

DOE—OGC

Proposed Rule Stage

some minor language changes would clarify its applicability. In addition, efficient application of the regulation will be promoted by more closely modeling it on the comparable Department of Justice regulation, since the Department of Justice is usually responsible for representing the Department of Energy in such matters. The cost of this action is expected to be de minimis and could effect a savings, since clarification and recodification of the existing regulation may avoid needless litigation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	07/00/89	
Final Action	08/00/89	
Final Action Effective	08/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Robin A. Henderson, Trial Attorney, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW, GC-22, Washington, DC 20585, 202 586-8700

RIN: 1990-AA12

561. ● CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SIGNIFICANT QUANTITIES OF SPECIAL NUCLEAR MATERIAL; REVISION OF CURRENT PROCEDURES

Legal Authority: 42 USC 2161; 42 USC 2165; 42 USC 2201

CFR Citation: 10 CFR 710

Legal Deadline: None

Abstract: Revision and amendment of the current administrative procedure is necessary to streamline and shorten the process for resolving questions concerning the eligibility of individuals who are employed by or applicants for

employment with DOE contractors, agents, and access permittees of the DOE, individuals who are DOE employees or applicants for DOE employment, and other persons designated by the Secretary of DOE for access to Restricted Data or significant quantities of special nuclear material, or for access to national security information.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack M. Kress, Deputy General Counsel for Legal Services, Department of Energy, Office of General Counsel, GC-40; Room 6A-197, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-5246

RIN: 1990-AA13

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Final Rule Stage

562. CLASS PATENT WAIVERS

Legal Authority: 42 USC 2182; 42 USC 5908

CFR Citation: 10 CFR 785

Legal Deadline: None

Abstract: The proposed regulation would provide for certain class waivers, serving to streamline and simplify procedures for DOE contractors to seek

rights in inventions made under DOE research and development contracts.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44602
NPRM Comment Period End	01/09/89	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-2802

RIN: 1990-AA07

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Completed Actions

563. IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

Legal Authority: 31 USC 3801 to 3812

CFR Citation: 10 CFR 1013

Legal Deadline: Final, Statutory, May 1, 1987.

Abstract: These regulations establish administrative procedures for imposing the statutorily authorized civil penalties and assessments against any person who makes, submits, or presents a false, fictitious, or fraudulent claim or

written statement to the Department of Energy. No other alternatives are being considered, since these are congressionally mandated regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	52 FR 20403
NPRM Comment Period End	07/31/87	52 FR 20403
Final Action	10/30/88	53 FR 44379
Final Action Effective	10/30/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jack M. Kress, Deputy General Counsel for Legal Services, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-5246

RIN: 1990-AA08

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Monday
April 24, 1989

Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

20 CFR Ch. III

21 CFR Ch. I

42 CFR Chs. I-V

45 CFR Subtitle A, Chs. II, III, and XIII

Unified Agenda of Regulations

AGENCY: Department of Health and Human Services.

ACTION: Publication of unified agenda of regulations.

SUMMARY: The President's February 17, 1981, Executive Order (12291) and the Regulatory Flexibility Act of 1980 require the Department to publish an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their effect on small businesses. The Department published its last agenda on October 24, 1988.

FOR FURTHER INFORMATION CONTACT:

For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: Charlotte E. Lewis, Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue, SW., Washington, DC 20201, Telephone: (202) 245-6824.

W. Keith Lively,

Deputy Executive Secretary to the Department.

Office of the Secretary—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
564	Revisions to "Quality of Care" Exclusion and Payment Denial Regulations	0991-AA61

Office of the Secretary—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
565	Principles for Determining Costs and Cost Allocation Procedures Applicable to Grants, Contracts, and Other Agreements for Work Performed by Hospitals	0991-AA12
566	Civil Money Penalties and Sanctions for HMOs and Competitive Medical Plans	0991-AA44
567	Prohibition on Use of Physician Incentive Plans	0991-AA45
568	New Civil Money Penalties and Exclusions Authorities Resulting from OBRA 1986 and OBRA 1987	0991-AA46
569	Amendments to OIG Exclusion and CMP Authorities Resulting from PL 100-93	0991-AA47
570	PRO Rural Practitioners Amendments	0991-AA51
571	Civil Money Penalties and Sanction Authorities Relating to the Medicare Catastrophic Coverage Provisions	0991-AA52
572	Civil Money Penalties for Violations Relating to Medical Supplemental Policies	0991-AA53
573	Civil Money Penalties for Misuse of Departmental Symbols or Emblems	0991-AA54
574	Block Grant Programs	0991-AA55
575	Contract Audit Policy	0991-AA59
576	Revisions to the PRO Sanctions Notification Process	0991-AA60

Office of the Secretary—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
577	Nondiscrimination Requirements (Including on the Basis of Sex or Religion) Applicable to Block Grants and Standard Nondiscrimination Procedures Applicable to Certain Other Programs	0991-AA02
578	Equal Opportunity in Employment: Public Broadcasting, Public Radio and Public Telecommunications Entities Receiving Federal Funds from the Corporation for Public Broadcasting	0991-AA22
579	Audits of Non-governmental Grantees	0991-AA29
580	Civil Money Penalties and Exclusions for Assistants at Cataract Surgery	0991-AA37
581	Civil Money Penalties for Failure to Report Medical Malpractice Payments and for Breaching the Confidentiality of Information	0991-AA40
582	OIG Anti-Kickback Provisions	0991-AA49
583	Uniform Administrative Requirements for Grants and Cooperative Agreements	0991-AA56
584	Standardization and Uniform Application of CMP Procedures	0991-AA57

HHS

Office of the Secretary—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
585	Freedom of Information Act Regulation	0991-AA07
586	Privacy Act Regulation.....	0991-AA11
587	Administrative Adjudication of Certain Health Care Exclusion Cases.....	0991-AA58

Departmental Management—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
588	Implementation of the Equal Access to Justice Act in Agency Proceedings	0990-AA02
589	Testimony by Employees and the Production of Documents in Proceedings Where the United States is not a Party	0990-AA03

Office of Human Development Services—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
590	Foster Care, Adoption Assistance, and Child Welfare Services.....	0980-AA08
591	Runaway and Homeless Youth Program.....	0980-AA11
592	Head Start Criteria for Selection of New Grantees.....	0980-AA17
593	Head Start Appeals Process.....	0980-AA20
594	Head Start Recruitment Selection and Enrollment of Children	0980-AA27
595	Head Start: Limits on Costs of Development and Administration	0980-AA32
596	Head Start Performance Standards for Infants, Toddlers, and Pregnant Women.....	0980-AA33
597	Adoption and Foster Care Information	0980-AA35
598	Child Abuse and Neglect: technical amendments.....	0980-AA40

Office of Human Development Services—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
599	Head Start Staff and Program Options Requirements.....	0980-AA18
600	Head Start Performance Standards for Services to Handicapped Children	0980-AA21
601	Developmental Disabilities Program.....	0980-AA36

Office of Human Development Services—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
602	Nonrecurring Costs of Adoption	0980-AA24
603	Native Hawaiian Loan Fund Demonstration Project	0980-AA37

HHS

Social Security Administration—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
604	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Cardiovascular System	0960-AA99
605	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Respiratory System	0960-AB00
606	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Musculoskeletal System	0960-AB01
607	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjustments in SSI Benefits on Account of Retroactive Benefits Under Title II	0960-AB38
608	Supplemental Security Income Program; Limitation on Recoupment Rate in Case of Overpayment	0960-AB40
609	Disclosure of Information for Law Enforcement Purposes	0960-AB66
610	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Evaluation Guides for Determining Substantial Gainful Activity (SGA)	0960-AB73
611	Supplemental Security Income Program; Exclusions from Income and Resources of Indian Judgement Funds and Per Capita Distributions	0960-AB86
612	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Mental Disorders-Childhood	0960-AB96
613	Old-Age, Survivors, and Disability Insurance Program; Evaluation Criteria for Immune System Disorders, Including HIV Infection (Acquired Immunodeficiency Syndrome (AIDS)/AIDS-Related Complex)	0960-AC06
614	Old-Age, Survivors, and Disability Insurance Program; Nonpayment of Benefits to Prisoners, Vocational Rehabilitation Exception	0960-AC16
615	Supplemental Security Income Program; Continuation of Benefits and Special Eligibility for Certain Severely Impaired Recipients Who Work	0960-AC22
616	Supplemental Security Income Program; Payment of Benefits Due Deceased Recipients	0960-AC28
617	Old-Age, Survivors and Disability Insurance Program and Organization and Functions; Correction of Earnings Records	0960-AC30
618	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Past Work Experience and Adjustment to Other Work	0960-AC39
619	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Fee Limitation Policy for Purchase of Laboratory Tests	0960-AC41
620	Supplemental Security Income Program; Proceeds of a Loan, Payment of Pro Rata Share of Household Operating Expenses	0960-AC42
621	Supplemental Security Income Program; Exclusion from Countable Resources of the Value of Promissory Notes in Home Replacement Situations	0960-AC43
622	Old-Age, Survivors, and Disability Insurance Program; Extension of Social Security Coverage to Certain Workers; Medicare Only Coverage of Certain State and Local Government Employees	0960-AC45
623	Old-Age, Survivors, and Disability Insurance Program; Applicability of Government Pension to Certain Federal Employees	0960-AC46
624	Supplemental Security Income Program; Exemption of Certain Assistance Payments from Retrospective Monthly Accounting	0960-AC49
625	Supplemental Security Income Program; Increase in Emergency Advance Payments	0960-AC50
626	Supplemental Security Income Program; Modification of Interim Assistance Reimbursement Program	0960-AC51
627	Supplemental Security Income Program; Exclusion from Income of Payments Received For and Used to Pay Last Illness and Death	0960-AC52
628	Supplemental Security Income Program; Continuation of Full Benefit Standard for Persons Temporarily Institutionalized	0960-AC55
629	Old-Age, Survivors, and Disability Insurance Program; Revision of Contributions for Support Rules	0960-AC57
630	Old-Age, Survivors, and Disability Insurance Program; Supplemental Earnings Reports	0960-AC58
631	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Representation of Parties - Suspension and Disqualification of Representatives	0960-AC59
632	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Determination of Disability - Determining State Agency Substantial Failure	0960-AC60
633	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Vocational Regulations Restructuring and Clarification	0960-AC61

HHS

Social Security Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
634	Supplemental Security Income Program; Suspensions, Terminations, and Advance Notice of Adverse Determinations..	0960-AA22
635	Supplemental Security Income Program; Reopening and Revising Supplemental Security Income Determinations and Decisions Within Four Years of the Notice of the Initial Determination	0960-AA59
636	Old-Age, Survivors, and Disability Insurance Program; Treatment of OASDI Lump Sum and Monthly Payments in the Aid to Families with Dependent Children Program.....	0960-AA90
637	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Program; Continued Payment of Benefits to Persons in Vocational Rehabilitation Programs.....	0960-AB05
638	Supplemental Security Income Program and Medicaid Assistance; What Is Not Income.....	0960-AB09
639	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Standards for Consultative Examinations; Existing Medical Evidence.....	0960-AB22
640	Supplemental Security Income Program; How We Count Unearned Income—Funds Used to Pay Indebtedness.....	0960-AB29
641	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Determinations of Disability- Compliance, and Other Changes	0960-AB36
642	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Payment of Costs of Rehabilitation Services	0960-AB37
643	Old Age, Survivors, Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Multiple Impairments.....	0960-AB39
644	Old-Age, Survivors, Disability Insurance and Supplemental Security Income Programs; Evaluation of Symptoms, Including Pain.....	0960-AB41
645	OASDI & SSI Programs; Overpayment and Liability for Repayment of an Overpayment.....	0960-AB78
646	Old-Age, Survivors and Disability Insurance; Black Lung; and Supplemental Security Income Programs; and Organization and Procedures; Application of Circuit Court Law.....	0960-AB85
647	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Decisions by Administrative Law Judges in Cases Remanded by Courts.....	0960-AC07
648	Supplemental Security Income Program; Federal Administration of Optional State Supplementation	0960-AC13
649	Supplemental Security Income Program; Permanent Residence in the United States Under Color of Law - Additional Category	0960-AC26
650	Old-Age, Survivors, and Disability Insurance Program; Employment, Wages, Self-Employment, and Self-Employment Income	0960-AC27
651	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Consideration of Vocational Factors.....	0960-AC31
652	Organization and Procedures, and OASDI Programs; Evidence Required for Original or Duplicate Social Security Number Card.....	0960-AC32
653	Organization and Procedures, and Old-Age, Survivors, and Disability Insurance Programs; Social Security Number Cards for Aliens	0960-AC34
654	Old-Age, Survivors, and Disability Insurance Program; Addition of Down Syndrome to the Listing of Impairments	0960-AC35
655	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Cancelled Consultative Examinations.....	0960-AC40
656	Supplemental Security Income Program; Exclusion of Real Property When It Cannot Be Sold; and Transfer of Assets for Less Than Fair Market Value.....	0960-AC47
657	Supplemental Security Income Program; Exclusion From Resources of Funds Set Aside for Burial and Burial Spaces...	0960-AC48
658	Supplemental Security Income Program; Public Emergency Shelters for the Homeless, Exclusion of Underpayments, Increase in Personal Needs Allowance	0960-AC54
659	Old-Age, Survivors, and Disability Insurance Program; Social Security Numbers for Newborn Children.....	0960-AC56
660	Old-Age, Survivors and Disability Insurance; Continued Payment of Benefits During Appeal.....	0960-AC62

Social Security Administration—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
661	Old-Age, Survivors, and Disability Insurance Program; Coverage of Certain Federal Employees; Coverage of Earnings of Federal Judges	0960-AA89
662	Supplemental Security Income Program; Treatment of Property Held in Trust or Other Similar Legal Devices When the Property is Available for a Beneficiary's Support and Maintenance.....	0960-AB79
663	Old-Age, Survivors, and Disability Insurance Program; Reduction Because of Entitlement to Other Benefits	0960-AB87
664	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; The Hearings and Appeals Process and Reopening Determinations and Decisions.....	0960-AC15

HHS

Public Health Service—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
665	Waivers to Requirement That States Spend at Least a Certain Portion of State Block Grant Funds for New Mental Health Services and Programs	0905-AC99

Public Health Service—Centers for Disease Control (CDC)—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
666	NIOSH Revision of Tests and Requirements of Certification of Respiratory Protective Devices	0905-AB58
667	Subchapter J - National Vaccine Program, Part 110 Information and Education, Subpart A - Vaccine Information Materials	0905-AC83
668	Interstate Shipment of Biological Material that Contains or May Contain Etiologic Agents	0905-AC89

Public Health Service—Centers for Disease Control (CDC)—Final Rule Stage

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669	Health Assessments and Health Effects Studies of Hazardous Substances Releases and Facilities	0905-AC84

Public Health Service—Food and Drug Administration (FDA)—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
670	Drug Exports	0905-AC44
671	Computer Products; Policy Guidance	0905-AC72

Public Health Service—Food and Drug Administration (FDA)—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
672	Over-the-Counter (OTC) Drug Review	0905-AA06
673	Current Good Manufacturing Practice for Finished Pharmaceuticals; Retrospective Review	0905-AA73
674	Current Good Manufacturing Practice (CGMP) for Blood and Blood Components; Retrospective Review	0905-AA75
675	New Animal Drug Approval Process	0905-AA96
676	Requirements for Adverse Experience Reporting for Licensed Biological Products	0905-AB53
677	Proposed Rule to Implement the Orphan Drug Amendments to the Federal Food, Drug, and Cosmetic Act	0905-AB55
678	Implementation of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984" (Title I)	0905-AB63
679	Infant Formula Act	0905-AC46
680	Action Levels for Added Poisonous or Deleterious Substances in Food (Including Animal Feed)	0905-AC73
681	Look-back Requirements for Blood Recipients Who are at Increased Risk of HIV Infection	0905-AC90
682	Lead from Ceramic Pitchers	0905-AC91
683	Proficiency Testing Requirements for Laboratories Testing Blood and Blood Components by the FDA-Required Tests for HBsAg and Anti-HIV	0905-AC92
684	Methadone in Maintenance Treatment of Narcotic Addicts; Joint FDA and NIDA Proposed Revision of Conditions of Use	0905-AC93

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Public Health Service—Food and Drug Administration (FDA)—Final Rule Stage

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685	Policies Concerning Uses of Sulfiting Agents.....	0905-AB52
686	Provisionally Listed Color Additives.....	0905-AB60
687	Food Labeling Information Regarding Good Nutrition and Health.....	0905-AB67
688	Food Labeling: Definitions of Cholesterol Free, Low Cholesterol, and Reduced Cholesterol.....	0905-AB68
689	Methylene Chloride.....	0905-AC00
690	Common or Usual Name for Diluted Fruit or Vegetable Juice Beverages Other than Diluted Orange Juice Beverages...	0905-AC48
691	Protection of Human Subjects; Informed Consent; Standards for Institutional Review Boards for Clinical Investiga- tions.....	0905-AC52
692	Menstrual Tampons; Proposed User Labeling.....	0905-AC54
693	Prescription Drug Marketing Act of 1987; Implementation.....	0905-AC81
694	Expediting Approval for Drugs Intended to Treat Life-Threatening and Severely-Debilitating Illnesses.....	0905-AC94

Public Health Service—Food and Drug Administration (FDA)—Completed Actions

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695	Availability of Bulk New Animal Drug Substances for Use By Licensed Veterinarians.....	0905-AB01
696	Abbreviated New Animal Drug Applications for Post-1962 Animal Drugs.....	0905-AB72
697	Tamper-Resistant Packaging Requirements for Over-the-Counter (OTC) Drugs.....	0905-AC70

Public Health Service—Health Resources and Services Administration (HRSA)—Proposed Rule Stage

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699	Area Health Education Center (AHEC) Program.....	0905-AC67
700	Designation of Mental Health Manpower Shortage Areas.....	0905-AC68
701	Health Education Assistance Loan (HEAL) Program: Bankruptcy Revisions.....	0905-AC75
702	Nursing Student Loan (NSL) Program: Cash Management.....	0905-AC76
703	Health Professions Student Loan (HPSL) Program: Cash Management.....	0905-AC78
704	Grants for Community Health Centers.....	0905-AC85
705	Grants for Migrant Health Services.....	0905-AC86
706	Health Education Assistance Loan (HEAL) Program: Performance Standards.....	0905-AC87
707	National Data Bank for Adverse Information on Health Care Practitioners and Providers (section 5 amendments).....	0905-AC88

Public Health Service—Health Resources and Services Administration (HRSA)—Final Rule Stage

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709	Grants for Nurse Practitioner and Nurse Midwifery Traineeship Programs.....	0905-AC30
710	National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners.....	0905-AC51
711	National Health Service Corps, State Loan Repayment And Special Repayment Programs.....	0905-AC65
712	Grants for Faculty Training Projects in Geriatric Medicine and Dentistry.....	0905-AC71
713	Grants for Centers for Excellence.....	0905-AC77

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Public Health Service—Health Resources and Services Administration (HRSA)—Completed Actions

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716	Health Professions Student Loan (HPSL) Program: Implementation of the Law (Pub. L. 99-129)	0905-AC32
717	Grants for Health Professions Projects in Geriatrics	0905-AC33
718	Grants for Community Health Services: Criteria and Procedure for Determining Medically Underserved Populations (MUP)	0905-AC35
719	Health Manpower Shortage Area Designation Criteria For Correctional Facilities.....	0905-AC50
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Public Health Service—National Institutes of Health (NIH)—Proposed Rule Stage

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724	Changes in NIH Program Regulations due to P.L. 99-158, P.L. 99-499 and Title X of P.L. 99-660	0905-AC02
725	National Institutes of Health Center Grants 42 CFR Part 52a.....	0905-AC27
726	Volunteer Services at the National Institutes of Health.....	0905-AC95

Public Health Service—National Institutes of Health (NIH)—Final Rule Stage

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727	National Library of Medicine Programs. Revision of General Rules for the National Library of Medicine and National Library of Medicine Grants	0905-AA66
728	Misconduct in Science.....	0905-AB91

Health Care Financing Administration—Proposed Rule Stage

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730	Medicaid Eligibility and Coverage Requirements.....	0938-AA58
731	Deduction of Incurred Medical Expenses (Spenddown).....	0938-AB07
732	Payment for Clinical Diagnostic Laboratory Services	0938-AB50
733	Payment for the Services of Physicians Furnished in Teaching Settings and Other Providers	0938-AB61
734	Hospice/Case Management	0938-AC52
735	Revised Effective Date of Medicare/Medicaid Provider Agreement and Supplier Participation	0938-AC88
736	PRO Review of Surgical Procedures and Requirements for Second Opinions.....	0938-AC90
737	Payment for the Cost of Malpractice Insurance for Hospitals Excluded from the Prospective Payment System.....	0938-AC97
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HHS

Health Care Financing Administration—Proposed Rule Stage—Continued

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740	Recognition of Joint Commission on Accreditation of Healthcare Organizations' Home Care Program Standards and the National League for Nursing's Standards for Home Health Agencies.....	0938-AD13
741	Medicaid: Eligibility Groups, Extended Coverage of Services, and Conditions of Eligibility: OBRA '87, COBRA, and TEFRA.....	0938-AD16
742	Medicaid Eligibility of Poverty Level Groups and Extended Coverage of Services.....	0938-AD17
743	Transfer of Assets.....	0938-AD18
744	Discontinuation of Prevailing Charge Differentials for Specialists.....	0938-AD26
745	Medicare Coverage of Outpatient Occupational Therapy Services, Vision Care and Services Furnished by Physician Assistants.....	0938-AD32
746	State Share of Financial Participation.....	0938-AD36
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748	Revision of the Medicare Economic Index.....	0938-AD43
749	Schedule of Limits for Skilled Nursing Facility Inpatient Routine Service Costs for Reporting Periods Beginning On or After October 1, 1989.....	0938-AD48
750	Application of the Comparable Services Limitation in Determining Reasonable Charges.....	0938-AD50
751	Home and Community-Based Services for the Elderly.....	0938-AD55
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753	Charges to Residents' Funds in Nursing Homes.....	0938-AD66
754	Pre-admission Review and Authorization Outpatient Surgery, Pre-admission Diagnostic Testing and Same Day Surgery Under Medicaid.....	0938-AD70
755	Changes to the Reasonable Cost Regulation Concerning Investment Income.....	0938-AD72
756	Medicare Secondary Payer for Disabled Active Individuals.....	0938-AD73
757	Clarification of Durable Medical Equipment Coverage under Medicare.....	0938-AD77
758	Medicare Coverage of Home Health Services, Medicare Conditions of Participation and Home Aide Supervision and Discharge Planning.....	0938-AD78
759	Prepaid Health Care Plans: Beneficiary and Other Related Provisions.....	0938-AD79
760	Prohibition of FFP for Educational and Vocational Training for Institutionalized Individuals.....	0938-AD80
761	OBRA '87 Long Term Care Facilities Conditions of Participation.....	0938-AD81
762	Medigap Policy Standards - Direct Transmittal of Claims from Medicare Carriers to Medigap Insurers and Related User Fees.....	0938-AD82
763	Coverage of Psychologists' Services Furnished at Rural Health Clinics.....	0938-AD84
764	Medicare Coverage of Screening Mammography.....	0938-AD88
765	Coverage of Home Intravenous Drug Therapy Services.....	0938-AD89
766	In-Home Care for Chronically Dependent Individuals.....	0938-AD90
767	Coverage of Outpatient Prescription Drugs.....	0938-AD91
768	SNF/NF Enforcement of Provisions: Medicare and Medicaid.....	0938-AD94
769	Recovery of Overpayments Resulting from Computational Errors.....	0938-AD95
770	Grace Period and Termination for Non-Payment of Supplementary Medical Insurance (Part B) Premiums for Insured Persons.....	0938-AD97
771	Drug Payment Methodology.....	0938-AD99
772	Home IV Drug Therapy Fee Schedule.....	0938-AE00
773	Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1990 Rates.....	0938-AE02
774	Withdrawal of Coverage of Seat Lift Chairs.....	0938-AE05
775	Diagnosis Codes on Physician Bills.....	0938-AE06
776	Participations Agreements for Pharmacies.....	0938-AE08
777	Home IV Drug Provider Conditions of Participation.....	0938-AE09
778	Covered IV Drug List.....	0938-AE10
779	Withdrawal of Coverage of Extracranial-Intracranial Arterial Bypass Surgery for the Treatment or Prevention of Stroke.....	0938-AE11
780	Protection of Income and Resources for Community Spouse.....	0938-AE12
781	Limitation on Out-of-Pocket Cost-Sharing Expenses for Covered Medicare Part B Services.....	0938-AE13
782	Criteria and Standards for Evaluating Intermediaries and Carriers.....	0938-AE15
783	MMIS System Performance Review Revisions.....	0938-AE16
784	Inspection of Care Reviews.....	0938-AE17
785	HMO Fiscal Soundness and Group Specific Rating.....	0938-AE24
786	HMO Organizational Structure and Services.....	0938-AE25
787	Conforming Provisions-HMO Amendments of 1988.....	0938-AE26
788	General Performance Standards for Drug Bill Processors Under Contract.....	0938-AE27
789	Clinical Laboratories - CLIA '88 Requirements.....	0938-AE28

HHS

Health Care Financing Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
790	MMIS: Definition of "Mechanized Claims Processing and Information Retrieval System"	0938-AA63
791	Waiver of Certain Membership Requirements for Certain Health Maintenance Organizations (HMOs) and State Option for Disenrollment Restrictions for Certain HMOs Under Medicaid	0938-AB54
792	Medicare: Health Maintenance Organizations and Competitive Medical Plans: Coordinated Open Enrollment	0938-AB57
793	Medicare/Medicaid Revaluation of Assets	0938-AB64
794	Clarification of Policy on Adjusting the Hospital-Specific Portion of the Prospective Payment Rate	0938-AB71
795	Revision of Medicaid Eligibility Quality Control (MEQC) Program Requirements	0938-AB85
796	Review of Current Rules Affecting Clinical Laboratories	0938-AB96
797	Medicare Secondary Payor and Medicare Recovery Against Third Parties	0938-AC05
798	Medicare Coverage of Hepatitis B Vaccine for High and Intermediate Risk Individuals, Hemophilia Clotting and Certain X-Ray Services	0938-AC07
799	Changes in Payment Policy for Direct Graduate Medical Education Costs	0938-AC27
800	Medicaid: Eligibility Determinations Based on Disability	0938-AC31
801	Effect of Appeals on Hospital-Specific Portion of the Prospective Payment Rate	0938-AC40
802	Additions to and Deletions From Current List of Covered Surgical Procedures for Ambulatory Surgical Centers	0938-AC45
803	Home and Community-Based Services and Respiratory Care for Ventilator-Dependent Individuals	0938-AC55
804	Reimbursement for Physician's Outpatient Maintenance Dialysis Services	0938-AC57
805	Participation in CHAMPUS and CHAMPVA, Hospital Admissions for Veterans, Discharge Rights Notice, and Hospital Responsibility for Emergency Care	0938-AC58
806	State Plan Requirements and Other Provisions Relating to State Third-Party Liability Programs	0938-AC64
807	Medicaid Eligibility for Qualified Severely Impaired Individuals	0938-AC82
808	Denial of Payment for Substandard Quality Care, Review of Beneficiary Complaints	0938-AC84
809	Changes Concerning Suspension of Medicare Payments, Interest Rates Charged on Overpayments and Underpay- ments, and Determinations of Allowable Interest Expense	0938-AC99
810	Criteria and Procedures for Making Medical Services Coverage Decisions That Relate to Health Care Technology	0938-AD07
811	Medicare Coverage of Prescription Drugs Used in Immunosuppressive Therapy	0938-AD09
812	Revisions to Conditions of Participation for Hospitals and Conditions for Coverage of Services of Independent Laboratories and Suppliers of ESRD Services	0938-AD11
813	Explanation of Rights and Other HMO/CMP Provisions	0938-AD14
814	Eligibility of Aliens for Medicaid	0938-AD15
815	Payment for Services of Certified Registered Nurse Anesthetists	0938-AD25
816	Withdrawal of Coverage of Single Photon Absorptiometry and Radiographic Absorptiometry	0938-AD28
817	Modification of Certain Requirements for Health Insuring Organizations	0938-AD31
818	Prohibition on Unbundling of Hospital Outpatient Services	0938-AD33
819	Physician Liability on Non-Assigned Claims	0938-AD34
820	Changes to Peer Review Organization Regulations	0938-AD38
821	Update of Ambulatory Surgical Center Payment Rates for July 1, 1988	0938-AD44
822	Home Health Agencies: Conditions of Participation and Reduction in Recordkeeping Requirements	0938-AD45
823	Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1989 Rates	0938-AD49
824	Protocol for the Reuse of Dialysis Bloodlines	0938-AD52
825	Uniform Relative Value Guide for Anesthesia Services Furnished by Physicians	0938-AD63
826	Payment for Durable Medical Equipment and Orthotic and Prosthetic Devices	0938-AD65
827	Periodic Payments for Hospitals and Other Providers	0938-AD71
828	Inherent Reasonableness for Home Dialysis Supplies and Equipment	0938-AD74
829	Payment for Outpatient Surgery at Eye Specialty Hospitals and Eye and Ear Specialty Hospitals	0938-AD76
830	Swing-Bed Program Changes	0938-AD83
831	Fee Schedule for Certified Nurse-Midwife Services	0938-AD85
832	Second Surgical Opinion Requirements for Medicaid Recipients	0938-AD86
833	Conforming Amendments Resulting from the Omnibus Budget Reconciliation Act of 1987	0938-AD92
834	Catastrophic Coverage Conforming Amendments	0938-AD93
835	Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning on or After July 1, 1989	0938-AE03
836	Schedule of Limits for Skilled Nursing Facility Inpatient Routine Service Costs for Reporting Periods Beginning on or After October 1, 1989	0938-AE04
837	Physician Involvement in Physical Therapy and Speech Pathology Services	0938-AE07
838	Functions of Contractors in the Administration of the Medicare Outpatient Prescription Drug Benefit Beginning January 1, 1991	0938-AE14
839	Part B Catastrophic Limit	0938-AE18
840	Inpatient Hospital Deductible for 1990	0938-AE19
841	Part A Premium for the Uninsured Aged for 1990	0938-AE20
842	Monthly Actuarial Rates and Part B Premium Rates Beginning 1/1/90	0938-AE21
843	SNF Coinsurance Amounts for 1990	0938-AE22
844	Update of Ambulatory Surgical Center Payment Rates for July 1, 1989	0938-AE29

HHS

Health Care Financing Administration—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
845	Miscellaneous Medicare and Medicaid Amendments.....	0938-AB05
846	Indirect Part B Payment Procedure.....	0938-AB59
847	Hospital Insurance Entitlement and Supplementary Medical Insurance Enrollment and Entitlement.....	0938-AB60
848	Employers Contribution to Health Maintenance Organizations Option.....	0938-AC48
849	Use of the HCFA Hospital Wage Index for Determining Payment to Hospices.....	0938-AC49
850	Billing and Verification Add-On Relating to Home Health Agencies Cost Per Visit Limits.....	0938-AC56
851	Payment for Kidneys Sent to Foreign Countries or Transplanted in Patients Other than Medicare Beneficiaries.....	0938-AC59
852	Medicare Beneficiary Appeals.....	0938-AC81
853	Refunding of Federal Share of Overpayments Made to Medicaid Providers.....	0938-AC83
854	Recognition of College of American Pathologists Laboratory Accreditation Program.....	0938-AC89
855	Requirements for Long Term Care Facilities.....	0938-AD12
856	Medicare, Medicaid, and Clinical Laboratories Improvement Act (CLIA) Patient Confidentiality Rules.....	0938-AD40
857	Schedules of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning On or After July 1, 1988.....	0938-AD47
858	Fee Schedules for Radiologist Services.....	0938-AD62
859	Establishment of Medicare Economic Index for 1989.....	0938-AD64
860	Criteria for Standard and Extended Home Health Agency Surveys.....	0938-AD67
861	Inpatient Hospital Deductible for 1989.....	0938-AD68
862	Hospice Cap.....	0938-AD75
863	Carrier Bonuses for Increasing Physicians' Participation or Payments.....	0938-AD96
864	National Average Actuarial Value of Duplicative Part A and Part B Medicare Benefits.....	0938-AD98

Family Support Administration—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
865	Aid to Families With Dependent Children Program; Extension of Medicaid Eligibility When Support Collections Result in Termination of AFDC Eligibility.....	0970-AA07
866	Standards for Child Support Enforcement Program Operations.....	0970-AA16
867	Child Support Enforcement Audit Regulations.....	0970-AA17
868	Distribution of Child Support Collections.....	0970-AA18
869	Alien Verification Procedures for AFDC, State Administered Adult Assistance and Medicaid Programs; Notice of Proposed Rulemaking.....	0970-AA41
870	Exclusion of Indian Trust Funds and Alaska Native Claims Settlement Act Distributions.....	0970-AA47
871	Cooperation to Pursue Third Party Health Coverage.....	0970-AA49
872	Omnibus Budget Reconciliation Act of 1987.....	0970-AA56
873	Services to Post-AFDC and Medicaid only families.....	0970-AA61
874	Immediate wage withholding, review and modification of orders, mandatory automated systems and monthly notice of support collections.....	0970-AA63
875	\$50 Disregard, Paternity Establishment and Mandatory Guidelines.....	0970-AA64
876	Child Support Program; State Plan Requirements.....	0970-AA66
877	Jobs Participant Employment Protection.....	0970-AA67
878	Job Opportunity and Basic Skills (JOBS) Training Program.....	0970-AA68
879	Related AFDC Amendments under the Family Support Act of 1988 -- Responsibilities of the State.....	0970-AA69
880	Disregard of Bona fide Loans, Student Assistance under the Higher Education Technical Amendments Act of 1987, and Compensation under the Civil Liberties Act of 1988.....	0970-AA70

Family Support Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
881	Scope of Payments.....	0970-AA00
882	Retroactive Modification of Child Support Arrearages.....	0970-AA03
883	Aid to Families With Dependent Children; Definition of Permissible State Practice-Quality Control.....	0970-AA04
884	Aid to Families With Dependent Children Program; Implementation of the Deficit Reduction Act of 1984.....	0970-AA06
885	Consistency for the Food Stamp Program, AFDC Program, and the Adult Assistance Programs.....	0970-AA08

HHS

Family Support Administration—Final Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
886	Aid to Families with Dependent Children Program; General Administration -- Public Assistance Program -- Quality Control System	0970-AA11
887	Cooperative Agreements	0970-AA50
888	Targeting of, and Tolerances for, Income and Eligibility Verification System Data	0970-AA58
889	Automated Data Processing Equipment and Services; Conditions for Federal Financial Participation II	0970-AA59

Family Support Administration—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
890	Aid to Families with Dependent Children Program; Administrative Improvement in the AFDC Program	0970-AA09
891	Refugee Resettlement Program; Refugee Cash and Assistance; Requirements for Job Search, Employment Services, and Employment; Refugee Medical Assistance; and Refugee Social Services	0970-AA10
892	Essential Persons	0970-AA44
893	Federal Tax Refund Offset Process - Pre-Offset Notice Fee	0970-AA52
894	Emergency Community Services Homeless Grant Program; Interim Final Rule with Request for Comments	0970-AA57

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Office of the Secretary (OS)

564. ● REVISIONS TO "QUALITY OF CARE" EXCLUSION AND PAYMENT DENIAL REGULATIONS

Legal Authority: 42 USC 1320a-7(b)(6)(B); 42 USC 1320c-3(a)(2); 42 USC 1320c-5

CFR Citation: 42 CFR 1001; 42 CFR 1004; 42 CFR 466

Legal Deadline: None

Abstract: This rulemaking would revise and consolidate, where feasible, the principal regulations pertaining to "quality of care" exclusions from Medicare and other health care programs. Such exclusions may be based on the furnishing of excessive

services, the failure to furnish care that meets professionally recognized standards of medical care, or the failure to properly document medical services. This rulemaking would attempt to make the various OIG regulations relating to such quality of care exclusions consistent with each other, consistent with HCFA's PRO payment denial regulations at 42 FR 466, and consistent with the case law that has been decided in the U.S. Courts of Appeals in recent years.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, DC 20201, 202 472-5270

RIN: 0991-AA61

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Office of the Secretary (OS)

565. PRINCIPLES FOR DETERMINING COSTS AND COST ALLOCATION PROCEDURES APPLICABLE TO GRANTS, CONTRACTS, AND OTHER AGREEMENTS FOR WORK PERFORMED BY HOSPITALS

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74, Appendix E; 45 CFR 78

Legal Deadline: None

Abstract: This action will revise the Department's current cost principles for research and development activities under grants and contracts with hospitals to make them clearer, more

specific, and compatible with cost principles issued by OMB for State and local units of government, educational institutions and nonprofit organizations. The revision will also broaden the coverage of the principles to include all grants, contracts and other agreements with hospitals (except the Medicare & Medicaid programs).

HHS—OS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: Businesses, Organizations**Government Levels Affected:** Local, State

Additional Information: OMB is considering revisions to Circular A-21 and A-122 as a result of the Defense Procurement Improvement Act of 1985 (P.L. 99-145) and the Civilian Employee and Contractor Travel Expenses Act of 1985 (P.L. 99-234) as well as a complete rewrite of A-87. This action should conform to those revisions also.

Agency Contact: Edward M. Tracy, Director, Division of Cost Determination Management, Department of Health and Human Services, Office of the Secretary, Office of Grant & Contract Financial Mgmt., Rm 513D, HHH Bldg, 200 Independence Ave. SW, Washington, DC 20201, 202 245-0481

RIN: 0991-AA12

566. CIVIL MONEY PENALTIES AND SANCTIONS FOR HMOS AND COMPETITIVE MEDICAL PLANS

Legal Authority: PL 99-501, Sec 9312; PL 99-501, Sec 9434; PL 100-203, Sec 4014; PL 100-360, Sec 224; PL 100-360, Sec 411

CFR Citation: 42 CFR 1003; 42 CFR 417**Legal Deadline:** None

Abstract: This proposed rule would provide for CMPs for each violation against any risk-sharing organization that: (1) fails substantially to provide medically necessary items and services that are required under the contract; (2) imposes premiums on enrolled individuals in excess of premiums permitted; (3) acts to expel or refuse, or to re-enroll an individual; (4) misrepresents or falsifies information; (5) engages in any practice that would reasonably be expected to have the effect of denying or discouraging enrollment; or, (6) fails to provide for prompt payment of claims for services provided to enrollees. In addition, this rule would authorize the Medicare program to suspend enrollment of individuals in, and payment to a risk-sharing organization that (1) denies medically necessary care to a beneficiary or (2) commits marketing

abuses or other violations specified in section 1876(i)(6) of the Social Security Act.

Timetable:

Action	Date	FR Cite
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NPRM 07/00/89

NPRM Comment 09/00/89

Period End

Small Entities Affected: Undetermined**Government Levels Affected:** None

Additional Information: This joint OIG/HCFR proposed rule is being revised as a result of broadened CMP and sanction authorities contained in PL 100-203, in addition to a technical amendment contained in PL 100-360.

Agency Contact: Heather Mullen, Program Analyst, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991-AA44

567. PROHIBITION ON USE OF PHYSICIAN INCENTIVE PLANS**Legal Authority:** PL 99-501, Sec 9313**CFR Citation:** 42 CFR 1001; 42 CFR 1003**Legal Deadline:** None

Abstract: This proposed rule would prohibit a hospital from knowingly making incentive payments to a physician as an inducement to that physician to reduce or limit services provided to program beneficiaries who are under the direct care of that physician.

Timetable:

Action	Date	FR Cite
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NPRM 06/00/89

NPRM Comment 08/00/89

Period End

Final Action 12/00/89

Small Entities Affected: Undetermined**Government Levels Affected:** None

Additional Information: The effective date for implementing regulations addressing physician incentive plans by risk-sharing HMOs and competitive medical plans has been delayed to 4/1/90 by P.L. 100-203, Sec 4016. This provision will be addressed through separate rulemaking at a later date.

