

Prenatal Care Assistance Program (PCAP)

Effective date: 3/2/11

Pursuant to the authority vested in the Department of Health and the Commissioner of Health by sections 201 and 206 of the Public Health Law and sections 363-a and 365-a (2) of the Social Services Law, sections 85.40 and 86-4.36 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York are repealed, to be effective upon publication of a Notice of Adoption in the New York State Register, as follows:

Section 85.40 is repealed.

Section 86-4.36 is repealed.

NOTICE OF CONSENSUS RULEMAKING

Statutory Authority:

The statutory authority for the regulation is contained in sections 201 and 206 of the Public Health Law (PHL) and sections 363-a and 365-a(2) of the Social Services law which authorizes the commissioner to direct the promulgation or repeal of rules and regulations as may be necessary. The proposed elimination of regulation 85.40 and 86-4.36 of Title 10 NYCRR repeals a program provision that is no longer in existence due to new legislation (Chapter 484 of 2009) that became effective November 1, 2009.

Basis:

The proposed regulation repeals an obsolete provision of the Department's Prenatal Care Assistance Program (PCAP) set forth in sections 85.40 and 86-4.36 of Title 10 NYCRR. 2009 legislation has eliminated the PCAP designation, and its associated rates. Chapter 484 of 2009 sets forth prenatal care standards applicable to all Medicaid prenatal care providers and therefore effectively eliminates the prenatal care designation assigned to specific Medicaid clinic providers.

JOB IMPACT STATEMENT

No job impact statement is required pursuant to section 201-a (2) (a) of the State Administrative Procedure Act. It is apparent, from the nature of the proposed amendment, that it will not have a substantial adverse impact on jobs and employment opportunities. Even though the Prenatal Care Assistance Program has been abolished, all Article 28 clinics, if certified, can provide prenatal care services and presumptive eligibility determinations according to the new prenatal care standards. This will allow for pregnant women to have increased access to prenatal care services across the state.