

Rural Area Flexibility Analysis for 12 NYCRR §§ 300.7(c), 300.9, 300.13(d), 300.18(f), 325-4.6(c), 326-1.5(b), 326-2.7, 330.4(b), 340.4(b) and 345.4(b).

1. Types and estimated numbers of rural areas: The proposed regulation changes provide the Board with flexibility in setting the format of verbatim recordings of hearings. This rule does not impose any requirement or require any action of any individual or entity. However, this rule may result in a change in the format of a transcript of Board hearings for individuals and entities, such as claimants, employers, insurance carriers, and attorneys, who appear before the Board. Individuals and entities, such as claimants, employers, insurance carriers, medical providers, attorneys, and others, are located all across the State including all rural areas of the State.

2. Reporting, recordkeeping and other compliance requirements; and professional services: The proposed regulation does not require any action whatsoever by individuals and entities who appear before the Board in rural areas. The proposed regulation does not impose or require any reporting requirements or additional paperwork and individuals and entities that appear before the Board in rural areas will not have to engage any professional services as a result of the proposed regulation. The only change may be the person/office contacted to receive a record of a hearing and the format in which it is received. The Board would always ensure the format would be one that was common to most entities and will be in full compliance with State Technology Law regarding electronic records.

3. Costs: Individuals and entities located in rural areas who appear before the Board will not incur any capital costs, annual operating costs or any compliance costs as a result of the proposed regulation. The only cost would be for the copy of the record of the hearing, which they already incur. Electronic recordings of hearings may cost less than stenographic records.

4. Minimizing adverse impact: The proposed regulation will have no adverse economic impact on individuals and entities located in rural areas who appear before the Board. The cost for utilizing alternate

means for recording hearings, including installation or updating electronic recording devices, will be borne by the Board.

5. Rural area participation: Inasmuch as the proposed regulation does not adversely impact on public or private entities in rural areas, the Board did not request comment from entities in rural areas on the proposed regulation. Further, the Board is not eliminating the use of verbatim reporters to record hearings with this proposal. Rather it provides flexibility so the Board can explore all means available to determine and implement the most accurate and cost effective method or methods.