

Human Services Legal & Regulatory Update

January 2026

Bond, Schoeneck & King, PLLC is pleased to share its new quarterly publication, which provides critical compliance updates for human services providers. This publication offers concise and practical updates to help human services organizations plan for and adapt to legal and regulatory changes. It follows Bond's launch of the annual Human Services Compliance Academy in the fall of 2025.

Please do not hesitate to contact [Roger Bearden](#), [Diana Waligora](#), or the attorney with whom you regularly interact for assistance in understanding and navigating the impact of any of these developments.

FEDERAL UPDATE

Although the rules [proposed](#) under the Biden Administration to update the Health Insurance Portability and Accountability Act (HIPAA) Security Rule have not yet been finalized, active HIPAA enforcement continues, with multiple new [settlements](#) reached under the Trump Administration. Final agency action on the proposed HIPAA Security Rule is currently [projected for May 2026](#). While the Trump Administration announced its intention to engage in significant deregulatory activity, it has not issued any proposed regulatory repeals directly impacting human services providers.

The impact of the One Big Beautiful Bill Act (OBBBA) remains to be seen, with implementation beginning in 2026. How New York State will meet new Medicaid eligibility requirements remains an [open question](#), and the State's approach may affect both Medicaid funding and the eligibility of certain individuals to receive Medicaid services.

NEW YORK STATE UPDATE

Legislative Activity

Governor Hochul announced in mid-December that she reached an agreement with the Legislature regarding the Medical Aid in Dying Act (MAID), which will permit mentally competent, terminally ill adults with a prognosis of six months or less to live to request that a physician prescribe medication the individual may self-administer to hasten death. The Governor did not sign the [initial bill](#) presented to her but instead negotiated a [new bill](#) that is being introduced. The bill contains various safeguards, including:

- A psychological evaluation by a psychiatrist, neurologist, or licensed psychologist as a condition of qualification;
- A requirement that a patient's oral request for MAID be recorded and permanently maintained in the patient's medical record; and
- A mandatory five-day waiting period between when the prescription is written and when it may be filled.

In addition, bills signed near the end of the session include a [requirement for controlled substances training for childcare staff](#), [new authority for the Office of Children and Family Services \(OCFS\) to set staff-to-child ratios by regulations](#) and [protections for providers offering reproductive and gender-affirming care](#).

Regulatory Activity

The Office for People with Developmental Disabilities (OPWDD) continues its implementation of the Intellectual and Developmental Disability Ombudsman Program (IDDO), including releasing an [informational letter](#) to notify all OPWDD providers and health homes serving people with developmental disabilities of the statutory requirement to provide information about the IDDO to the individuals receiving services. OPWDD also finalized [supported decision-making regulations](#) as an alternative to traditional guardianship. At the end of 2025, OPWDD published [proposed regulations](#) concerning clinics licensed under Article 16 of the Mental Hygiene Law.

The Office of Children and Family Services (OCFS) finalized [regulations](#) to expand background checks for staff at childcare institutions, consistent with federal law. OCFS also [proposed](#) amendments requiring foster care agencies to start developing a Transition Plan for all youth at age 16, regardless of permanency goal. The plan must be developed continuously with the youth and must be finalized at least 90 days before the youth turns 18.

The Office of Alcoholism and Substance Abuse Services (OASAS) [proposed](#) a new Part 600, intended to subject Certified Community Behavioral Health Clinics (CCBHCs) to the oversight of the Office of Mental Health (OMH) and OASAS. OASAS also released a [proposed rulemaking](#) with substantial updates to the general service standards for Substance Use Disorder Outpatient Programs licensed under Part 822.

OMH adopted updated [regulations](#) governing incident management programs. These changes relate to an audit by the Office of the State Comptroller, which found that providers needed to enhance compliance with Mental Hygiene Law § 33.23.

The Department of Health (DOH) [proposed](#) revisions to regulations governing children's camps to:

- Allow 15-year-old lifeguards;
- Modify their regulation of pesticides;
- Require all regulated children's camps to provide an automated external defibrillator (AED) or describe a reasonable means of ready access to an AED;
- Ensure at least one staff member is adequately trained in the use of an AED; and
- Modify program oversight authority to permit-issuing officials.

The Office of Medicaid Inspector General (OMIG) released new [audit protocols](#), including protocols governing [Opioid Treatment Programs \(OTPs\)](#), [Substance Use Disorder Outpatient Programs](#), [Personalized Recovery Oriented Services \(PROS\)](#), and the [Nursing Home Transition and Diversion Waiver \(NHTD\)](#). The release of such protocols often precedes enhanced audit activity, as seen with the protocol for [Community Habilitation Services](#), issued early in 2025.

Bond, Schoeneck & King will continue to monitor these legal and regulatory developments and provide updates as they become available.

To receive updates on issues impacting the human services industry, register [here](#).



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