

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

Dr. Yang: My name is Patsy Yang. I'm the vice chair of the Committee on Codes, Regulations and Legislation. Privilege of calling to order our committee this morning, members, and participants and observers. I am ...

Mr. Kraut: Patsy, hold it closer.

Dr. Yang: I'm going to do it closer. Does that help?

Mr. Kraut: No.

Dr. Yang: No? How about now?

Mr. Kraut: There you go.

Dr. Yang: Okay.

Good morning. Patsy Yang here, vice chair of the Committee on Codes, Regulations and Legislation. I'm reminding all council members and staff and audience that we are broadcast over the open meeting law over the internet. And you can access the webcast on the department's website. The on-demand webcast is available for about 30 days after this meeting.

Some ground rules please be reminded. This is synchronized captioning, so please don't speak over one another so that captioning can be done correctly. The first time you speak, please state your name. Briefly identify yourself as a member of the council or staff. Also, the mics are hot, so if you're engaging in any side chatter that you don't want anybody else to hear about, just know that we're all listening. For a reminder also, there's a form that needs to be filled out if you would like to give some testimony to the council. And the forms are also posted on the website.

Okay. This morning, we have two items for the committee. If the public wishes to speak on any of them, you're limited to three minutes or less. We're asking that you limit yourself to one

presenter per organization and be prepared to come forward and you'll be called in order to present your comments.

The first item for discussion is an item for ... Let's see. What are we doing here? For information. Sorry. And that is certificates of qualification for clinical laboratory directors 24-15, which is repeal of Part 19, and the addition of Subpart 58.6 to Title 10 of NYCRR. The regulation is being presented to the committee for information only today. It will be presented to the committee in the full counsel at a later date.

And for questions and presentation, we have staff from the department, Beverly Rauch and Alexa Nagy are available if you want to present or speak to us at this point.

Ms. Rauch:

Good morning. My name is Beverly Rauch. I'm the director of the Clinical Laboratory Evaluation Program presenting these regulations to repeal Part 19. These regulations are subject to repeal because there was a legislation that was adopted in early 2025 that took out the provisions, removed the provisions, related to the authority of the Public Health and Health Planning Council to govern the qualifications of clinical laboratory directors.

This legislation was proposed due to a change in the interpretation of the federal oversight of clinical laboratories. As a state licensure program, we apply to the federal government every six years to obtain approval as a state licensure program to work on their behalf rather than having the clinical laboratories in New York apply directly to the federal government for their clinical laboratory approvals.

And their review in 2021, it was determined that our Part 19 was not as stringent as the clear requirements and therefore we were put in a position where we had to make those changes to align our regulations with the federal regulations. And the statute was revised to open up that pathway to make these changes. So, the underlying issues were we're repealing Part 19, but we're re-adopting these regulations under Subpart 58.6, which would then not be subject to PHHPC approval in the future for the qualifications of laboratory directors.

The issue of the laboratory director's qualifications themselves. The underlying concern from the federal government was that the qualifications to issue approvals for individuals who are earned doctoral degree holders. Under the federal requirements, they are required to hold board certification. Our current regulations under

Part 19 do not require board certification for those earned doctoral degree holders, and therefore we had to revise those regulations significantly.

In effort to not to disenfranchise those current certificates of qualification holders who are earned doctoral degree holders who are not board certified. We developed a pathway where those individuals could still serve in laboratories as technical directors rather than laboratory directors. And still be able to be employed and provide their expertise in those areas of testing.

Dr. Yang: Great. Are there any questions from the council or committee? Anyone from the public?

Okay. I think that's all. We'll present this to the full council.

The second item is for adoption, cybersecurity requirements for public water systems. That's 25-09. Addition to Appendix 5-E of Subpart 5-1 Title 10 NYCRR. Can I have a motion please? Okay. Got two and a second. Great. Thank you.

Rachel Cicigline and Will Sacks from the department. Can you do some presentation for us?

Mr. Sacks: Good morning everyone. Is this on? Can you hear me? Okay?

Good morning. Thank you.

The department promulgates this new appendix 5-E to Subpart 5.1 of Title 10 pursuant to its general regulatory authority in Public Health Law Section 1100 and more specifically, the risk assessment and reporting obligations for public water supply operators found in Public Health Law Section 1125.

These regulations apply to systems that serve more than 3,300 people. The comprehensive obligations include the establishment of cybersecurity programs to protect water system operations. Review an update of cybersecurity vulnerability analyses at least once a year or sooner if there is a major change to the system. Reporting of vulnerabilities to the department within 48 hours. If those vulnerabilities could affect regulatory compliance or pose a public health risk, the systems will have 120 days to address and resolve those vulnerabilities.

The regulations require operators to ensure drinking water operational staff receive at least one hour of basic cybersecurity

training. They must report cybersecurity incidents to the department within 24 hours if they have impacted or could impact system operations or public health. And they must maintain an incident response plan so the system can recover from a cybersecurity incident.

Additionally, for systems that serve more than 50,000 people. Operators will be required to designate a qualified individual to oversee the system's cybersecurity program, to monitor and log network activity to detect and respond to potential threats, and provide an annual confidential report to the system's governing body summarizing cybersecurity risks and program status.

Since the informational presentation we brought before you, we have made changes to this regulation in response to feedback from the first public comment period. They include the following. Clarification that cybersecurity incident reporting thresholds must specify that only incidents which have created or may create a public health hazard must be reported to the department within 24 hours.

We clarified that cybersecurity vulnerability reporting requirements must align with existing department reporting standards. And we explicitly stated that reporting applies to vulnerabilities or situations that may pose a risk to public health.

We revised the designation of cybersecurity leadership for large systems by removing the term qualified executive. And instead allowing water system operators to designate an individual deemed qualified based on demonstrable cybersecurity knowledge and practical experience.

We reduced the administrative burden related to network logging by removing a fixed three-year log retention requirement, and instead we'll require that logs be available on an as-needed basis for investigation and response purposes.

Additionally, we updated the regulatory impact statement to reflect the department's plan to recruit additional staff to support implementation and oversight of the regulation. Beyond that, we simply note that we received no comments in response to the amended filing.

Are there any questions?

Dr. Yang: Any questions from the committee or council? Do any members of the public have any comments on this?

Okay. Hearing none, I'd like to call a vote on adoption of this regulation. All in favor, please.

Mr. Sacks: Aye.

Dr. Patsy Yang: And opposed? That's it. I think we'll forward this to the full council. Thank you.

Mr. Sacks: Okay. He's on his way now.

Dr. Patsy Yang: I think that concludes our business for the morning. Thanks.