations. These are sort of three specific amendments. One is to repeal the current Section 12.13, replacing it with a new amended Section 12.21 to clarify that blood type and RH factor testing should be governed by the latest evidence based clinical guidelines. The second is repealing Section 12.20, which requires that abortion care after twelve weeks of pregnancy be provided only in a hospital on an inpatient basis. The third change is to modernize the definition of abortion by expressly including medication and procedural service as deemed appropriate by the patient and the physician. These amendments have been published. The public comment period is closed. We received three public comments that were all overwhelmingly in support. There were no recommendations for changes in those public comments and no changes have been made to the regulations that we had originally provided to PHHPC for review.

Mr. Holt Thank you.

Mr. Holt Taking questions from the members of the committee or the council?

Mr. Holt Again, we are known from the community who had signed up to speak. I'll go ahead and call the question. Again, this is just for the members of the committee itself.

Mr. Holt All in favor?

All Aye.

Mr. Holt Opposed?

Mr. Holt Motion carries.

Mr. Holt Thank you.

Mr. Holt This regulation now goes to the council for adoption later this morning or early this afternoon.

Mr. Holt The next is disease outbreak investigation and response clarification.

Mr. Holt Can I have a motion for a recommendation of adoption of this regulation of the full Public Health and Health Planning Council?

Mr. Holt Dr. Rugge.

Mr. Holt Second, Dr. Watkins.

Mr. Holt Staff from the department are here and available to provide us with information on this proposal.

Dr. Lutterloh Hello. The proposed amendments involve some minor wording changes that more explicitly allow us to provide local health authorities with flexibility when they prioritize

which cases of certain reportable conditions are fully investigated. The amendments are responsive to previously submitted public comment and feedback from both NYSACHO and New York City related to investigation and response activities. Really, they bring the language of the regulation more in alignment with current practice. The public comments are summarized in the assessment of public comment. Overall, they were supportive of the regulation, most of them related to other changes that NYSACHO and New York City want in in the regulation. We discussed with NYSACHO beforehand whether we should proceed with these changes which are the easy ones that we all agree with or tackle everything at once, which was going to be a more likely effort. They were in favor of us tackling the easy things now, which is what we have here. Like I said, the assessment of the public comments was overall in favor except for the minor wording suggestions, and we did not make any changes to the regulation.

Mr. Holt Thank you.

Mr. Holt Questions from the members of the committee or the council?

Mr. Holt Again, we had no one from the community who had signed up to speak. I'll go ahead and call the question.

Mr. Holt All in favor?

All Aye.

Mr. Holt Opposed?

Mr. Holt Motion carries.

Mr. Holt This regulation now goes to the full council for its adoption.

Mr. Holt Lastly, we have hospital site cybersecurity requirements.

Mr. Holt Can I have a motion for a recommendation of adoption of this regulation to the full Public Health and Health Planning Council?

Mr. Holt Mr. Kraut.

Mr. Holt Dr. Watkins, second.

Mr. Holt We have several staff from the department who are here to provide us with information on this proposal.

Mr. Hanchett Sorry about that. Good morning, Drew Hanchett from the Department of Health and the Chief Health Information Officer there. I'm here with our Chief.

Mr. Holt If you could just get as close to the microphone as you could.

Mr. Holt Thank you.

Mr. Hanchett I'm also here with my Chief Information Security Officer, Lorraine. The proposed regulations that we bring today will ensure all hospitals develop, implement and maintain minimum cybersecurity standards and programs, including information

technology, staff, networking, monitoring and testing policy and program development, employee training and remediation incident response, appropriate reporting protocols and record retention. These regulations seek to help ensure continuity of hospital operations, broadly delivering critical health care services and to safeguard our protected health information and personally identifying information from being publicly disclosed and or used for nefarious purposes. For a bit of background, these regulations were presented back in November of 2023. Since then, we've completed two rounds of public comment sixty-day period between December and February of 2024. We received fourteen public comments on that, largely supporting the regulation. A second round of public comment went out between May and July of this year. The two main material changes that were made between those two periods were around incident reporting timeline, which was set to 72 hours to better align with federal guidelines and standards. We made a couple of changes to more closely aligned with health sector cybersecurity performance goals expanded the concept of risk-based authentication using MFA to reflect identity and access management practice more broadly. We added email security controls to address the growing electronic mail threats that we see in this space.

Mr. Holt Thanks.

Mr. Holt We have questions from the members of the committee or the council.

Mr. Holt Dr. Watkins.

Dr. Watkins Dr. Kevin Watkins, Public Health Director, Cattaraugus County Health Department, member of the council. On Page 30 of the regulation, you talk about the costs for small, medium size and large hospitals. Costs can be anywhere between \$250,000 up to \$10 million. I see that New York State is offering these institutions grant funding for this cybersecurity systems that are being required by these institutions. So far, it looks like the funding is \$650 million that is being offered to these institutions. Looks like it says that the appropriations went out in state fiscal year 2024. Can you elaborate on how much funding has been disbursed to these institutions at this time?

Mr. Hanchett In terms of dispersal, I don't have that information. I believe that those grant requests for dollars through grants, through the statewide funding are still under review right now. I don't believe that those funds have been disbursed at this time. You know, I will say the department understands the high cost to health care facilities to build and maintain the appropriate levels of cybersecurity and resiliency here and beyond. The initial dollars that we've put out and are available, it will be important for all of us to continue to explore our funding sources in this space.

Mr. Holt Thank you for the question, Dr. Watkins.

Mr. Holt Other questions from the members of the council or committee?

Mr. Holt Again, we had no one from the community who had signed up to speak in advance. I'll go ahead and call the question.

Mr. Holt All in favor?

All Aye.

Mr. Holt Opposed?

Mr. Holt Motion carries.

Mr. Holt These three regulations will now go to the full council for presentation.

Mr. Holt That concludes this morning's meeting of Codes.

Mr. Kraut Thank you very much, Mr. Holt.