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of

Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991-AA45

568. NEW CIVIL MONEY PENALTIES AND EXCLUSIONS AUTHORITIES RESULTING FROM OBRA 1986 AND OBRA 1987

Legal Authority: PL 99-501, Sec 9320; PL 99-501, Sec 9331; PL 99-501, Sec 9332; PL 99-501, Sec 9334; PL 99-501, Sec 9338; PL 100-203, Sec 4022; PL 100-203, Sec 4023; PL 100-203, Sec 4039; PL 100-203, Sec 4045; PL 100-203, Sec 4049; PL 100-203, Sec 4051; PL 100-203, Sec 4062; PL 100-203, Sec 4064; PL 100-203, Sec 4065; PL 100-203, Sec 4118; ...

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 1003**Legal Deadline:** None

Abstract: This proposed rule provides for civil money penalties and exclusions for various program violations resulting from OBRA 1986 and OBRA 1987, as amended by the Medicare Catastrophic Coverage Act of 1988. Penalties and sanctions may be imposed against among other things: (1) those who bill Medicare beneficiaries on a non-assigned basis for services of a certified nurse anesthetist or a physician assistant; (2) non participating physicians billing for actual charges above permitted charges; (3) nursing homes; (4) home health care providers; (5) unassigned lab services; (6) DME rental providers; and (7) providers of laboratory tests.

Timetable:

Action	Date	FR Cite
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NPRM 09/00/89

NPRM Comment 11/00/89

Period End

Small Entities Affected: Undetermined**Government Levels Affected:** State, Federal

Additional Information: This proposed rule is being revised as a result of broadened CMP and sanction authorities contained in P.L. 100-203. In addition, various technical amendments to the OBRA 87 provisions contained in P.L. 100-360, the Medicare Catastrophic Coverage Act of 1988, will be incorporated into this proposed rulemaking.

HHS—OS

Proposed Rule Stage

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991-AA46

569. AMENDMENTS TO OIG EXCLUSION AND CMP AUTHORITIES RESULTING FROM PL 100-93

Significance: Agency Priority

Legal Authority: PL 100-93; PL 100-360, Sec 411

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 1003; 42 CFR 1004

Legal Deadline: None

Abstract: These regulations are designed to protect program beneficiaries from unfit health care practitioners, and otherwise to improve the anti-fraud provisions relating to Titles 5, 18, 19, and 20.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment	07/00/89	
Period End		
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: This proposed rule incorporates two previous items of proposed rulemaking (0991-AA21 and 0991-AA39) as a result of the passage of PL 100-93. Technical amendments contained in PL 100-360, the Medicare Catastrophic Coverage Act of 1988 are also being incorporated into these proposed regulations.

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991-AA47

570. PRO RURAL PRACTITIONERS AMENDMENTS

Legal Authority: PL 100-203, Sec 4095

CFR Citation: 42 CFR 1004

Legal Deadline: None

Abstract: This proposed rule would permit a hearing before an Administrative Law Judge of a provider in a rural health manpower shortage area, or in a county with a population of less than 70,000 before a program exclusion of that provider took place.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment	08/00/89	
Period End		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington DC 20201, 202 472-5270

RIN: 0991-AA51

571. CIVIL MONEY PENALTIES AND SANCTION AUTHORITIES RELATING TO THE MEDICARE CATASTROPHIC COVERAGE PROVISIONS

Legal Authority: PL 100-360, Sec 202; PL 100-360, Sec 203; PL 100-360, Sec 221

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would establish various new sanction and civil money penalties resulting from the Medicare Catastrophic Coverage Act of 1988. Among other provisions, these regulations would address CMPs for (1) failure to provide required survey data relating to covered outpatient drugs; (2) a physician's failure to provide appropriate diagnostic codes and information; and (3) the submission of improper claims for home IV drug therapy services.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment	12/00/89	
Period End		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector

General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991-AA52

572. CIVIL MONEY PENALTIES FOR VIOLATIONS RELATING TO MEDICAL SUPPLEMENTAL POLICIES

Legal Authority: PL 100-360, Sec 428(b)

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would establish CMPs in all cases where only criminal penalties previously applied for deceptive selling practices relating to Medicare Supplemental health insurance - or Medigap - policies.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
NPRM Comment	09/00/89	
Period End		
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991-AA53

573. CIVIL MONEY PENALTIES FOR MISUSE OF DEPARTMENTAL SYMBOLS OR EMBLEMS

Significance: Agency Priority

Legal Authority: PL 100-360, Sec 428(a)

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would establish civil money penalties for the unauthorized use, in advertising or solicitation, of certain words letters, symbols or emblems associated with the Department or its programs in a manner that would convey an impression that an item or service was approved, endorsed or authorized by HHS.

HHS—OS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment	08/00/89	
Period End		
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991-AA54

574. ● BLOCK GRANT PROGRAMS

Legal Authority: PL 100-485; PL 100-607; PL 100-690

CFR Citation: 45 CFR 96

Legal Deadline: None

Abstract: Recent legislation modified technical, administrative and reporting requirement for several of the Department's block grant. This notice would propose regulatory changes to reflect these statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	09/01/89	
NPRM Comment	10/31/89	
Period End		
Final Action	02/01/90	
Final Action	03/01/90	
Effective		

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Robert C. Raymond, Director, Research Evaluation & Special Analyses, Department of Health and Human Services, Office of the Secretary, 200 Independence Avenue, S.W., Washington, DC 20201, 202 245-7316

RIN: 0991-AA55

575. ● CONTRACT AUDIT POLICY

Legal Authority: PL 94-505

CFR Citation: 45 CFR 66 (New)

Legal Deadline: None

Abstract: This proposed rule would require that audit services performed under contract by non-Federal auditors for DHHS be in compliance with the government auditing standards issued by the Comptroller General. The purpose of this rulemaking is to fulfill the responsibility of the OIG to ensure that all audits of programs and operations of the Department meet the government auditing standards.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment	08/00/89	
Period End		
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence

Avenue, S.W., Washington, DC 20201, 202 472-5270

RIN: 0991-AA59

576. ● REVISIONS TO THE PRO SANCTIONS NOTIFICATION PROCESS

Legal Authority: 42 USC 1320c-5(b)(2)

CFR Citation: 42 CFR 1004

Legal Deadline: None

Abstract: This rule would provide for an alternative to the method of public notice currently used by the OIG in informing the general public of its decision to sanction a practitioner or other person under section 1156 of the Social Security Act as a result of a PRO recommendation. The rule would allow each sanctioned physician or other provider an opportunity to elect to inform each of his or her patients of the sanction action rather than having the OIG provide notice to the general public by publishing a notice in a newspaper.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment	07/00/89	
Period End		
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, DC 20201, 202 472-5270

RIN: 0991-AA60

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Office of the Secretary (OS)

577. NONDISCRIMINATION REQUIREMENTS (INCLUDING ON THE BASIS OF SEX OR RELIGION) APPLICABLE TO BLOCK GRANTS AND STANDARD NONDISCRIMINATION PROCEDURES APPLICABLE TO CERTAIN OTHER PROGRAMS

Legal Authority: 42 USC 9906; 42 USC 300x-7; 42 USC 708; 42 USC 8625; 42 USC 9821; 42 USC 9849; 42 USC 1397; 42 USC 300w-7

CFR Citation: 45 CFR 92

Legal Deadline: None

Abstract: To implement the nondiscrimination requirements applicable to block grants authorized by the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2806
NPRM Comment	03/24/86	51 FR 2806
Period End		
Interim Final Rule	07/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

HHS—OS

Final Rule Stage

Additional Information: New CFR Subpart to be assigned.

Agency Contact: Marcella Haynes, Director, Policy and Special Projects Staff, Department of Health and Human Services, Office of the Secretary, Policy and Special Staff, OCR, Room 5032, HHS Cohen Bldg, 330 Independence Ave, SW, Washington, D.C. 20201, 202 245-6671

RIN: 0991-AA02

578. EQUAL OPPORTUNITY IN EMPLOYMENT: PUBLIC BROADCASTING, PUBLIC RADIO AND PUBLIC TELECOMMUNICATIONS ENTITIES RECEIVING FEDERAL FUNDS FROM THE CORPORATION FOR PUBLIC BROADCASTING

Legal Authority: 47 USC 398

CFR Citation: 45 CFR 87.1-40

Legal Deadline: None

Abstract: Implements the Equal Opportunity in Employment Provisions of the Public Telecommunications Financing Act of 1978, PUB. L. 95-567, 47 U.S.C. 398(b)(1). This provision requires that equal opportunity in employment be afforded to all persons and that no person shall be subjected to discrimination in employment on the grounds of race, color, religion, national origin, or sex by the Public Broadcasting Service, National Public Radio, and public telecommunications entities receiving Federal funds from the Corporation for Public Broadcasting.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/79	44 FR 14582
NPRM	12/21/79	44 FR 75676
Final Action	06/00/89	
Final Action Effective	07/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Public Compliance Cost: Yearly
Recurring Cost: \$8,000

Agency Contact: Frank E. G. Weil, Chief, Policy Branch, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue, SW, Room 5411, Washington, DC 20201, 202 245-6700

RIN: 0991-AA22

579. AUDITS OF NON-GOVERNMENTAL GRANTEEES

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74.62(b), (Revised)

Legal Deadline: None

Abstract: This action will implement OMB Circular A-133 which is expected to be issued sometime this year. The Circular will provide governmentwide standards for non-Federal audits of college and university and other non-profit recipients of Federal grants and contracts. The Circular and these amendments will replace the audit requirements currently contained in OMB Circular A-110.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Additional Information: It is expected that OMB which published a draft of its Circular in the Federal Register and obtained public comments will soon issue this Circular. The specific form and nature of our action is dependent upon actions to be taken by OMB. It is possible that A-133 may be implemented as part of the current revision of the A-102/A-110 Common Rule-45 CFR Part 92. If so there may be no need for this action.

Agency Contact: Edward M. Tracy, Director, Division of Cost Determination Management, Department of Health and Human Services, Office of the Secretary, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-0481

RIN: 0991-AA29

580. CIVIL MONEY PENALTIES AND EXCLUSIONS FOR ASSISTANTS AT CATARACT SURGERY

Legal Authority: PL 99-272, Sec 9307; PL 99-514, Sec 1895(b)(16)

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None

Abstract: These final regulations provide for the imposition of civil money penalties and exclusions against

physicians billing the Medicare program or program beneficiaries for services of an assistant at surgery for cataract operations where prior approval has not been granted. This rule specifically responds to various comments raised as a result of the interim final, and makes a number of technical corrections to those final regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/10/87	52 FR 11649
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, DC 20201, 202 472-5270

RIN: 0991-AA37

581. CIVIL MONEY PENALTIES FOR FAILURE TO REPORT MEDICAL MALPRACTICE PAYMENTS AND FOR BREACHING THE CONFIDENTIALITY OF INFORMATION

Legal Authority: PL 99-660, Sec 421(c) and 427(b)

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This final rule establishes civil money penalties against any individual or entity that fails to report information on medical malpractice payments in accordance with the Health Care Quality Improvement Act of 1986, and against any individual who breaches the confidentiality of information reported to the data bank established to collect and disseminate required information in accordance with that Act.

Timetable:

Action	Date	FR Cite
NPRM	03/21/88	53 FR 9260
NPRM Comment Period End	05/20/88	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of

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Final Rule Stage

the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991-AA40

582. OIG ANTI-KICKBACK PROVISIONS

Legal Authority: PL 100-93, Sec 4; PL 100-93, Sec 14

CFR Citation: 42 CFR 1001

Legal Deadline: Final, Statutory, August 18, 1989.

Abstract: This final rule will specify payment practices which, although potentially capable of inducing referrals of business under Medicare, are not to be considered kickbacks for purposes of criminal or civil remedies.

Timetable:

Action	Date	FR Cite
ANPRM	10/19/87	52 FR 38794
ANPRM	12/18/87	
Comment Period End		
NPRM	01/23/89	54 FR 3088
NPRM Comment Period End	03/24/89	
Final Action	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joel Schaer, Regulations Officer, Office of Inspector General, AO, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue, SW, Washington, D.C. 20201, 202 472-5270

RIN: 0991-AA49

583. • UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74; 45 CFR 92

Legal Deadline: None

Abstract: Fiscal and Administrative requirements governing grants and cooperative agreements to non-governmental recipients are presently codified in an HHS-specific regulation (45 CFR Part 74). This rule would move those requirements (with many changes and additions) to a new rule (45 CFR Part 92) that would be virtually identical to the rules of 26 other federal agencies. The same action would also create a mechanism for applying a new set of liberalized rules to research grants. Since all Federal agencies' grants and cooperative agreements would henceforth be subject to identical rules, there should be administrative benefits for multi-award recipients and better understanding of the terms and conditions of awards.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/87	52 FR 23729
ANPRM	08/23/87	
Comment Period End		
NPRM	11/04/88	53 FR 44715
NPRM Comment Period End	01/03/89	
Final Action	05/30/89	
Final Action Effective	10/01/89	

Small Entities Affected: Businesses, Governmental jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Beverly Cordova, Director, Division of Grants Management, and Oversight, Department of Health and Human Services, Office of the Secretary, Rm 513D, HHH Bldg., 200 Independence Avenue, S.W., Washington, DC 20201, 202 245-0377

RIN: 0991-AA56

584. • STANDARDIZATION AND UNIFORM APPLICATION OF CMP PROCEDURES

Legal Authority: 42 USC 1302; 42 USC 1320a-7a; 42 USC 1395u(j)

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This rulemaking standardizes the procedures for imposing civil money penalties and related sanctions authorized by statutes incorporating provisions of section 1128A of the Social Security Act.

Timetable:

Action	Date	FR Cite
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, DC 20201, 202 472-5270

RIN: 0991-AA57

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Office of the Secretary (OS)

Completed Actions

585. FREEDOM OF INFORMATION ACT REGULATION

CFR Citation: 45 CFR 5

Completed:

Reason	Date	FR Cite
Final Action Final Rule Published	11/25/88	53 FR 47697
Final Action Effective	12/27/88	53 FR 47697

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Russell M. Roberts 202 472-7453

RIN: 0991-AA07

586. PRIVACY ACT REGULATION

CFR Citation: 45 CFR 5b

Completed:

Reason	Date	FR Cite
Withdrawn	12/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Russell M. Roberts 202 472-7453

RIN: 0991-AA11

HHS—OS

Completed Actions

587. ● ADMINISTRATIVE ADJUDICATION OF CERTAIN HEALTH CARE EXCLUSION CASES**Legal Authority:** 42 USC 1320a-7**CFR Citation:** 42 CFR 1001**Legal Deadline:** None

Abstract: This final rule will allow the administrative hearings and administrative appeal of certain health care exclusion cases governed by 42 CFR 1001 to be handled by the Departmental Appeals Board of this

Department. The purpose of this rule is to conform existing regulations to the delegations of authority made by the Secretary to handle these hearings and appeals.

Timetable:

Action	Date	FR Cite
Final Action	03/09/89	54 FR 9995
Final Action Effective	03/09/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, DC 20201, 202 472-5270

RIN: 0991-AA58**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)****Final Rule Stage****Departmental Management (HHSMD)****588. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS****Legal Authority:** 5 USC 504(c)(1)**CFR Citation:** 45 CFR 13**Legal Deadline:** None

Abstract: The Equal Access to Justice Act requires agencies to pay attorney fees to parties prevailing against the Government in certain types of administrative proceedings. It requires each agency to issue rules implementing the Act as it applies to these proceedings. As originally enacted, the Act had a sunset clause. A recent statutory amendment eliminated the sunset provision and made other changes in the Act. The instant regulation would amend 45 CFR Part 13 (HHS's regulation implementing the Act) to eliminate the corresponding sunset provision and to make other changes conforming with the statutory changes.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/84	
NPRM	06/19/87	52 FR 23311
NPRM Comment Period End	08/17/87	
Final Action	05/00/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Darrel J. Grinstead, Associate General Counsel, Business and Administrative Law Division, Department of Health and Human Services, Departmental Management, Room 5362, HHS Cohen Building, 330 Independence Avenue, SW, Washington, DC 20201, 202 475-0150

RIN: 0990-AA02**589. TESTIMONY BY EMPLOYEES AND THE PRODUCTION OF DOCUMENTS IN PROCEEDINGS WHERE THE UNITED STATES IS NOT A PARTY****Significance:** Agency Priority**Legal Authority:** 5 USC 301; 5 USC 552**CFR Citation:** 45 CFR 2**Legal Deadline:** None

Abstract: Part 2 of Title 45, CFR, governs the testifying of HHS employees as part of their official duties in litigation where neither the United States nor other Federal agencies are parties. This rule will amend Part 2 to clarify it and to resolve minor technical problems.

Timetable:

Action	Date	FR Cite
Final Action	05/00/89	

Small Entities Affected: None**Government Levels Affected:** Federal

Agency Contact: Darrel J. Grinstead, Associate General Counsel, Business and Administrative Law Division, Department of Health and Human Services, Departmental Management, Room 5362, Wilbur J. Cohen Building, 330 Independence Avenue, SW, Washington, D.C. 20201, 202 475-0150

RIN: 0990-AA03**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)****Proposed Rule Stage****Office of Human Development Services (HDSO)****590. FOSTER CARE, ADOPTION ASSISTANCE, AND CHILD WELFARE SERVICES****Legal Authority:** 42 USC 670 et seq.; 42 USC 620 et seq.**CFR Citation:** 45 CFR 1355; 45 CFR 1356; 45 CFR 1357**Legal Deadline:** None

Abstract: This NPRM will propose criteria the Department will use to verify that a State has met statutory requirements and is eligible to receive additional funds under Section 427 of the Social Security Act as amended by the Adoption Assistance and Child

Welfare Act of 1980 (Pub. L. 96-272). The proposed rule will contain the specific criteria by which State performance in meeting the requirements of Section 427 is determined, the percentage levels and other standards for case record

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Proposed Rule Stage

compliance, and procedures for conducting compliance reviews.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Betty Stewart, Associate Commissioner, Children's Bureau, Admin. for Children, Youth, and Families, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20201, 202 245-0588

RIN: 0980-AA08

591. RUNAWAY AND HOMELESS YOUTH PROGRAM

Legal Authority: 42 USC 5701 Note

CFR Citation: 45 CFR 1351

Legal Deadline: None

Abstract: These rules will make technical changes in 45 CFR 1351 to incorporate changes made by reauthorization of the Runaway and Homeless Youth Act.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Associate Commissioner, Family and Youth Services Bureau, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20013, 202 245-0086

RIN: 0980-AA11

592. HEAD START CRITERIA FOR SELECTION OF NEW GRANTEEES

Legal Authority: 42 USC 9801 et seq

CFR Citation: 42 CFR 1302

Legal Deadline: None

Abstract: The NPRM will propose additional new criteria that, if adopted, will be used in the selection of new Head Start grantees.

Timetable:

Action	Date	FR Cite
NPRM	09/30/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Doug Klafehn, Head Start Bureau, Admin. for Children, Youth and Families, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, 202 245-0531

RIN: 0980-AA17

593. HEAD START APPEALS PROCESS

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1303

Legal Deadline: None

Abstract: The NPRM will propose revisions to current procedures for appeals Head Start grantees and delegate agencies to improve the effectiveness and efficiency of the appeals process and reduce costs.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Doug Klafehn, Head Start Bureau, Admin. for Children, Youth & Families, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, 202 245-0531

RIN: 0980-AA20

594. HEAD START RECRUITMENT SELECTION AND ENROLLMENT OF CHILDREN

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1305

Legal Deadline: None

Abstract: In this NPRM, the Head Start Bureau will propose amendments to existing regulations governing recruitment, selection, and enrollment of children.

Timetable:

Action	Date	FR Cite
NPRM	09/30/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Doug Klafehn, Head Start Bureau, Admin. for Children,

Youth & Families, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, D.C. 20013, 202 245-0531

RIN: 0980-AA27

595. HEAD START: LIMITS ON COSTS OF DEVELOPMENT AND ADMINISTRATION

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1301

Legal Deadline: None

Abstract: 45 CFR 1301.32 is being amended to provide additional clarification to Head Start programs in meeting the requirement that the costs of developing and administering a Head Start program not exceed 15 percent of total costs.

Timetable:

Action	Date	FR Cite
NPRM	09/30/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Douglas Klafehn, Head Start Bureau, Admin. for Children, Youth & Families, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20213, 202 245-0531

RIN: 0980-AA32

596. HEAD START PERFORMANCE STANDARDS FOR INFANTS, TODDLERS, AND PREGNANT WOMEN

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1307

Legal Deadline: None

Abstract: The NPRM will propose to establish a new Part 1307 setting forth performance standards that must be used in providing Head Start services to infants, toddlers and pregnant women.

Timetable:

Action	Date	FR Cite
NPRM	12/30/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Douglas Klafehn, Head Start Bureau, Admin. for Children, Youth & Families, Department

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Proposed Rule Stage

of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, D.C. 20213, 202 245-0531

RIN: 0980-AA33

597. ADOPTION AND FOSTER CARE INFORMATION

Legal Authority: 42 USC 679

CFR Citation: 45 CFR 1355; 45 CFR 1356; 45 CFR 1357

Legal Deadline: NPRM, Statutory, December 31, 1988.

Abstract: Section 479 of the Social Security Act requires the Secretary to publish regulations to collect data relating to foster care and adoption in the United States.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Joseph Mottola, Deputy Commissioner, Administration for Children, Youth and Families, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20213, 202 245-0370

RIN: 0980-AA35

598. CHILD ABUSE AND NEGLECT: TECHNICAL AMENDMENTS

Legal Authority: 42 USC 5101 et seq

CFR Citation: 45 CFR 1340

Legal Deadline: None

Abstract: Technical and conforming changes will be made in 45 CFR 1340 to implement statutory changes made by the recent reenactment of the Child Abuse Prevention and Treatment Act.

Timetable:

Action	Date	FR Cite
NPRM	03/17/89	54 FR 11246
NPRM Comment	05/16/89	
Period End		
Final Action	12/30/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Susan Weber, National Center on Child Abuse and Neglect, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20213, 202 245-2859

RIN: 0980-AA40

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Office of Human Development Services (HDSO)

599. HEAD START STAFF AND PROGRAM OPTIONS REQUIREMENTS

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1304; 45 CFR 1306

Legal Deadline: None

Abstract: The final rule will amend existing regulations related to program design to specify class size, hours of operation, and program options such as center-based and home-based Head Start services. The final rule will also include, in a new Part, the requirements for home-based Head Start services.

Timetable:

Action	Date	FR Cite
NPRM	12/08/88	53 FR 49565
NPRM Comment	02/21/89	
Period End		
Final Action	12/30/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Doug Klafehn, Head Start Bureau, Admin. for Children, Youth & Families, Department of Health and Human Services, Office of Human

Development Services, P. O. Box 1182, Washington, DC 20013, 202 245-0531

RIN: 0980-AA18

600. HEAD START PERFORMANCE STANDARDS FOR SERVICES TO HANDICAPPED CHILDREN

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1308

Legal Deadline: None

Abstract: The final rule will establish a new part 1308 setting forth proposed performance standards that must be used in providing Head Start services to handicapped children.

Timetable:

Action	Date	FR Cite
NPRM	10/19/88	53 FR 41088
NPRM Comment	01/19/89	53 FR 47235
Period End		
Final Action	12/31/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Jane DeWeerd, Child Development Specialist, Head Start Bureau, Department of Health and Human Services, Office of Human

Development Services, P.O. Box 1182, Washington, D.C. 20013, 202 245-0562

RIN: 0980-AA21

601. DEVELOPMENTAL DISABILITIES PROGRAM

Legal Authority: 42 USC 6000 et seq

CFR Citation: 45 CFR 1385; 45 CFR 1386; 45 CFR 1387; 45 CFR 1388

Legal Deadline: NPRM, Statutory, April 30, 1988.

Abstract: This final rule will amend current regulations to implement statutory changes made by passage of Public Law 100-146, the Developmental Disabilities Assistance and Bill of Rights Act of 1987. The final rule will establish a peer review process for the University Affiliated Facilities program, and set forth standards to assure that States supplement and do not supplant program resources.

Timetable:

Action	Date	FR Cite
NPRM	12/07/88	53 FR 49332
NPRM Comment	02/06/89	
Period End		
Final Action	09/30/89	

Small Entities Affected: Organizations

Government Levels Affected: State

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Final Rule Stage

Agency Contact: Will Wolstein, Deputy Commissioner, Administration on Developmental Disabilities, Department

of Health and Human Services, Office of Human Development Services, 200

Independence Ave., S.W., Washington, DC 20201, 202 245-7719

RIN: 0980-AA36

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Completed Actions

602. NONRECURRING COSTS OF ADOPTION

CFR Citation: 45 CFR 1356

Completed:

Reason	Date	FR Cite
Final Action	12/14/88	53 FR 50215
Final Action Effective	12/14/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Beverly Stubbs 202 245-0638

RIN: 0980-AA24

603. NATIVE HAWAIIAN LOAN FUND DEMONSTRATION PROJECT

CFR Citation: 45 CFR 1336

Completed:

Reason	Date	FR Cite
Final Action	01/24/89	54 FR 3452
Final Action Effective	07/25/88	

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Jan Phalen 202 245-7730

RIN: 0980-AA37

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Proposed Rule Stage

604. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; CARDIOVASCULAR SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff Appendix 1

Legal Deadline: None

Abstract: Sections 4.00 and 104.00 of Appendix 1 of the Disability regulations (404.1501 through 404.1599) describe cardiovascular impairments considered severe enough to prevent an individual from doing any gainful or age-appropriate activities. Because of the advances in medical technologies and practice in this area we anticipate the need to revise the criteria in the Listing of Impairments to bring these sections up to date. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and

Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1756

RIN: 0960-AA99

605. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; RESPIRATORY SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff, Appendix 1

Legal Deadline: None

Abstract: Sections 3.00 and 103.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe those respiratory impairments which are considered severe enough to prevent a person from engaging in any gainful or age-appropriate activities. We are proposing revisions to require consideration of the nature and clinical manifestations of respiratory disorders and the limitations such disorders impose on the individual's ability to function. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance programs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1756

RIN: 0960-AB00

606. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MUSCULOSKELETAL SYSTEM

Legal Authority: 42 USC 1302; 42 USC 405; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff, Appendix 1

Legal Deadline: None

Abstract: Sections 1.00 and 101.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe those musculoskeletal impairments which are considered severe enough to prevent a person from doing any substantial gainful or age-appropriate activities. We are proposing comprehensive revisions to these sections to ensure that the medical

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Proposed Rule Stage

evaluation criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1756

RIN: 0960-AB01

607. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUSTMENTS IN SSI BENEFITS ON ACCOUNT OF RETROACTIVE BENEFITS UNDER TITLE II

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1320a-8; 42 USC 1302; 42 USC 1363; PL 98-369, Sec 2615; 42 USC 1383b; 42 USC 1327

CFR Citation: 20 CFR 404.408b; 20 CFR 416.1123; 20 CFR 416.1402(m); 20 CFR 416.1123a; 20 CFR 404.902

Legal Deadline: None

Abstract: Sec. 2615 of Pub. L. 98-369 amended sec. 1127 of the Social Security Act to eliminate loopholes that permitted some people who were paid Old-Age, Survivors and Disability Insurance (OASDI) and Supplemental Security Income (SSI) benefits retroactively to receive more in total benefits for the same period than if they had been paid the benefits when regularly due. The two main changes are: (1) SSI benefits will be reduced where retroactive OASDI benefits have been paid before the SSI benefits. Under prior law, reductions could be made only in retroactive OASDI benefits and only when the retroactive SSI had been paid first. (2) OASDI or SSI benefits payable upon reinstatement following a period of suspension or termination will be reduced by the amount of SSI benefits that would not have been paid if the

OASDI benefits had been paid when regularly due. We will amend our regulations to conform to the statutory changes. The program savings to SSA are estimated as \$5 million a year.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 965-8471

RIN: 0960-AB38

608. SUPPLEMENTAL SECURITY INCOME PROGRAM; LIMITATION ON RECOUPMENT RATE IN CASE OF OVERPAYMENT

Legal Authority: 42 USC 1302; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382c; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416E

Legal Deadline: None

Abstract: These proposed rules which implement section 2612 of Pub. L. 98-369 will limit the rate at which an overpayment may be recovered from an individual still receiving benefits (SSI or federally administered supplementary payments, or both) to 10 percent of the recipient's total income (countable income plus SSI and State supplementary payments) or the recipient's payment for the month, whichever is less. The 10 percent requirement will apply only to recipients in current payment status. The 10 percent limit will not apply in situations involving conditional disposition of resources agreements, misuse of burial funds, recovery by refund, cross program adjustment for individuals not in SSI current pay or where it is determined that the overpayment occurred because of recipient fraud, willful misrepresentation, or concealment. The proposed rules, in negotiated cases, set a rate of withholding that is appropriate for the financial condition of the overpaid person after (continued)

Timetable:

Action	Date	FR Cite
NPRM	03/28/89	54 FR 12649
NPRM Comment Period End	05/30/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: factual evaluation. Such cases will also be considered initial determinations for which the recipient has appeal rights. Estimated costs are FY 1986 through FY 1989 - program costs of \$18 million per year and administrative costs of \$.5 million per year.

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1795

RIN: 0960-AB40

609. ● DISCLOSURE OF INFORMATION FOR LAW ENFORCEMENT PURPOSES

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1360; 26 USC 6103; 30 USC 923; 42 USC 405(a); 42 USC 1302; 42 USC 1306

CFR Citation: 20 CFR 401.315

Legal Deadline: None

Abstract: Under present rules, disclosure to a law enforcement agency is allowed only when a violent crime has been committed and the subject of the information has been either indicted or convicted of that crime, or when relevant to the investigation or prosecution of criminal activity involving a social security program or other governmental health or income maintenance program. SSA is considering an amendment to these regulations that would expand the circumstances in which information, other than tax return information, could be disclosed to law enforcement agencies.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

HHS—SSA

Proposed Rule Stage

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1795

RIN: 0960-AB66

610. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; EVALUATION GUIDES FOR DETERMINING SUBSTANTIAL GAINFUL ACTIVITY (SGA)

Significance: Agency Priority

Legal Authority: PL 98-460, Sec 10

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: These proposed changes will incorporate into regulations of the Social Security Administration a number of policies relating to the evaluation of a person's work activity that are now in Social Security Rulings published in 1983 and 1984.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1758

RIN: 0960-AB73

611. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSIONS FROM INCOME AND RESOURCES OF INDIAN JUDGEMENT FUNDS AND PER CAPITA DISTRIBUTIONS

Legal Authority: PL 97-458; PL 98-64; PL 100-241

CFR Citation: 20 CFR 416K Appendix; 20 CFR 416.1234; 20 CFR 416.1236

Legal Deadline: None

Abstract: The proposed regulation reflects the provisions of the following statutes: (1) Pub. L. 97-458 enacted January 12, 1983, which provides that Indian judgement funds held in trust or distributed per capita pursuant to a plan approved by Congress or the Secretary of the Interior are excluded

from income and resources under the Supplemental Security Income program (2) Pub. L. 98-64 enacted August 2, 1983, which provides for the exclusion of all funds held in trust by the Secretary of the Interior for an Indian tribe and distributed per capita to a member of that tribe and (3) Pub. L. 100-241 enacted February 3, 1988, which provides for the exclusion from income and resources of certain items received by an individual Alaska native or descendent of an Alaska native from a native corporation. Some savings in program costs may result from these changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irv Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1755

RIN: 0960-AB86

612. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MENTAL DISORDERS-CHILDHOOD

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: Section 112.00 of Appendix 1 to the Old-Age, Survivors, and Disability Insurance Disability Regulations 404.1501 through 404.1599 describe the medical criteria that apply only to the evaluation of mental impairments of persons under age 18. We are proposing comprehensive revisions to that section to ensure that the medical criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1758

RIN: 0960-AB96

613. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EVALUATION CRITERIA FOR IMMUNE SYSTEM DISORDERS, INCLUDING HIV INFECTION (ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)/AIDS-RELATED COMPLEX)

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: Sections 10.00 and 110.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe immune system disorders which are severe enough to prevent a person from doing any gainful or age-appropriate activities. We are proposing to add the criteria for evaluation of AIDS to these sections. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program. The budgetary impact is unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 695-1759

RIN: 0960-AC06

HHS—SSA

Proposed Rule Stage

614. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; NONPAYMENT OF BENEFITS TO PRISONERS, VOCATIONAL REHABILITATION EXCEPTION**Significance:** Agency Priority**Legal Authority:** 42 USC 402(x)(1); 42 USC 405**CFR Citation:** 20 CFR 404D**Legal Deadline:** None

Abstract: Existing regulations at 20 CFR 404.468(d) provide a vocational rehabilitation exception to the nonpayment of benefits to prisoners provision described at 20 CFR 404.468(a). Under the exception, the nonpayment provision does not apply if a prisoner who is entitled to benefits on the basis of disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by court of law. In addition, the Secretary must determine that the program is expected to result in the individual being able to do substantial gainful activity upon release and within a reasonable time. No benefits will be paid to the prisoner for any month prior to the approval of the program. The proposed regulations would set out more definitive criteria for applying the exception and would define terms, such as "rehabilitation program", "court of law", and "reasonable time", for purposes of applying the exception.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1758

RIN: 0960-AC16**615. SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUATION OF BENEFITS AND SPECIAL ELIGIBILITY FOR CERTAIN SEVERELY IMPAIRED RECIPIENTS WHO WORK****Significance:** Agency Priority**Legal Authority:** PL 99-643, Sec 2; PL 99-643, Sec 4

CFR Citation: 20 CFR 416.260; 20 CFR 416.261; 20 CFR 416.262; 20 CFR 416.265; 20 CFR 416.268; 20 CFR 416.269; 20 CFR 416.1112; 20 CFR 416.1402; 20 CFR 416.1403

Legal Deadline: None

Abstract: These proposed regulations will implement statutory changes contained in sections 2 and 4 of PL 99-643. These provisions: (1) make section 1619 of the Social Security Act permanent; and (2) simplify the transitions among regular SSI status, special benefit status, and special Medicaid status.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1756

RIN: 0960-AC22**616. SUPPLEMENTAL SECURITY INCOME PROGRAM; PAYMENT OF BENEFITS DUE DECEASED RECIPIENTS****Legal Authority:** 42 USC 1383(b)(1)(A)

CFR Citation: 20 CFR 416.340; 20 CFR 416.345; 20 CFR 416.538; 20 CFR 416.542; 20 CFR 416.543; 20 CFR 416.1457(c)(4)

Legal Deadline: None

Abstract: Section 8 of Pub. L. 99-643 provides that effective for benefits payable for months after May 1986, an underpayment shall be paid to any surviving spouse of a deceased SSI recipient whether or not the spouse was eligible for SSI, if such spouse was living in the same household with the recipient at the time of death, or within the 6 months immediately preceding the month of death, or to the parent(s) of a deceased disabled or blind child who was an SSI recipient if the child was living with the parent(s) at the time of death or within the 6 months immediately preceding the month of death. These proposed regulations would also reflect a policy change that would continue the appeals process (versus automatic dismissal), at the Administrative Law Judge or Appeals

Council level, for the survivors' entitlement to an underpayment if they meet certain conditions. The cost estimate for these provisions is estimated to be \$2 million per year in program costs and less than \$1 million and 30 workyears in administrative expenses.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1795

RIN: 0960-AC28**617. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE PROGRAM AND ORGANIZATION AND FUNCTIONS; CORRECTION OF EARNINGS RECORDS****Significance:** Agency Priority**Legal Authority:** 42 USC 1302; 42 USC 405

CFR Citation: 20 CFR 404.810; 20 CFR 404.820; 20 CFR 404.820a; 20 CFR 404.831; 20 CFR 422.125

Legal Deadline: None

Abstract: This proposed regulation will establish rules on the evidence an individual must submit with a request to correct the Secretary's record of earnings and state the conditions under which the Secretary will assist the requester in obtaining evidence that establishes such records as incorrect. This proposed regulation will reduce the number of unproductive efforts the agency makes to investigate unsubstantiated assertions that the Secretary's records are incorrect and facilitate the correction process in many cases by relying more upon evidence readily available to the requester.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None**Government Levels Affected:** None

HHS—SSA

Proposed Rule Stage

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-8471

RIN: 0960-AC30

618. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAST WORK EXPERIENCE AND ADJUSTMENT TO OTHER WORK

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1562; 20 CFR 404.1565; 20 CFR 416.962; 20 CFR 416.965

Legal Deadline: None

Abstract: We are proposing to include in our regulations vocational evaluation standards used in determining disability under titles II and XVI of the Social Security Act (the Act). The guidelines apply to assessing past work as a vocational factor and evaluating medical-vocational circumstances demonstrating an inability to make an adjustment to other work. These standards are presently contained in Social Security Rulings (SSR's) and the Program Operating Manual System (POMS).

