

Clause (c) of subparagraph (i) of paragraph (1) of subdivision (a) of section 324.3 of Title 12 NYCRR is hereby amended to read as follows:

(c) Notwithstanding that a surgical procedure is consistent with the guidelines, a second or subsequent performance of such surgical procedure shall require a [variance] PAR: special services if it is repeated because of the failure or incomplete success of the same surgical procedure performed earlier, and if the medical treatment guidelines do not specifically address multiple procedures.