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1759

RIN: 0960-AC39

619. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; FEE LIMITATION POLICY FOR PURCHASE OF LABORATORY TESTS

Legal Authority: 42 USC 1302; 42 USC 1383b

CFR Citation: 20 CFR 404.1624; 20 CFR 416.1024

Legal Deadline: None

Abstract: These proposed regulations will place a limitation on the rates of payment a State may pay for laboratory tests purchased by State agencies. Under these proposed regulations a State agency will be required to limit the amounts it pays for laboratory tests to the maximum payment level contained in the Health Care Financing Administration's (HCFA) National Limitation Amounts for Laboratory Fee Schedules. Currently the only payment requirement is that the rates of payment not exceed the highest rates paid by Federal or other agencies in the State for the same or similar types of services.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1759

RIN: 0960-AC41

620. SUPPLEMENTAL SECURITY INCOME PROGRAM; PROCEEDS OF A LOAN, PAYMENT OF PRO RATA SHARE OF HOUSEHOLD OPERATING EXPENSES

Significance: Agency Priority

Legal Authority: 42 USC 1102

CFR Citation: 20 CFR 416.1103; 20 CFR 416.1133

Legal Deadline: None

Abstract: It is our policy that money borrowed (a loan) is not income for SSI purposes and therefore has no effect on a person's SSI benefits. These proposed regulations will state that only cash transactions may be considered loans. These proposed regulations will also provide that the one-third reduction rule which applies when a person who lives in another's household and receives in-kind support and maintenance will not apply if the SSI recipient pays his or her pro rata share in cash and no later than the month under consideration. No additional costs or savings are anticipated since these proposed regulations will codify existing policy.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1758

RIN: 0960-AC42

621. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM COUNTABLE RESOURCES OF THE VALUE OF PROMISSORY NOTES IN HOME REPLACEMENT SITUATIONS

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.1212

Legal Deadline: None

Abstract: We propose to amend the regulations under the Supplemental Security Income program to provide that the current market value of an installment sales contract is excluded as part of an excluded home when certain conditions are met. The costs will be insignificant since the policy is currently in use under our operating instructions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1756

RIN: 0960-AC43

622. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EXTENSION OF SOCIAL SECURITY COVERAGE TO CERTAIN WORKERS; MEDICARE ONLY COVERAGE OF CERTAIN STATE AND LOCAL GOVERNMENT EMPLOYEES

Legal Authority: PL 100-203, Sec 9001; PL 100-203, Sec 9002; PL 100-203, Sec 9003; PL 100-203, Sec 9004; PL 100-203, Sec 9005; PL 100-203, Sec 9022; PL 99-

HHS—SSA

Proposed Rule Stage

272, Sec 13205; PL 99-514, Sec 1895; PL 100-647, Sec 8017

CFR Citation: 20 CFR 404.429(c)(3); 20 CFR 404.1015; 20 CFR 404.1018b; 20 CFR 404.1019; 20 CFR 404.1020; 20 CFR 404.1021; 20 CFR 404.1055; 20 CFR 404.1059; 20 CFR 404.1097

Legal Deadline: None

Abstract: These regulations reflect recently enacted statutory changes that extend social security coverage to work situations not previously covered. These newly covered work situations include: (1) Inactive duty training in the uniformed services; (2) Certain agriculture labor situations; and (3) Work for a spouse or parent. Additionally, the year for reporting corporate directors income has been changed, and Medicare coverage is provided to many previously uncovered State and local government employees. Also, a recently enacted statutory provision (section 8017 of PL 100-647) further revised our coverage provisions relating to agricultural wages.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Charles Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1794

RIN: 0960-AC45

623. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; APPLICABILITY OF GOVERNMENT PENSION TO CERTAIN FEDERAL EMPLOYEES

Significance: Agency Priority

Legal Authority: 42 USC 402(b),(c),(e),(f),(g); PL 100-203, Sec 9007; PL 100-647, Sec 8014

CFR Citation: 20 CFR 404.408a

Legal Deadline: None

Abstract: We are proposing to revise our rules on reducing the Social Security spouse's benefits of a person who is also receiving a Government pension based on noncovered

employment. The Omnibus Budget Reconciliation Act of 1987 (PL 100-203, sec 9007) requires that a Federal Government employee who elects to be covered under Social Security after December 31, 1987 must work for at least 60 months after that date in order to avoid the reduction after he or she becomes entitled to Social Security spouse's benefits. That requirement is extended to the foreign service pension system by the Technical and Miscellaneous Revenue Act of 1988 (PL 100-647), which also provides that under certain circumstances the reduction does not apply to any individual who retires before his or her coverage election becomes effective.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-8471

RIN: 0960-AC46

624. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXEMPTION OF CERTAIN ASSISTANCE PAYMENTS FROM RETROSPECTIVE MONTHLY ACCOUNTING

Legal Authority: PL 100-203, Sec 9106

CFR Citation: 20 CFR 416.420

Legal Deadline: None

Abstract: Section 9106 of P.L. 100-203 exempts certain income from retrospective monthly accounting in determining a person's Supplemental Security Income (SSI) benefit amount. Generally, an SSI benefit for a month is computed using income from two months prior. Section 9106, which is reflected in this regulation change, provides for the following types of income to be used only in the month received to compute the benefit amount: (1) Aid to Families with Dependent Children (AFDC); (2) Foster Care (Title IV-E); (3) Refugee Cash Assistance; (4) Cuban and Haitian Entrant Assistance; and (5) Bureau of Indian Affairs general assistance and child welfare assistance. Program costs are expected to be negligible.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1755

RIN: 0960-AC49

625. SUPPLEMENTAL SECURITY INCOME PROGRAM; INCREASE IN EMERGENCY ADVANCE PAYMENTS

Legal Authority: 42 USC 1383(a); PL 100-203, Sec 9109

CFR Citation: 20 CFR 416.502; 20 CFR 416.520; 20 CFR 416.1403

Legal Deadline: None

Abstract: The proposed rules will reflect section 9109 of Pub. L. 100-203. They raise the amount of the emergency advance payment that can be paid to a person presumptively eligible for SSI payments. Because the emergency advance payment is an advance of benefits and later deducted from the benefits due an individual, no increased costs are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	02/27/89	54 FR 8215
NPRM Comment	04/28/89	
Period End		
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1758

RIN: 0960-AC50

626. SUPPLEMENTAL SECURITY INCOME PROGRAM; MODIFICATION OF INTERIM ASSISTANCE REIMBURSEMENT PROGRAM

Legal Authority: 42 USC 1302; PL 100-203, Sec 9110

CFR Citation: 20 CFR 416.1901; 20 CFR 416.1902; 20 CFR 416.1906

HHS—SSA

Proposed Rule Stage

Legal Deadline: None

Abstract: These proposed rules reflect sec. 9110 of Pub.L. 100-203. They extend Interim Assistance Reimbursement to cases in which assistance is provided by a State while an individual's Supplemental Security Income (SSI) payments are suspended or terminated and then subsequently reinstated. Current regulations provide for reimbursement to a State only for interim assistance payments made while an individual's initial application for SSI is pending. No additional program costs are anticipated since the amount reimbursed to the State is later deducted from the individual's SSI payments.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1758

RIN: 0960-AC51

627. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM INCOME OF PAYMENTS RECEIVED FOR AND USED TO PAY LAST ILLNESS AND DEATH

Legal Authority: PL 100-203, Sec 9120

CFR Citation: 20 CFR 416.1121; 20 CFR 416.1201

Legal Deadline: None

Abstract: The regulation reflects the provisions of section 9120 of Pub. L. 100-203 by providing that payments to an individual (including gifts and inheritances) occasioned by the death of another person are not considered income for supplemental security income purposes to the extent that such payments are expended by such individual for purposes of the deceased person's last illness and burial. Also, the regulations propose a policy change to not consider the same payments as resources for one month following receipt. Any increased costs will be negligible.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1755

RIN: 0960-AC52

628. SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUATION OF FULL BENEFIT STANDARD FOR PERSONS TEMPORARILY INSTITUTIONALIZED

Significance: Agency Priority

Legal Authority: PL 100-203, Sec 9115; PL 99-643, Sec 3

CFR Citation: 20 CFR 416.211; 20 CFR 416.414; 20 CFR 416.1149; 20 CFR 416.1167; 20 CFR 416.1325; 20 CFR 416.2040; 20 CFR 410; 20 CFR 412; 20 CFR 640; 20 CFR 1147

Legal Deadline: None

Abstract: These amendments require continued payment based on the full payment rate to certain persons eligible for SSI payments under Section 1619 or 1611(e) of the Act who enter certain medical and psychiatric institutions. Without these provisions, SSI benefits would be reduced or suspended.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1794

RIN: 0960-AC55

629. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISION OF CONTRIBUTIONS FOR SUPPORT RULES

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 404.366(a)

Legal Deadline: None

Abstract: This proposed rule will change one of the requirements for determining whether an insured person is contributing to the support of a child at a specific time. The requirements that contributions be made regularly and be large enough to meet an important part of a child's living expenses will be replaced by a requirement that consideration be given to the economic circumstances of both the insured person and the child and that recognition also be given to the child's needs. Because of the minimal number of persons who will be affected by these proposed changes any additional program costs will be negligible.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1758

RIN: 0960-AC57

630. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SUPPLEMENTAL EARNINGS REPORTS

Legal Authority: 42 USC 403

CFR Citation: 20 CFR 404.455

Legal Deadline: None

Abstract: We have learned that old-age and survivors' insurance beneficiaries whose estimate of earnings for the current year is more than the exempt amount for that year, but is equal to or less than the prior year's earnings, tend to underestimate or fail to report their work for the next year which results in overpayments. We are proposing an addition to the current regulation which will clarify that our interpretation of Section 203(h)(3) and (h)(4) of the Social Security Act permits SSA to request estimates of earnings for the next taxable year as well as the current taxable year. If a beneficiary does not furnish the requested future year's earnings estimate, we will use the estimate for the current year to determine whether to withhold benefits

HHS—SSA

Proposed Rule Stage

for the next year. We estimate savings of \$3.5 million per year.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-8471

RIN: 0960-AC58

631. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REPRESENTATION OF PARTIES - SUSPENSION AND DISQUALIFICATION OF REPRESENTATIVES

Legal Authority: 42 USC 405(a); 42 USC 406; 42 USC 1302; 42 USC 1383(d)

CFR Citation: 20 CFR 404.1745; 20 CFR 404.1750; 20 CFR 404.1760; 20 CFR 404.1765; 20 CFR 404.1770; 20 CFR 404.1790; 20 CFR 404.1799; 20 CFR 416.1545; 20 CFR 416.1550; 20 CFR 416.1560; 20 CFR 416.1565; 20 CFR 416.1570; 20 CFR 416.1590; 20 CFR 416.1599

Legal Deadline: None

Abstract: This proposal amends the regulations to provide that when it appears that a person who represents claimants in dealing with the Social Security Administration (SSA) has violated one of our rules, the SSA's Associate Commissioner for Hearings and Appeals, or his or her designee, will initiate proceedings to suspend or disqualify the representative. Under the existing regulations the Office of Retirement and Survivors Insurance performed this function.

Timetable:

Action	Date	FR Cite
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NPRM 08/00/89

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1796

RIN: 0960-AC59

632. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINATION OF DISABILITY - DETERMINING STATE AGENCY SUBSTANTIAL FAILURE

Significance: Agency Priority

Legal Authority: 42 USC 421; 42 USC 1302

CFR Citation: 20 CFR 404.1641; 20 CFR 404.1670; 20 CFR 404.1680; 20 CFR 404.1682; 20 CFR 404.1683; 20 CFR 416.1041; 20 CFR 416.1070; 20 CFR 416.1080; 20 CFR 416.1082; 20 CFR 416.1083

Legal Deadline: None

Abstract: The proposed rules contain procedures for determining when a State agency has substantially failed to make disability determinations in accordance with applicable Federal law. If it is determined that a State agency has substantially failed to make disability determinations in a manner consistent with Federal regulations or other written guidelines, the Social Security Administration, in accordance with section 221 of the Social Security Act (42 USC 421), must assume the responsibility for making the disability determinations. The costs or savings likely to result from implementation of these regulations are not predictable.

Timetable:

Action	Date	FR Cite
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NPRM 06/00/89

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1755

RIN: 0960-AC60

633. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; VOCATIONAL REGULATIONS RESTRUCTURING AND CLARIFICATION

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 404.1550 to 404.1567, (new); 20 CFR 416.920; 20 CFR 416.945; 20 CFR 416.950 to 416.967, (new)

Legal Deadline: None

Abstract: Based upon adjudicative experience, we are proposing clarifications and a restructuring of the disability vocational evaluation regulations.

Timetable:

Action	Date	FR Cite
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NPRM 09/00/89

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1759

RIN: 0960-AC61

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Social Security Administration (SSA)

Final Rule Stage

634. SUPPLEMENTAL SECURITY INCOME PROGRAM; SUSPENSIONS, TERMINATIONS, AND ADVANCE NOTICE OF ADVERSE DETERMINATIONS

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c; 42 USC 1382d; 42 USC 1383; PL 99-643, Sec 3; PL 99-643, Sec 4; PL 100-203, Sec 9103; PL 100-203, Sec 9112; PL 100-203, Sec 9115

CFR Citation: 20 CFR 416M

Legal Deadline: None

Abstract: This regulation reorganizes, revises, and clarifies the rules on withholding, reducing, suspending, and terminating an SSI beneficiary's benefits. This regulation's original purpose was to make these rules easier to read and understand. However, these rules also reflect the following statutory enactments: (1) Section 3 of Pub. L. 99-643, (2) Section 4 of Pub. L. 99-643, (3) Section 9103 of Pub. L. 100-203, (4) Section 9112 of Pub. L. 100-203, and (5) Section 9115 of Pub. L. 100-203.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	06/19/79	44 FR 35241
NPRM	05/08/86	51 FR 17057
NPRM Comment Period End	07/07/86	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1794

RIN: 0960-AA22

635. SUPPLEMENTAL SECURITY INCOME PROGRAM; REOPENING AND REVISING SUPPLEMENTAL SECURITY INCOME DETERMINATIONS AND DECISIONS WITHIN FOUR YEARS OF THE NOTICE OF THE INITIAL DETERMINATION

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416.1488

Legal Deadline: None

Abstract: The proposed rules would provide for the reopening and revising

of Supplemental Security Income determinations within four years of the notice of the initial determination if we discovered an error affecting a claimant's eligibility or benefit amount during this period through the use of information exchange and data gathering involving either our records or our records and those of other Federal or State agencies.

Timetable:

Action	Date	FR Cite
NPRM	08/27/86	51 FR 30499
NPRM Comment Period End	10/27/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 965-1769

RIN: 0960-AA59

636. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; TREATMENT OF OASDI LUMP SUM AND MONTHLY PAYMENTS IN THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM

Legal Authority: 42 USC 405; 42 USC 407; 42 USC 602; 42 USC 1302; 42 USC 1383(a)

CFR Citation: 20 CFR 404U; 20 CFR 416F

Legal Deadline: None

Abstract: These proposed rules would revise 20 CFR 404.2040, which stipulates the use of benefit payments by a representative payee, explaining that retroactive and monthly title II benefits received by a representative payee may be used for other members of the AFDC Unit. We are also proposing direct payment to a beneficiary under age 18 if the beneficiary is within 7 months of attaining age 18 and is initially filing an application for benefits. This proposed revision represents a policy change and is an extension of the 4-month period in our current regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/22/88	53 FR 31886
NPRM Comment Period End	10/21/88	

Action	Date	FR Cite
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 965-1769

RIN: 0960-AA90

637. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUED PAYMENT OF BENEFITS TO PERSONS IN VOCATIONAL REHABILITATION PROGRAMS

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 425; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.316; 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.902; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1321; 20 CFR 416.1338; 20 CFR 416.1331; 20 CFR 416.1402

Legal Deadline: None

Abstract: This change permits the continued payment of disability benefits to persons who medically recover while participating in a vocational rehabilitation (VR) program, without regard to whether the person was expected at the onset of the VR program to medically recover before the scheduled completion date of the program and without regard to whether the person has any residual functional limitation. These changes bring the regulations into conformity with certain recent court decisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/14/86	51 FR 17616
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

HHS—SSA

Final Rule Stage

6401 Security Blvd., Baltimore, MD
21235, 301 965-1753

RIN: 0960-AB05

638. SUPPLEMENTAL SECURITY INCOME PROGRAM AND MEDICAID ASSISTANCE; WHAT IS NOT INCOME

Legal Authority: 42 USC 1382a

CFR Citation: 20 CFR 416.1103(a); 42 CFR 435.725(c); 42 CFR 435.726(c); 42 CFR 435.733(c); 42 CFR 435.735(c); 42 CFR 435.832(c); 42 CFR 436.832(c)

Legal Deadline: None

Abstract: The rule changes SSI policy to consider Veterans Administration payments resulting from unusual medical expenses not to be income for SSI purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/24/88	53 FR 32252
NPRM Comment Period End	10/24/88	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1755

RIN: 0960-AB09

639. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARDS FOR CONSULTATIVE EXAMINATIONS; EXISTING MEDICAL EVIDENCE

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 9; 42 USC 405; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1512; 20 CFR 416.912; 20 CFR 404.1519; 20 CFR 416.919; 20 CFR 404.1502; 20 CFR 416.920; 20 CFR 404.1593; 20 CFR 416.993; 20 CFR 416.902; 20 CFR 404.1513; 20 CFR 416.913; 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 416.945; 20 CFR 404.1546; ...

Legal Deadline: None

Abstract: The regulations include standards for obtaining consultative examinations, the types of consultative

examination referrals to be made, and monitoring procedures for consultative examinations and the referral process. The regulations also provide for evaluating all medical evidence of record and developing a 12-month medical history. References to "medical assessments" will be replaced by references to medical source statements as to what a person can still do despite his or her impairment(s). The regulations also set forth the standards to be used in evaluating the medical opinions of treating and other medical sources. The changes will not have any significant impact on either administrative or program costs.

Timetable:

Action	Date	FR Cite
NPRM	04/20/87	52 FR 13014
NPRM Comment Period End	06/19/87	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1759

RIN: 0960-AB22

640. SUPPLEMENTAL SECURITY INCOME PROGRAM; HOW WE COUNT UNEARNED INCOME—FUNDS USED TO PAY INDEBTEDNESS

Legal Authority: 42 USC 1302; 42 USC 1382a

CFR Citation: 20 CFR 416.1123(b)

Legal Deadline: None

Abstract: The issue is whether amounts otherwise due an individual assigned to repay a legal obligation should continue to be included in income under the Supplemental Security Income (SSI) program. The regulation will clarify that we count such amounts as income. Because this clarification only will reflect current operating policy, no costs/savings are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	09/15/87	52 FR 34813
NPRM Comment Period End	11/16/87	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, 301 965-1755

RIN: 0960-AB29

641. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINATIONS OF DISABILITY-COMPLIANCE, AND OTHER CHANGES

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 1302; PL 98-460, Sec 17; 42 USC 1383

CFR Citation: 20 CFR 404.1601; 20 CFR 416.1001; 20 CFR 404.1602; 20 CFR 416.1002; 20 CFR 404.1615; 20 CFR 416.1015; 20 CFR 404.1620; 20 CFR 416.1020; 20 CFR 404.1632; 20 CFR 416.1023; 20 CFR 404.1626; 20 CFR 416.1026; 20 CFR 404.1627; 20 CFR 416.1027; 20 CFR 404.1633; ...

Legal Deadline: None

Abstract: These regulations for administering the disability determination function make changes to improve the disability determination process by modifying our State agency monitoring and technical and management assistance procedures, administrative standards, and fiscal, audit, and appeals requirements. They also clarify when we will find that a State agency has substantially failed to make disability determinations consistent with the regulations and other written guidelines.

Timetable:

Action	Date	FR Cite
NPRM	04/25/86	51 FR 15638
NPRM Comment Period End	06/24/86	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1755

RIN: 0960-AB36

HHS—SSA

Final Rule Stage

**642. OLD AGE SURVIVORS
DISABILITY INSURANCE AND
SUPPLEMENTAL SECURITY INCOME
PROGRAMS; PAYMENT OF COSTS OF
REHABILITATION SERVICES**

Legal Authority: PL 98-460, Sec 11; 42 USC 405; 42 USC 422; 42 USC 1302; 42 USC 1382d; 42 USC 1383

CFR Citation: 20 CFR 404V; 20 CFR 416V

Legal Deadline: None

Abstract: Public Law 98-460 created 2 new provisions under which SSA will pay vocational rehabilitation (VR) agencies for the costs of services provided to disabled or blind social security beneficiaries or SSI recipients. Under the first new provision, SSA will allow payment to vocational rehabilitation agencies (VRAs) for the costs of VR services provided to individuals continuing to receive payment because they are participating in a VR program after their period of disability has ceased due to their medical recovery. The second new provision allows payment to VRAs for the costs of VR services provided to beneficiaries/recipients who refuse without good cause to continue or to cooperate in a VR program in such a way as to preclude their successful rehabilitation with such refusal resulting in the nonpayment of their disability or blindness payments. It is estimated that the first year costs of this program will be less than 1 million dollars.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36510
NPRM Comment	12/09/86	
Period End		
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1758

RIN: 0960-AB37

**643. OLD AGE, SURVIVORS,
DISABILITY INSURANCE AND
SUPPLEMENTAL SECURITY INCOME
PROGRAMS; DETERMINING
DISABILITY AND BLINDNESS;
MULTIPLE IMPAIRMENTS**

Legal Authority: PL 98-460, Sec 4; 42 USC 405; 42 USC 423; 42 USC 1302; 42 USC 1382c

CFR Citation: 20 CFR 404.1501; 20 CFR 404.1520; 20 CFR 404.1521; 20 CFR 404.1522; 20 CFR 404.1577; 20 CFR 416.901; 20 CFR 416.920; 20 CFR 416.921; 20 CFR 416.922; 20 CFR 404.1523; 20 CFR 416.923

Legal Deadline: None

Abstract: This provision of the law requires us to consider the combined effect of all of a person's impairments in determining disability regardless of whether any single impairment, if considered separately, would be of sufficient severity. If we do find a medically severe combination of impairments, the combined impact of the impairments must be considered throughout the disability determination process. When the combined effect is found to be severe, the person's impairments are evaluated throughout the full sequential evaluation process. We are revising the regulations to explain in greater detail how we consider the combined effect of multiple impairments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/05/85	50 FR 08726
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1759

RIN: 0960-AB39

**644. OLD-AGE, SURVIVORS,
DISABILITY INSURANCE AND
SUPPLEMENTAL SECURITY INCOME
PROGRAMS; EVALUATION OF
SYMPTOMS, INCLUDING PAIN**

Legal Authority: 42 USC 405; 42 USC 423; 42 USC 1382c; 42 USC 1383; 42 USC 1302

CFR Citation: 20 CFR 404P; 20 CFR 416I

Legal Deadline: None

Abstract: These regulations expand the existing regulations pertaining to the evaluation of cases involving pain or other symptoms to provide a more detailed explanation of SSA's current policy for evaluating symptoms, including pain.

Timetable:

Action	Date	FR Cite
NPRM	09/14/88	53 FR 35577
NPRM Comment	11/14/88	
Period End		
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, 301 965-1759

RIN: 0960-AB41

**645. OASDI & SSI PROGRAMS;
OVERPAYMENT AND LIABILITY FOR
REPAYMENT OF AN OVERPAYMENT**

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.501; 20 CFR 404.502; 20 CFR 416.537; 20 CFR 404.501a

Legal Deadline: None

Abstract: These final rules implement section 12113 of Pub. L. 99-272 (Consolidated Omnibus Budget Reconciliation Act of 1985) enacted April 7, 1986. That legislation establishes a Social Security benefit overpayment or a Supplemental Security Income benefit overpayment to a joint account owner in certain cases in which the beneficiary is deceased and payment is made after death. Also, we propose to add technical corrections to the title II regulations

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

HHS—SSA

Final Rule Stage

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-8470

RIN: 0960-AB78

646. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE; BLACK LUNG; AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; AND ORGANIZATION AND PROCEDURES; APPLICATION OF CIRCUIT COURT LAW

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1395; 42 USC 1395(a)(2); 42 USC 1395hh; 5 USC 552

CFR Citation: 20 CFR 422E; 20 CFR 404J; 20 CFR 410F; 20 CFR 416N

Legal Deadline: None

Abstract: These proposed regulations withdraw the Notice of Proposed Rulemaking (NPRM) published at 52 FR 2557 on January 23, 1987. That NPRM described a new type of Social Security ruling (Social Security Acquiescence Ruling or "Acquiescence Ruling"), which is available to the public. These proposed regulations reflect a new proposed policy explaining the manner in which we will apply decisions of the United States Courts of Appeals, that we determine conflict with Social Security Administration policy in adjudicating claims under title II and title XVI of the Social Security Act and title IV, Part B of the Federal Mine Safety and Health Act of 1977. The regulation changes will become effective on the date of publication of final regulations.

Timetable:

Action	Date	FR Cite
Prior Notice of Proposed Rulemaking	01/23/87	52 FR 02557
NPRM	11/18/88	53 FR 46628
NPRM Comment Period End	01/17/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

6401 Security Blvd., Baltimore, MD 21235, 301 965-1769

RIN: 0960-AB85

647. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DECISIONS BY ADMINISTRATIVE LAW JUDGES IN CASES REMANDED BY COURTS

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 42 USC 401; 42 USC 421

CFR Citation: 20 CFR 404.953; 20 CFR 404.983; 20 CFR 404.984; 20 CFR 416.1453; 20 CFR 416.1483; 20 CFR 416.1484; 20 CFR 404.955; 20 CFR 404.986; 20 CFR 416.1455; 20 CFR 416.1486

Legal Deadline: None

Abstract: If the court remands a case and the SSA Appeals Council remands it to an administrative law judge (ALJ), under current regulations the ALJ returns the case to the Appeals Council with a recommended decision, and the Appeals Council must review that decision and take further action in every case before the decision becomes final. This can involve delay. The regulation would permit the ALJ to make a decision which would become final unless, within 30 days after the decision is received, the claimant files exceptions or within that period requests an extension of time to file exceptions, or within 60 days after the date of the decision the Appeals Council decides to review the decision on its own. The change will permit more timely final decisions, and result in administrative savings of about \$1 million per year, due to a reduction in the number of personnel required to review the ALJ decision. It will not affect program cost.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38466
NPRM Comment Period End	12/15/87	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security

Administration, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1769

RIN: 0960-AC07

648. SUPPLEMENTAL SECURITY INCOME PROGRAM: FEDERAL ADMINISTRATION OF OPTIONAL STATE SUPPLEMENTATION

Legal Authority: 42 USC 1382e; 42 USC 1302

CFR Citation: 20 CFR 416.2030(a)(2); 20 CFR 416.2040(b)

Legal Deadline: None

Abstract: 42 USC 1382e provides that at the option of a State with a federally administered optional supplementation program, the supplementation agreement between such State and the Secretary of HHS may be modified to allow Federal administration of optional supplementary payments to any individual in a medical facility where more than 50 percent of the individual's care is covered by the Medicaid program (Living Arrangements (LA) "D" recipients). The proposed regulation will reflect the amendment to the statute discussed above.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Public Compliance Cost: Initial Cost: \$0; Yearly Recurring Cost: \$0

Sectors Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1755

RIN: 0960-AC13

649. SUPPLEMENTAL SECURITY INCOME PROGRAM; PERMANENT RESIDENCE IN THE UNITED STATES UNDER COLOR OF LAW - ADDITIONAL CATEGORY

Legal Authority: 42 USC 1382c; PL 99-603

CFR Citation: 20 CFR 416.1618; 20 CFR 416.1615

HHS—SSA

Final Rule Stage

Legal Deadline: None

Abstract: This proposed regulation will add the specific categories of aliens legalized by P. L. 99-603 to be considered permanently residing in the United States under color of law or lawfully admitted for permanent residence in the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4296
Final Action	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1758

RIN: 0960-AC26

650. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EMPLOYMENT, WAGES, SELF-EMPLOYMENT, AND SELF-EMPLOYMENT INCOME

Legal Authority: PL 98-21; PL 99-514; PL 98-369; PL 100-203; PL 100-647

CFR Citation: 20 CFR 404.1041; 20 CFR 404.1042; 20 CFR 404.1068; 20 CFR 404.1049; 20 CFR 404.1050; 20 CFR 404.1001; 20 CFR 404.1026; 20 CFR 404.1046; 20 CFR 404.1048; 20 CFR 404.1051; 20 CFR 404.1052; 20 CFR 404.1053; 20 CFR 404.1054; 20 CFR 404.1058; 20 CFR 404.1070; ...

Legal Deadline: None

Abstract: PL 98-21 changed the timing of crediting deferred compensation for Social Security purposes. It also changed the treatment of retirement pay depending upon whether it is paid under a qualified deferred compensation plan. Further, it excluded from coverage various fringe benefits and payments under a Simplified Employee Pension Plan. Finally, the amendments codify certain provisions pertaining to meals and lodging and tax-sheltered annuities. PL 98-369 amended the wage exclusion for qualified bond purchase plans. PL 99-514 excluded from coverage payments under a cafeteria plan; amended the law for determining self-employment income when an individual works for a church or church-controlled organization which has elected not to

pay social security taxes; and amended the law for receiving an exemption from social security coverage for members of religious orders, ministers, and Christian Science practitioners. We are adding to the final rule the provisions in Sec 9003 of PL 100-203 and Sec 8013 of PL 100-647 concerning wage exclusion of group life insurance payments. These regulations merely reflect the above provisions and do not add substantive rules.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24727
NPRM Comment Period End	08/29/88	
Final Action	08/00/89	

Small Entities Affected: None**Government Levels Affected:** None

Additional Information: Since the new rules are mandated by legislation, any costs or effects upon small entities are a result of the legislation and not a result of the proposed regulations.

Agency Contact: Charles Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1794

RIN: 0960-AC27

651. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CONSIDERATION OF VOCATIONAL FACTORS

Significance: Agency Priority

Legal Authority: 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1362c; 42 USC 405; 42 USC 1383

CFR Citation: 20 CFR 404.1560; 20 CFR 416.960

Legal Deadline: None

Abstract: These regulations reflect longstanding policies followed by the Social Security Administration in making disability determinations and remove an ambiguity which exists in the present regulations regarding the factors that are considered when it is determined that a claimant is not disabled because he or she is able to do his or her past work. These proposed regulations do not reflect a substantive change in policy and are intended only

to clarify what has always been agency policy.

Timetable:

Action	Date	FR Cite
NPRM	06/09/88	53 FR 21685
NPRM Comment Period End	08/08/88	
Final Action	08/00/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1759

RIN: 0960-AC31

652. ORGANIZATION AND PROCEDURES, AND OASDI PROGRAMS; EVIDENCE REQUIRED FOR ORIGINAL OR DUPLICATE SOCIAL SECURITY NUMBER CARD

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 422B

Legal Deadline: None

Abstract: The proposed regulations will allow the Social Security Administration (SSA) to test procedures that will provide an exception to the current requirement that an applicant for a duplicate card must submit corroborative evidence of identity. This will enable us to test procedures that would allow us to conduct much of our business in processing applications for duplicate Social Security number cards by telephone.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-8471

RIN: 0960-AC32

HHS—SSA

Final Rule Stage

653. ORGANIZATION AND PROCEDURES, AND OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; SOCIAL SECURITY NUMBER CARDS FOR ALIENS**Legal Authority:** 42 USC 405; 42 USC 1302**CFR Citation:** 20 CFR 422B**Legal Deadline:** None

Abstract: The proposed regulation will reflect the role of the Immigration and Naturalization Service in obtaining applications for Social Security numbers from aliens when they apply for temporary legal resident status. Rules on evidence needed to support an application are being updated and revised. The proposed regulations will also reflect the role of the States in obtaining applications for Social Security numbers from welfare claimants and recipients. Savings for the Federal government are estimated to be \$5.9 million for FY 1988 and \$6.3 million for subsequent years. Virtually all of the savings are derived from the provision to reflect the role of the States in enumeration of welfare recipients.

Timetable:

Action	Date	FR Cite
NPRM	09/30/88	53 FR 38302
NPRM Comment Period End	11/29/88	
Final Action	06/00/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-8471

RIN: 0960-AC34**654. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; ADDITION OF DOWN SYNDROME TO THE LISTING OF IMPAIRMENTS****Legal Authority:** 42 USC 1302; 42 USC 405**CFR Citation:** 20 CFR 404P**Legal Deadline:** None

Abstract: We propose to add Down Syndrome to the multiple body systems, category of impairments, in Part B of the Listing of Impairments to provide

for evaluation of Down syndrome claims according to the impairment criteria for the major system affected. The Listing of Impairments describes, for each of the major body systems, a level of severity which is considered sufficient to find a person disabled or blind under the disability program. Part B contains additional medical criteria that apply only to the evaluation of impairments of persons under age 18.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37161
NPRM Comment Period End	12/04/87	
Final Action	05/00/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1759

RIN: 0960-AC35**655. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CANCELLED CONSULTATIVE EXAMINATIONS****Legal Authority:** 42 USC 405; 42 USC 1302; 42 USC 1383**CFR Citation:** 20 CFR 404.1624; 20 CFR 416.1024**Legal Deadline:** None

Abstract: We are proposing to no longer pay for consultative examinations when services are not rendered because the scheduled appointment was broken or otherwise not kept. Presently, the States decide whether to pay for these canceled examinations and such payments have already been abolished in 22 States. The total elimination of these payments will establish a uniform national policy.

Timetable:

Action	Date	FR Cite
NPRM	10/07/88	53 FR 39487
NPRM Comment Period End	12/06/88	
Final Action	10/00/89	

Small Entities Affected: None**Government Levels Affected:** State

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1759

RIN: 0960-AC40**656. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION OF REAL PROPERTY WHEN IT CANNOT BE SOLD; AND TRANSFER OF ASSETS FOR LESS THAN FAIR MARKET VALUE****Significance:** Agency Priority**Legal Authority:** 42 USC 1302; 42 USC 1383**CFR Citation:** 20 CFR 416.1242; 20 CFR 416.1245; 20 CFR 416.1246**Legal Deadline:** Final, Statutory, April 1, 1988.

Abstract: We have amended regulations under the Supplemental Security Income program to implement sections 9103 and 9104 of Pub. L. 100-203 (the Omnibus Budget Reconciliation Act of 1987) dealing with the disposition and transfer of resources in determining eligibility for SSI benefits. The cost/savings and workyear impact for these regulations have been estimated to be insignificant.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/22/88	53 FR 13254
Final Action	06/00/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1756

RIN: 0960-AC47**657. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM RESOURCES OF FUNDS SET ASIDE FOR BURIAL AND BURIAL SPACES****Legal Authority:** 42 USC 1302; 42 USC 1382b**CFR Citation:** 20 CFR 416.1231**Legal Deadline:** None

HHS—SSA

Final Rule Stage

Abstract: We propose to amend our regulations to reflect the changes made by section 9105 of Pub. L. 100-203 (the Omnibus Budget Reconciliation Act of 1987) and to make other policy changes concerning the treatment of burial spaces and certain funds set aside for burial expenses in the Supplemental Security Income program. The cost/savings and workyear impact for this NPRM have been estimated to be insignificant.

Timetable:

Action	Date	FR Cite
NPRM	09/15/88	53 FR 35930
NPRM Comment Period End	11/14/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1756

RIN: 0960-AC48

658. SUPPLEMENTAL SECURITY INCOME PROGRAM; PUBLIC EMERGENCY SHELTERS FOR THE HOMELESS, EXCLUSION OF UNDERPAYMENTS, INCREASE IN PERSONAL NEEDS ALLOWANCE

Legal Authority: PL 100-203, Sec 9113; PL 100-203, Sec 9114; PL 100-203, Sec 9119

CFR Citation: 20 CFR 416.201; 20 CFR 416.211; 20 CFR 416.414; 20 CFR 416.432; 20 CFR 416.1160; 20 CFR 416.1163; 20 CFR 416.1165; 20 CFR 416.1233; 20 CFR 416.2095; 20 CFR 416.2096; 20 CFR 416.2097; 20 CFR 416.2098; 20 CFR 416.2099

Legal Deadline: None

Abstract: These interim regulations will reflect sections 9113, 9114, and 9119 of Pub.L. 100-203 by increasing the number of months an individual who resides in a public emergency shelter for the homeless may be eligible for SSI payments, by temporarily extending the time period during which any

retroactive payments made under the title II and title XVI programs will be excluded from resources, and increasing the benefit rate for persons in medical institutions where Medicaid pays more than one-half the cost of their care. We anticipate only a negligible increase in program costs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1756

RIN: 0960-AC54

659. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SOCIAL SECURITY NUMBERS FOR NEWBORN CHILDREN

Significance: Agency Priority

Legal Authority: 42 USC 405

CFR Citation: 20 CFR 422.103

Legal Deadline: None

Abstract: Under the proposed rule, a parent will be able to request a Social Security number in the hospital when he or she provides birth registration information for a newborn child. The State vital statistics office will receive the information and the request from the hospital and electronically transmit this information to the Social Security Administration (SSA). SSA will assign a Social Security number to the child and send a card to the parents. We expect annual savings of \$11.4 million. A pilot project in three States has shown this procedure to be efficient and well-received.

Timetable:

Action	Date	FR Cite
NPRM	02/14/89	54 FR 6707
NPRM Comment Period End	03/16/89	

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-8471

RIN: 0960-AC56

660. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE; CONTINUED PAYMENT OF BENEFITS DURING APPEAL

Significance: Agency Priority

Legal Authority: PL 100-647, Sec 8006

CFR Citation: 20 CFR 404.1597a

Legal Deadline: None

Abstract: These proposed rules, which implement section 8006 of Pub. L. 100-647, extend the right to elect continuation of disability/blindness benefits and/or Medicare coverage for appeals of medical cessation determinations pending an administrative law judge decision on actions terminating benefits made through December 1989, with benefits payable through June 1990. (Effective for terminations occurring before January 1, 1990. Note: 53 FR 29011 published August 2, 1988 reflected section 9009 of PL 100-203 which was effective for terminations occurring before January 1, 1989.)

Timetable:

Action	Date	FR Cite
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1795

RIN: 0960-AC62

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)
Completed Actions
**661. OLD-AGE, SURVIVORS, AND
DISABILITY INSURANCE PROGRAM;
COVERAGE OF CERTAIN FEDERAL
EMPLOYEES; COVERAGE OF
EARNINGS OF FEDERAL JUDGES**

Significance: Agency Priority

CFR Citation: 20 CFR 404.1018

Completed:

Reason	Date	FR Cite
Final Action	10/04/88	53 FR 38943

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton 301
965-8470

RIN: 0960-AA89

**662. SUPPLEMENTAL SECURITY
INCOME PROGRAM; TREATMENT OF
PROPERTY HELD IN TRUST OR
OTHER SIMILAR LEGAL DEVICES
WHEN THE PROPERTY IS AVAILABLE
FOR A BENEFICIARY'S SUPPORT
AND MAINTENANCE**

CFR Citation: 20 CFR 416.1201

Completed:

Reason	Date	FR Cite
Regulation Action	12/00/88	
Discontinued		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry D. Lerner 301
965-1756

RIN: 0960-AB79

**663. OLD-AGE, SURVIVORS, AND
DISABILITY INSURANCE PROGRAM;
REDUCTION BECAUSE OF
ENTITLEMENT TO OTHER BENEFITS**
CFR Citation: 20 CFR 404.407; 20 CFR
404.612**Completed:**

Reason	Date	FR Cite
Final Action	02/06/89	54 FR 45603

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar
301 965-1795

RIN: 0960-AB87

**664. OLD-AGE SURVIVORS AND
DISABILITY INSURANCE AND
SUPPLEMENTAL SECURITY INCOME
PROGRAMS; THE HEARINGS AND
APPEALS PROCESS AND REOPENING
DETERMINATIONS AND DECISIONS**

Significance: Agency Priority

CFR Citation: 20 CFR 404; 20 CFR
404R; 20 CFR 410F; 20 CFR 416N; 20
CFR 416O; 20 CFR 422**Completed:**

Reason	Date	FR Cite
Regulation Action	12/00/88	
Discontinued		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge 301 965-
1769

RIN: 0960-AC15

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**Proposed Rule Stage****Public Health Service (PHS)—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)**
**665. ● WAIVERS TO REQUIREMENT
THAT STATES SPEND AT LEAST A
CERTAIN PORTION OF STATE BLOCK
GRANT FUNDS FOR NEW MENTAL
HEALTH SERVICES AND PROGRAMS**

Significance: Regulatory Program

Legal Authority: PL 100-690

CFR Citation: 45 CFR 96

Legal Deadline: None

Abstract: Section 2027 of Public Law 100-690 amends Section 1916 of the PHS Act to set a floor on the amount States must spend each year beginning in FY 1991 from Alcohol and Drug Abuse and Mental Health Services Block Grant funds for new mental health services

and programs. However, the Secretary may grant any State that he determines to be in a financial crisis a waiver lowering that floor by up to a certain amount. The Act requires that such determinations be based on standards published in regulations. Issues to be resolved in regulations include: (a) how to determine when a State is in a financial crisis; (b) what information States must provide to assure that a waiver is needed to avoid disruption to existing and planned high priority services; (c) how to determine the extent of relief to be granted for approved waivers; and (d) imposing requirements that are cost effective.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	
Final Action	11/30/89	

Small Entities Affected: None

Government Levels Affected: Local,
State

Agency Contact: Susan L. Becker,
Deputy Associate Administrator for,
Policy Coordination, ADAMHA,
Department of Health and Human
Services, Public Health Service, Rm.
12C-06, Parklawn Bldg., 5600 Fishers
Lane, Rockville, MD 20857, 301 443-4111

RIN: 0905-AC99

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Centers for Disease Control (CDC)

Proposed Rule Stage

666. NIOSH REVISION OF TESTS AND REQUIREMENTS OF CERTIFICATION OF RESPIRATORY PROTECTIVE DEVICES

Significance: Regulatory Program

Legal Authority: 30 USC 801; 30 USC 844; 30 USC 957

CFR Citation: 30 CFR 11; 42 CFR 84

Legal Deadline: None

Abstract: The proposed rule addresses three major problems of the current regulation by (1) substantially upgrading laboratory performance tests for certifying respirators; (2) adding quantitative face seal performance tests; and (3) replacing current certification tests that are design- or application-specific with tests that are performance-based. The first NPRM for revising 42 CFR Part 84 was published in the Federal Register on August 27, 1987 (52 FR 32402). In response to the many comments on the first proposal, NIOSH is in the process of developing a second NPRM.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32402
First Public Hearing	01/20/88	52 FR 37639
Second Public Hearing	01/27/88	52 FR 37639
NPRM Public Comment Period End	03/28/88	53 FR 5595
Second NPRM Published	05/00/89	
Second NPRM Comment Period End	08/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: \$7,096,000; Yearly Recurring Cost: \$6,400,000; Base Year for Dollar Estimates: 1990

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Dr. Nelson A. Leidel, Senior Science Advisor, Office of the Director, NIOSH, Department of Health

and Human Services, Public Health Service, Centers for Disease Control, 1600 Clifton Road, MS D37, Atlanta, GA 30333, 404 639-3901

RIN: 0905-AB58

667. SUBCHAPTER J - NATIONAL VACCINE PROGRAM, PART 110 INFORMATION AND EDUCATION, SUBPART A - VACCINE INFORMATION MATERIALS

Significance: Agency Priority

Legal Authority: 42 USC 300aa-26; PL 99-660, Sec 311(a)

CFR Citation: 42 CFR 110

Legal Deadline: Final, Statutory, December 22, 1988.

Abstract: This new regulation is required to implement the statutory requirements of Section 2126, Title XXI, Public Health Service Act as amended. The statute requires the Secretary to develop and disseminate vaccine information materials for distribution by health care providers. These materials will be published as an appendix of this regulation. The regulation describes the vaccine information materials and the health care providers' duties to disseminate a copy of the materials to any adult to whom the provider intends to administer vaccine and to the legal representative of any child to whom the provider intends to administer vaccine. The NPRM has a 90-day comment period.

Timetable:

Action	Date	FR Cite
NPRM	03/03/89	54 FR 9181
Public Hearing	04/17/89	54 FR 11547
NPRM Comment Period End	05/31/89	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Walter A. Orenstein, M.D., Director, Division of Immunization, Center for Prevention Services, Department of Health and

Human Services, Public Health Service, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333, 404 639-1880

RIN: 0905-AC83

668. ● INTERSTATE SHIPMENT OF BIOLOGICAL MATERIAL THAT CONTAINS OR MAY CONTAIN ETIOLOGIC AGENTS

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 264; 42 USC 271

CFR Citation: 42 CFR 72

Legal Deadline: None

Abstract: The revised regulation will clarify the requirements for packaging and shipping material containing etiologic agents. Some users have had difficulty applying the current regulation, particularly with respect to the definition of material covered. The revised regulation is not expected to have a major impact on the cost of shipping these materials and is expected to result in increased conformance so that those handling such packages will have an even lower probability of exposure to potentially infectious material.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John W. McVicar, D. V. M., Director, Office of Biosafety, Centers for Disease Control, Department of Health and Human Services, Public Health Service, 1600 Clifton Road NE, Atlanta, GA 30333, 404 639-3883

RIN: 0905-AC89

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Centers for Disease Control (CDC)

Final Rule Stage

669. HEALTH ASSESSMENTS AND HEALTH EFFECTS STUDIES OF HAZARDOUS SUBSTANCES RELEASES AND FACILITIES

Significance: Agency Priority

Legal Authority: 42 USC 9601 et seq. Sec 104(i) amended by Sec 110 of SARA; 42 USC 6939a(c)

CFR Citation: 42 CFR 90

Legal Deadline: None

Abstract: This regulation sets forth procedures the Agency for Toxic Substances and Disease Registry (ATSDR) will follow in determining when and how to conduct health assessments and health effects studies at hazardous substances releases and facilities. In addition to CERCLA-

authorized health assessments and health effects studies, this regulation also applies to ATSDR health assessment activity under the Resource Conservation and Recovery Act (RCRA) (42 USC 6939a(c)). This proposal also contains provisions pertaining to the establishment of administrative records for ATSDR health assessments and health effects studies, for tracking costs of these studies for cost recovery purposes, and for safeguarding trade secret and other confidential information.

Timetable:

Action	Date	FR Cite
NPRM	08/24/88	53 FR 32259
NPRM Comment Period End	10/24/88	

Action	Date	FR Cite
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Final Action	07/00/89	
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Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Ralph J. Touch, Jr., Director, Planning and Special Programs, ATSDR, Department of Health and Human Services, Public Health Service, Chamblee 27, F38, 1600 Clifton Road, Atlanta, GA 30333, 404 488-4853

RIN: 0905-AC84

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Prerule Stage

670. DRUG EXPORTS

Significance: Agency Priority

Legal Authority: PL 99-660 Drug Export Amendments Act of 1986

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Drug Export Amendments Act of 1986 authorizes the export for commercial marketing abroad of veterinary and human drugs not approved for marketing in the United States. Under previous law, the export of new human and animal drugs for marketing was confined to drugs that were approved by FDA for domestic use. The law establishes three separate pathways for the export of unapproved products. Under each pathway, FDA approval is required before export is permitted. As a prerulemaking activity, FDA is developing guidance material for manufacturers instructing them as to what information must be submitted to the agency to obtain approval for the export of unapproved products. The guidance material will also identify FDA sources of information on agency practices and policies concerning the implementation of the Drug Export Amendments Act of 1986. The agency will then decide what, if any, regulations are necessary for the efficient implementation of the amendments, and establish timeframes

for the development of those regulations.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Wayne Mitchell, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8046

RIN: 0905-AC44

671. COMPUTER PRODUCTS; POLICY GUIDANCE

Significance: Regulatory Program

Legal Authority: 21 USC 321(h)

CFR Citation: 21 CFR 800

Legal Deadline: None

Abstract: As a prerulemaking activity, FDA is developing guidance for manufacturers respecting how FDA would apply existing statutory requirements to the regulation of computer products (i.e., both hardware and software) when such products meet

the definition of a medical device under the act.

On September 25, 1987, FDA made available a draft policy guidance intended to clarify how FDA would apply existing statutory requirements to the regulation of such products to provide opportunity for public participation in this activity.

Upon analysis of the public comments on the complex issues pertaining to the regulation of computer products, the agency will decide whether any additional steps are necessary to clarify which computer products meet the definition of a medical device and what level of regulation, if any, is appropriate under the act.

Timetable:

Action	Date	FR Cite
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Proposed Draft Guideline	09/25/87	52 FR 36104
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Final Policy Guidance	09/00/89	
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Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Charles S. Furfine, Office of Standards and Regulations, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health (HFZ-84), 5600

HHS—PHS—FDA

Prerule Stage

Fishers Lane, Rockville, MD 20857, 301
443-4874

RIN: 0905-AC72

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Proposed Rule Stage

**672. OVER-THE-COUNTER (OTC)
DRUG REVIEW**

Significance: Agency Priority

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 310; 21 CFR 330; 21 CFR 333; 21 CFR 334; 21 CFR 335; 21 CFR 336; 21 CFR 337; 21 CFR 338; 21 CFR 339; 21 CFR 340; 21 CFR 341; 21 CFR 342; 21 CFR 343; 21 CFR 344; 21 CFR 345; ...

Legal Deadline: None

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. NOTE: NPRM for "Antidotes, Toxic Ingestion Products" to be combined with NPRM for "Emetic Products" and repropose as "Poison Treatment Products." NPRM for "Astringent (Wet Dressings) Products" to be included in the NPRM for "Skin Protectant Products." NPRM for "Diaper Rash Products" to be included in NPRMs for "Antifungal," "Antimicrobial," "External Analgesic" and "Skin Protectant Products." NPRM for "Fever Blister/Cold Sore Products (External)" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Insect Bites and Stings (Relief) Products" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." "Poison Ivy/Oak/Sumac Prevention" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Mercurial (Topical) Products" to be included in NPRM (cont)

Timetable:

Acne (Topical) Products

ANPRM 03/23/82 (47 FR 12430)

NPRM 01/15/85 (50 FR 2172)

Final Action 00/00/00

Alcohol (Topical) Products (To be merged w/other rulemkg)

ANPRM 05/21/82 (47 FR 22324)

Anorectal Products

ANPRM 05/27/80 (45 FR 35576)

NPRM 08/15/88 (53 FR 30756)

Antacid Drug Products

ANPRM 04/05/73 (38 FR 8714)

NPRM 11/12/73 (38 FR 31260)

Final Action 06/04/74 (39 FR 9862)

Anthelmintic Products

ANPRM 09/09/80 (45 FR 59541)

NPRM 08/24/82 (47 FR 37062)

Final Action 08/01/86 (51 FR 27756)

Antibiotic First Aid Products

ANPRM 04/01/77 (42 FR 17642)

NPRM 07/09/82 (47 FR 29986)

Final Action 12/11/87 (52 FR 47312)

Anticaries Products

ANPRM 03/28/80 (45 FR 20666)

NPRM 09/30/85 (50 FR 39854)

NPRM 06/15/88 (53 FR 22430)

Final Action 00/00/00

Antidiarrheal Products

ANPRM 03/21/75 (40 FR 12924)

NPRM 04/30/86 (51 FR 16138)

Final Action 00/00/00

Antidotes, Toxic Ingestion Prdts (Now Poison Treatment Prdts)

ANPRM 01/05/82 (47 FR 444)

Antiemetic Products

ANPRM 03/21/75 (40 FR 12934)

NPRM 07/13/79 (44 FR 41064)

Final Action 04/30/87 (52 FR 15886)

Antiflatulent Drug Products

NPRM 11/12/73 (38 FR 31260)

Final Action 06/04/74 (39 FR 19877)

NPRM (Amendment) 01/29/88 (53 FR 2716)

Antifungal (Topical) Products

ANPRM 03/23/82 (47 FR 12480)

NPRM 06/00/89

Antiperspirant Products

ANPRM 10/10/78 (43 FR 46694)

NPRM 08/20/82 (47 FR 36492)

Final Action 00/00/00

Antiseptic First Aid

ANPRM 09/13/74 (39 FR 33103)

NPRM 01/06/78 (43 FR 1210)

Revised NPRM 09/00/89

Antiseptic Products (Professional Use)

ANPRM 09/13/74 (39 FR 33103)

NPRM 01/06/78 (43 FR 1210)

Revised NPRM 09/00/89

Aphrodisiac Products

ANPRM 10/01/82 (47 FR 43572)

NPRM 01/15/85 (50 FR 2168)

Final Action 06/00/89

Astringent (Wet Dressings) Prdts (To be merged w/other rulemkg)

ANPRM 09/07/82 (47 FR 39436)

Benign Prostatic Hypertrophy Products

ANPRM 10/01/82 (47 FR 43566)

NPRM 02/20/87 (52 FR 5406)

Final Action 00/00/00

Boll Ointments

ANPRM 06/29/82 (47 FR 28306)

NPRM 01/26/88 (53 FR 2198)

Final Action 00/00/00

Camphorated Oil Drug Products

ANPRM 09/26/80 (45 FR 63869)

Final Action 09/21/82 (47 FR 41716)

Cholecystokinetic Products

ANPRM 02/12/80 (45 FR 9286)

NPRM 08/24/82 (47 FR 37068)

Final Action 06/10/83 (48 FR 27004)

NPRM (Amendment) 08/15/88 (53 FR 30786)

Final Action (Amendment) 02/28/89 (54 FR 8320)

Corn and Callus Remover Products

ANPRM 01/05/82 (47 FR 522)

NPRM 02/20/87 (52 FR 5412)

Final Action 00/00/00

Cough/Cold (Anticholinergic) Products

ANPRM 09/09/76 (41 FR 38312)

NPRM 07/09/82 (47 FR 30002)

Final Action 11/08/85 (50 FR 46582)

Cough/Cold (Antihistamine) Products

ANPRM 09/09/76 (41 FR 38312)

NPRM 01/15/85 (50 FR 2200)

NPRM (Amendment) 08/24/87 (52 FR 31892)

Final Action 00/00/00

Cough/Cold (Antitussive) Products

ANPRM 09/09/76 (41 FR 38312)

NPRM 10/19/83 (48 FR 48576)

Final Action 08/12/87 (52 FR 30042)

Cough/Cold (Bronchodilator) Products

ANPRM 09/09/76 (41 FR 38312)

NPRM 10/26/82 (47 FR 47520)

Final Action 10/02/86 (51 FR 35326)

Cough/Cold (Combination) Products

ANPRM 09/09/76 (41 FR 38312)

NPRM 08/12/88 (53 FR 30522)

Final Action 00/00/00

Cough/Cold (Expectorant) Products

ANPRM 09/09/76 (41 FR 38312)

NPRM 07/09/82 (47 FR 30002)

Final Action 02/28/89 (54 FR 8494)

Cough/Cold (Nasal Decongestant) Products

ANPRM 09/09/76 (41 FR 38312)

NPRM 01/15/85 (50 FR 2220)

Final Action 06/00/89

HHS-PHS-FDA

Proposed Rule Stage

Dandruff, Seborrheic Dermatitis and Psoriasis Control Products

ANPRM 12/03/82 (47 FR 54646)
NPRM 07/30/86 (51 FR 27346)
Final Action 00/00/00

Daytime Sedatives

ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 06/22/79 (44 FR 36378)

Diaper Rash Products (To be merged w/other rulemk)

ANPRM 09/07/82 (47 FR 39406)

Digestive Aid Products

ANPRM 01/05/82 (47 FR 454)
NPRM 01/29/88 (53 FR 2708)
Final Action 00/00/00

Emetic Products

ANPRM 03/21/75 (40 FR 12939)
NPRM 09/05/78 (43 FR 39544)

Exocrine Pancreatic Insufficiency Products

ANPRM 12/21/79 (44 FR 75666)
NPRM 11/08/85 (50 FR 46594)
Final Action 00/00/00

External Analgesic Products

ANPRM 12/04/79 (44 FR 69768)
NPRM 02/08/83 (48 FR 5852)
NPRM (Amendment) (Dandruff) 07/30/86 (51 FR 27360)
NPRM (Amendment) (Anorectal) 08/25/88 (53 FR 32592)
NPRM (Amendment) (Poison Ivy) 06/00/89
Final Action 00/00/00

Fever Blister Products (Internal)

ANPRM 01/05/82 (47 FR 502)
NPRM 06/17/85 (50 FR 25156)
Final Action 00/00/00

Fur Blister/Cold Sore Prdts (Ext.) (To be merged w/other rulemk)

ANPRM 09/07/82 (47 FR 39436)

Hair Grower and Hair Loss Prevention Products

ANPRM 11/27/80 (45 FR 73955)
NPRM 01/15/85 (50 FR 2190)
Final Action 00/00/00

Hormone (Topical) Products

ANPRM 01/05/82 (47 FR 430)
NPRM 06/00/89

Hypo/Hyperphosphatemia Products

ANPRM 12/09/80 (45 FR 81154)
NPRM 01/15/85 (50 FR 2160)
Final Action 00/00/00

Ingrown Toenail Relief Products

ANPRM 10/17/80 (45 FR 69128)
NPRM 09/03/82 (47 FR 39120)
Final Action 00/00/00

Insect Bite & Sting (Relief) Prdts (To be merged w/other rulemk)

ANPRM 09/07/82 (47 FR 39412)

Insect Repellent Drug Products (Internal)

ANPRM 01/05/82 (47 FR 424)
NPRM 06/10/83 (48 FR 26986)
Final Action 06/17/85 (50 FR 25170)

Internal Analgesic Products

ANPRM 07/08/77 (42 FR 35346)
NPRM 11/16/88 (53 FR 46204)

Internal Deodorant Products

ANPRM 01/05/82 (47 FR 512)
NPRM 06/17/85 (50 FR 25162)
Final Action 00/00/00

Laxative Products

ANPRM 03/21/75 (40 FR 12902)
NPRM 01/15/85 (50 FR 2124)
NPRM (Amendment) 10/01/86 (51 FR 35136)
Final Action 00/00/00

Leg Muscle Cramps (Nocturnal Relief) Products

ANPRM 10/01/82 (47 FR 43562)
NPRM 11/08/85 (50 FR 46588)
Final Action 00/00/00

Male Genital Desensitizer Products

ANPRM 09/07/82 (47 FR 39412)
NPRM 10/02/85 (50 FR 40260)
Final Action 00/00/00

Menstrual Products

ANPRM 12/07/82 (47 FR 55075)
NPRM 11/16/88 (53 FR 46194)

Mercurial (Topical) Products (To be merged w/other rulemk)

ANPRM 01/05/82 (47 FR 436)

Nailbiting/Thumbsucking Deterrent Products

ANPRM 10/17/80 (45 FR 69122)
NPRM 09/03/82 (47 FR 39096)
Final Action 00/00/00

Nighttime Sleep Aid Products

ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 02/14/89 (54 FR 6814)

Ophthalmic Products

ANPRM 05/06/80 (45 FR 30002)
NPRM 06/28/83 (48 FR 29788)
Final Action 03/04/88 (53 FR 7076)

Oral Discomfort (Relief) Products

ANPRM 05/25/82 (47 FR 22712)
NPRM 00/00/00

Oral Health Care Products

ANPRM 05/25/82 (47 FR 22760)
NPRM 01/27/88 (53 FR 2436)
Final Action 00/00/00

Oral Mucosal Injury Products (Merged w/Oral Health Care)

ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)

Oral Wound Healing Products

ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)
Final Action 07/18/86 (51 FR 26112)

Otic Products (Earwax)

NPRM 07/09/82 (47 FR 30012)
Final Action 08/08/86 (51 FR 28656)

Otic Products (Swimmers Ear)

NPRM 07/30/86 (51 FR 27366)
Final Action 00/00/00

Overindulgence Remedies

ANPRM 10/01/82 (47 FR 43540)
NPRM 00/00/00

Overindulgence Remedies/Prevention of Inebriation

ANPRM 10/01/82 (47 FR 43540)
Final Action 07/19/83 (48 FR 32872)

Pediculicide Products

ANPRM 06/29/82 (47 FR 28312)
NPRM 04/03/89 (54 FR 13480)

Poison Ivy/Oak/Sumac Prevention (To be merged w/other rulemk)

ANPRM 09/07/82 (47 FR 39412)

Poison Treatment Products

NPRM 01/15/85 (50 FR 2244)
Final Action 00/00/00

Skin Bleaching Products

ANPRM 11/03/78 (43 FR 51546)
NPRM 09/03/82 (47 FR 39108)
Final Action 06/00/89

Skin Protectant Products

ANPRM 08/04/78 (43 FR 34628)
NPRM 02/15/83 (48 FR 6820)
Final Action 04/03/89 (54 FR 13490)
NPRM (Amendment) (Astringent) 04/00/89
NPRM (Amendment) (Poison Ivy) 06/00/89

Smoking Deterrent Products

ANPRM 01/05/82 (47 FR 490)
NPRM 07/03/85 (50 FR 27552)
Final Action 00/00/00

Stimulant Products

ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 02/29/88 (53 FR 6100)

Stomach Acidifier Products

ANPRM 10/19/79 (44 FR 60316)
NPRM 01/15/85 (50 FR 2184)
Final Action 08/17/88 (53 FR 31270)

Sunscreens Products

ANPRM 08/25/78 (43 FR 38206)
NPRM 00/00/00

Sweet Spirits of Nitre

ANPRM 02/22/80 (45 FR 11846)
Final Action 06/27/80 (45 FR 43400)

Vaginal Contraceptive Products

ANPRM 12/12/80 (45 FR 82014)
NPRM 00/00/00

Vaginal Drug Products

ANPRM 10/13/83 (48 FR 46694)
NPRM 00/00/00

Vitamin/Mineral Products

ANPRM 03/16/79 (44 FR 16126)
Withdrawal 11/27/81 (46 FR 57914)

Wart Remover Products

ANPRM 10/03/80 (45 FR 65609)
NPRM 09/03/82 (47 FR 39102)
NPRM (Amendment) 03/27/87 (52 FR 9992)
Final Action 00/00/00

Weight Control Products

ANPRM 02/26/82 (47 FR 8466)
NPRM 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: for "Antimicrobial Products." NPRM for "Alcohol (Topical) Products" to be included in revised NPRM for "Antimicrobial Products." The NPRM for "Antimicrobial Products" is being revised because it is being updated and split into two sections: first aid products and health care products.

SMALL BUSINESSES CONT: The effects, if any, vary depending on the individual rulemaking. However, the agency anticipates that the rules would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

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Proposed Rule Stage

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-210), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8000

RIN: 0905-AA06

673. CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS; RETROSPECTIVE REVIEW

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 211

Legal Deadline: None

Abstract: As part of its retrospective review, FDA plans to determine the need for any changes in the current GMPs to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Meyer, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8049

RIN: 0905-AA73

674. CURRENT GOOD MANUFACTURING PRACTICE (CGMP) FOR BLOOD AND BLOOD COMPONENTS; RETROSPECTIVE REVIEW

Significance: Agency Priority

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act; 5 USC

553 Administrative Procedures Act; 5 USC 702 Administrative Procedures Act; 5 USC 703 Administrative Procedures Act; 5 USC 704 Administrative Procedures Act

CFR Citation: 21 CFR 606

Legal Deadline: None

Abstract: FDA is responsible for issuing regulatory standards for blood and blood components to ensure the continued safety, purity, and potency of such products. Since 1975, CGMP regulations have been in effect that provide standards for facilities, personnel, and manufacturing procedures for blood and blood components. In accordance with the Regulatory Flexibility Act, FDA has conducted a retrospective review of its CGMP regulations for blood and blood components, to determine how the regulations may be revised to relieve regulatory burdens and increase flexibility without adversely affecting the public health. Part of the retrospective review of the CGMP will be completed through FDA's implementation of an efficacy review of blood and blood derivatives which responds to recommendations of a Committee of scientific experts—the Panel on Review of Blood and Blood Derivatives. To complete the remainder of the retrospective review program regarding the CGMP, FDA will issue a proposed rule to revise the CGMP regulations.

Timetable:

Blood & Blood Components; Retrospective Review

NPRM 11/00/89

Final Action 00/00/00

Blood & Blood Derivatives; Implementation of Efficacy Review

NPRM 12/24/85 (50 FR 52602)

Comment Period Ends 03/24/86 (50 FR 52602)

Final Action 03/00/90

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-130), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8188

RIN: 0905-AA75

675. NEW ANIMAL DRUG APPROVAL PROCESS

Significance: Agency Priority

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.8

Legal Deadline: None

Abstract: Based upon an evaluation of an action issues report, the agency has concluded that it will recommend that the Secretary propose revision of the existing regulations in a manner consistent with the current procedural regulations for human drugs where appropriate. The New Animal Drug Application (NADA) revisions would articulate general requirements in regulations containing performance standards and would complement them through detailed guidelines on, among other matters, appropriate ways of meeting requirements for submission of chemistry, pharmacology, and statistical data that would better address the intricate scientific issues involved. Although the guidelines would not establish regulatory requirements, persons would be able to rely on them with confidence that action taken under a guideline would be acceptable to the agency.

Timetable:

New Animal Drug Approval Process

NPRM 07/00/89

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Frank G. Pugliese, Supervisory Consumer Safety Officer, Office of New Animal Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-102), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4500

RIN: 0905-AA96

676. REQUIREMENTS FOR ADVERSE EXPERIENCE REPORTING FOR LICENSED BIOLOGICAL PRODUCTS

Significance: Agency Priority

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC

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Proposed Rule Stage

374 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 211; 21 CFR 310; 21 CFR 600

Legal Deadline: None

Abstract: This regulatory action is being taken to improve the safety of marketed drug products by a reporting scheme that will require serious adverse reactions associated with licensed biological products to be reported to the Food and Drug Administration (FDA).

The purpose of the regulatory action is to require prompt reporting to the agency of serious adverse experiences for all licensed biological products.

The regulatory action being considered by FDA would be consistent with the agency's requirements regarding adverse reactions reporting for approved new drugs under 21 CFR 314.80 (see February 22, 1985; 50 FR 7452). These biologic regulations would require that all "serious and unexpected" adverse experiences and any "significant increase in frequency" of a serious expected event be reported to the agency within 15 working days. Known and nonserious adverse biological product experiences would be required to be reported to the agency at quarterly or annual intervals, depending on the length of marketing experience with the product. This information (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: permits the agency to monitor effectively the safety of all licensed biological products.

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-130), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8188

RIN: 0905-AB53

677. PROPOSED RULE TO IMPLEMENT THE ORPHAN DRUG AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Significance: Regulatory Program

Legal Authority: PL 97-414 Orphan Drug Act; PL 100-290

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Orphan Drug Act is intended to provide incentives for drug companies to invest in the development of drugs for rare diseases or conditions. Certain incentives are necessary because "orphan drugs" are unlikely to be profitable. The agency is required to carry out provisions of the Orphan Drug Act, e.g., by designating a drug as an orphan drug, by providing protocol assistance, and by granting seven years of exclusive approval status. The proposed rule would establish procedures whereby drug sponsors can take advantage of the incentives to encourage development of orphan drugs. While several provisions of the Orphan Drug Act call for promulgation of regulations, the agency is considering the extent to which regulations will be needed to provide the framework and guidance for implementing a program of incentives to drug sponsors and manufacturers.

Timetable:

Action	Date	FR Cite
Interim Guidelines	09/09/83	48 FR 40784
Revised Interim Guidelines	05/09/85	50 FR 19583
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Emery J. Sturniolo, Assistant to the Director, Department of Health and Human Services, Food and Drug Administration, Office of Orphan Products Development (HF-35), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4713

RIN: 0905-AB55

678. IMPLEMENTATION OF TITLE I OF THE "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984" (TITLE I)

Significance: Agency Priority

Legal Authority: PL 98-417, (Title I)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Until the passage of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984," abbreviated new drug application (ANDA) procedures were only available for generic products equivalent to pioneer drugs approved before 1962. Title I opened up the ANDA policy to generic copies of products approved after 1962. This rulemaking is intended to establish clear and uniform procedures for the review and timely approval of ANDAs. This should assist the generic drug industry by ending considerable confusion about the procedures governing review of ANDAs. In turn, with the availability of lower-cost generic products, it is estimated that consumers may save millions of dollars. The statute calls for promulgation of implementing regulations, however, the agency also expects to develop guidelines and other policy statements to assist in developing approvable applications. Revised target dates for this regulatory action are appropriate because many new issues have been identified in petitions and letters to the agency from trade associations and attorneys representing individual manufacturers concerning exclusivity, patent coverage, (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: and some of the complex provisions of the act. The resolution of these many minor issues will be reflected in the NPRM and will permit the agency to develop a comprehensive proposed rule.

Agency Contact: Marilyn Watson, Special Asst. to the Division Director, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-360), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8038

RIN: 0905-AB63

HHS-PHS-FDA

Proposed Rule Stage

679. INFANT FORMULA ACT**Significance:** Regulatory Program**Legal Authority:** 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; PL 99-570 Infant Formula Act of 1986**CFR Citation:** 21 CFR 7; 21 CFR 106**Legal Deadline:** None

Abstract: The agency is preparing two proposals and one final rule which will implement the Infant Formula Act of 1986. The final rule will amend FDA's Infant Formula Recall regulations. These amended regulations will mandate the recall of infant formulas that are in violation of the Act and which have been determined by the Secretary to pose a health hazard. The first proposal will establish current good manufacturing practice regulations and strengthen the agency's existing quality control procedures for infant formulas. The second proposal will establish infant formula microbiological testing, consumer complaints, and record retention requirements.

Timetable:**Infant Form Cons Comp, Micro Test & Recd Retention Reg**

NPRM 01/26/89 (54 FR 3783)

NPRM Comment Period End 03/27/89

Infant Formula Current Good Practices;**Qual Control Proc**

NPRM 07/00/89

Infant Formula Recall

NPRM 08/14/87 (52 FR 30171)

Comment Period Ends 10/13/87 (52 FR 30171)

Final Action 01/27/89 (54 FR 4006)

Final Action Effective 03/28/89

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** AGENCY

CONTACT CONT: For Information Concerning Infant Formula, Microbiological Testing, Consumer Complaints, Record Retention Requirements, Good Manufacturing Practices, and Quality Control Procedures Contact: Nicholas Duy, Consumer Safety Officer, Center for Food Safety and Applied Nutrition (HFF-204), Department of Health and Human Services, Food and Drug Administration, 200 C Street, SW, Washington, DC 20204, (202) 245-3117

Agency Contact: Curtis Coker, Consumer Safety Officer, (For Info Concerning Infant Formula Recalls), Department of Health and Human Services, Food and Drug Administration, Center for Food Safety

and Applied Nutrition (HFF-314), 200 C Street, SW, Washington, DC 20204, 202 465-0024

RIN: 0905-AC46**680. ACTION LEVELS FOR ADDED POISONOUS OR DELETERIOUS SUBSTANCES IN FOOD (INCLUDING ANIMAL FEED)****Significance:** Regulatory Program**Legal Authority:** 21 USC 342(a)(1)**CFR Citation:** 21 CFR 109; 21 CFR 509**Legal Deadline:** None

Abstract: FDA is considering a proposed rule that would (1) amend its regulations creating and describing action levels for added poisonous or deleterious substances in food (including animal feed) to make clear that these action levels are prosecutorial guidelines rather than substantive rules, and (2) revoke the provisions for exceptions to action levels in 21 CFR Part 109 (human food) and 21 CFR Part 509 (animal feed).

Timetable:

Action	Date	FR Cite
Notice of Court of Appeals Decision	02/19/88	53 FR 5043
NPRM	05/00/89	

Action	Date	FR Cite
Notice of Court of Appeals Decision	02/19/88	53 FR 5043
NPRM	05/00/89	

Small Entities Affected: Undetermined**Government Levels Affected:** None

Agency Contact: John R. Wessel, Director, Contaminants Policy Staff, Department of Health and Human Services, Food and Drug Administration, Office of Regulatory Affairs (HFC-6), 5600 Fishers Lane, Rockville, MD 20857, 301 443-1815

RIN: 0905-AC73**681. LOOK-BACK REQUIREMENTS FOR BLOOD RECIPIENTS WHO ARE AT INCREASED RISK OF HIV INFECTION****Significance:** Regulatory Program**Legal Authority:** 21 USC 351 to 360k; 21 USC 374; 42 USC 262 to 264**CFR Citation:** Not yet determined**Legal Deadline:** None

Abstract: The agency currently requires that all blood and blood components intended for the manufacture of any product be tested for antibody to human immunodeficiency virus (HIV).

In instances when the blood of a donor is found to contain antibodies to HIV, some blood centers have initiated a program of voluntary "look-back" in which recipients of blood and blood components obtained from the donor's prior donations are traced and tested. A well-conducted look-back program can provide an effective mechanism for identifying, testing, and counseling transfusion recipients who are at increased risk of HIV infection—those who receive blood from a donor later found to be infected with HIV. The agency is considering a proposal to establish a mandatory look-back program. The proposal would require that blood collection facilities notify the appropriate transfusion facilities as soon as an infected donor is identified and implement a system of followup to ensure that either recipients are notified or that the physician of record determined that notification was inappropriate or was not possible.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-130), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8188

RIN: 0905-AC90**682. LEAD FROM CERAMIC PITCHERS****Significance:** Agency Priority**Legal Authority:** 21 USC 321; 21 USC 336; 21 USC 342(a); 21 USC 346; 21 USC 346a; 21 USC 348; 21 USC 371**CFR Citation:** 21 CFR 109**Legal Deadline:** None

Abstract: The agency is considering a proposal to establish a revised regulatory standard for ceramic food-service pitchers, excluding creamers, that would reduce the allowable limit of the leaching of lead from the glazes and decorations on the food-contact surface of these pitchers to below the current standard of 2.5 micrograms per milliliter of test solution. The proposal would also provide that decorative

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Proposed Rule Stage

ceramicware that appears to be suitable for food use would be deemed to be for food use unless it bears a conspicuous, permanent label statement molded or fired onto the ceramic piece that states that the piece is not for food use, or a hole is bored through the possible food-contact surface of the piece.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Terry C. Troxell, Supervisory Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C Street, SW, Washington, DC 20204, 202 485-0229

RIN: 0905-AC91

683. ● PROFICIENCY TESTING REQUIREMENTS FOR LABORATORIES TESTING BLOOD AND BLOOD COMPONENTS BY THE FDA-REQUIRED TESTS FOR HBSAG AND ANTI-HIV

Significance: Regulatory Program

Legal Authority: 21 USC 321; 21 USC 351; 21 USC 352; 21 USC 355; 21 USC 360; 21 USC 371; 42 USC 262; 42 USC 264

CFR Citation: 21 CFR 606; 21 CFR 610

Legal Deadline: None

Abstract: The agency is considering a proposal to amend the regulations

concerning blood products to require that each establishment or laboratory, responsible for performing FDA-required tests for hepatitis B surface antigen (HBsAg) and evidence of human immunodeficiency virus (HIV), participate in an approved program to demonstrate proficiency in performing these tests. The proposal is part of an FDA program to provide increased assurance of the quality of laboratory performance.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: JoAnn Minor, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-130), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8188

RIN: 0905-AC92

684. ● METHADONE IN MAINTENANCE TREATMENT OF NARCOTIC ADDICTS; JOINT FDA AND NIDA PROPOSED REVISION OF CONDITIONS OF USE

Significance: Regulatory Program

Legal Authority: 21 USC 355; 21 USC 371(a); 21 USC 823(g); 42 USC 257a; 42 USC 290ee-3

CFR Citation: 21 CFR 291

Legal Deadline: None

Abstract: The Food and Drug Administration and the National Institute on Drug Abuse are considering a proposal to revise the conditions for the use of methadone in the maintenance treatment of narcotic addicts. The proposal would allow programs to provide minimum service (interim) maintenance treatment to patients awaiting placement in comprehensive maintenance treatment and require programs to provide counseling on avoidance of human immunodeficiency virus (HIV) transmission. These requirements are being considered in response to the HIV epidemic and are intended to allow more narcotic addicts into treatment more quickly, thereby decreasing the incidence of intravenous drug abuse and the transmission of HIV.

Timetable:

Action	Date	FR Cite
NPRM	03/02/89	54 FR 8973
NPRM Comment Period End	05/03/89	54 FR 13897

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Wayne H. Mitchell, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8046

RIN: 0905-AC93

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—Food and Drug Administration (FDA)

685. POLICIES CONCERNING USES OF SULFITING AGENTS

Significance: Regulatory Program

Legal Authority: 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 321(s) Federal Food, Drug, and Cosmetic Act; 21 USC 336 Federal Food, Drug, and Cosmetic Act; 21 USC 341 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug,

and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 182.3616; 21 CFR 182.3637; 21 CFR 182.3739; 21 CFR 182.3766; 21 CFR 182.3798; 21 CFR 182.3862; 21 CFR 100; 21 CFR 130.9

Legal Deadline: None

Abstract: Acceptable evidence and information exists to show that a subgroup of asthmatics is at moderate to severe risk for a severe reaction upon exposure to sulfites. The agency's primary tool for handling a situation where population subgroups may be at

increased risk from a food ingredient that is safe for most people is to use labeling to inform those persons who need or want to avoid the ingredient. The agency issued a final rule, effective January 7, 1987, that requires that when a sulfiting agent is present in a finished food at 10 parts per million or greater, the sulfiting agent must be declared on the label. In addition, FDA issued a final rule, effective August 8, 1986, prohibiting the use of sulfiting agents on raw fruits and vegetables intended to be served or sold raw to consumers (e.g., in salad bars). On December 10,

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1987, FDA announced its tentative conclusion that there is no longer a basis to find that the use of sulfiting agents on "fresh" potatoes served or sold unpackaged to consumers is GRAS. On December 19, 1988, FDA proposed to affirm, with specific limitations, that certain other uses of sulfiting agents are GRAS. (cont)

Timetable:**Food Labeling; Declaration of Sulfiting Agents**

NPRM 04/03/85 (50 FR 13306)

Final Action 07/09/86 (51 FR 25012)

Effective Date 01/09/87 (51 FR 25012)

GRAS Status of the Use of Sulfiting Agents on Potatoes

NPRM 12/10/87 (52 FR 46968)

Final Action 06/00/89

GRAS Status of Certain Other Food Uses of Sulfiting Agents, Etc.

NPRM 12/19/88 (53 FR 51065)

Final Action 03/00/90

Revoking Use of Sulfiting Agents on Fruits & Vegetables, Etc.

NPRM 08/14/85 (50 FR 32836)

Final Action 07/09/86 (51 FR 25021)

Final Action Effective 08/09/86 (51 FR 25021)

Sulfiting Agents in Standardized Foods; Labeling Requirements

NPRM 12/19/88 (53 FR 51062)

Final Action 03/00/90

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT

CONT: On the same date, the agency also proposed to establish labeling requirements when sulfiting agents are used in standardized foods.

Agency Contact: Robert L. Martin, Division of Food and Color Additives, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-334), 200 C Street, SW, Washington, DC 20204, 202 426-9463

RIN: 0905-AB52

686. PROVISIONALLY LISTED COLOR ADDITIVES

Significance: Agency Priority

Legal Authority: 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 376(b) to 376(d) Federal Food, Drug, and Cosmetic Act; 21 USC 376 note Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 81.1; 21 CFR 81.27

Legal Deadline: None

Abstract: Substantial progress has been made in reducing the number of provisionally listed additives and only 1 color additive remains on the provisional list. The agency is presently reviewing petitions to list the color additive permanently. Because FD&C Red No. 3 animal feeding studies have shown a treatment-related increased incidence of tumor bearing animals, the agency considered the use of quantitative risk assessment as a basis for assessing the safety of this color additive in external drugs and cosmetics. As a preliminary step in its consideration of this approach, the agency formed a scientific peer review panel of government scientists to consider whether it is possible to quantify the risk presented by the use of FD&C Red No. 3 based on the scientific data available to the agency and, if so, what level of risk is presented by the use of this color additive. The agency has received the report from the scientific review panel in which the panel estimates the risk of cancer from use of FD&C Red No. 3 in external drugs and cosmetics. Furthermore, for FD&C Red No. 3 the industry has postulated a secondary mechanism for the observed tumorigenic response in the animal feeding (cont)

Timetable:**D&C Red No. 33**

Final Action 06/30/89 (53 FR 33110)

D&C Red No. 36

Final Action 08/02/88 (53 FR 29024)

FD&C Red No. 3

Final Action 00/00/00

FD&C Red No. 3; Extension of Provisional Listing

NPRM 08/30/88 (53 FR 33147)

FD&C Red No. 3; Request for Data for Specific Uses

Notice 11/19/87 (52 FR 44485)

FD&C Red No. 3; Request for Data for Specific Uses; Postponement

Notice 12/21/87 (52 FR 48326)

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT

CONT: study. The agency asked a second scientific peer review panel of government scientists to consider data relating to the issue of a possible secondary mechanism and implications for risk assessment. The panel was also asked to determine what, if any, further studies or analyses may be necessary to resolve the issues. The panel submitted its report to the Commissioner in July 1987. The report

was made available to the public in August 1987.

Agency Contact: Donna A. Dennis, Supervisor, Division of Food and Color Additives, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-330), 200 C Street, SW, Washington, DC 20204, 202 426-9463

RIN: 0905-AB60

687. FOOD LABELING INFORMATION REGARDING GOOD NUTRITION AND HEALTH

Significance: Regulatory Program

Legal Authority: 15 USC 1453 Fair Packaging and Labeling Act; 15 USC 1455 Fair Packaging and Labeling Act; 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101

Legal Deadline: None

Abstract: In the FEDERAL REGISTER of August 4, 1987, the Food and Drug Administration (FDA) discussed an initiative concerning health-related claims or information on food labeling and the criteria it will apply in evaluating the propriety of such labeling. Consistent with this initiative, FDA proposed to amend certain regulations on food labeling to codify and to clarify its policy on the appropriate use of health-related messages. The agency also announced its intention to form a Public Health Service (PHS) committee that will attempt to develop "health messages" appropriate for use on food labeling.

FDA recognizes that this initiative represents a substantive change in past agency policy, and because of the complexity of the matter and the broad public interest, wishes to proceed cautiously and deliberately in its regulatory approach.

Pending this rulemaking proceeding, the agency will employ the criteria discussed in the preamble to the notice in evaluating the propriety of bringing enforcement action against products bearing health messages on food labeling.

HHS-PHS-FDA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/04/87	52 FR 28843
NPRM - Comment Period Ends	11/02/87	52 FR 28843
NPRM - Extension of Comment Period	11/02/87	52 FR 42003
NPRM - Correction of Extension of Comment Period	11/16/87	52 FR 43772
NPRM - Extension of Comment Period Ends	01/04/88	52 FR 43772
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David G. Hattan, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-204), 200 C Street, SW, Washington, DC 20204, 202 245-3117

RIN: 0905-AB67

688. FOOD LABELING: DEFINITIONS OF CHOLESTEROL FREE, LOW CHOLESTEROL, AND REDUCED CHOLESTEROL

Significance: Regulatory Program

Legal Authority: 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101.9; 21 CFR 101.25

Legal Deadline: None

Abstract: In the FEDERAL REGISTER of November 25, 1986, the agency published a proposed rule that would provide a mechanism to allow relevant, truthful, and nonmisleading claims about cholesterol and fatty acid on product labeling for consumers. This proposed rule resulted from the medical and consumer interest in the association between dietary fat and cholesterol and the occurrence of coronary heart disease, the leading cause of death and disability in the United States today. The proposed rule would allow industry voluntarily to

provide consumers with cholesterol and fatty acid information currently prohibited by regulations by permitting the use of meaningful descriptors of the cholesterol content of foods as established by regulation (e.g., "cholesterol free," "low cholesterol," and "reduced cholesterol"). Additionally, the proposal would allow the use of comparative claims (e.g., 50 percent less cholesterol than our original product), provided quantitative cholesterol content information is supplied. Public comments submitted in response to the proposed rule are being reviewed.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42584
NPRM Extension of Comment Period	01/23/87	52 FR 2558
NPRM Comment Period End	03/27/87	52 FR 2558
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David G. Hattan, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-204), 200 C Street, SW, Washington, DC 20204, 202 245-3117

RIN: 0905-AB68

689. METHYLENE CHLORIDE

Significance: Agency Priority

Legal Authority: 21 USC 381 Federal Food, Drug, and Cosmetic Act; 21 USC 362 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 700.19

Legal Deadline: None

Abstract: Methylene chloride is used as a solvent in aerosol cosmetic products (hair sprays). Recent carcinogenicity bioassay studies, however, have shown that methylene chloride is an animal carcinogen. These studies indicate that the continued use of methylene chloride, in functional amounts, in such cosmetic products may pose a significant risk to the public health, especially in specific segments of the population that are continually exposed to aerosol cosmetics containing

methylene chloride. The agency has been informed of voluntary efforts by the cosmetic industry to replace methylene chloride.

Timetable:

Action	Date	FR Cite
NPRM	12/18/85	50 FR 51551
NPRM - Comment Period Ends	02/18/86	50 FR 51551
NPRM - Comment Period Extended	02/24/86	51 FR 6494
NPRM - Extended Comment Period Ends	04/04/86	51 FR 6494
NPRM - Comment Period Reopened	12/05/86	51 FR 43935
NPRM - Reopened Comment Period Ends	01/05/87	51 FR 43935
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Terry C. Troxell, Division of Regulatory Guidance, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C Street, SW, Washington, DC 20204, 202 485-0229

RIN: 0905-AC00

690. COMMON OR USUAL NAME FOR DILUTED FRUIT OR VEGETABLE JUICE BEVERAGES OTHER THAN DILUTED ORANGE JUICE BEVERAGES

Significance: Regulatory Program

Legal Authority: 21 USC 321(n) Federal Food, Drug and Cosmetic Act; 21 USC 343 Federal Food, Drug and Cosmetic Act; 21 USC 371(a) Federal Food, and Cosmetic Act

CFR Citation: 21 CFR 102.33

Legal Deadline: None

Abstract: In 1980, FDA published a regulation (21 CFR 102.33) to require the declaration of the percent of juice contained in all diluted juice beverages. This regulation was published to extend the percent juice declaration required for diluted orange juice beverages (21 CFR 102.32) to all other diluted juice

HHS-PHS-FDA

Final Rule Stage

beverages. These two regulations were developed to provide consumers with information as to the various amounts of juice in the diluted juice beverages offered for sale. The regulation regarding percentage juice declaration for diluted orange juice beverages had been in effect for several years and functioning well before the regulation addressing all other diluted juice beverages was published. With publication of 21 CFR 102.33, a controversy developed over the applicability of the regulation to diluted cranberry juice beverages. The controversy centered around the fact that cranberry juice is a high acid juice and is not normally consumed as a single strength juice. Due to this unresolved controversy, 21 CFR 102.33 has not been made effective. In the FEDERAL REGISTER of July 16, 1987 (52 FR 26690), the agency proposed to revoke the common or usual (cont)

Timetable:

Action	Date	FR Cite
NPRM - To Revoke Regulation	07/16/87	52 FR 26690
NPRM - Comment Period Ends	09/14/87	52 FR 26690
NPRM - Extension of Comment Period	09/25/87	52 FR 36046
NPRM - Extended Comment Period Ends	12/13/87	52 FR 36046
NPRM - Comment Period Reopened	01/22/88	53 FR 1795
NPRM - Reopened Comment Period Ends	01/27/88	53 FR 1795
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: name regulation (21 CFR 102.33) for diluted fruit or vegetable juice beverages other than diluted orange juice beverages. The revocation of this regulation will allow voluntary percentage labeling of these diluted juice beverages at the discretion of the manufacturer and according to the demands of the marketplace. Diluted orange juice beverages would continue to be subject to the percentage labeling

requirement that has been in effect for diluted orange juice beverages since 1973. This proposed action also withdraws the proposed rule published in the FEDERAL REGISTER of June 1, 1984 (49 FR 22831), which, among other things, exempted cranberry juice products from percentage ingredient labeling requirements.

Agency Contact: Evelyn Osman, Division of Regulatory Guidance, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C Street, SW, Washington, DC 20204, 202 435-0229

RIN: 0905-AC48

691. PROTECTION OF HUMAN SUBJECTS; INFORMED CONSENT; STANDARDS FOR INSTITUTIONAL REVIEW BOARDS FOR CLINICAL INVESTIGATIONS

Significance: Regulatory Program

Legal Authority: 21 USC 346(a) Federal Food, Drug and Cosmetic Act; 21 USC 351 to 357 Federal Food, Drug and Cosmetic Act; 21 USC 360 Federal Food, Drug and Cosmetic Act; 21 USC 360c to 360f Federal Food, Drug and Cosmetic Act; 21 USC 360h to 360j Federal Food, Drug and Cosmetic Act; 21 USC 371(a) Federal Food, Drug and Cosmetic Act; 21 USC 376 Federal Food, Drug and Cosmetic Act; 21 USC 381 Federal Food, Drug and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 241 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263b to 263n Public Health Service Act

CFR Citation: 21 CFR 50; 21 CFR 56

Legal Deadline: None

Abstract: In the FEDERAL REGISTER of June 3, 1986 (51 FR 20204), the Office of Science and Technology Policy (OSTP) issued for public comment a proposed Model Federal Policy for the Protection of Human Research Subjects. This Model Policy is to enhance uniformity in the implementation of a common core of regulations governing research with human subjects. FDA has concurred in the proposed Model Policy to the extent permitted by law. FDA has proposed (53 FR 45678) to amend its regulations to eliminate certain inconsistencies with the proposed Model Policy.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45678
NPRM Comment Period End	01/09/89	53 FR 45678
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bonnie M. Lee, Public Health Advisor, Health Assessment Policy Staff, Department of Health and Human Services, Food and Drug Administration, Office of Health Affairs (HFY-20), 5600 Fishers Lane, Rockville, MD 20857, 301 443-1382

RIN: 0905-AC52

692. MENSTRUAL TAMPONS; PROPOSED USER LABELING

Significance: Regulatory Program

Legal Authority: 21 USC 321; 21 USC 352; 21 USC 360; 21 USC 371; 21 USC 374

CFR Citation: 21 CFR 801.430

Legal Deadline: None

Abstract: FDA has proposed (53 FR 37250) to require manufacturers of menstrual tampons to add to each tampon package label a letter designation of the range of absorbency of the product. The proposal would enable consumers to compare the absorbency of one brand and style of tampons with the absorbency of other brands and styles. The NPRM also proposed requiring that absorbency be determined in accordance with a specific test method.

Timetable:

Action	Date	FR Cite
NPRM	09/23/88	53 FR 37250
NPRM Comment Period End	12/22/88	53 FR 37250
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Les Weinstein, Office of Standards and Regulations, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health (HFZ-84), 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-4874

RIN: 0905-AC54

HHS—PHS—FDA

Final Rule Stage

693. PRESCRIPTION DRUG MARKETING ACT OF 1987; IMPLEMENTATION**Significance:** Agency Priority**Legal Authority:** PL 100-293**CFR Citation:** 21 CFR 399**Legal Deadline:** Final, Statutory, October 20, 1988.

Statutory date applies only to issuing guidelines for State licensing of wholesale drug distributors.

Abstract: The Prescription Drug Marketing Act of 1987 (the new law) amends the Federal Food, Drug, and Cosmetic Act to: (1) require State licensing of wholesale distributors of prescription human drugs under Federal guidelines including minimum standards for storage, handling, and recordkeeping; (2) ban the reimportation of prescription human drugs produced in the United States, except when reimported by the manufacturer or for emergency use; (3) ban the sale, trade, or purchase of drug samples; (4) ban trafficking in or counterfeiting of drug coupons; (5) mandate storage, handling, and recordkeeping requirements for drug samples; (6) require practitioners to request drug samples in writing; (7) prohibit, with certain exceptions, the resale of prescription human drugs purchased by hospitals or health care facilities; and (8) set forth criminal and civil penalties for violations of these provisions. The new law requires that the guidelines under (1) above be promulgated as a regulation, through notice and comment rulemaking. It also provides that the prohibition against distribution of prescription drugs by unlicensed wholesalers becomes effective two years (cont)

Timetable:

Action	Date	FR Cite
Final Decision on	00/00/00	
Further Regulations		

Prescription Drug Marketing Act; Information Letter

Notice 08/08/88 (53 FR 29776)

Reimportation of Prescription Drugs; Import Alert

Notice 07/26/88 (53 FR 28069)

Wholesale Drug Distributors; Guidelines for State Licensing

NPRM 09/13/88 (53 FR 35325)

NPRM Public Comment Period End 10/13/88

Final Action 09/00/89

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Additional Information: ABSTRACT CONT: after the final regulation is published by the agency in the FEDERAL REGISTER, FDA has developed guidance information respecting other sections of the new law. After seeking comments from the regulated industry and other interested persons, the agency will decide what, if any, regulations are necessary for implementing the other sections and will establish timeframes for the development of those regulations.

Agency Contact: Richard Arkin, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8046

RIN: 0905-AC81

694. ● EXPEDITING APPROVAL FOR DRUGS INTENDED TO TREAT LIFE-THREATENING AND SEVERELY-DEBILITATING ILLNESSES**Significance:** Regulatory Program**Legal Authority:** 21 USC 351 to 357; 21 USC 371; 42 USC 262**CFR Citation:** 21 CFR 312**Legal Deadline:** None**Abstract:** In the FEDERAL REGISTER of October 21, 1988 (53 FR 41561), FDA

issued an interim rule effective upon date of publication, with opportunity for public comment, that set forth procedures designed to speed the availability of new therapies to desperately ill patients, while preserving appropriate guarantees for safety and effectiveness. These procedures are intended to facilitate the development, evaluation, and marketing of such products, especially where no satisfactory alternative therapies exist. These procedures reflect the recognition that physicians and patients are generally willing to accept greater risks or side effects from products that treat life-threatening and severely-debilitating illness. These procedures also reflect the recognition that the benefits of the drug need to be evaluated in light of the severity of the disease being treated. The procedures apply to life-threatening or severely-debilitating illnesses. The agency is reviewing the public comments submitted in response to the interim rule and preparing a FEDERAL REGISTER document that will respond to these comments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/21/88	53 FR 41561
Final Action	10/00/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Steven H. Unger, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8049

RIN: 0905-AC94

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)—Food and Drug Administration (FDA)

Completed Actions

695. AVAILABILITY OF BULK NEW ANIMAL DRUG SUBSTANCES FOR USE BY LICENSED VETERINARIANS**Significance:** Agency Priority**CFR Citation:** 21 CFR 514.1**Completed:**

Reason	Date	FR Cite
Withdrawn	03/27/89	54 FR 12454

Small Entities Affected: None

HHS-PHS-FDA

Completed Actions

Government Levels Affected: None

Agency Contact: Donald A. Gable,
Director 301 443-1414

RIN: 0905-AB01

696. ABBREVIATED NEW ANIMAL DRUG APPLICATIONS FOR POST-1962 ANIMAL DRUGS

Significance: Agency Priority

CFR Citation: 21 CFR 514.1; 21 CFR
514.2; 21 CFR 514.3; 21 CFR 514.11

Completed:

Reason	Date	FR Cite
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Withdrawn	11/00/88	
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Superseded by
Title I of
Generic Animal
Drug Act

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Richard A. Carnevale
301 443-4314

RIN: 0905-AB72

697. TAMPER-RESISTANT PACKAGING REQUIREMENTS FOR OVER-THE-COUNTER (OTC) DRUGS

Significance: Regulatory Program

CFR Citation: 21 CFR 211.132

Completed:

Reason	Date	FR Cite
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Final Action	02/02/89	54 FR 5227
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Final Action	02/02/90	
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Effective

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Diane Goyette 301
295-8046

RIN: 0905-AC70

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

698. NURSING POST- BACCALAUREATE FACULTY FELLOWSHIPS PROGRAM

Legal Authority: 42 USC 216; 42 USC 1

CFR Citation: 42 CFR 57, (proposed
Subpart BB)

Legal Deadline: None

Abstract: These proposed regulations
would implement section 830 (b) of the
Public Health Service Act relating to
post-baccalaureate fellowships for
faculty to conform with the Nurse
Education Amendments of 1985 (Pub. L.
99-92).

Timetable:

Action	Date	FR Cite
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NPRM	04/00/89	
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Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Jo Eleanor Elliott,
R.N., M.A., Director, Division of
Nursing, BHP, Department of Health
and Human Services, Health Resources
and Services Administration, Room 5C-
26, Parklawn Building, 5600 Fishers
Lane, Rockville, MD 20857, 301 443-5786

RIN: 0905-AC34

Abstract: This NPRM proposes to
amend the existing regulations
governing the Area Health Education
Center Program, under section 781 of
the Public Health Service Act, to
incorporate amendments made by Pub.
L. 100-607, of Title VI of the Health
Professions Reauthorization Act of 1988.

Timetable:

Action	Date	FR Cite
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NPRM	03/00/90	
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Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Weaver,
M.D., Director, Division of Medicine,
BHP, Department of Health and
Human Services, Health Resources and
Services Administration, Room 4C-25,
Parklawn Building, 5600 Fishers Lane,
Rockville, MD 20857, 301 443-6190

RIN: 0905-AC67

700. DESIGNATION OF MENTAL HEALTH MANPOWER SHORTAGE AREAS

Legal Authority: 42 USC 216; 42 USC
254e

CFR Citation: 42 CFR 5

Legal Deadline: None

Abstract: This notice proposes an
amendment to the existing regulations
governing the Designation of Health
Manpower Shortage Areas authorized
by section 332 of the Public Health
Service Act, which would replace the

current criteria for designations of
areas having shortages of psychiatrists
with criteria for mental health
manpower shortage areas to include not
only psychiatrists but also other core
mental health professionals (clinical
psychologists, psychiatric social
workers and psychiatric nurses) in a
geographic area.

Timetable:

Action	Date	FR Cite
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NPRM	06/00/89	
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NPRM Comment	08/00/89	
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Period End

Final Action	12/00/89	
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Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams,
Director, Office of Program & Policy,
Development, BHCDA, Department of
Health and Human Services, Public
Health Service, Room 7A08, Parklawn
Building, Rockville, MD 20857, 301 443-
1034

RIN: 0905-AC68

701. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: BANKRUPTCY REVISIONS

Legal Authority: 42 USC 216; 42 USC
294 to 2941

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This NPRM would amend
existing regulations governing the

699. AREA HEALTH EDUCATION CENTER (AHEC) PROGRAM

Legal Authority: 42 USC 216; 42 USC
295g-1

CFR Citation: 42 CFR 57, Subpart MM

Legal Deadline: None

HHS-PHS-HRSA

Proposed Rule Stage

Health Education Assistance Loan (HEAL) Program, as authorized by sections 727-739 of the Public Health Service Act, to include revised procedures for handling HEAL bankruptcies.

Timetable:

Action	Date	FR Cite
NPRM	09/29/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peggy Washburn, Chief, Program Development Br., DSA, BHP, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-4540

RIN: 0905-AC75

702. NURSING STUDENT LOAN (NSL) PROGRAM: CASH MANAGEMENT

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Legal Deadline: None

Abstract: This NPRM would revise the existing regulations governing the Nursing Student Loan (NSL) Program to improve the cash management practices of schools participating in the program. The revisions address recommendations made by the General Accounting Office in its report on debts owed by health professionals, including nurses, and the Office of the Inspector General as a result of several major cash management audits. This notice will also incorporate technical amendments to the existing regulations made by Pub. L. 100-607, Title VII of the Nursing Shortage Reduction and Education Extension Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peggy Washburn, Chief, Program Development Br., DSA, BHP, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48,

Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-4540

RIN: 0905-AC76

703. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: CASH MANAGEMENT

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Legal Deadline: None

Abstract: This NPRM would revise the existing regulations governing the Health Professions Student Loan program to improve the cash management practices of schools participating in the program. The revisions address recommendations made by the General Accounting Office in its report on debts owed by health professionals, and the Office of Inspector General as a result of several major cash management audits. This notice will also incorporate technical amendments to the existing regulations made by Pub. L. 100-607, Title VI of the Health Professions Reauthorization Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peggy Washburn, Chief, Program Development Branch, DSA, BHP, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-4540

RIN: 0905-AC78

704. GRANTS FOR COMMUNITY HEALTH CENTERS

Significance: Regulatory Program

Legal Authority: PL 100-386; PL 95-626; PL 99-280

CFR Citation: 42 CFR 51c

Legal Deadline: None

Abstract: This regulation will amend the existing regulations at 42 CFR 51c, Subpart A-E, to bring them into conformance with amendments to Section 330 of the Public Health Service Act which were enacted in 1986 and 1988. These include extension of the

program authorization, addition of capital construction authority, and changes regarding program income and services. PL 99-280 requires that the Secretary consult with the Chief Executive Officer and local officials of a State in publishing MUP designation criteria and in designating or redesignating MUP. The amendment also requires the Secretary to consult with State organizations representing a majority of Community Health Centers in the State.

Timetable:

Action	Date	FR Cite
NPRM	06/13/89	
NPRM Comment	08/13/89	
Period End		
Final Action	12/13/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Libby Merrill, Program Analyst, Bureau of Health Care Delivery & Assistance, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Rockville, MD 20857, 301 443-1034

RIN: 0905-AC85

705. GRANTS FOR MIGRANT HEALTH SERVICES

Legal Authority: PL 100-386; PL 95-626

CFR Citation: 42 CFR 56

Legal Deadline: None

Abstract: This regulation will amend the existing regulations at 42 CFR 56, Subparts A-H, to bring them into conformance with amendments to section 329 of the PHS Act. They were enacted in 1986 and 1988. These include extension of the program authorization, addition of peri-natal program authorization, addition of capital construction authority, and changes regarding program income and services.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
NPRM Comment	09/00/89	
Period End		
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, Director, Office of Program & Policy, Development, BHCDA, Department of

HHS-PHS-HRSA

Proposed Rule Stage

Health and Human Services, Public Health Service, 5600 Fishers Lane, Rockville, MD 20857, 301 443-1034

RIN: 0905-AC86

706. • HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: PERFORMANCE STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 218; 42 USC 294 to 294 l

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This proposed rule would amend existing regulations governing the HEAL program to establish performance standards against which school, lender, and holder default rates would be measured. These standards would provide schools, lenders, and holders a greater incentive to work to maintain low HEAL default rates and, thus, improve the long-term solvency of the Student Loan Insurance Fund.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
Final Action	01/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peggy Washburn, Chief, Program Development Branch, DSA, Bureau of Health Professions, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-48, Parklawn Building, Rockville, MD 20857, 301 443-4540

RIN: 0905-AC87

707. • NATIONAL DATA BANK FOR ADVERSE INFORMATION ON HEALTH CARE PRACTITIONERS AND PROVIDERS (SECTION 5 AMENDMENTS)

Significance: Regulatory Program

Legal Authority: 42 USC 11101 to 11152; 42 USC 1396 r-2

CFR Citation: 45 CFR 60

Legal Deadline: None

Abstract: This proposed rule would amend existing regulations governing the National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners to implement section 5 of the Medicare and Medicaid Patient and Program Protection Act of 1987. This provision requires States to report to the Secretary of HHS certain adverse licensure actions taken against health care practitioners and health care entities.

Timetable:

Action	Date	FR Cite
NPRM	08/14/89	
Final Action	01/15/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel D. Cowell, M.D., Director, Office of Quality Assurance, Bureau of Health Professions, Department of Health and Human Services, Health Resources and Services Administration, Room 8-15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-2300

RIN: 0905-AC88

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

708. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: IMPLEMENTATION OF PUB. L. 99-129 (ALLIED HEALTH)

Legal Authority: 42 USC 218; 42 USC 294 to 294 l

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This rule implements provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
NPRM	11/07/88	53 FR 44913
NPRM Comment Period End	01/06/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHP, Department of Health and Human Services, Health Resources and

Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-4540

RIN: 0905-AC28

709. GRANTS FOR NURSE PRACTITIONER AND NURSE MIDWIFERY TRAINEESHIP PROGRAMS

Legal Authority: 42 USC 216; 42 USC 296m

CFR Citation: 42 CFR 57, Subpart AA

Legal Deadline: None

Abstract: These proposed regulations would implement the provisions of the Nurse Education Amendments of 1985 (Pub. L. 99-92), add debt management provisions of the Debt Collection Act of 1982 (Pub. L. 97-365), and incorporate technical amendments to the existing regulations made by Pub. L. 100-607, Title VII of the Nursing Shortage Reduction and Education Extension Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16158
NPRM Comment Period End	07/05/88	
Final Action	07/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHP, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-5786

RIN: 0905-AC30

710. NATIONAL PRACTITIONER DATA BANK FOR ADVERSE INFORMATION ON PHYSICIANS AND OTHER HEALTH CARE PRACTITIONERS

Significance: Regulatory Program

Legal Authority: 42 USC 11136; 42 USC 11137

HHS-PHS-HRSA

Final Rule Stage

CFR Citation: 45 CFR 60**Legal Deadline:** None

Abstract: This rule proposes to implement the Health Care Quality Improvement Act of 1986, Title IV of PL 99-660, specifically related to section 426 for the disclosure and correction of information and section 427(b) for confidentiality of information.

Timetable:

Action	Date	FR Cite
NPRM	03/21/88	53 FR 9260
NPRM Comment Period End	05/20/88	
Final Action	04/00/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Daniel D. Cowell, M.D., Director, Office of Quality Assurance, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 8-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-2300

RIN: 0905-AC51

711. NATIONAL HEALTH SERVICE CORPS, STATE LOAN REPAYMENT AND SPECIAL REPAYMENT PROGRAMS

Significance: Regulatory Program**Legal Authority:** PL 100-177**CFR Citation:** 42 CFR 62.21 to 62.27; 42 CFR 62.51 to 62.56; 42 CFR 62.71 to 62.76**Legal Deadline:** Final, Statutory, May 28, 1988.

Abstract: The National Health Service Corps Amendments of 1987, PL 100-177 amends the Public Health Service Act adding a new section at 338B of the Act authorizing the Secretary to establish the NHSC Loan Repayment Program. PL 100-177 also amends the PHS Act by adding a new section 338H authorizing the Secretary to establish a program of matching grants to support state loan repayment programs similar to the Federal Loan Repayment Program. PL 100-177 also establishes a new program

which is not part of the PHS Act which provides a time limited opportunity for persons in default of their scholarship obligation as of November 1, 1987 to repay these obligations through service or through a combination of service and monetary payment. The publication of the regulations beyond the statutory date will not have any impact on the funding or implementation of the programs affected by these regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/03/89	54 FR 13458
Interim Final Rule Comment Period End	06/02/89	54 FR 13458
Final Action	03/30/90	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Rhoda Abrams, Director, Program and Policy, Development, BHCDA, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 7A08, Rockville, MD 20857, 301 443-1034

RIN: 0905-AC65

712. GRANTS FOR FACULTY TRAINING PROJECTS IN GERIATRIC MEDICINE AND DENTISTRY

Legal Authority: 42 USC 216; 42 USC 295g-8**CFR Citation:** 42 CFR 57, (proposed Subpart PP)**Legal Deadline:** None

Abstract: These proposed rules would govern grants made to schools of medicine, schools of osteopathy, teaching hospitals and graduate medical education programs for the purpose of providing support, including traineeships and fellowships, for geriatric medicine training projects to train physicians and dentists who plan to teach geriatric medicine or geriatric dentistry, in accordance with PL 100-177, the Public Health Amendments of 1987.

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44496
NPRM Comment Period End	01/03/89	
Final Action	07/03/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Donald L. Weaver, M.D., Director, Division of Medicine, BHP, Department of Health and Human Services, Public Health Service, Room 4c-25 Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-6190

RIN: 0905-AC71

713. GRANTS FOR CENTERS FOR EXCELLENCE

Legal Authority: 42 USC 295g-8a**CFR Citation:** 42 CFR 57, (proposed Subpart V)**Legal Deadline:** None

Abstract: This NPRM proposes to establish regulations for Grants for Centers for Excellence, authorized by section 788A of the Public Health Service Act, to make grants to health professions schools to assist such schools in supporting programs of excellence in health professions education for minority individuals.

Timetable:

Action	Date	FR Cite
NPRM	12/09/88	53 FR 49690
NPRM Comment Period End	02/07/89	
Final Action	07/19/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Clay E. Simpson, Jr., Ph.D., Director, Division of Disadvantaged Assistance, BHP, Department of Health and Human Services, Health Resources and Services Administration, Room 8A-09, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-2100

RIN: 0905-AC77

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

714. GRANTS FOR RESIDENCY TRAINING AND FACULTY DEVELOPMENT IN GENERAL INTERNAL MEDICINE AND/OR GENERAL PEDIATRICS

CFR Citation: 42 CFR 57, Subpart FF

Completed:

Reason	Date	FR Cite
Final Action	12/15/88	53 FR 50407
Final Action	12/15/88	Effective

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Weaver, M.D. 301 443-8190

RIN: 0905-AB50

715. NURSING STUDENT LOAN (NSL) PROGRAM: IMPLEMENTATION OF THE LAW (PUB. L. 99-92)

CFR Citation: 42 CFR 57, Subpart D

Completed:

Reason	Date	FR Cite
Final Action	11/17/88	53 FR 46552
Correction Notice	12/09/88	53 FR 49824
Final Action	11/17/88	Effective

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905-AC31

716. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: IMPLEMENTATION OF THE LAW (PUB. L. 99-129)

CFR Citation: 42 CFR 57, Subpart C

Completed:

Reason	Date	FR Cite
Final Action	11/17/88	53 FR 46546
Correction Notice	12/09/88	53 FR 49824
Final Action	11/17/88	Effective

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905-AC32

717. GRANTS FOR HEALTH PROFESSIONS PROJECTS IN GERIATRICS

CFR Citation: 42 CFR 57, (proposed Subpart 00)

Completed:

Reason	Date	FR Cite
Final Action	02/06/89	54 FR 5615
Final Action	02/06/89	Effective

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas L. Loudon, D.D.S. 301 443-6853

RIN: 0905-AC33

718. GRANTS FOR COMMUNITY HEALTH SERVICES: CRITERIA AND PROCEDURE FOR DETERMINING MEDICALLY UNDERSERVED POPULATIONS (MUP)

CFR Citation: 42 CFR 51c

Completed:

Reason	Date	FR Cite
Withdrawn This regulation is being combined with AC85	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams 301 443-1034

RIN: 0905-AC35

719. HEALTH MANPOWER SHORTAGE AREA DESIGNATION CRITERIA FOR CORRECTIONAL FACILITIES

CFR Citation: 42 CFR 5

Completed:

Reason	Date	FR Cite
Final Action	03/02/89	54 FR 8735
Final Action	03/02/89	Effective

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams 301 443-1034

RIN: 0905-AC50

720. HEALTH EDUCATION ASSISTANCE LOAN (HEAL): LITIGATION

CFR Citation: 42 CFR 60

Completed:

Reason	Date	FR Cite
Withdrawn	01/06/89	
Superseded by Pub. L. 100-607. New action to follow		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905-AC69

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Indian Health Service (IHS)

721. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM REGULATIONS

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: Public Law 100-713, enacted November 23, 1988, authorized a program in which health professionals would have their health professions education loans repayed in amounts up to a maximum of \$25,000 per year in exchange for service in an Indian

health program. The Secretary is directed to implement some provisions by regulations, i.e., waiver provision.

HHS-PHS-IHS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	
NPRM Comment	11/00/89	
Period End		
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Darrell Pratt, Chief, Manpower Support Branch, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm. 9A22, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, 301 443-4243

RIN: 0905-AC96

722. ● INDIAN HEALTH CATASTROPHIC HEALTH EMERGENCY FUND PROGRAM

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: Public Law 100-713, enacted November 23, 1988, authorized a new program establishing a catastrophic health emergency fund. The Secretary is directed to establish the program by regulations consistent with provisions of the Law including a definition of a catastrophic disease.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment	07/00/89	
Period End		
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm. 6A20, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, 301 443-1116

RIN: 0905-AC97

723. ● REVISION OF INDIAN SELF-DETERMINATION REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 450; PL 100-202; PL 100-446; PL 100-472; PL 100-581

CFR Citation: 42 CFR 36; 48 CFR 380.4; 48 CFR 352.280-4

Legal Deadline: NPRM, Statutory, May 5, 1989. Final, Statutory, August 5, 1989.

Abstract: Public Law 93-638 passed in 1975, requires the IHS to turn over administrative responsibility to tribes so requesting, using the mechanism of

contracting. Public Law 93-638 also authorizes the IHS to make grants to tribe(s) for the planning, development, and/or operations of health programs. Public Law 100-472, enacted October 5, 1988, significantly expands the scope of programs covered beyond those administered by IHS. This Act further provided that all contracting requirements be contained in regulations promulgated in final within ten months of enactment. The Law provides for tribal consultation and participation in the development of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/03/89	
NPRM Comment	09/03/89	
Period End		
Final Action	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm. 6A20, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, 301 443-1116

RIN: 0905-AC98

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)—National Institutes of Health (NIH)

Proposed Rule Stage

724. CHANGES IN NIH PROGRAM REGULATIONS DUE TO P.L. 99-158, P.L. 99-499 AND TITLE X OF P.L. 99-660

Legal Authority: PL 99-158, Sec 2; PL 99-499, Sec 126; PL 99-499, Sec 209; PL 99-660, Title X

CFR Citation: 42 CFR 4; 42 CFR 52 to 52h; 42 CFR 59a; 42 CFR 64; 42 CFR 66

Legal Deadline: None

Abstract: The regulations of the National Institutes of Health will be revised to show changed section numbers in the PHS Act and reflect program changes under the Health Research Extension Act of 1985 (P.L. 99-158), the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499), and the provisions of Title X of P.L. 99-660 concerning Alzheimer's

Disease and Related Dementias Research.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Lowell D. Peart, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B07, Bethesda, MD 20892, 301 496-4606

RIN: 0905-AC02

725. NATIONAL INSTITUTES OF HEALTH CENTER GRANTS 42 CFR PART 52A

Legal Authority: 42 USC 216; 42 USC 285a-3; 42 USC 285b-4; 42 USC 285c-5; 42 USC 285d-6; 42 USC 285e-2

CFR Citation: 42 CFR 52a

Legal Deadline: None

Abstract: The NIH Center Grants Regulations will be revised to incorporate changes necessitated by the Health Research Extension Act of 1985 (P.L. 99-158).

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

HHS-PHS-NIH

Proposed Rule Stage

Agency Contact: Lowell D. Peart, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B07, Bethesda, MD 20892, 301 496-4606

RIN: 0905-AC27

726. ● VOLUNTEER SERVICES AT THE NATIONAL INSTITUTES OF HEALTH

Legal Authority: 42 USC 282(b)(10); 42 USC 284(b)(1)(k)

CFR Citation: 45 CFR 57A

Legal Deadline: None

Abstract: Sections 402 and 405 of the PHS Act authorize the Secretary, HHS, acting through the Director, NIH, and the Directors of the NIH's Institutes, to accept the uncompensated services of volunteers in carrying out the functions of the NIH. These regulations would describe the process for accepting volunteered service and for benefits and limitations on those who volunteer.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John D. Mahoney, Associate Director for Administration, NIH, Department of Health and Human Services, Public Health Service, NIH, Bldg. 1, Rm. 136, 9000 Rockville Pike, Bethesda, MD 20205, 301 496-4466

RIN: 0905-AC95

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—National Institutes of Health (NIH)

727. NATIONAL LIBRARY OF MEDICINE PROGRAMS. REVISION OF GENERAL RULES FOR THE NATIONAL LIBRARY OF MEDICINE AND NATIONAL LIBRARY OF MEDICINE GRANTS

Legal Authority: 42 USC 216; 42 USC 286; 42 USC 286b-2; 42 USC 286b-3; 42 USC 286b-5; 42 USC 286b-6; 42 USC 284

CFR Citation: 42 CFR 4; 42 CFR 59a; 42 CFR 63; 42 CFR 64

Legal Deadline: None

Abstract: All of the regulations are being substantially clarified and reduced in size by eliminating out of date or otherwise available information. The regulations at 42 CFR Part 4 pertain to the access of facilities and library collections. Those at 42 CFR Part 59a deal with NLM extramural programs. Part 59a is being amended to remove the requirement that photocopies of biomedical material be provided without charge to users. The regulations at 42 CFR Part 63 deal with both NIH and NLM traineeships. Part 63 is proposed to be revised to reflect authority in section 405, PHS Act. The regulations at 42 CFR Part 64 govern the training grants of NIH and NLM.

Timetable:

Action	Date	FR Cite
NPRM	02/11/85	50 FR 05638
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth Carney, Executive Officer, Department of Health and Human Services, Public Health Service, National Library of Medicine, Bethesda, MD 20894, 301 496-6491

RIN: 0905-AA66

728. MISCONDUCT IN SCIENCE

Significance: Regulatory Program

Legal Authority: 42 USC 241; 42 USC 289b

CFR Citation: 42 CFR 50

Legal Deadline: None

Abstract: Recipients of Public Health Service research and research training funds do not presently have sufficient guidance regarding their responsibility to investigate and report possible misconduct in PHS-funded research or research training. While many institutions have voluntarily established procedures for dealing with misconduct in science, they are not required to do so and in many recent instances the

lack of defined procedures has delayed or compromised awardees' investigations. Institutional policies regarding reports to funding agencies vary considerably. The proposed regulation will define the point at which funding agencies are notified and will require awardees to develop procedures for dealing with misconduct in science. Section 493 of the PHS Act requires that the HHS Secretary issue regulations.

Timetable:

Action	Date	FR Cite
ANPRM	09/19/88	53 FR 36344
NPRM	09/19/88	53 FR 36347
ANPRM	11/18/88	
Comment		
Period End		
NPRM Comment	11/18/88	
Period End		
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George J. Galasso, Ph.D., Associate Director for Extramural Affairs, Department of Health and Human Services, Public Health Service, National Inst. of Health, Bldg. 1, Rm. 111, 9000 Rockville Pike, Bethesda, MD 20892, 301 496-5356

RIN: 0905-AB91

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Health Care Financing Administration (HCFA)

729. ADMINISTRATIVE APPEALS PROCESS FOR PROVIDER PAYMENT DISPUTES INCLUDING AMENDING COST REPORTS & REOPENING INTERMEDIARY PAYMENT DETERMINATIONS & ADMINISTRATIVE REVIEW DECISIONS

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l; 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx; 42 USC 405; 42 USC 1395ii; 42 USC 1395oo

CFR Citation: 42 CFR 405.453; 42 CFR 405.1833; 42 CFR 405.1885; 42 CFR 405.1887; 42 CFR 405.1803; 42 CFR 405.1811(a); 42 CFR 405.1813; 42 CFR 405.1837; 42 CFR 405.1841; 42 CFR 405.1863; 42 CFR 405.1877; 42 CFR 405.1889; 42 CFR 412.72(b)

Legal Deadline: None

Abstract: This proposal would clarify and establish rules governing the administrative appeals process for providing appeals of payment disputes including rules distinguishing between the amending of cost reports and the reopening of Medicare intermediary payment determinations and administrative review decisions. This proposal would provide guidance to intermediaries and the Provider Reimbursement Review Board concerning the circumstances under which those actions may be taken.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Olenick, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility Policy, Room 323 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4472

RIN: 0938-AA33

730. MEDICAID ELIGIBILITY AND COVERAGE REQUIREMENTS

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1302; 42 USC 1396a(f); 42 USC 1396a(a)(17); 42 USC 1396b(f)(1); 42 USC 1396d(a)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: This regulation would amend the regulations for coverage of certain groups of individuals under Medicare and the requirements for determining Medicaid eligibility. The amendments would implement or conform to the regulations to various statutes, including the Tax Equity and Fiscal Responsibility Act of 1982, the Omnibus Budget Reconciliation Act of 1987 and the Medicare Catastrophic Coverage Act of 1988. The amendments would also make some administrative changes to clarify policy and enhance the efficient operation of the Medicaid program (for example, clarification of policy on establishing the medically needy income level for one person).

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div of Medicaid Eligibility, Room 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, 301 966-4451

RIN: 0938-AA58

731. DEDUCTION OF INCURRED MEDICAL EXPENSES (SPENDDOWN)

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(10); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 435.732; 42 CFR 435.831; 42 CFR 436.831

Legal Deadline: None

Abstract: These regulations will permit States to revise the process by which medical expenses are considered in determining Medicaid eligibility. This process applies when an individual's income level during a budget period would ordinarily preclude eligibility except that incurred medical expenses reduce income to the eligibility level.

Timetable:

Action	Date	FR Cite
NPRM	09/02/83	48 FR 39959
NPRM Comment Period End	11/01/83	
Developing detailed study of issues	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Marinos Svolos, Director, Div. of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Boulevard, Baltimore, MD 21207, 301 966-4451

RIN: 0938-AB07

732. PAYMENT FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES

Legal Authority: 42 USC 1395l(a)(1)(D); 42 USC 1395l(a)(2)(D); 42 USC 1395l(b)(3); 42 USC 1395l(h); 42 USC 1395cc(a)(2)(A); 42 USC 1396b(i)(7); PL 100-203, Sec 4064

CFR Citation: 42 CFR 405.439; 42 CFR 405.501; 42 CFR 405.502; 42 CFR 405.505; 42 CFR 405.511; 42 CFR 405.518; 42 CFR 405.1672; 42 CFR 405.1675; 42 CFR 405.1684; 42 CFR 431.54; 42 CFR 447.10; 42 CFR 447.300; 42 CFR 447.321; 42 CFR 447.342

Legal Deadline: None

Abstract: These regulations would implement provisions of Pub.L. 98-369, 99-272, 99-509 and 100-203 regarding payment and "assignment" for diagnostic clinical laboratory tests, establishing in regulations the methods for implementing fee schedules. This rule would set forth the methods by which the fee schedules would be updated and would allow certain adjustment or exceptions to the fee schedules. In accordance with the statute, the regulations would provide that on January 1, 1990 and thereafter, fees will be determined on a nationwide basis.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Room 1-A-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4497

RIN: 0938-AB50

HHS—HCFA

Proposed Rule Stage

733. PAYMENT FOR THE SERVICES OF PHYSICIANS FURNISHED IN TEACHING SETTINGS AND OTHER PROVIDERS

Legal Authority: 42 USC 1395xx; 42 USC 1302; 42 USC 1395l(a)(2); 42 USC 1395hh; 42 USC 1395x(b); 42 USC 1395x(v)(1)(C); 42 USC 1395x(v)(1)(D); 42 USC 1395k(a)(2)(B)(i); 42 USC 1395u(b)(7)

CFR Citation: 42 CFR 405.465; 42 CFR 405.466; 42 CFR 405.480; 42 CFR 405.481; 42 CFR 405.482; 42 CFR 405.522; 42 CFR 405.523; 42 CFR 405.524; 42 CFR 405.525; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.552; 42 CFR 405.553; 42 CFR 405.554; 42 CFR 405.555; ...

Legal Deadline: None

Abstract: These regulations will implement provisions of section 948 of P.L. 96-499 and section 2307 of P.L. 98-369. This legislation deals with certain problems that have arisen in the Medicare program with respect to payment for physicians in the teaching setting. Specifically addressed by Congress is the problem of distinguishing between the services a physician furnishes to individual patients as a teaching physician and services furnished to the provider, as well as the method of reimbursement for these services. This rule sets forth the conditions under which physicians in teaching settings will be reimbursed on a reasonable cost basis or, alternatively, on a reasonable charge basis. It also describes the methods used to determine the customary charges for the services of those physicians. This rule will also clarify related issues of physician reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	02/07/89	54 FR 5946
NPRM Comment Period End	04/10/89	54 FR 5946
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4497

RIN: 0938-AB61

734. HOSPICE/CASE MANAGEMENT

Legal Authority: 42 USC 1396d(a)(18); 42 USC 1396d(o); 42 USC 1396b(a)(13)(C); 42 USC 1396o(a)(2)(E); 42 USC 1302; 42 USC 1396n(g)

CFR Citation: 42 CFR 418.32; 42 CFR 431.50; 42 CFR 435.218; 42 CFR 435.231; 42 CFR 440.185; 42 CFR 440.190; 42 CFR 440.250; 42 CFR 441; 42 CFR 447.53; 42 CFR 447.327; 42 CFR 447.381 to 384; 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.231; 42 CFR 441.18; ...

Legal Deadline: None

Abstract: These regulations would implement 3 provisions of Pub. L. 99-272: (1) under section 9505, Medicaid coverage of hospice care at State option, the regulations would establish eligibility requirements, covered services, reimbursement procedures and conditions of participation; (2) under section 9508, Medicaid coverage of case management services, at State option case management services may be furnished to specific Medicaid groups or geographic areas within a State; (3) under section 9123 there is an indefinite extension of the Medicare hospice benefit, which was scheduled to end on 09/30/86. These regulations would also implement sections 9411, 9412, and 9435d of Pub. L. 99-509, and section 1895(c) of Pub. L. 99-514, all relating to optional State coverage of case management and hospice services for the Medicaid population.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4607

RIN: 0938-AC52

735. REVISED EFFECTIVE DATE OF MEDICARE/MEDICAID PROVIDER AGREEMENT AND SUPPLIER PARTICIPATION

Legal Authority: 42 USC 1302; 42 USC 1395cc; 42 USC 1393ff(c); 42 USC 1395hh; 42 USC 1396i

CFR Citation: 42 CFR 440.10; 42 CFR 440.70; 42 CFR 442.13; 42 CFR 488.11; 42 CFR 489.13; 42 CFR 498.3

Legal Deadline: None

Abstract: This proposed rule would establish uniform rules for determining the effective date of participation for all Medicare and Medicaid providers and suppliers. It would also specify that those dissatisfied with a decision on their effective date of participation under Medicare are entitled to a Medicare reconsideration and hearing on the decisions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Alfreda Stanton, Program Analyst, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301 966-6770

RIN: 0938-AC88

736. PRO REVIEW OF SURGICAL PROCEDURES AND REQUIREMENTS FOR SECOND OPINIONS

Legal Authority: 42 USC 1320c-13; 42 USC 1302; 42 USC 1395hh; 42 USC 1395pp

CFR Citation: 42 CFR 466.150 to 190; 42 CFR 473.12; 42 CFR 473.14; 42 CFR 473.40; 42 CFR 405.332

Legal Deadline: None

Abstract: This proposed rule would implement section 9401 of Pub. L. 99-272, which provides that, under Medicare, a physician must request from the Peer Review Organization (PRO) preadmission review for certain surgical procedures. Under section 9401, if the PRO determines that the procedure is not appropriate and medically necessary, the PRO will deny payment under Medicare. If the PRO cannot determine whether a surgical procedure is medically necessary and appropriate, the beneficiary would obtain an opinion from a second physician, or where the opinion of the second physician differs from the first physician, the beneficiary may obtain an opinion from a third

HHS—HCFA

Proposed Rule Stage

physician. In addition, as required by section 4096(b) of Pub. L. 100-203, if an assigned claim by a physician or supplier or any claim by a provider is denied because the services furnished are not reasonable and necessary or constitute custodial care and the physician, supplier or provider, but not the beneficiary, knew, or reasonably could be expected to know, that the services were not covered by Medicare. (Continued under Additional Information)

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: (Abstract Continued): the physician, supplier or provider would not be entitled to collect and retain payment from the beneficiary for those services.

Agency Contact: Richard Husk, Director, Office of Medical Review, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301 966-6850

RIN: 0938-AC90

737. PAYMENT FOR THE COST OF MALPRACTICE INSURANCE FOR HOSPITALS EXCLUDED FROM THE PROSPECTIVE PAYMENT SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395x(v)(1)(A)

CFR Citation: 42 CFR 413.56

Legal Deadline: None

Abstract: Medicare's share of payment for the cost of a hospital's malpractice insurance is determined in part through the use of a scaling factor formula. In this notice, we are undertaking to develop a separate set of values for use in the scaling factor formula for hospitals excluded from the prospective payment system.

Timetable:

Action	Date	FR Cite
Notice	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paul Trimble, Special Assistant, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-4509

RIN: 0938-AC97

738. CHANGES CONCERNING THE DEFINITION OF ACCRUAL BASIS OF ACCOUNTING

Legal Authority: 42 USC 1395x(v)(1)(A); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.24

Legal Deadline: None

Abstract: This rule proposes to revise the Medicare regulations to clarify the definition of "accrual basis of accounting" to indicate that expenses must be incurred by provider of health care services before Medicare will pay its share of those expenses. This change is intended to conform the regulations with the law and to promote economy and efficiency in the administration of the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4513

RIN: 0938-AD01

739. OPTIONAL PAYMENT SYSTEM FOR LOW MEDICARE VOLUME SKILLED NURSING FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395yy(d); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.200; 42 CFR 413.202; 42 CFR 413.204; 42 CFR 413.208; 42 CFR 413.210; 42 CFR 413.212; 42 CFR 413.214; 42 CFR 413.216; 42 CFR 413.220; 42 CFR 413.221; 42 CFR 413.1; 42 CFR 413.24

Legal Deadline: None

Abstract: This rule proposes to establish optional prospective payment rates for routine services furnished by certain skilled nursing facilities. The prospective rate would be on a per diem basis and would include payment for the cost of furnishing general inpatient routine services and associated capital-related costs. Ancillary services will be paid on the basis of reasonable cost. As specified in the Conference Committee Report accompanying PL 99-272, the rates paid to proprietary SNFs would include a component for the routine service portion of the return on equity capital. As specified in section 1861(v)(1)(B) of the Act, the return on equity component would only be included in the rate paid to proprietary SNFs. This rule would propose instructions for determining eligibility for payment under this system, and the methodology for calculating the prospective payment rates. Freestanding SNFs electing to be paid under this prospective payment system may file a simplified cost report.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4513

RIN: 0938-AD02

740. RECOGNITION OF JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS' HOME CARE PROGRAM STANDARDS AND THE NATIONAL LEAGUE FOR NURSING'S STANDARDS FOR HOME HEALTH AGENCIES

Legal Authority: 42 USC 1395bb(a); 42 USC 1302

CFR Citation: Not applicable

Legal Deadline: None

Abstract: Under this final notice, hospital-based home health agencies accredited by the Joint Commission on Accreditation for Healthcare Organizations' and home health agencies accredited by the National

HHS—HCFA

Proposed Rule Stage

League for Nursing are considered or "deemed" to meet the Medicare conditions of participation. Thus, these agencies will not ordinarily be subject to an inspection by State survey agencies to determine their compliance with Federal requirements. As a result of the home health agency's deemed status, a State also can choose to permit the agency to participate as a provider under the Medicaid program.

Timetable:

Action	Date	FR Cite
Proposed Notice	12/31/87	52 FR 49510
Public Comment	02/29/88	52 FR 49510
Period End		
Final Notice	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Anita Heygster, Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 431 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-5667

RIN: 0938-AD13

741. MEDICAID: ELIGIBILITY GROUPS, EXTENDED COVERAGE OF SERVICES, AND CONDITIONS OF ELIGIBILITY: OBRA '87, COBRA, AND TEFRA

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1302; 42 USC 1396d(a); 42 USC 1396k(a); 42 USC 1396s; 42 USC 1383c; 42 USC 673; 42 USC 675; 42 USC 672; 42 USC 1396a(a)(25)(B); 42 USC 1396a(e)(3)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: This rule will amend the Medicaid regulations to incorporate numerous eligibility groups for Medicaid coverage: pregnant women; children in adoption and foster care; certain disabled widows and widowers; certain disabled children being cared for at home; and qualified children. The rule will also provide for extended care for pregnant women after termination of pregnancy and add a condition of eligibility relating to third party liability. The amendments will conform the regulations to provisions of the Omnibus Budget Reconciliation Act of 1987, the Consolidated Omnibus Budget Reconciliation Act of 1985, and the Tax Equity and Fiscal Responsibility Act of 1982. States have been informed that

these provisions of the statute are self-implementing. Manual instructions containing procedures for States to implement the requirements have been issued.

Timetable:

Action	Date	FR Cite
NPRM	02/23/89	54 FR 7798
NPRM Comment	04/24/89	54 FR 7798
Period End		
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-4451

RIN: 0938-AD16

742. MEDICAID ELIGIBILITY OF POVERTY LEVEL GROUPS AND EXTENDED COVERAGE OF SERVICES

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396a(l); 42 USC 1396a(f); 42 USC 1396a(b)(2); 42 USC 1302; 42 USC 1396a(m); 42 USC 1396a(c); 42 USC 1396b(f); 42 USC 1396b(n); 42 USC 1396r-1; 42 USC 1396a(a)(47); 42 USC 1396a(e)(6); 42 USC 1396a(e)(7); 42 USC 1396a(a)(17); 42 USC 1396a(c)(7)

CFR Citation: 42 CFR 431; 42 CFR 435; 42 CFR 436; 42 CFR 440; 42 CFR 447

Legal Deadline: None

Abstract: This proposed rule would amend the Medicaid regulations to incorporate changes relating to Medicaid eligibility groups and coverage of services made by the Medicare Catastrophic Coverage Act (P.L. 100-360), the Omnibus Budget Reconciliation Acts of 1987 and 1988 (P.L. 100-203 and P.L. 99-509), and the Homeless Eligibility Clarification Act of the Anti-Drug Abuse Act of 1986 (P.L. 99-570). This rule would add eligibility groups of pregnant women, infants and children, and aged and disabled individuals with incomes up to a specified percentage of the Federal poverty line; clarify eligibility of homeless individuals; add provisions for a presumptive eligibility period for pregnant women who, based on

preliminary information, appear to meet income requirements under Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4452

RIN: 0938-AD17

743. TRANSFER OF ASSETS

Legal Authority: 42 USC 1302; 42 USC 1396p(c)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: These regulations would conform the Medicaid regulations with the provisions of section 303(b) of Pub.L. 100-360, which requires under certain circumstances that State Medicaid agencies, in determining an individual's eligibility for Medicaid coverage of long term care or home and community-based services, include as a resource the uncompensated value of assets such as cash or property that the individual has transferred to someone else for less than fair market value for a period up to 30 months, and the transfer was made at any time during or after the 30 month period immediately before (1) the date the individual become institutionalized (if he/she is entitled to Medicaid on that date) or (2) if not, the date he/she applies for Medicaid while institutionalized.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High

HHS—HCFA

Proposed Rule Stage

Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4451

RIN: 0938-AD18

744. DISCONTINUATION OF PREVAILING CHARGE DIFFERENTIALS FOR SPECIALISTS

Legal Authority: 42 USC 1395u(b)(3); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405.504(b)

Legal Deadline: None

Abstract: We are proposing discontinuing the establishment of separate prevailing charge screens for physicians' services based on specialty practice.

Timetable:

Action	Date	FR Cite
Notice of Request For Comments	04/12/88	53 FR 12037
Comment period ends	06/13/88	53 FR 12037
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director, Division of Medical Services, Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Rm. 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD. 21207, 301 966-4497

RIN: 0938-AD26

745. MEDICARE COVERAGE OF OUTPATIENT OCCUPATIONAL THERAPY SERVICES, VISION CARE AND SERVICES FURNISHED BY PHYSICIAN ASSISTANTS

Legal Authority: 42 USC 1302; 42 USC 1395x(g); 42 USC 1395k(a)(2)(C); 42 USC 1395l(a); 42 USC 1395n(a)(2)(C); 42 USC 1395x(r); 42 USC 1395x(s)(K); 42 USC 1395x(cc); 42 USC 1395hh; 42 USC 1395l(h); 42 USC 1395u(b)(12)

CFR Citation: 42 CFR 400.202; 42 CFR 405.1230; 42 CFR 410; 42 CFR 424; 42 CFR 483; 42 CFR 486; 42 CFR 489.2

Legal Deadline: None

Abstract: This proposed rule would implement sections 9337 and 9338 of Pub.L. 99-509 which provide Medicare coverage for outpatient occupational therapy services furnished by providers and independent practitioners, identical

to the coverage for outpatient physical therapy, and for physician assistant services. It also would implement section 9336 of P.L. 99-509 which includes in the definition of "physician", a doctor of optometry with respect to all services the optometrist is authorized to provide by the State in which he or she provides them.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sheridan Gladhill, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Rm. 403, EHR, 6325 Security Blvd., Baltimore, MD. 21207, 301 966-4605

RIN: 0938-AD32

746. STATE SHARE OF FINANCIAL PARTICIPATION

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396a; 42 USC 1396b

CFR Citation: 42 CFR 433

Legal Deadline: None

Abstract: This rule revises the current policy concerning State's use of donations and certain taxes in determining the State share of Federal financial participation in Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Tzvi Heftner, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Room 1-A-3, ELR, 6325 Security Blvd., Baltimore, MD. 21207, 301 966-4580

RIN: 0938-AD36

747. PRO DISCLOSURE TO LICENSING AND CERTIFICATION BODIES

Legal Authority: 42 USC 1395hh; 42 USC 1395ww; 42 USC 1302

CFR Citation: 42 CFR 400; 42 CFR 412; 42 CFR 476; 42 CFR 498; 42 CFR 1001

Legal Deadline: None

Abstract: This proposed rule would revise and clarify HCFA's authority with respect to corrective action procedures and procedures for program payment denial against those hospital providers who circumvent the prospective payment system.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Husk, Director, Office of Medical Review, Health Standards and Quality Bureau, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East, 6325 Security Boulevard, Baltimore, MD 21207, 301 966-6850

RIN: 0938-AD42

748. REVISION OF THE MEDICARE ECONOMIC INDEX

Legal Authority: 42 USC 1395u(b)(3)

CFR Citation: 42 CFR 405.504

Legal Deadline: None

Abstract: This proposed rule would establish in regulations the revised proxy measures which we believe have a sounder economic foundation than the current ones and meet the requirements of the statute.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ross H. Arnett, III, Chief, Economics and Actuarial Analysis Branch, Department of Health and Human Services, Health Care Financing Administration, 1705 Equitable Building Room 100, 6325 Security Blvd, Baltimore, MD 21207, 301 966-7934

RIN: 0938-AD43

HHS—HCFA

Proposed Rule Stage

749. SCHEDULE OF LIMITS FOR SKILLED NURSING FACILITY INPATIENT ROUTINE SERVICE COSTS FOR REPORTING PERIODS BEGINNING ON OR AFTER OCTOBER 1, 1989

Significance: Agency Priority

Legal Authority: 42 USC 1395x(v)(1); 42 USC 1395yy; 42 USC 1302

CFR Citation: 42 CFR 413.30

Legal Deadline: None

Abstract: This notice would set forth a revised schedule of limits on skilled nursing facility inpatient routine service costs that are reimbursed under Medicare. This schedule would apply to cost reporting periods beginning on or after October 1, 1989.

Timetable:

Action	Date	FR Cite
Notice	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4513

RIN: 0938-AD48

750. APPLICATION OF THE COMPARABLE SERVICES LIMITATION IN DETERMINING REASONABLE CHARGES

Legal Authority: 42 USC 1395u(b)(3)(B); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.508

Legal Deadline: None

Abstract: This proposed rule would clarify the circumstances under which Medicare carriers are to apply the comparable services limitation in making their determination of a reasonable charge for Medicare Part B services. Under section 1842(b)(3)(B) of the Act, carriers are prohibited from making a determination of a reasonable charge that would be higher than the charge upon which it would base payment to its own policyholders for a comparable service under comparable circumstances. Currently, there is a great deal of confusion among the carriers as to what constitutes comparable services and comparable

circumstances, the result of which is that very few carriers are applying the comparable services limitation in their reasonable charge determination. We would revise the regulations to more clearly state how the comparable services limitation should be implemented by the carriers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4497

RIN: 0938-AD50

751. HOME AND COMMUNITY-BASED SERVICES FOR THE ELDERLY

Legal Authority: 42 USC 1396n(d); 42 USC 1302

CFR Citation: 42 CFR 435.3; 42 CFR 435.217; 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.2; 42 CFR 436.217; 42 CFR 440.190; 42 CFR 440.250; 42 CFR 441.10; 42 CFR 441.350 to 441.357; 42 CFR 441.360; 42 CFR 441.365; 42 CFR 456.1; 42 CFR 456.600 to 456.603; 42 CFR 456.605 to 456.611

Legal Deadline: Final, Statutory, October 1, 1989.

Regulation must be promulgated containing methodology. Section 1914(d)(5)(B)(iii)

Abstract: This regulation would implement section 1915(d) of the Act. These rules would allow a State to provide skilled nursing facility (SNF), intermediate care facility (ICF), and home and community-based services to individuals 65 years of age and older, in exchange for a "cap" on the amount of money for which Medicaid Federal financial participation would be available. The program would be administered by means of waivers which a State could request. As currently constructed, the statute allows for waivers of statewideness, comparability, and income deeming. Home and community-based services could be made available to individuals age 65 or older who are shown by an

evaluation to be likely to require the level of care provided in an SNF or ICF, the cost for which could be paid by Medicaid. For States electing this option, the waiver would replace the home and community-based services waivers available under section 1915(c) of the Act, for individuals in this age category.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Thomas Hoyer, Director, Division of, Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4607

RIN: 0938-AD55

752. REVISIONS TO THE FREEDOM OF INFORMATION REGULATIONS

Legal Authority: 42 USC 1306; 5 USC 552; 42 USC 1302; PL 99-570; EO 12600

CFR Citation: 42 CFR 401.101 to 401.104; 42 CFR 401.110 to 401.112; 42 CFR 401.120 to 401.125; 42 CFR 401.130 to 401.138; 42 CFR 401.140 to 401.145; 42 CFR 401.150 to 401.154

Legal Deadline: None

Abstract: This rule proposes changes to the regulations implementing the Freedom of Information Act. The regulations would be revised on HCFA's experience with the FOIA in administering the Medicare and Medicaid programs. This proposed rule would also conform HCFA's FOIA regulations to regulations recently published by DHHS, as well as to guidance issued by the Office of Management and Budget and the Department of Justice to implement Presidential Executive Order 12600, and to the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

HHS—HCFA

Proposed Rule Stage

Agency Contact: Rosario Cirincione, Chief, Freedom of Information Branch, Department of Health and Human Services, Health Care Financing Administration, Room 100 Professional Bldg., 6600 Security Blvd., Baltimore, MD 21207, 301 966-5352

RIN: 0938-AD60

753. CHARGES TO RESIDENTS' FUNDS IN NURSING HOMES

Legal Authority: 42 USC 1395i-3(f)(7); 42 USC 1395hh; 42 USC 1396v(f)(7)

CFR Citation: 42 CFR 405; 42 CFR 442

Legal Deadline: Final, Statutory, July 1, 1988.

Abstract: This proposed rule would define those costs which may be charged to the personal funds of Medicare and Medicaid patients in nursing facilities and the costs which are to be included in the payment amount for nursing facility services.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, 429 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-4620

RIN: 0938-AD66

754. PRE-ADMISSION REVIEW AND AUTHORIZATION OUTPATIENT SURGERY, PRE-ADMISSION DIAGNOSTIC TESTING AND SAME DAY SURGERY UNDER MEDICAID

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(30)(A)

CFR Citation: 42 CFR 431

Legal Deadline: None

Abstract: This proposed rule would amend current Medicaid rules to require that State Medicaid plans include programs requiring pre-admission review and approval for selected surgical procedures and medical treatment; identify surgical procedures that can be safely performed on an ambulatory basis; require diagnostic testing prior to

admission; and schedule hospital admission on the same day as surgery.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	10/01/89	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Ernestine Jones, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Room 463, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4646

RIN: 0938-AD70

755. CHANGES TO THE REASONABLE COST REGULATION CONCERNING INVESTMENT INCOME

Legal Authority: 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.153; 42 CFR 413.17; 42 CFR 413.130

Legal Deadline: None

Abstract: This rule proposes to revise 42 CFR 413.153(b)(2), which requires that "necessary interest" be offset by investment income. Rather than to offset interest expense by investment income, we propose to reduce (dollar for dollar) allowable debt principal related to patient care by the principal amount of investment funds generated from operations related to patient care and subsequently invested in nonpatient care activities or in another provider's patient care activities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4513

RIN: 0938-AD72

756. MEDICARE SECONDARY PAYER FOR DISABLED ACTIVE INDIVIDUALS

Legal Authority: 42 USC 1302; 42 USC 1395y(b); 42 USC 1395hh

CFR Citation: 42 CFR 411

Legal Deadline: None

Abstract: These rules would establish limitations on Medicare payment for services furnished to disabled "active individuals" who are also covered under a large group health plan (LGHP), and prohibit discrimination by an LGHP against such individuals.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Herbert Pollock, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Claims Payment Policy Branch, Room 323, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4474

RIN: 0938-AD73

757. CLARIFICATION OF DURABLE MEDICAL EQUIPMENT COVERAGE UNDER MEDICARE

Legal Authority: 42 USC 1395x(s)(6) and (n); 42 USC 1395hh; 42 USC 1302

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations would codify longstanding policies that concern the coverage, limitations, and exclusions applicable to durable medical equipment (DME). It would describe how all items of DME must be ordered by a physician and explain the requirements necessary for an item to be considered durable.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Higbee, Chief, Physician and Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479, EHR, 6325

HHS—HCFA

Proposed Rule Stage

Security Boulevard, Baltimore, Maryland 21207, 301 966-4636

RIN: 0938-AD77

758. MEDICARE COVERAGE OF HOME HEALTH SERVICES, MEDICARE CONDITIONS OF PARTICIPATION AND HOME AIDE SUPERVISION AND DISCHARGE PLANNING

Legal Authority: 42 USC 1302; 42 USC 1395x(m) and (o); 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 409; 42 CFR 418

Legal Deadline: None

Abstract: This proposed rule would establish home health aid supervision and duty requirements applicable to all HHA's that provide services under Medicare. In addition, these regulations would codify longstanding policies that concern the limitations and exclusions applicable to home health services under Medicare.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Tom Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Blvd., Room 405 EHR, Baltimore, Maryland 21207, 301 966-4607

RIN: 0938-AD78

759. PREPAID HEALTH CARE PLANS: BENEFICIARY AND OTHER RELATED PROVISIONS

Legal Authority: 42 USC 1395mm; 42 USC 1302; 42 USC 1395hh; 42 USC 1395l(a)(1)(A)

CFR Citation: 42 CFR 405; 42 CFR 417; 42 CFR 482

Legal Deadline: None

Abstract: This proposed rule would make a number of changes to the regulations governing health maintenance organizations, competitive medical plans, and health care prepayment plans that furnish Medicare covered services to Medicare beneficiaries. These proposed changes relate to the provision of services, beneficiary and plan rights and liabilities, and contracts. Most of the

changes would clarify or establish policy in areas in which operational experiences have demonstrated a need for revision. Several of the changes would implement provisions of the Omnibus Budget Reconciliation Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joan Mahanes, Program Analyst, Div of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 463 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4642

RIN: 0938-AD79

760. PROHIBITION OF FFP FOR EDUCATIONAL AND VOCATIONAL TRAINING FOR INSTITUTIONALIZED INDIVIDUALS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(17)(B); 42 USC 1396a(a)(25); 42 USC 1396b(c)

CFR Citation: 42 CFR 441

Legal Deadline: None

Abstract: This proposed rule would reflect the court decision precluding the Department from using a child's individualized education program rather than the nature of services provided, to determine whether or not services provided to ICF/MR residents are reimbursable under Medicaid and the language in the Medicare Catastrophic Coverage Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Samuel W. Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, 428 EHR, 6325 Security Boulevard, Baltimore, Maryland, 301 966-4620

RIN: 0938-AD80

761. OBRA '87 LONG TERM CARE FACILITIES CONDITIONS OF PARTICIPATION

Significance: Agency Priority

Legal Authority: 42 USC 1395x; 42 USC 1395aa; 42 USC 1395i-3; PL 100-203, Sec 4201; 42 USC 1396r; PL 100-203, Sec 4211; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 483

Legal Deadline: None

Abstract: This proposed rule would implement provisions of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), PL 100-203, which long term care facilities would be required to meet to participate in the Medicare and Medicaid programs effective October 1, 1990.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 300, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4620

RIN: 0938-AD81

762. MEDIGAP POLICY STANDARDS - DIRECT TRANSMITTAL OF CLAIMS FROM MEDICARE CARRIERS TO MEDIGAP INSURERS AND RELATED USER FEES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395kk(a); 42 USC 1395ss

CFR Citation: 42 CFR 403.200; 42 CFR 403.206; 42 CFR 403.210; 42 CFR 403.216 to 403.218; 42 CFR 403.220; 42 CFR 403.222; 42 CFR 403.232; 42 CFR 403.239; 42 CFR 403.250 to 304.258

Legal Deadline: None

Abstract: These proposed regulations would add requirements for the direct transmittal of bills submitted for services to Part B beneficiaries by participating physicians and suppliers from Medicare carriers to Medigap insurers.

HHS—HCFA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas E. Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4607

RIN: 0938-AD82

763. COVERAGE OF PSYCHOLOGISTS' SERVICES FURNISHED AT RURAL HEALTH CLINICS

Legal Authority: 42 USC 1395x(s)(2)(M); 42 USC 1395x(aa)(1)(B); 42 USC 1302

CFR Citation: 42 CFR 405

Legal Deadline: None

Abstract: This proposed notice would provide a fee schedule for services furnished by a clinical psychologist at a rural health clinic even if not furnished under the supervision of a physician. Medicare payment would be made on an assignment related basis only.

Timetable:

Action	Date	FR Cite
Notice	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Ann Marie Hummel, Director, Div. of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 489, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4637

RIN: 0938-AD84

764. MEDICARE COVERAGE OF SCREENING MAMMOGRAPHY

Legal Authority: 42 USC 1395x(s)(13) and (kk); 42 USC 1395m(e); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405; 42 CFR 410; 42 CFR 494

Legal Deadline: None

Abstract: This regulation would implement section 204 of Pub.L. 100-360

by providing coverage and payment standards for screening mammography, information on the frequency of coverage, and certification of quality standards.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Anne Marie Hummel, Director, Div. of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 489, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4637

RIN: 0938-AD88

765. COVERAGE OF HOME INTRAVENOUS DRUG THERAPY SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 1395k(a)(2)(A); 42 USC 1395x(jj); 42 USC 1395l; 42 USC 1395m(d); 42 USC 1395hh; 42 USC 1302

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation would implement section 203 of Pub.L. 100-360. In particular it would define those services which could be covered as home intravenous drug therapy services, would provide payment guidelines and would require that all home intravenous therapy services be reviewed and approved by a Peer Review Organization.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Higbee, Chief, Physicians and Other Medical Services, Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4638

RIN: 0938-AD89

766. IN-HOME CARE FOR CHRONICALLY DEPENDENT INDIVIDUALS

Legal Authority: 42 USC 1395x; 42 USC 1395l(a); 42 USC 1395n(a)(2); 42 USC 1395y(a); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 408; 42 CFR 480

Legal Deadline: None

Abstract: This regulation would implement sections 205(b) through 205(e) of the Medicare Catastrophic Coverage Act of 1988 (Pub.L. 100-360). It would define under the Medicare program covered services, eligible persons, payment guidelines, certification guidelines and standards for utilization of services for in-home care of chronically dependent individuals.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Tom Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4607

RIN: 0938-AD90

767. COVERAGE OF OUTPATIENT PRESCRIPTION DRUGS

Legal Authority: 42 USC 1395x; 42 USC 1302; 42 USC 1395k; 42 USC 1395t; 42 USC 1395y(c); 42 USC 1395u(f); 42 USC 1395u(b)(3); 42 USC 1395u(h)(2); 42 USC 1395n; 42 USC 1395l; 42 USC 1396b(i)(5); 42 USC 1395hh; 42 USC 1320a-7a

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation would implement Sec. 202 of Pub.L. 100-360 which adds outpatient drugs as a covered service under Medicare. This regulation would provide a description of covered outpatient drugs and give specific guidelines on the time period a prescription would be covered.

HHS—HCFA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Marie Hummel, Director, Div. of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 489, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4637

RIN: 0938-AD91

768. SNF/NF ENFORCEMENT OF PROVISIONS: MEDICARE AND MEDICAID

Significance: Regulatory Program

Legal Authority: 42 USC 1395aa; 42 USC 1395i-3; PL 100-203, Sec 4202; 42 USC 1396r; PL 100-203, Sec 4212; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 488

Legal Deadline: None

Abstract: This proposed rule would implement provisions of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), Pub.L. 100-203, which govern the process used by HCFA to survey long-term care facilities, and certify that the facilities meet the conditions of participation for the Medicare and Medicaid programs.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Wayne Smith, Director, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6763

RIN: 0938-AD94

769. RECOVERY OF OVERPAYMENTS RESULTING FROM COMPUTATIONAL ERRORS

Legal Authority: 42 USC 1395gg; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.350(a)(2); 42 CFR 405.355(a)

Legal Deadline: None

Abstract: Due to computational errors, some physicians and beneficiaries receive substantial sums of incorrect payments. This proposed rule would clarify situations where being without fault relieves a recipient of the obligation to return incorrect payments.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sam Guida, Director, Division of Overpayment Prevention, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-7521

RIN: 0938-AD95

770. GRACE PERIOD AND TERMINATION FOR NON-PAYMENT OF SUPPLEMENTARY MEDICAL INSURANCE (PART B) PREMIUMS FOR INSURED PERSONS

Legal Authority: 42 USC 1395j; 42 USC 1395q; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 408.8; 42 CFR 408.63

Legal Deadline: None

Abstract: Under current rules, individuals who do not pay their Part B premiums will have their coverage terminated after a grace period that allows several months lateness. The grace period for individuals eligible for monthly social security cash payments is different from that of uninsured individuals. This proposed rule would allow a uniform 3-month grace period to treat all individuals identically.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Boerschel, Program Analyst, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 233, EHR, 6325

Security Boulevard, Baltimore, Maryland 21207, 301 966-5941

RIN: 0938-AD97

771. DRUG PAYMENT METHODOLOGY

Legal Authority: 42 USC 1395l(a)(1)(M); 42 USC 1395m(c); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 414

Legal Deadline: None

Abstract: Under this proposed rule, Medicare would pay for covered outpatient drugs subject to the catastrophic drug deductible amount. The amounts payable would equal a payment percent of the lesser of the actual charge for a drug or an applicable payment limit for non-multiple source drugs and multiple source drugs with restrictive prescriptions and a payment limit for multiple source drugs without restrictive prescriptions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Janice Flaherty, Chief, Alter. Del. Syst. Reimbur. Branch, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-A-3 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4574

RIN: 0938-AD99

772. HOME IV DRUG THERAPY FEE SCHEDULE

Legal Authority: 42 USC 1395m(d); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 414

Legal Deadline: Other, Statutory, January 1, 1990.

Abstract: This proposed rule establishes a fee schedule for home IV drug therapy services under Medicare under which payment would be made on a per diem basis.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

HHS—HCFA

Proposed Rule Stage

Government Levels Affected: None

Agency Contact: Charles Spalding, Chief, Pharma. & Medical Services Branch, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-5 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4496

RIN: 0938-AE00

773. ● CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM AND FISCAL YEAR 1990 RATES

Significance: Regulatory Program

Legal Authority: 42 USC 1395ww; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 412; 42 CFR 413

Legal Deadline: NPRM, Statutory, May 1, 1989. Final, Statutory, September 1, 1989.

Abstract: This proposed rule makes revisions to the inpatient hospital prospective payment system. It also includes changes in the methods, amounts and factors used to determine the prospective payment rates applicable to discharges occurring during FY 1990.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Ed Rees, Acting Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4529

RIN: 0938-AE02

774. ● WITHDRAWAL OF COVERAGE OF SEAT LIFT CHAIRS

Legal Authority: 42 USC 1395y(a)(1); 42 USC 1302

CFR Citation: 42 CFR 405.310(k)

Legal Deadline: None

Abstract: This notice announces the Medicare program's intent to withdraw Medicare coverage for seat lift chairs as durable medical equipment.

Timetable:

Action	Date	FR Cite
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Proposed Notice 08/00/89

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David Higbee, Chief, Physician and Other Medical Services, Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4636

RIN: 0938-AE05

775. ● DIAGNOSIS CODES ON PHYSICIAN BILLS

Legal Authority: 42 USC 1395u(p); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 424.3; 42 CFR 424.32; 42 CFR 424.34

Legal Deadline: None

Abstract: We are proposing that each bill or request for payment for a service furnished by a physician under Medicare Part B must include appropriate diagnostic coding for the diagnosis on the nature of the illness or injury for which the Medicare beneficiary received care. This rule would implement certain provisions of section 202(g) of Pub. L. 100-360.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bart McCann, M.D., Special Assistant, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 455 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4628

RIN: 0938-AE06

776. ● PARTICIPATIONS AGREEMENTS FOR PHARMACIES

Legal Authority: 42 USC 1395(u)(o); 42 USC 1395hh; 42 USC 1302

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This proposed rule would implement those sections of Pub. L. 100-360 that set forth requirements for pharmacies wishing to participate in

Medicare as suppliers of covered outpatient drugs.

Timetable:

Action	Date	FR Cite
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NPRM 09/00/89

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Higbee, Chief, Physician and Other Medical Services, Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4636

RIN: 0938-AE08

777. ● HOME IV DRUG PROVIDER CONDITIONS OF PARTICIPATION

Legal Authority: 42 USC 1395x(jj)(3); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 485 Subpart C

Legal Deadline: None

Abstract: In order to participate as a home IV drug provider under Medicare an entity must meet a number of specific requirements that are necessary in the interest of the health and safety of beneficiaries who receive home IV drug services.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: David Higbee, Chief, Physician and Other Medical Services, Branch, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 479 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4636

RIN: 0938-AE09

778. ● COVERED IV DRUG LIST

Legal Authority: 42 USC 1395x(t)(4); 42 USC 1302

CFR Citation: Not applicable

Legal Deadline: Final, Statutory, January 1, 1990.

HHS—HCFA

Proposed Rule Stage

Abstract: This proposed notice announces the home IV drugs that will be covered under Medicare.

Timetable:

Action	Date	FR Cite
Proposed Notice	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Higbee, Chief, Physician and Other Medical Services, Branch, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 479 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4636

RIN: 0938-AE10

779. ● WITHDRAWAL OF COVERAGE OF EXTRACRANIAL-INTRACRANIAL ARTERIAL BYPASS SURGERY FOR THE TREATMENT OR PREVENTION OF STROKE

Legal Authority: 42 USC 1395y(a)(1); 42 USC 1302

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This notice announces the Medicare program's intent to withdraw Medicare coverage of extracranial-intracranial arterial bypass surgery when used to treat or prevent strokes.

Timetable:

Action	Date	FR Cite
Proposed Notice	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam DellaVecchia, Chief, Special Coverage Issues Board, Department of Health and Human Services, Health Care Financing Administration, 455 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-5316

RIN: 0938-AE11

780. ● PROTECTION OF INCOME AND RESOURCES FOR COMMUNITY SPOUSE

Legal Authority: 42 USC 1032; 42 USC 1396r(s)

CFR Citation: 42 CFR 435.630; 42 CFR 435.632; 42 CFR 435.634; 42 CFR 435.636; 42 CFR 435.638; 42 CFR 435.640; 42 CFR

435.642; 42 CFR 435.644; 42 CFR 435.646; 42 CFR 435.648

Legal Deadline: None

Abstract: These proposed regulations would interpret section 303(a) of the Medicare Catastrophic Coverage Act of 1988, as amended by section 608(d)(16) of the Family Support Act, P.L. 100-485 which allocates incomes and resources between a spouse who is institutionalized and the spouse remaining in the community. The revision would provide the community spouse with more adequate income for meeting living expenses.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Policy, Department of Health and Human Services, Health Care Financing Administration, Room 416, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4452

RIN: 0938-AE12

781. ● LIMITATION ON OUT-OF-POCKET COST-SHARING EXPENSES FOR COVERED MEDICARE PART B SERVICES

Legal Authority: 42 USC 1935kk; 42 USC 1395mm; PL 100-360, Sec 201; PL 100-360, Sec 202(b); 42 USC 1302; 42 USC 1395hh; 42 USC 1395l

CFR Citation: 42 CFR 410.110; 42 CFR 410.112; 42 CFR 410.114; 42 CFR 410.2; 42 CFR 410.1; 42 CFR 410.3; 42 CFR 410.150; 42 CFR 410.152; 42 CFR 410.160; 42 CFR 410.161; 42 CFR 410.162; 42 CFR 410.470; 42 CFR 489.21

Legal Deadline: None

Abstract: This proposed rule would establish an annual limit to the amount of costs a Medicare beneficiary shares in under Part B (the Supplemental Medical Insurance Program) beginning January 1, 1990. It also would specify the annual deductible and coinsurance amounts beneficiaries would pay for prescription drugs and insulin when they become covered items in 1990. These changes would implement section 201 and section 202(b) of the

Medicare Catastrophic Coverage Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Leslie Warren, Program Analyst, Office of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, 349 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4483

RIN: 0938-AE13

782. ● CRITERIA AND STANDARDS FOR EVALUATING INTERMEDIARIES AND CARRIERS

Legal Authority: 42 USC 1395hh; 42 USC 1395u(b); 42 USC 1302

CFR Citation: 42 CFR 421.120; 42 CFR 421.122; 42 CFR 421.124; 42 CFR 421.201; 42 CFR 421.203

Legal Deadline: None

Abstract: This is a technical revision to Medicare regulations that will simplify and improve our system for evaluating the performance of fiscal intermediaries and carriers in the administration of the Medicare program. Currently, we evaluate intermediaries using performance criteria and standards issued through an annual notice in the Federal Register. We are clarifying the methodology for establishing these criteria and standards. We are also issuing commercial requirements for the evaluation for carrier performance.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John Barton, Chief, Operation Standards Branch, Office of Program Administration, Department of Health and Human Services, Health Care Financing Administration, 1-C-6 Meadows East Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-7403

RIN: 0938-AE15

HHS—HCFA

Proposed Rule Stage

783. ● MMIS SYSTEM PERFORMANCE REVIEW REVISIONS

Legal Authority: 42 USC 1396b(v); 42 USC 1302

CFR Citation: 42 CFR 433.112; 42 CFR 433.123

Legal Deadline: Final, Statutory, October 7, 1986.

Six months after enactment of Section 9503 of Pub. L. 99-272 (April 7, 1986) for only new TPL standard.

Abstract: This notice will propose revisions to the scoring and format of the system performance review of the Medicaid Management Information System (MMIS); it also proposes a new standard. The purpose of this proposal is to promote the efficiency and effectiveness of the Medicaid program.

Timetable:

Action	Date	FR Cite
Proposed Notice	05/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Frederick Harris, Program Analyst, Division of Payment Systems, Department of Health and Human Services, Health Care Financing Administration, Room 273, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 996-5907

RIN: 0938-AE16

784. ● INSPECTION OF CARE REVIEWS

Legal Authority: 42 USC 1302; 42 USC 1396b(g)

CFR Citation: 42 CFR 456.651; 42 CFR 456.652; 42 CFR 456.654; 42 CFR 456.650

Legal Deadline: None

Abstract: This proposed rule would eliminate the requirement for States to make quarterly showings demonstrating that a State conducted annual onsite inspection of care in skilled nursing facilities or in intermediate care facilities. A quarterly showing to the Secretary of an effective program of medical review as demonstrated by a satisfactory utilization control program would be limited to inspection of care reviews in participating intermediate care facilities for the mentally retarded and mental hospitals. This rule would implement section 4212(d) (1) of the Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100-203).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elliot Naide, Chief, Utilization Control Branch, Department of Health and Human Services, Health Care Financing Administration, 2-H-1 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-5920

RIN: 0938-AE17

785. ● HMO FISCAL SOUNDNESS AND GROUP SPECIFIC RATING

Legal Authority: 42 USC 300e(c); 42 USC 300e-1(8)(C)

CFR Citation: 42 CFR 417.104; 42 CFR 417.107

Legal Deadline: None

Abstract: This proposed regulation would set forth the circumstances under which the resources of an organization which owns or controls an HMO would be considered for purposed of fiscal soundness and insolvency protection requirements. It also authorizes HMOs, with certain limitations, to fix their rates for specific groups based on the HMO's revenue requirements for providing services to the group.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Sobel, Legal Analyst, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, Room 4360, Cohen Bldg., 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 245-0063

RIN: 0938-AE24

786. ● HMO ORGANIZATIONAL STRUCTURE AND SERVICES

Legal Authority: 42 USC 300E(a); 42 USC 300e(b)(1); 42 USC 300e(b)(3)(A)

CFR Citation: 42 CFR 417.100; 42 CFR 417.101; 42 CFR 417.103; 42 CFR 417.104

Legal Deadline: None

Abstract: This proposed regulation would provide health maintenance organizations (HMOs) which are

federally qualified under Title XIII of the Public Health Service Act with greater flexibility in offering other health benefit plans in addition to their qualified HMO products. It would also authorize with certain limitations, qualified HMOs to offer out-of-plan physician services and require a reasonable deductible for those services.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Sobel, Legal Analyst, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, Room 4360, Cohen Bldg., 330 Independence Avenue, S.W., Washington, D.C., 202 245-0063

RIN: 0938-AE25

787. ● CONFORMING PROVISIONS-HMO AMENDMENTS OF 1988

Legal Authority: 42 USC 300e(c); 42 USC 300e-1 note; 42 USC 300c-9

CFR Citation: 42 CFR 417.101; 42 CFR 417.107; 42 CFR 417.151; 42 CFR 417.157

Legal Deadline: None

Abstract: These proposed regulations would amend existing regulations to conform them to sections 5(b), 6(a), and 7 of Public Law 100-517, the Health Maintenance Organization Amendments of 1988. Specifically, the proposal would: (a) require that employer contributions not financially discriminate against HMO enrollees; (b) repeal the requirement that employers, under certain circumstances, offer federally qualified HMOs to their employees (the "dual choice" requirement), effective October 24, 1995; and (c) include additional conforming changes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Sobel, Legal Analyst, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, Room 4360, Cohen

HHS—HCFA

Proposed Rule Stage

Bldg., 300 Independence Avenue, S.W.,
Washington, D.C. 20201, 202 245-0063

RIN: 0938-AE26

788. ● GENERAL PERFORMANCE STANDARDS FOR DRUG BILL PROCESSORS UNDER CONTRACT

Significance: Agency Priority

Legal Authority: 42 USC 1395u(f); 42 USC 1302; 42 USC 1395hh

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This notice contains proposed general standards to be used to evaluate the performance of entities under contract with HCFA to implement and operate an electronic bill processing and payment and information system for covered outpatient prescription drugs furnished to Medicare beneficiaries.

Timetable:

Action	Date	FR Cite
General Notice With Comment Period	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stewart Streimer,
Director, Division of Operations
Standards, Office of Program
Administration, Department of Health
and Human Services, Health Care
Financing Administration, 1-C-5
Meadows East Building, 6325 Security
Boulevard, Baltimore, MD 21207, 301
966-7409

RIN: 0938-AE27

789. ● CLINICAL LABORATORIES - CLIA '88 REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1395x; 42 USC 1302; 42 USC 1395hh; 42 USC 263A; PL 100-578

CFR Citation: 42 CFR 74.1 to 74.61; 42 CFR 405.1310 to 405.1317; 42 CFR 482.27

Legal Deadline: Final, Statutory,
January 1, 1990.

Abstract: Amendments to the Clinical Laboratory Improvement Act of 1988 (CLIA) require all clinical laboratories to be regulated regardless of their ownership, location or of how few tests they perform. This proposed rule would set forth provisions of CLIA '88 that are not self-implementing. (The self-implementing provisions are contained in the final regulation "Review of Current Rules Affecting Clinical Laboratories.") This rule would contain

requirements for performance standards for laboratories not regulated under CLIA as of December 31, 1988, that may vary depending on the complexity of the testing and a provision that will allow some laboratories that perform only simple examinations and procedures that have a low risk of erroneous results, a waiver from the standards and inspections. The proposed rule will also contain the requirements that would address fees for certified laboratories as well as laboratories issued a certificate of waiver from standards and inspections. The fees would be charged to meet administrative costs, as well as the cost of onsite inspections and ongoing monitoring of laboratory performance.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Wayne Smith,
Director, Office of Survey and
Certification, Department of Health and
Human Services, Health Care Financing
Administration, 2-D-2 Meadows East
Building, 6325 Security Boulevard,
Baltimore, MD 21207, 301 966-6763

RIN: 0938-AE28

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Health Care Financing Administration (HCFA)

790. MMIS: DEFINITION OF "MECHANIZED CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEM"

Legal Authority: 42 USC 1302; 42 USC 1396b(a)(3); 42 USC 1396b(r)

CFR Citation: 42 CFR 433.111; 42 CFR 433.112; 42 CFR 433.113; 42 CFR 433.119; 42 CFR 433.120; 42 CFR 433.121; 42 CFR 433.122; 42 CFR 433.131

Legal Deadline: None

Abstract: This rule will change the definition of "mechanized claims processing and information retrieval systems" to clarify under what circumstances we will pay Federal financial participation at a percentage higher than 50 percent for a Medicaid Management Information System or for changes to the system.

Timetable:

Action	Date	FR Cite
NPRM	08/11/88	53 FR 30317
NPRM Comment Period End	10/11/88	53 FR 30317
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Richard H. Friedman,
Acting Director, Division of Payment
Systems, Department of Health and
Human Services, Health Care Financing
Administration, Division of Medicaid
Procedures, 233 EHR, 6305 Security
Boulevard, Baltimore, MD 21207, 301
966-3292

RIN: 0938-AA63

791. WAIVER OF CERTAIN MEMBERSHIP REQUIREMENTS FOR CERTAIN HEALTH MAINTENANCE ORGANIZATIONS (HMOs) AND STATE OPTION FOR DISENROLLMENT RESTRICTIONS FOR CERTAIN HMOs UNDER MEDICAID

Legal Authority: 42 USC 1302; 42 USC 1396a(e)(2); 42 USC 1396b(m)

CFR Citation: 42 CFR 434.26; 42 CFR 434.27; 42 CFR 434.20; 42 CFR 435.212; 42 CFR 435.326

Legal Deadline: None

Abstract: This rule revises current Medicaid rules to expand the waiver authority of the Secretary to permit certain health maintenance organizations (HMOs) meeting certain requirements, to exceed the composition of enrollment limit to allow certain organizations to contract on a

HHS—HCFA

Final Rule Stage

risk basis, to permit continuation of benefits to recipients enrolled in certain organizations after they have lost entitlement to Medicaid, and give a State the option of restricting a Medicaid enrollee's right to disenroll from certain types of risk HMOs and other organizations. These regulations would conform our regulations with authority provided in section 2364 of Pub.L. 98-369, the Deficit Reduction Act of 1984, as amended by section 9517 of Pub.L. 99-272, the Consolidated Omnibus Budget Reconciliation Act of 1985.

Timetable:

Action	Date	FR Cite
NPRM	01/12/88	53 FR 744
NPRM Comment	03/14/88	53 FR 744
Period End		
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Robert E. Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-5661

RIN: 0938-AB54

792. MEDICARE: HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS: COORDINATED OPEN ENROLLMENT

Significance: Agency Priority

Legal Authority: 42 USC 1395mm(c)(3)(A)(ii); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 417

Legal Deadline: None

Abstract: These regulations will implement section 2350 of Pub. L. 98-369 by requiring that HMOs and CMPs hold a single coordinated open enrollment period for Medicare beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	06/09/88	53 FR 21696
NPRM Comment	08/08/88	52 FR 21697
Period End		
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Marie Hummel, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Medical Services Coverage Policy, Room 489 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4637

RIN: 0938-AB57

793. MEDICARE/MEDICAID REVALUATION OF ASSETS

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v)(1)(O); 42 USC 1396a(a)(13)(B)

CFR Citation: 42 CFR 413.130; 42 CFR 413.134; 42 CFR 447.250; 42 CFR 447.253

Legal Deadline: None

Abstract: This final rule implements changes to the regulations as required by section 2314 of Pub. L. 98-369 and sections 9110 and 9509 of Pub. L. 99-272. This rule imposes new limitation on the valuation of assets acquired as the result of changes in ownership occurring on or after July 18, 1984. These changes will affect hospitals and skilled nursing facilities under the Medicare program and hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded under the Medicaid program.

Timetable:

Action	Date	FR Cite
NPRM	10/26/87	52 FR 39927
NPRM Comment	12/28/87	52 FR 39927
Period End		
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4513

RIN: 0938-AB64

794. CLARIFICATION OF POLICY ON ADJUSTING THE HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1395ww(d)

CFR Citation: 42 CFR 412.72

Legal Deadline: None

Abstract: This final rule clarifies Medicare's policy on adjusting the hospital-specific portion of the prospective payment rate for inpatient hospital services as the result of adjustments to a hospital's target amount for events occurring in the year following its base year. It clarifies that exemptions, exceptions, or adjustments granted under section 1886(b)(4) of the Act or 42 CFR 413.30 or 413.40(e)-(h) for periods subsequent to the base year have no effect on the hospital-specific portion of the prospective payment rates.

Timetable:

Action	Date	FR Cite
NPRM	03/10/86	51 FR 8208
NPRM Comment	04/19/86	51 FR 8208
Period End		
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward Rees, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, DHPP, R. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4536

RIN: 0938-AB71

795. REVISION OF MEDICAID ELIGIBILITY QUALITY CONTROL (MEQC) PROGRAM REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1396b; 42 USC 1302

CFR Citation: 42 CFR 431.800 to 431.808; 42 CFR 431.810 to 431.822; 42 CFR 431.830 to 431.836; 42 CFR 431.861 to 431.865

Legal Deadline: None

Abstract: This final rule revises the regulations governing the Medicaid eligibility quality control (MEQC) program to include more specified program requirements and to establish new time frames for completing and reporting MEQC case findings to HCFA. The final rule also establishes a performance-based threshold for States to meet before HCFA will consider good faith waiver requests of disallowance of Federal financial participation in erroneous Medicaid payments and provides more definitive

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criteria for evaluating States good faith efforts to meet the national standard error rate. In addition, the rule makes several technical changes and specifies that States may rebut their quarterly projected error rates when they can present evidence that the projected rates were based on erroneous data. The revisions will strengthen the MEQC program and provide flexibility and incentives to States to produce more accurate Medicaid eligibility determinations.

Timetable:

Action	Date	FR Cite
NPRM	01/26/87	52 FR 02733
NPRM Comment Period End	03/27/87	52 FR 02733
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Randolph Graydon, Director, Division of Program Performance, Department of Health and Human Services, Health Care Financing Administration, Bureau of Quality Control, 207-L ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-3294

RIN: 0938-AB85

796. REVIEW OF CURRENT RULES AFFECTING CLINICAL LABORATORIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x; 42 USC 1302; 42 USC 1395hh; 42 USC 263a; PL 100-578

CFR Citation: 42 CFR 405.1310 to 405.1317; 42 CFR 482.27; 42 CFR 74

Legal Deadline: None

Abstract: Currently, hospital-based and independent laboratories are subject to varying State Licensure requirements and to Medicare regulations that vary from requirements of private accreditation entities and from regulations governing laboratories performing tests under interstate commerce. One consequence is that the quality of laboratories' services is adjudged using different standards. Inconsistent standards not only create confusion regarding necessary performance levels, but may permit laboratories with substandard performance to continue furnishing covered services. This rule will establish better measures of performance and amend requirements

to improve the quality of laboratory services. It will also include the self implementing provisions of the Clinical Laboratory Improvement Amendments of 1988. The self-implementing provisions of CLIA '88 that will be added to these regulations will require the issuance of certificates to clinical laboratories in lieu of licenses, and eliminate the exemptions from CLIA that apply to intrastate and low-volume laboratories. The self-implementing CLIA provisions for the issuance and renewal of certificates establishes (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/05/88	53 FR 29590
NPRM Comment Period End	11/03/88	53 FR 29590
Final Action	11/00/89	

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: ABSTRACT CONT: the period of certification as a maximum of 2 years. These provisions also expand on procedures for suspending, revoking or limiting a certificate by allowing the suspension of a laboratory's CLIA certificate if the laboratory has been terminated from Medicare for reasons of quality.

Taken from the Regulatory Program of the United States Government 1987 - 1988 which projected final action in October 1987.

Agency Contact: Wayne Smith, Director, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 ME, 6325 Security Blvd., Baltimore, MD 21207, 301 966-6763

RIN: 0938-AB96

797. MEDICARE SECONDARY PAYOR AND MEDICARE RECOVERY AGAINST THIRD PARTIES

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395y(b); 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 411; 42 CFR 489

Legal Deadline: None

Abstract: This rule revises regulations to reflect recent statutory provisions regarding HCFA's right to bring an action directly against certain third

parties or to join or intervene in an action against a third party. It would also place certain requirements on hospitals regarding the identification and billing of potential Medicare secondary payor cases. Additionally, it would include requirements regarding timely refunds to Medicare when collections have been made from another insurer. It also clarifies rules for Medicare payment for services furnished to an end-stage renal disease (ESRD) patient who is also covered under an employer group health plan. It would include the changes pertaining to Medicare conditional payments for ESRD beneficiaries made by section 4036(a) of the Omnibus Budget Reconciliation Act of 1987. It would update policies pertaining to Medicare payment for services covered under a workers' compensation law or plan, or under no-fault or liability insurance. It would make Medicare secondary to all kinds of no-fault insurance, not just automobile no-fault insurance.

Timetable:

Action	Date	FR Cite
NPRM	06/15/88	53 FR 22335
NPRM Comment Period End	08/15/88	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Herbert Pollock, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Claims Payment Policy Branch, Rm. 323 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4474

RIN: 0938-AC05

798. MEDICARE COVERAGE OF HEPATITIS B VACCINE FOR HIGH AND INTERMEDIATE RISK INDIVIDUALS, HEMOPHILIA CLOTTING AND CERTAIN X-RAY SERVICES

Legal Authority: 42 USC 1395x(s)(2)(I); 42 USC 1395x(s)(10)(B); 42 USC 1395l(k); 42 USC 1395rr(b)(11); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.231(r); 42 CFR 405.232(b); 42 CFR 405.232(c); 42 CFR 405.310(a); 42 CFR 405.310(e); 42 CFR 405.310(k); 42 CFR 410.10; 42 CFR 410.29; 42 CFR 410.32; 42 CFR 410.63

Legal Deadline: None

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Abstract: This final rule implements section 2323 of P.L. 98-369 which provides Medicare coverage for hepatitis B vaccine for those individuals who are eligible for Medicare and at high or intermediate risk of contracting hepatitis B. It would implement section 2324 of P.L. 98-369 that provides coverage for the self-administration of hemophilia clotting factors and the items necessary for their administration to Medicare eligibles. The final rule would also clarify Medicare coverage of certain x-ray services.

Timetable:

Action	Date	FR Cite
NPRM	09/10/87	52 FR 34244
NPRM Comment Period End	11/09/87	52 FR 34244
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Higbee, Chief, Physician and Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Rm. 479 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4636

RIN: 0938-AC07

799. CHANGES IN PAYMENT POLICY FOR DIRECT GRADUATE MEDICAL EDUCATION COSTS

Significance: Regulatory Program

Legal Authority: 42 USC 1395ww(h); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405.521; 42 CFR 405.522; 42 CFR 412.113; 42 CFR 413.85; 42 CFR 413.86; 42 CFR 413.170

Legal Deadline: None

Abstract: This rule will set forth changes in Medicare Policy concerning payment for direct graduate medical education costs of providers associated with approved residency programs. These changes are necessary in order to implement section 1886(h) of the Social Security Act which was added by section 9202 of the Consolidated Omnibus Budget Reconciliation Act of 1985 and amended by section 9314 of the Omnibus Budget Reconciliation Act of 1986. The changes in this rule are effective for cost reporting periods beginning on or after July 1, 1985.

Timetable:

Action	Date	FR Cite
NPRM	09/21/88	53 FR 36589
NPRM Comment Period End	11/21/88	
Final Action	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Joel Bobula, Chief, Payment Exclusions Policy Branch, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4532

RIN: 0938-AC27

800. MEDICAID: ELIGIBILITY DETERMINATIONS BASED ON DISABILITY

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396d(a); 42 USC 1302

CFR Citation: 42 CFR 435.541; 42 CFR 435.911; 42 CFR 436.541

Legal Deadline: None

Abstract: These regulations make explicit in the regulations HCFA's policy on the relationship between State Medicaid eligibility determinations based on disability and disability determinations by SSA under the Supplemental Security Income Program. The regulations incorporate the conditions under which the State agency must make independent determinations of disability and the effect of only SSA determination on Medicaid eligibility. The regulations also conform the Medicaid provisions on composition of medical review teams, required information, and the time limit for making determinations more closely to those used by SSA in making SSI determinations. Because of numerous questions raised and litigation, it is necessary to clarify our policy on the controlling nature of SSI disability determinations on Medicaid eligibility.

Timetable:

Action	Date	FR Cite
NPRM	12/14/87	52 FR 47414
NPRM Comment Period End	02/12/88	52 FR 47414
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, 436 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-4451

RIN: 0938-AC31

801. EFFECT OF APPEALS ON HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1395ww

CFR Citation: 42 CFR 412.71; 42 CFR 412.72; 42 CFR 412.73; 42 CFR 412.76; 42 CFR 412.123

Legal Deadline: None

Abstract: This final rule amends and clarifies the prospective payment regulations governing administrative and judicial review of payment amounts in order to resolve confusion concerning interpretation of those regulations. In particular, the rule amends and clarifies the provisions pertaining to adjustment of the hospital-specific rate under the prospective payment system.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22028
NPRM Comment Period End	08/12/88	53 FR 22028
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Edward Rees, Acting Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, Rm. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4529

RIN: 0938-AC40

802. ADDITIONS TO AND DELETIONS FROM CURRENT LIST OF COVERED SURGICAL PROCEDURES FOR AMBULATORY SURGICAL CENTERS

Significance: Regulatory Program

Legal Authority: 42 USC 1395l(i)(1); 42 USC 1302

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CFR Citation: 42 CFR 416.65**Legal Deadline:** None

Abstract: This notice announces additions to and deletions from the current list of surgical procedures for which facility services are covered when the procedures are performed in an ambulatory surgical center (ASC).

Timetable:

Action	Date	FR Cite
Proposed Notice	08/11/87	52 FR 29729
Comment period ends	10/13/87	52 FR 29729
Final Notice	04/00/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Rita McGrath, Chief, Alternate Delivery Organizations Branch, Department of Health and Human Services, Health Care Financing Administration, 463 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-4635

RIN: 0938-AC45

803. HOME AND COMMUNITY-BASED SERVICES AND RESPIRATORY CARE FOR VENTILATOR-DEPENDENT INDIVIDUALS

Legal Authority: 42 USC 1396n(c)

CFR Citation: 42 CFR 435.726; 42 CFR 435.735; 42 CFR 440.180; 42 CFR 441.301; 42 CFR 441.302; 42 CFR 441.303; 42 CFR 441.304; 42 CFR 441.305; 42 CFR 441.306; 42 CFR 441.307; 42 CFR 441.308; 42 CFR 441.310; 42 CFR 440.185; 42 CFR 440.250

Legal Deadline: None

Abstract: This rule revises the regulations for home and community based services as required by section 9502 of Pub.L. 99-272 and sections 9408 and 9411 of Pub.L. 99-509. Also, this rule would provide for respiratory care services as medical assistance under the State plan, in accordance with section 9408 of Pub.L. 99-509.

Timetable:

Action	Date	FR Cite
NPRM	06/01/88	53 FR 19950
NPRM Comment Period End	07/31/88	53 FR 19950
Final Action	00/00/00	

Small Entities Affected: None**Government Levels Affected:** Local, State

Agency Contact: Thomas Hoyer, Director, Division of Provider Services Coverage Pol., Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4607

RIN: 0938-AC55

804. REIMBURSEMENT FOR PHYSICIAN'S OUTPATIENT MAINTENANCE DIALYSIS SERVICES

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 405.439(c)(5); 42 CFR 405.502(f)(1); 42 CFR 405.542(a); 42 CFR 405.542(b); 42 CFR 405.542(c)

Legal Deadline: None

Abstract: This rule is necessitated by a court decision requiring the Secretary to reinstate a modified version of the initial method of reimbursement for physician's dialysis services. We also are clarifying and modifying some of the principles of the monthly capitation payment method. In addition, we will clarify that physician's services reimbursable under both the initial method and the monthly capitation payment must meet the general program requirements for dialysis services furnished to patients.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37176
NPRM Comment Period End	12/04/87	52 FR 37176
Final Action	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Robert Niemann, Program Analyst, Reimbursement Policy Branch, Department of Health and Human Services, Health Care Financing Administration, 1-A-5 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-4569

RIN: 0938-AC57

805. PARTICIPATION IN CHAMPUS AND CHAMPVA, HOSPITAL ADMISSIONS FOR VETERANS, DISCHARGE RIGHTS NOTICE, AND HOSPITAL RESPONSIBILITY FOR EMERGENCY CARE

Significance: Agency Priority

Legal Authority: 42 USC 1395x; 42 USC 1395cc; 42 USC 1395dd; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405.1903; 42 CFR 489.20; 42 CFR 489.24; 42 CFR 489.25; 42 CFR 489.26; 42 CFR 489.27; 42 CFR 489.53; 42 CFR 1001.202; 42 CFR 1001.203; 42 CFR 1001.211; 42 CFR 1001.221; 42 CFR 1003.100; 42 CFR 1003.101; 42 CFR 1003.102; 42 CFR 1003.103; ...

Legal Deadline: None

Abstract: This final rule will implement sections 9121 and 9122 of PL 99-272 as amended by PL 100-203. Specifically, under section 9121, Medicare participating hospitals with emergency departments would be required to provide upon request medical examinations and treatments for individuals with emergency medical conditions and women in active labor. Hospitals failing to meet those requirements may have their Medicare provider agreements suspended or terminated. In addition, the hospital and the responsible physician may each be subject to a civil money penalty for each such violation. Under section 9122, Medicare participating hospitals would be required to accept CHAMPUS and CHAMPVA payment as payment in full for services provided to CHAMPUS and CHAMPVA beneficiaries. These regulations will also implement section 233 of PL 99-576, which requires Medicare hospitals to admit veterans. They will also implement section 9305(b)(1) of PL 99-509, which requires Medicare hospitals to give patients a notice of their discharge rights.

Timetable:

Action	Date	FR Cite
NPRM	06/16/88	53 FR 22513
NPRM Comment Period End	08/15/88	53 FR 22513
Final Action	07/00/89	

Small Entities Affected: Businesses**Government Levels Affected:** None

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-4607

RIN: 0938-AC58

806. STATE PLAN REQUIREMENTS AND OTHER PROVISIONS RELATING TO STATE THIRD-PARTY LIABILITY PROGRAMS

Significance: Agency Priority

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Legal Authority: 42 USC 1396a(a)(25); 42 USC 1302

CFR Citation: 42 CFR 433.138; 42 CFR 433.139; 42 CFR 447.20; 42 CFR 447.21; 42 CFR 447.45

Legal Deadline: Final, Statutory, October 7, 1986.

Section 9503 of Pub. L. 99-272 (April 7, 1986) requires that final regulations be published within 6 months after date of enactment.

Abstract: This rule implements, in part, those portions of sec. 9503 of Pub. L. 99-272 that set forth State plan requirements and other provisions relating to State third-party liability (TPL) programs. The provisions deal with (1) the integration of a State's pursuit of third-party claims with its Mechanized Claims Processing and Information Retrieval Systems and the Secretary's responsibility to develop performance standards to assess TPL collection efforts with respect to this integration; (2) certain exceptions to the cost avoidance method of claims payment in TPL situations; and (3) provider restrictions and provider penalties related to attempts at collection of cost sharing or portions of those amounts from Medicaid recipients when third party liability has been established.

Timetable:

Action	Date	FR Cite
NPRM	03/03/87	52 FR 06350
NPRM Comment Period End	04/02/87	52 FR 06350
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sue Knefley, Program Analyst, Bureau of Quality Control, Department of Health and Human Services, Health Care Financing Administration, Third Party Liability Branch, 233 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-3396

RIN: 0938-AC64

807. MEDICAID ELIGIBILITY FOR QUALIFIED SEVERELY IMPAIRED INDIVIDUALS

Legal Authority: 42 USC 1302; 42 USC 1396a(f); 42 USC 1396a(10)(A)(i)(II); 42 USC 1396a(O); 42 USC 1396d(q); 42 USC 1382h; 42 USC 1382h note; 42 USC 1396a note

CFR Citation: 42 CFR 435.120; 42 CFR 435.121; 42 CFR 435.725; 42 CFR 435.733

Legal Deadline: None

Abstract: This final rule amends the Medicaid regulations to specify for Medicaid, mandatory categorically needy eligibility for individuals who, although severely impaired, work and demonstrate ability to perform substantial gainful activity and who are considered to be Supplemental Security Income (SSI) beneficiaries by virtue of 1619 of the Act. It also specifies how States electing the option under Section 1902(f) of the Social Security Act to provide Medicaid under criteria more restrictive than SSI, will treat the "1619" individuals. It also specifies how SSI payments made to certain institutionalized individuals are to be disregarded as income under Medicaid for up to two months. The amendments conform the regulations to provisions of the Omnibus Budget Reconciliation Act of 1986 and the Employment Opportunities for Disabled.

Timetable:

Action	Date	FR Cite
NPRM	05/04/88	53 FR 15857
NPRM Comment Period End	07/05/88	53 FR 15857
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 448 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-4451

RIN: 0938-AC82

808. DENIAL OF PAYMENT FOR SUBSTANDARD QUALITY CARE, REVIEW OF BENEFICIARY COMPLAINTS

Significance: Regulatory Program

Legal Authority: 42 USC 1320c-3(a); 42 USC 1395cc(a)(1)(K); 42 USC 1395u; 42 USC 1395pp(b); PL 99-272, Sec 9403; PL 99-509, Sec 9353(c); PL 100-203, Sec 4096(a)(1)(A)

CFR Citation: 42 CFR 462.105; 42 CFR 466.70; 42 CFR 466.74; 42 CFR 466.83; 42 CFR 466.88; 42 CFR 466.93; 42 CFR 466.94; 42 CFR 466.98; 42 CFR 466.100;

42 CFR 466.106; 42 CFR 473.12; 42 CFR 473.14; 42 CFR 473.40; 42 CFR 476.133; 42 CFR 489.21; ...

Legal Deadline: None

Abstract: The purpose of this final rule is to implement section 9403 of PL 99-272, 9353(c) of PL 99-509, and section 4096(a)(1)(A) of PL 100-203. Under section 9403 of PL 99-272, Peer Review Organizations (PROs) are authorized to deny Medicare payment to a physician or hospital for services furnished that are of substandard quality. The PRO determinations to deny Medicare payment for these services will be made on the basis of criteria that are consistent with guidelines established by the Secretary. Under section 9353(c) of PL 99-509, PROs will conduct an appropriate review of all written complaints from beneficiaries or their representatives about the quality of services not meeting professionally recognized standards of health care. Under PL 100-203 beneficiaries are protected from liability for the cost of physician services where payment is denied because services were of substandard quality.

Timetable:

Action	Date	FR Cite
NPRM	01/18/89	54 FR 1956
NPRM Comment Period End	03/20/89	54 FR 1956
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Patricia Booth, Director, Division of Review Programs, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301 966-6880

RIN: 0938-AC84

809. CHANGES CONCERNING SUSPENSION OF MEDICARE PAYMENTS, INTEREST RATES CHARGED ON OVERPAYMENTS AND UNDERPAYMENTS, AND DETERMINATIONS OF ALLOWABLE INTEREST EXPENSE

Legal Authority: 42 USC 1320b-4; 42 USC 1395g; 42 USC 1395u; 42 USC 1395x(v)(1)(A); 42 USC 1395hh; 42 USC 1302; 42 USC 13951

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CFR Citation: 42 CFR 413.153; 42 CFR 405.370; 42 CFR 405.376; 42 CFR 413.5(c)(3)

Legal Deadline: None

Abstract: This rule will change the Medicare regulations to provide for the following: (1) elimination of the requirement that in case of overpayments to health care providers, the contractor makes a determination that a suspension of payment is needed to protect the program against financial loss before the payment can be suspended; (2) elimination of the requirement that investment income of providers from gifts, grants, and endowments be offset against allowable interest expenses if that investment income is commingled with other funds; and (3) extension of the list of exceptions to the interest expense/investment income offset provision to include investment income from deferred compensation plans and self-insurance funds; and (4) permitting interest on overpayments and underpayments to be assessed at the higher of the private consumer rate or the current value of funds rate.

Timetable:

Action	Date	FR Cite
NPRM	08/22/88	53 FR 31888
NPRM Comment Period End	10/21/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Building, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4513

RIN: 0938-AC99

810. CRITERIA AND PROCEDURES FOR MAKING MEDICAL SERVICES COVERAGE DECISIONS THAT RELATE TO HEALTH CARE TECHNOLOGY

Significance: Regulatory Program

Legal Authority: 42 USC 1395y; 42 USC 1302; 42 USC 1395hh; 42 USC 1395xx

CFR Citation: 42 CFR 400.200; 42 CFR 400.202; 42 CFR 405.380; 42 CFR 405.381; 42 CFR 405.382; 42 CFR 405.383

Legal Deadline: None

Abstract: The rule will establish in regulations generally applicable standards and procedures for HCFA determinations as to whether and under what circumstances specific medical items and services should be paid for under Medicare. It establishes and explains the criteria relied upon for determining whether an item or service is "reasonable and necessary." The objective of the criteria and procedures set forth in this rule is to assure that Federal funds are expended only for medical services that are covered under the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4302
NPRM Comment Period End	03/31/89	54 FR 4302
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam DellaVecchia, Chief, Special Coverage Issues Branch, Department of Health and Human Services, Health Care Financing Administration, 455 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-5316

RIN: 0938-AD07

811. MEDICARE COVERAGE OF PRESCRIPTION DRUGS USED IN IMMUNOSUPPRESSIVE THERAPY

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(s)(2)(J); 42 USC 1302

CFR Citation: 42 CFR 410.10; 42 CFR 410.29; 42 CFR 410.31

Legal Deadline: None

Abstract: This rule will implement section 9335(c) of Pub.L. 99-509 which authorizes Medicare coverage of immunosuppressive drugs for a period of 1-year following a Medicare-covered organ transplant. Current regulations reflect the statutory exclusion from Medicare Part B coverage of drugs or biologicals that can be self-administered. The regulations will be amended to reflect the new statutory requirement. The final regulation will also implement section 4075 of P.L. 100-203, which expanded coverage from "immunosuppressive drugs" to "prescription drugs used in immunosuppressive therapy."

Timetable:

Action	Date	FR Cite
NPRM	01/19/88	53 FR 1383
NPRM Comment Period End	03/21/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Higbee, Chief, Physician & Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4636

RIN: 0938-AD09

812. REVISIONS TO CONDITIONS OF PARTICIPATION FOR HOSPITALS AND CONDITIONS FOR COVERAGE OF SERVICES OF INDEPENDENT LABORATORIES AND SUPPLIERS OF ESRD SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(e)(6)(B); PL 99-509, Sec 9339(d); 42 USC 1395x(ee); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.1312; 42 CFR 482.21; 42 CFR 405.2135; 42 CFR 405.2137; 42 CFR 482.27; 42 CFR 482.43

Legal Deadline: None

Abstract: These revisions will (a) require hospitals to provide a discharge planning process; and (b) allow a laboratory director to meet State standards for qualifications, rather than federal, if they differ. These revisions will conform our regulations with requirements of Pub.L. 99-509.

Timetable:

Action	Date	FR Cite
NPRM	06/16/88	53 FR 22506
NPRM Comment Period End	08/15/88	53 FR 22506
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Wren, Director, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 966-5661

RIN: 0938-AD11

HHS—HCFA

Final Rule Stage

813. EXPLANATION OF RIGHTS AND OTHER HMO/CMP PROVISIONS

Legal Authority: 42 USC 1395mm; PL 99-509, Sec 9312(a); 42 USC 1302; 42 USC 1395hh; PL 100-203, Sec 4011(b)

CFR Citation: 42 CFR 417.413; 42 CFR 417.428; 42 CFR 417.432; 42 CFR 417.436; 42 CFR 417.446; 42 CFR 417.448; 42 CFR 417.460; 42 CFR 417.640; 42 CFR 417.494; 42 CFR 417.444; 42 CFR 417.597

Legal Deadline: None

Abstract: This rule revises Medicare regulations to repeal the "two-for-one" rule for Medicare enrollees; expand required information and require annual notice of HMO/CMP enrollees rights; and add a provision to terminate a contract for noncompliance with the composition of enrollment standard requiring that no more than 50 percent of an organization's membership be comprised of Medicare or Medicaid enrollees, and would authorize sanctions when organizations fail to comply with the 50/50 rule or terms of waiver or exception to that rule.

Timetable:

Action	Date	FR Cite
NPRM	07/22/88	53 FR 27718
NPRM Comment	09/20/88	53 FR 27718
Period End		
Final Action	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Joan Mahanes, Program Analyst, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 463 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-4642

RIN: 0938-AD14

814. ELIGIBILITY OF ALIENS FOR MEDICAID

Significance: Regulatory Program

Legal Authority: 42 USC 1396b(u); PL 99-603, Sec 201; PL 99-509, Sec 9406

CFR Citation: 42 CFR 435.402; 42 CFR 436.402; 42 CFR 440.200; 42 CFR 440.250; 42 CFR 436.128; 42 CFR 436.406; 42 CFR 436.408; 42 CFR 436.2; 42 CFR 440.255; 42 CFR 435.139; 42 CFR 435.406; 42 CFR 435.408; 42 CFR 435.1; 42 CFR 435.3; 42 CFR 436.128; ...

Legal Deadline: None

Abstract: This rule revises Medicaid regulations applicable for aliens who meet eligibility requirements as categorically needy or medically needy. It establishes in the regulations that aliens lawfully admitted for permanent residence or permanently residing in the United States under color of law may be eligible for all Medicaid services. It also identifies those aliens who may be eligible only for limited services.

Timetable:

Action	Date	FR Cite
NPRM	09/29/88	53 FR 38032
NPRM Comment	11/28/88	53 FR 38032
Period End		
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Marinos T. Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-4451

RIN: 0938-AD15

815. PAYMENT FOR SERVICES OF CERTIFIED REGISTERED NURSE ANESTHETISTS

Legal Authority: 42 USC 1395x(s)(1); 42 USC 1395l(l); 42 USC 1395x(bb)

CFR Citation: 42 CFR 405.553; 42 CFR 405.502; 42 CFR 413.80

Legal Deadline: NPRM, Statutory, January 1, 1989. Final, Statutory, January 1, 1989.

Abstract: Section 9320 of Pub. L. 99-509 provides for payment on a fee schedule basis for services of certified registered nurse anesthetists (CRNAs) furnished to Medicare beneficiaries on or after January 1, 1989. The payment amount will be equal to the least of 80 percent of a fee schedule established by the Secretary (and adjusted annually by the change in the Medicare economic index), 80 percent of the prevailing charge for an anesthesiologist; or 80 percent of the actual charge. CRNAs will be required to accept assignment for all Medicare services and civil monetary penalties could be imposed for violations of this requirement. Alternatively, the hospital or physician could bill for and receive payment for

services of CRNAs where an employment relationship or contract so stipulates. The hospital or physician could not bill more for CRNA services than the amount the CRNA could bill directly.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3803
NPRM Comment	03/27/89	54 FR 3803
Period End		
Final Action	08/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services, Reimbursement, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4497

RIN: 0938-AD25

816. WITHDRAWAL OF COVERAGE OF SINGLE PHOTON ABSORPTIOMETRY AND RADIOGRAPHIC ABSORPTIOMETRY

Legal Authority: 42 USC 1395y(a); 42 USC 1302; 42 USC 1395hh

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This notice announces the Medicare program's intent to withdraw Medicare coverage (including coverage under the End-Stage Renal Disease (ESRD) program) for single photon absorptiometry and radiographic absorptiometry for measuring bone mineral density for either diagnostic or treatment purposes, and to continue noncoverage of dual photon absorptiometry.

Timetable:

Action	Date	FR Cite
Proposed Notice	09/08/88	53 FR 34898
Public Comment	11/07/88	53 FR 34898
Period End		
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam DellaVecchia, Chief, Special Coverage Issue Branch, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 455

HHS—HCFA

Final Rule Stage

EHR, 6325 Security Blvd., Baltimore, MD. 21207, 301 966-5316

RIN: 0938-AD28

817. MODIFICATION OF CERTAIN REQUIREMENTS FOR HEALTH INSURING ORGANIZATIONS

Legal Authority: 42 USC 1302; 42 USC 1396b(m)(2)(A); PL 99-272, Sec 9517(c); PL 99-514, Sec 1895(c)(4); PL 99-509, Sec 9435(e)

CFR Citation: 42 CFR 434.14; 42 CFR 434.20; 42 CFR 434.40; 42 CFR 434.42; 42 CFR 434.44; 42 CFR 434.2

Legal Deadline: None

Abstract: The final rule will describe the conditions under which a Health Insuring Organization (HIO) is subject to Medicaid Health Maintenance Organization (HMO) regulations. It would require that an HIO which becomes operational on or after January 1, 1986 and arranges for the delivery of services to recipients be subject to HMO requirements. The regulations would specify that exemptions from certain HMO requirements are permitted for HIOs which began operations on or after January 1, 1986 if the HIOs obtained a section 1915(b) waiver prior to that date, or if an HIO is otherwise identified in the law. The exemptions which are based on section 1915(b) waivers last only until the expiration of the waiver.

Timetable:

Action	Date	FR Cite
NPRM	08/25/88	53 FR 32406
NPRM Comment Period End	10/24/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Robert E. Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Rm. 401 EHR, 6325 Security Blvd., Baltimore, MD. 21207, 301 966-5661

RIN: 0938-AD31

818. PROHIBITION ON UNBUNDLING OF HOSPITAL OUTPATIENT SERVICES

Legal Authority: 42 USC 1395y(a)(14); 42 USC 1395cc(a)(1)(H); 42 USC 1395cc(g)

CFR Citation: 42 CFR 405; 42 CFR 410; 42 CFR 489; 42 CFR 1003

Legal Deadline: None

Abstract: This rule, issued jointly by HCFA and OIG, will prohibit Medicare payment for nonphysician services furnished to a hospital outpatient by a provider or supplier other than the hospital, unless the services are furnished under an arrangement with the hospital. The hospital will be obligated by its provider agreement to furnish the services directly or under an arrangement. These regulations also authorize OIG to impose a civil money penalty, not to exceed \$2,000, against any individual who knowingly and willfully presents, or causes to be presented, a bill or request for payment for a hospital outpatient service under Part B of Medicare in violation of an arrangement. These regulations will implement sections 9343(c)(1), (c)(2), and (c)(3) of the Omnibus Budget Reconciliation Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/05/88	53 FR 29486
NPRM Comment Period End	10/04/88	53 FR 29486
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Tom Hoyer, Director, Division of Provider Services and, Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 405 EHR, 6325 Security Blvd., Baltimore, MD. 21207, 301 966-4607

RIN: 0938-AD33

819. PHYSICIAN LIABILITY ON NON-ASSIGNED CLAIMS

Legal Authority: PL 99-509, Sec 9332; 42 USC 1395u; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.339

Legal Deadline: None

Abstract: This regulation implements Section 9332(c) of the Omnibus Budget Reconciliation Act of 1986 under which

nonparticipating physicians who provide, on an unassigned basis, services which are determined to be medically unnecessary are required to refund to the beneficiary any amounts collected for such services. Exceptions to the refund requirement will be granted only if the physician did not know and could not reasonably have been expected to know that the service was not covered, or if the beneficiary, after being informed that Medicare will not pay for the service, agrees to pay.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	53 FR 53025
NPRM Comment Period End	02/28/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elmer Smith, Director, Office of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 400 EHR, 6325 Security Blvd., Baltimore, MD. 21207, 301 966-5648

RIN: 0938-AD34

820. CHANGES TO PEER REVIEW ORGANIZATION REGULATIONS

Legal Authority: 42 USC 1395y(a); 42 USC 1320(c); 42 USC 1395hh; 42 USC 1396a(a)(30)

CFR Citation: 42 CFR 405.310; 42 CFR 431.630; 42 CFR 433.15; 42 CFR 434.53; 42 CFR 456.2; 42 CFR 456.650; 42 CFR 462.101; 42 CFR 462.102; 42 CFR 462.106; 42 CFR 462.107; 41 CFR 466.71; 42 CFR 466.76; 42 CFR 466.78; 42 CFR 466.83; 42 CFR 466.93; ...

Legal Deadline: None

Abstract: This rule sets forth several changes to the Medicare regulations governing Peer Review Organizations. Some of these changes are the result of the passage of the Consolidated Omnibus Budget Reconciliation Act of 1985 and the Omnibus Budget Reconciliation Act of 1986. Other changes are of a technical nature and are intended to clarify and correct existing regulations on the Peer Review Organization Program. The rule also sets forth the policy for reimbursement of costs incurred by hospitals for photocopying medical records needed by PROs during offsite reviews.

HHS—HCFA

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Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8654
NPRM Comment Period End	05/16/88	53 FR 8654
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Richard Husk, Director, Office of Peer Review, Department of Health and Human Services, Health Care Financing Administration, Rm. 2-D-2 Meadows East Bldg., 6325 Security Blvd., Baltimore, MD. 21207, 301 966-6850

RIN: 0938-AD38

821. UPDATE OF AMBULATORY SURGICAL CENTER PAYMENT RATES FOR JULY 1, 1988

Significance: Agency Priority

Legal Authority: 42 USC 1395l(a)(4); 42 USC 1395l(i); 42 USC 1395k(a)(2)(F); 42 USC 1302

CFR Citation: 42 CFR 416.130

Legal Deadline: NPRM, Statutory, July 1, 1988.

Abstract: We will state the methodology used to determine the payment amounts for ambulatory surgical services and update payment rates, effective July 1, 1988.

Timetable:

Action	Date	FR Cite
Proposed Notice	08/18/88	53 FR 31468
Public Comment Period End	10/17/88	53 FR 31468
Final Notice	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles Booth, Director, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4487

RIN: 0938-AD44

Legal Authority: 42 USC 1302; 42 USC 1395x; 42 USC 1395hh; 42 USC 1395bbb

CFR Citation: 42 CFR 484

Legal Deadline: Final, Statutory, October 1, 1988.

Minimum standards for home health aide training and competency evaluation programs must, pursuant to P.L. 100-203, be established by October 1, 1988.

Abstract: These regulations specify requirements for home health agencies for: protecting and promoting patient rights; training and competency of home health aides; notifying State entities responsible for the licensing or certification of HHAs of changes in ownership, managing employees, and managing organizations; including an individual's plan of care as part of the individual's clinical records; and operating and furnishing services in compliance with accepted professional standards and principles that apply to professionals furnishing home health services.

Timetable:

Action	Date	FR Cite
Final With Comment Period	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Blvd, Baltimore, MD 21207, 301 966-4607

RIN: 0938-AD45

823. CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM AND FISCAL YEAR 1989 RATES

Significance: Regulatory Program

Legal Authority: 42 USC 1395ww; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 412

Legal Deadline: None

Abstract: This final rule makes revisions to the inpatient hospital prospective payment system based on responses to comments received concerning changes made by Pub.L. 100-360 that are applicable to discharges during FY 1989.

Timetable:

Action	Date	FR Cite
NPRM	05/27/88	53 FR 19498
NPRM Comment Period End	07/26/88	53 FR 1948
Final Action with comments	09/30/88	53 FR 38476
Final Action generally effective	10/01/88	53 FR 38476
Final Action Public Comment Period End	11/29/88	53 FR 38476
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Ed Rees, Acting Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4529

RIN: 0938-AD49

824. PROTOCOL FOR THE REUSE OF DIALYSIS BLOODLINES

Legal Authority: 42 USC 1395rr(a)(7); 42 USC 1302; 42 USC 1395hh; 42 USC 1395kk; 42 USC 1395x; 42 USC 1395y(a)

CFR Citation: 42 CFR 405.2150(d)

Legal Deadline: None

While the Secretary is not required to publish a regulation, ESRD facilities will not otherwise be permitted to reuse bloodlines after June 30, 1988.

Abstract: This rule would establish standards for safe and effective reuse of bloodlines. The statute forbids ESRD facilities to reuse bloodlines beginning July 1, 1988, unless the Secretary has established and the facilities follow, protocols for their reuse. The protocols would be incorporated into conditions of coverage.

Timetable:

Action	Date	FR Cite
NPRM	07/27/88	53 FR 28236
NPRM Comment Period End	09/26/88	53 FR 28236
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rita McGrath, Chief, Alternate Delivery Organization Branch, Department of Health and

822. HOME HEALTH AGENCIES: CONDITIONS OF PARTICIPATION AND REDUCTION IN RECORDKEEPING REQUIREMENTS

Significance: Regulatory Program

HHS—HCFA

Final Rule Stage

Human Services, Health Care Financing Administration, Room 469 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-4635

RIN: 0938-AD52

825. UNIFORM RELATIVE VALUE GUIDE FOR ANESTHESIA SERVICES FURNISHED BY PHYSICIANS

Legal Authority: PL 100-203, Sec 4048(b); 42 USC 1302; 42 USC 1395hh; 42 USC 1395u(b)(14)

CFR Citation: 42 CFR 405.553

Legal Deadline: Final, Statutory, January 1, 1989.

Under section 4048(b) of PL 100-203 the relative value guide is to be used for physician anesthesia services furnished on or after 01/01/89.

Abstract: This final rule will establish a relative value guide for use in all carrier localities in making payment for anesthesia services furnished by physicians under Medicare Part B. This rule will implement section 4048(b) of PL 100-203. The proposed relative value guide is designed to ensure that payments using the guide do not exceed the amount that would have been made under the current payment system. Although the statute requires that the uniform relative value guide be effective for services furnished on or after January 1, 1989, we are delaying the effective date until March 1, 1989.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3794
NPRM Comment Period End	02/27/89	54 FR 3794
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4497

RIN: 0938-AD63

826. PAYMENT FOR DURABLE MEDICAL EQUIPMENT AND ORTHOTIC AND PROSTHETIC DEVICES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395m(a); 42 USC 1395x(n)

CFR Citation: 42 CFR 405.502; 42 CFR 405.514; 42 CFR 414.200; 42 CFR 414.202; 42 CFR 414.210; 42 CFR 414.220; 42 CFR 414.222; 42 CFR 414.224; 42 CFR 414.226; 42 CFR 414.228; 42 CFR 414.230

Legal Deadline: None

Abstract: This final rule with comment period implements section 4062 of PL 100-203. It establishes fee schedules and payment methodologies that govern payments for six categories of durable medical equipment and orthotic and prosthetic devices as required by section 4062 of PL 100-203. The new payment rates are to be effective for items provided on or after January 1, 1989.

Timetable:

Action	Date	FR Cite
Final with comment period	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director of Medical Services Reimbursement, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4497

RIN: 0938-AD65

827. PERIODIC PAYMENTS FOR HOSPITALS AND OTHER PROVIDERS

Legal Authority: 42 USC 1395g(e); 42 USC 1395g (note); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 412.116

Legal Deadline: None

Abstract: In this final rule, we set forth the circumstances under which the periodic interim payment method is available for services furnished by hospitals and other providers. Generally, inpatient hospital services furnished by hospitals excluded from the prospective payment system, as well as skilled nursing facility services,

home health services, and hospice care services, may be paid for on a periodic interim payment basis. With certain exceptions, inpatient hospital services furnished by prospective payment hospitals are not eligible for payment on a periodic interim payment basis.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4513

RIN: 0938-AD71

828. INHERENT REASONABLENESS FOR HOME DIALYSIS SUPPLIES AND EQUIPMENT

Legal Authority: 42 USC 1395u(b)(8); 42 USC 1302

CFR Citation: None

Legal Deadline: None

Abstract: This notice would establish a special reasonable charge payment limit for home dialysis equipment and supplies to prevent excessive payment for these items.

Timetable:

Action	Date	FR Cite
Proposed Notice	01/12/89	54 FR 1244
Comment Period End	03/13/89	
Final Notice	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bob Niemann, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Div. of Dialysis & Transplant Payment Policy, 1-A-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4569

RIN: 0938-AD74

HHS—HCFA

Final Rule Stage

829. PAYMENT FOR OUTPATIENT SURGERY AT EYE SPECIALTY HOSPITALS AND EYE AND EAR SPECIALTY HOSPITALS

Legal Authority: 42 USC 1395l(i)(3)(B)(ii); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.118

Legal Deadline: None

Abstract: In accordance with section 4068(a) of PL 100-203, we will revise the payment provisions concerning hospital outpatient services furnished in connection with ambulatory surgical procedures for certain qualified eye hospitals and eye and ear hospitals. For cost reporting periods beginning on or after October 1, 1988 and before October 1, 1990, the blended payment amount applicable to these hospitals remains at 75 percent of the hospital-specified amount and 25 percent of the ambulatory surgical center amount.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3818
NPRM Comment Period End	03/27/89	54 FR 3818
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4513

RIN: 0938-AD76

830. SWING-BED PROGRAM CHANGES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395tt

CFR Citation: 42 CFR 413; 42 CFR 424; 42 CFR 482; 42 CFR 489

Legal Deadline: None

Abstract: These regulations revise the Medicare rules relating to approved swing-bed hospitals. They implement the provisions of Pub. L. 100-203 which expand the swing-bed program to rural hospitals with less than 100 beds. Payment for extended care services furnished by hospitals with 50-99 beds are subject to additional conditions.

Timetable:

Action	Date	FR Cite
Final with comment period	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4607

RIN: 0938-AD83

831. FEE SCHEDULE FOR CERTIFIED NURSE-MIDWIFE SERVICES

Legal Authority: 42 USC 1395k(a)(2)(B); 42 USC 1395l(a)(1)(K) and (p); 42 USC 1395x(s)(2)(L) and (gg); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405; 42 CFR 410

Legal Deadline: None

Abstract: This proposed rule would provide for the establishment of a fee schedule for the services of certified nurse-midwives under the Medicare program. This proposal would implement section 4073 of PL 100-203 and would apply to Medicare services provided by certified nurse-midwives on or after July 1, 1988.

Timetable:

Action	Date	FR Cite
Final with comment period	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert E. Wren, Director, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-5661

RIN: 0938-AD85

832. SECOND SURGICAL OPINION REQUIREMENTS FOR MEDICAID RECIPIENTS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(30)(A)

CFR Citation: 42 CFR 456.900; 42 CFR 456.903; 42 CFR 456.905; 42 CFR 456.907; 42 CFR 456.909; 42 CFR 456.911; 42 CFR 456.913; 42 CFR 456.915; 42 CFR 456.921; 42 CFR 456.923; 42 CFR 456.929

Legal Deadline: None

Abstract: These regulations require each Medicaid plan to include a program for second surgical opinions for certain surgical procedures. This program is aimed at preventing unnecessary surgery and improving patient awareness of all treatment options, where alternatives to surgery are available. These regulations will be published in final 180 days following the Secretary's submission of a report to Congress, due on or before October 1, 1988, as required by the OBRA of 1986.

Timetable:

Action	Date	FR Cite
NPRM	06/17/86	
Submit Report to Congress as Required by OBRA-86	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Ernestine Jones, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Room 403, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4646

RIN: 0938-AD86

833. CONFORMING AMENDMENTS RESULTING FROM THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987

Legal Authority: 42 USC 1395x(r); 42 USC 1395l; 42 USC 1395x(s); 42 USC 1395y; 42 USC 1395x(e); 42 USC 1395r; 42 USC 426; 42 USC 1396d; 42 USC 1396n; 42 USC 1396b; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 400; 42 CFR 405; 42 CFR 406; 42 CFR 408; 42 CFR 409; 42 CFR 410; 42 CFR 413; 42 CFR 416; 42 CFR 417; 42 CFR 424; 42 CFR 430; 42 CFR 431; 42 CFR 435; 42 CFR 436; 42 CFR 440; ...

Legal Deadline: None

Abstract: These regulations conform HCFA rules to certain self-executing provisions of the Omnibus Budget Reconciliation Act of 1987. They are

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needed to make HCFA rules consistent with current provisions of law and to ensure that users of the regulations are not confused by outdated provisions or unclear language. Under the Medicare program's rules changes are made affecting: services of podiatrists; outpatient psychiatric services; SMI premiums; and comprehensive outpatient rehabilitative facility services. Under the Medicaid program changes are made affecting: services of dentists; clinic services; and waivers of certain State plan requirements. In addition, we make other conforming and transitional amendments.

Timetable:

Action	Date	FR Cite
Final with comment period	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Luisa V. Iglesias, Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, Room 418 H. Hubert H. Humphrey Bldg., 200 Independence Avenue, SW, Washington, D.C. 20201, 202 245-0343

RIN: 0938-AD92

834. CATASTROPHIC COVERAGE CONFORMING AMENDMENTS

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395e; 42 USC 1395f; 42 USC 1395i; 42 USC 1395r; 42 USC 1396a; 42 USC 1396d; 42 USC 1395v; 42 USC 1396b

CFR Citation: 42 CFR 400; 42 CFR 406; 42 CFR 407; 42 CFR 408; 42 CFR 409; 42 CFR 410; 42 CFR 418; 42 CFR 424; 42 CFR 431; 42 CFR 435; 42 CFR 436; 42 CFR 447; 42 CFR 482; 42 CFR 489

Legal Deadline: None

Abstract: These regulations conform HCFA rules to certain self executing provisions of the Medicare Catastrophic Coverage Act of 1988 which: expand the scope of benefits under Medicare Part A; change the rules applicable to deductible and coinsurance; effect the determination and promulgation of Medicare Part A premiums; impose additional premiums for Medicare Part B; require Medicaid agencies to pay Medicare premiums deductibles and coinsurance on behalf of qualified

Medicare beneficiaries and make other conforming and transitional amendments. They are needed to make HCFA rules consistent with current provisions of law and to ensure that users of the regulations are not confused by outdated provisions or unclear language.

Timetable:

Action	Date	FR Cite
Final with comment period	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Luisa V. Iglesias, Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, Room 418 H. Hubert H. Humphrey Bldg., 200 Independence Avenue, SW, Washington, D.C. 20201, 202 245-0383

RIN: 0938-AD93

835. SCHEDULE OF LIMITS ON HOME HEALTH AGENCY COSTS PER VISIT FOR COST REPORTING PERIODS BEGINNING ON OR AFTER JULY 1, 1989

Legal Authority: 42 USC 1302; 42 USC 1395x(v)(1)(A); 42 USC 1395x(v)(1)(L)

CFR Citation: 42 CFR 413.30

Legal Deadline: Other, Statutory, July 1, 1989.

Sec 4026(a)(2) of P.L.100-203, as amended by sec 411(d)(5)(B) of P.L.100-360, requires the application of a wage index based on wage data fm HHAs to cost rptg periods beginning July 1, 1989.

Abstract: This final notice with comment period sets forth an updated schedule of limits on home health agency costs that may be reimbursed under the Medicare program. This updated schedule of limits will be applicable to cost reporting periods beginning on or after July 1, 1989.

Timetable:

Action	Date	FR Cite
Notice	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Goeller, Director, Division of Payment and Reporting, Department of Health and

Human Services, Health Care Financing Administration, 1-F-5 ELR, 6325 Security Boulevard, Baltimore Maryland 21207, 301 966-4513

RIN: 0938-AE03

836. SCHEDULE OF LIMITS FOR SKILLED NURSING FACILITY INPATIENT ROUTINE SERVICE COSTS FOR REPORTING PERIODS BEGINNING ON OR AFTER OCTOBER 1, 1989

Legal Authority: 42 USC 1395x(v)(1)(A); 42 USC 1395yy; 42 USC 1302

CFR Citation: 42 CFR 413.30

Legal Deadline: None

Abstract: This notice would set forth a revised schedule of limits on skilled nursing facility inpatient routine service costs that are reimbursed under Medicare. This schedule would apply to cost reporting periods beginning on or after October 1, 1989.

Timetable:

Action	Date	FR Cite
Notice	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4513

RIN: 0938-AE04

837. PHYSICIAN INVOLVEMENT IN PHYSICAL THERAPY AND SPEECH PATHOLOGY SERVICES

Legal Authority: PL 100-647, Sec 8424

CFR Citation: 42 CFR 405.1717; 42 CFR 405.1733; 42 CFR 424.25

Legal Deadline: None

Abstract: This final rule implements section 8424 of the Technical and Miscellaneous Revenue Act of 1988. It removes from Medicare conditions of participation the requirements that providers of outpatient physical therapy and physical therapists in independent practice accept for treatment only patients referred to them by physicians, and that written plans of care be established and reviewed by

HHS—HCFA

Final Rule Stage

physicians. It also extends the same exemption to providers of outpatient speech pathology and speech pathologists in independent practice. It affects care provided to non-Medicare patients only. The requirements for physician involvement continue to apply for services provided to Medicare beneficiaries. The purpose of the rule is to relieve providers of outpatient physical therapy and speech pathology and independent therapists of an unnecessary burden imposed by current Federal regulations. States would have the flexibility under State law to establish the most appropriate requirements for non-Medicare patients in need of physical therapy or speech pathology services.

Timetable:

Action	Date	FR Cite
FINAL WITH COMMENT PERIOD	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheridan Gladhill, Program Analyst, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4605

RIN: 0938-AE07

838. ● FUNCTIONS OF CONTRACTORS IN THE ADMINISTRATION OF THE MEDICARE OUTPATIENT PRESCRIPTION DRUG BENEFIT BEGINNING JANUARY 1, 1991

Legal Authority: 42 USC 1395u(f); 42 USC 1302; 42 USC 1395hh

CFR Citation: Not applicable

Legal Deadline: None

Abstract: Section 202(e) of the Medicare Catastrophic Coverage Act of 1988 permits the Secretary to enter into contracts with qualified entities to implement and operate electronic bill processing, payment and information systems with respect to Medicare outpatient prescription drugs dispensed to Medicare beneficiaries. This notice alerts the public to the planned separation of functions related to the Medicare outpatient prescription drug benefit among the new drug bill processors and the current Medicare

carriers. It also allows the public an opportunity to comment on the new drug bill processors functions prior to the incorporation of those functions into contracts.

Timetable:

Action	Date	FR Cite
Notice with Comment	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Toba Winston, Chief, Contract Policy Branch, Office of Program Administration, Department of Health and Human Services, Health Care Financing Administration, 334 Meadows East Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-7426

RIN: 0938-AE14

839. ● PART B CATASTROPHIC LIMIT

Legal Authority: 42 USC 1395l(c); 42 USC 1302

CFR Citation: 42 CFR 410.110

Legal Deadline: Other, Statutory, September 1, 1989.

Abstract: This notice indicates the amount that section 1833(c) of the Social Security Act prescribes as the out-of-pocket limit on expenses a Medicare beneficiary will have to pay in 1990 for Part B services (except for drugs.)

Timetable:

Action	Date	FR Cite
Notice	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Solomon Mussey, Supervisory Actuary, Office of Medicare Cost Estimates, Department of Health and Human Services, Health Care Financing Administration, M-1, 1705 Equitable Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6386

RIN: 0938-AE18

840. ● INPATIENT HOSPITAL DEDUCTIBLE FOR 1990

Legal Authority: 42 USC 1395c

CFR Citation: 42 CFR 409.82

Legal Deadline: Other, Statutory, September 15, 1989.

Abstract: This notice announces the inpatient hospital deductible for calendar year 1990 under Medicare's hospital insurance program. The Medicare statute specifies the formula to be issued to determine this amount.

Timetable:

Action	Date	FR Cite
Notice	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Solomon Mussey, Supervisory Actuary, Office of Medicare Cost Estimates, Department of Health and Human Services, Health Care Financing Administration, M-1, 1705 Equitable Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6386

RIN: 0938-AE19

841. ● PART A PREMIUM FOR THE UNINSURED AGED FOR 1990

Legal Authority: 42 USC 1395i

CFR Citation: 42 CFR 406.22

Legal Deadline: Other, Statutory, September 30, 1989.

Abstract: This notice announces the amount of the monthly premium for uninsured Medicare beneficiaries for calendar year 1990. This amount is based on the formula specified by statute.

Timetable:

Action	Date	FR Cite
Notice	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Solomon Mussey, Supervisory Actuary, Office of Medicare Cost Estimates, Department of Health and Human Services, Health Care Financing Administration, M-1, 1705 Equitable Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6386

RIN: 0938-AE20

842. ● MONTHLY ACTUARIAL RATES AND PART B PREMIUM RATES BEGINNING 1/1/90

Legal Authority: 42 USC 1395r; 42 USC 1302

HHS—HCFA

Final Rule Stage

CFR Citation: 42 CFR 408.20**Legal Deadline:** Other, Statutory, September 30, 1989.**Abstract:** This notice announces the monthly actuarial rates for aged (aged 65 and over) and disabled (under age 65) enrollees in the Medicare Supplementary Medical Insurance (SMI) program for the 12 months beginning January 1, 1990. It also announces the monthly SMI premium rate to be paid by all enrollees during the 12 months beginning January 1, 1989.**Timetable:**

Action	Date	FR Cite
Notice	09/00/89	

Small Entities Affected: Undetermined**Government Levels Affected:** None**Agency Contact:** Solomon Mussey, Supervisory Actuary, Office of Medicare Cost Estimates, Department of Health and Human Services, Health Care Financing Administration, M-1, 1705 Equitable Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6386**RIN:** 0938-AE21**843. ● SNF COINSURANCE AMOUNTS FOR 1990****Legal Authority:** 42 USC 1395e(a)(3)(C)**CFR Citation:** 42 CFR 409.85**Legal Deadline:** Other, Statutory, September 30, 1989.**Abstract:** This notice announces the daily coinsurance amounts for which Medicare beneficiaries will be responsible for days 1 through 8 of a covered stay in a skilled nursing facility in 1990.**Timetable:**

Action	Date	FR Cite
Notice	09/00/89	

Small Entities Affected: Undetermined**Government Levels Affected:** None**Agency Contact:** Solomon Mussey, Supervisory Actuary, Office of Medicare Cost Estimates, Department of Health and Human Services, Health Care Financing Administration, M-1, 1705 Equitable Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6386**RIN:** 0938-AE22**844. ● UPDATE OF AMBULATORY SURGICAL CENTER PAYMENT RATES FOR JULY 1, 1989****Significance:** Agency Priority**Legal Authority:** 42 USC 1395l(a)(4); 42 USC 1395l(i); 42 USC 1395k(a)(2)(F)**CFR Citation:** 42 CFR 416.130**Legal Deadline:** Final, Statutory, July 1, 1989.**Abstract:** This notice announces the payment rates for ambulatory surgical services effective July 1, 1989.**Timetable:**

Action	Date	FR Cite
Final Notice	06/00/89	

Small Entities Affected: Businesses**Government Levels Affected:** None**Agency Contact:** Charles Booth, Director, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 181 EHR, 6325 Security Boulevard, Baltimore, MD 21207, 301 966-4487**RIN:** 0938-AE29

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

Health Care Financing Administration (HCFA)

845. MISCELLANEOUS MEDICARE AND MEDICAID AMENDMENTS**CFR Citation:** 42 CFR 405; 42 CFR 409; 42 CFR 410; 42 CFR 416; 42 CFR 421; 42 CFR 441; 42 CFR 489**Completed:**

Reason	Date	FR Cite
Final Action	01/27/89	54 FR 4023
Final Action Effective	02/27/89	54 FR 4023

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Luisa Iglesias 202 245-0383**RIN:** 0938-AB05**846. INDIRECT PART B PAYMENT PROCEDURE****CFR Citation:** 42 CFR 424.36; 42 CFR 424.60; 42 CFR 424.66**Completed:**

Reason	Date	FR Cite
Final Action	07/28/88	53 FR 28384
Final Action Effective	08/29/88	53 FR 28384

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Paul Olenick 301 966-4472**RIN:** 0938-AB59**847. HOSPITAL INSURANCE ENTITLEMENT AND SUPPLEMENTARY MEDICAL INSURANCE ENROLLMENT AND ENTITLEMENT****CFR Citation:** 42 CFR 405; 42 CFR 406; 42 CFR 407**Completed:**

Reason	Date	FR Cite
Final Action	11/22/88	53 FR 47199
Final Action Effective	12/22/88	53 FR 47199

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Denis Garrison 301 966-5643**RIN:** 0938-AB60**848. EMPLOYERS CONTRIBUTION TO HEALTH MAINTENANCE ORGANIZATIONS OPTION****CFR Citation:** 42 CFR 417.157

HHS—HCFA

Completed Actions

Completed:

Reason	Date	FR Cite
Withdrawn	11/00/88	
Replaced by Self Impl Processes of HMO Amendments of 88		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Sobel 202 245-0197

RIN: 0938-AC48

849. USE OF THE HCFA HOSPITAL WAGE INDEX FOR DETERMINING PAYMENT TO HOSPICES

CFR Citation: 42 CFR 418.306(c)

Completed:

Reason	Date	FR Cite
Withdrawn To be combined with another regulatory document.	02/07/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony Lovecchio 301 966-4575

RIN: 0938-AC49

850. BILLING AND VERIFICATION ADD-ON RELATING TO HOME HEALTH AGENCIES COST PER VISIT LIMITS

CFR Citation: 42 CFR 413.30

Completed:

Reason	Date	FR Cite
Final Action	10/05/88	53 FR 39150

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William J. Goeller 301 966-4513

RIN: 0938-AC56

851. PAYMENT FOR KIDNEYS SENT TO FOREIGN COUNTRIES OR TRANSPLANTED IN PATIENTS OTHER THAN MEDICARE BENEFICIARIES

CFR Citation: 42 CFR 413.179

Completed:

Reason	Date	FR Cite
Final Action	02/06/89	54 FR 5619
Final Action Effective	03/08/89	54 FR 5619

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mark Horney 301 966-4554

RIN: 0938-AC59

852. MEDICARE BENEFICIARY APPEALS

CFR Citation: 42 CFR 405.701; 42 CFR 405.708; 42 CFR 405.716; 42 CFR 405.717; 42 CFR 405.718a through d; 42 CFR 405.719; 42 CFR 405.720; 42 CFR 405.722; 42 CFR 405.724; 42 CFR 405.730; 42 CFR 405.801; 42 CFR 426; 42 CFR 405.702

Completed:

Reason	Date	FR Cite
Withdrawn Current Responsibility Outside HCFA	06/01/88	53 FR 20023

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold Shaffer 301 966-5765

RIN: 0938-AC81

853. REFUNDING OF FEDERAL SHARE OF OVERPAYMENTS MADE TO MEDICAID PROVIDERS

CFR Citation: 42 CFR 433.32 to 35; 42 CFR 433.112; 42 CFR 433.116; 42 CFR 433.300 to 322

Completed:

Reason	Date	FR Cite
Final Action	02/03/89	54 FR 5452
Final Action Effective	04/04/89	54 FR 5452

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: David Greenberg 301 966-3278

RIN: 0938-AC83

854. RECOGNITION OF COLLEGE OF AMERICAN PATHOLOGISTS LABORATORY ACCREDITATION PROGRAM

CFR Citation: 42 CFR 405.1310; 42 CFR 482.27

Completed:

Reason	Date	FR Cite
Withdrawn - Reassessing policy	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mike Goldman 301 966-6313

RIN: 0938-AC89

855. REQUIREMENTS FOR LONG TERM CARE FACILITIES

Significance: Regulatory Program

CFR Citation: 42 CFR 442.30; 42 CFR 442.101; 42 CFR 442.105; 42 CFR 442.300 to 442.346; 42 CFR 442.250 to 442.254; 42 CFR 483.1 to 483.75; 42 CFR 442.200 to 202; 42 CFR 447.251; 42 CFR 447.253; 42 CFR 447.255; 42 CFR 447.272

Completed:

Reason	Date	FR Cite
Final Action Final with comment period ending 05/03/89.	02/02/89	54 FR 5316
Final Action Effective	08/09/89	54 FR 5316

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Agency Contact: Samuel Kidder 301 966-4620

RIN: 0938-AD12

856. MEDICARE, MEDICAID, AND CLINICAL LABORATORIES IMPROVEMENT ACT (CLIA) PATIENT CONFIDENTIALITY RULES

CFR Citation: 42 CFR 74; 42 CFR 405; 42 CFR 441

Completed:

Reason	Date	FR Cite
Final Action	12/02/88	53 FR 48645
Final Action Effective	01/03/89	53 FR 48645

Small Entities Affected: None

HHS—HCFA

Completed Actions

Government Levels Affected: None**Agency Contact:** Mike Goldman 301 966-6813**RIN:** 0938-AD40**857. SCHEDULES OF LIMITS ON HOME HEALTH AGENCY COSTS PER VISIT FOR COST REPORTING PERIODS BEGINNING ON OR AFTER JULY 1, 1988****Significance:** Agency Priority**CFR Citation:** 42 CFR 413.30**Completed:**

Reason	Date	FR Cite
Final Action -For Costing Reporting Periods Beginning 07/01/88	10/18/88	53 FR 40771
Final Action Effective	07/01/88	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** William J. Goeller 301 966-4513**RIN:** 0938-AD47**858. FEE SCHEDULES FOR RADIOLOGIST SERVICES****Significance:** Regulatory Program**CFR Citation:** 42 CFR 405.501; 42 CFR 405.530; 42 CFR 405.531; 42 CFR 405.532; 42 CFR 405.533; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.554; 42 CFR 405.555**Completed:**

Reason	Date	FR Cite
Final Action With comment period ending 05/01/89.	03/02/89	54 FR 8994
Final Action Effective	04/01/89	54 FR 8994

Small Entities Affected: Businesses**Government Levels Affected:** None**Agency Contact:** Bernard Patashnik 301 966-4497**RIN:** 0938-AD62**859. ESTABLISHMENT OF MEDICARE ECONOMIC INDEX FOR 1989****CFR Citation:** 42 CFR 405.504**Completed:**

Reason	Date	FR Cite
Final Action	09/09/88	53 FR 38075
Final Action Effective	01/01/89	53 FR 38075

Small Entities Affected: None**Government Levels Affected:**

Undetermined

Agency Contact: Paul Riesel 301 966-4494**RIN:** 0938-AD64**860. CRITERIA FOR STANDARD AND EXTENDED HOME HEALTH AGENCY SURVEYS****CFR Citation:** 42 CFR 488**Completed:**

Reason	Date	FR Cite
Withdrawn	01/00/89	
Withdrawn - To be implemented via other mechanism		

Small Entities Affected: Undetermined**Government Levels Affected:**

Undetermined

Agency Contact: Walter Merten 301 966-6767**RIN:** 0938-AD67**861. INPATIENT HOSPITAL DEDUCTIBLE FOR 1989****CFR Citation:** 42 CFR 408.22; 42 CFR 409.80; 42 CFR 409.82; 42 CFR 409.83; 42 CFR 409.85**Completed:**

Reason	Date	FR Cite
Final Action	09/30/88	53 FR 38357
Final Action Effective	01/01/89	53 FR 38357

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Solomon Mussey 301 966-6386**RIN:** 0938-AD68**862. HOSPICE CAP****CFR Citation:** 42 CFR 418.309**Completed:**

Reason	Date	FR Cite
Final Action	10/17/88	53 FR 40494
Effective through 10/31/88		
Final Action Effective	11/01/87	53 FR 40494

Small Entities Affected: Undetermined**Government Levels Affected:**

Undetermined

Agency Contact: Anthony Lovecchio 301 966-4575**RIN:** 0938-AD75**863. CARRIER BONUSES FOR INCREASING PHYSICIANS' PARTICIPATION OR PAYMENTS****CFR Citation:** Not applicable**Completed:**

Reason	Date	FR Cite
Final Action	10/11/88	53 FR 39644
Notice of request for comments		

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Louis Palmieri, Jr. 301 966-7542**RIN:** 0938-AD96**864. NATIONAL AVERAGE ACTUARIAL VALUE OF DUPLICATIVE PART A AND PART B MEDICARE BENEFITS****CFR Citation:** Not applicable**Completed:**

Reason	Date	FR Cite
Final Action Part A effective 01/01/89; Part B effective 01/01/90	12/06/88	53 FR 49233

Small Entities Affected: Undetermined**Government Levels Affected:**

Undetermined

Agency Contact: Solomon Mussey 301 966-6386**RIN:** 0938-AD98

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Family Support Administration (FSA)

865. ● AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; EXTENSION OF MEDICAID ELIGIBILITY WHEN SUPPORT COLLECTIONS RESULT IN TERMINATION OF AFDC ELIGIBILITY

Legal Authority: 42 USC 606; 42 USC 1302; PL 98-378, Sec 20

CFR Citation: 45 CFR 233; 45 CFR 435; 45 CFR 436

Legal Deadline: NPRM, Statutory, September 30, 1988.

Abstract: This NPRM rule, which implements section 20 of the Child Support Enforcement Amendments of 1984 (Pub. L. 98-378) specifies that in any case where the collection or increased collection of support under title IV-D of the Social Security Act contributes wholly or partly to a family's ineligibility for AFDC, the family is deemed, but only for the purpose of Medicaid eligibility, to be receiving AFDC for a period of four calendar months after the last month of AFDC eligibility. This applies only to families who receive AFDC in three of the six months immediately preceding the month of ineligibility. "Received" includes those individuals denied an AFDC payment solely because the payment amount is under \$10, the recoupment of overpayment, or because the payment is determined to be zero as a result of rounding.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970-AA07

866. STANDARDS FOR CHILD SUPPORT ENFORCEMENT PROGRAM OPERATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 652(h); 42 USC 652(i)

CFR Citation: 45 CFR 302; 45 CFR 303; 45 CFR 304; 45 CFR 305; 45 CFR 306; 45 CFR 307

Legal Deadline: NPRM, Statutory, April 13, 1989. Final, Statutory, August 1, 1989.

Abstract: These proposed regulations will revise requirements and program standards to streamline and improve case processing within the IV-D agency. Specific standards and timeframes will be proposed for certain actions required to be taken in processing a IV-D case. Timeframes for distribution of collections will also be proposed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Joyce Allred, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5369

RIN: 0970-AA16

867. CHILD SUPPORT ENFORCEMENT AUDIT REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 603(h); 42 USC 604(d); 42 USC 652(a)(1); 42 USC 652(a)(4); 42 USC 1302

CFR Citation: 45 CFR 305

Legal Deadline: None

Abstract: OCSE is proposing to amend the current program regulations governing child support program audits. These proposed rules would streamline the current audit process and requirements and make corrections to certain inaccuracies in the audit regulations. In addition, we propose to add new performance indicators and update the scoring system.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 4841
NPRM Comment Period End	04/03/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Elizabeth Matheson, Chief, Policy Branch, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5362

RIN: 0970-AA17

868. DISTRIBUTION OF CHILD SUPPORT COLLECTIONS

Legal Authority: 42 USC 657; 42 USC 1302

CFR Citation: 45 CFR 302.51; 45 CFR 302.32

Legal Deadline: None

Abstract: OCSE is proposing to revise the child support enforcement program regulations governing the distribution of child support collections. These proposed rules would clarify the requirements that State child support enforcement agencies must adhere to when distributing collections in IV-D cases.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Michael Fitzgerald, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5365

RIN: 0970-AA18

869. ALIEN VERIFICATION PROCEDURES FOR AFDC, STATE ADMINISTERED ADULT ASSISTANCE AND MEDICAID PROGRAMS; NOTICE OF PROPOSED RULEMAKING

Significance: Agency Priority

Legal Authority: PL 99-603; Sec 121 Immigration and Reform Act of 1986

CFR Citation: 45 CFR 233; 42 CFR 435; 45 CFR 205; 45 CFR 433; 42 CFR 436

Legal Deadline: NPRM, Statutory, October 1, 1987.

HHS—FSA

Proposed Rule Stage

Abstract: Immigration Reform and Control Act imposes new procedures on the AFDC, Adult Assistance Programs and Medicaid to verify immigration status of aliens applying for benefits under these programs with the Immigration and Naturalization Service. Under the law, States must be reimbursed at 100% for costs of their implementation and operation to access the alien status verification system. This regulation will specify what costs incurred by States will be subject to 100% reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: INS must establish an alien verification system that can be accessed by States by October 1, 1987. States may claim 100% reimbursement for implementing and operating SAVE beginning October 1, 1987.

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970-AA41

870. EXCLUSION OF INDIAN TRUST FUNDS AND ALASKA NATIVE CLAIMS SETTLEMENT ACT DISTRIBUTIONS

Significance: Regulatory Program

Legal Authority: PL 97-458, Sec 4; PL 98-64, Sec 2; PL 100-241, Sec 15

CFR Citation: 45 CFR 233.20(a)(4)(ii)(n); 45 CFR 233.20(a)(4)(ii)(o); 45 CFR 233.20(a)(4)(ii)(e); 45 CFR 233.20(a)(4)(ii)(k)

Legal Deadline: None

Abstract: Would update current regulations by adding statutory exclusions for certain per capita distributions of Indian judgment funds and other funds held in trust by the Department of Interior, and initial purchases made with such funds. Additionally, would exclude the following types of distributions received from a Native Corporation pursuant to the Alaska Native Claims Settlement

Act. (1) Cash to the extent that it does not in the aggregate, exceed \$2,000 per individual per annum; (2) Stocks; (3) A partnership interest; (4) Land or an interest in land; and (5) An interest in a settlement trust. Regulations would reflect the statutes; therefore, no alternatives are being considered. We estimate that the Federal share of the cost of the trust funds exclusions required under PL 97-458 and PL 98-64 would be \$696,960 per year, the Federal share of the cost of the Alaska Native Claims Settlement Act exclusions required under PL 100-241 would be \$1,878,108 per year. Therefore, the annual result would be a cost of \$3,575,068.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	04/00/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970-AA47

871. COOPERATION TO PURSUE THIRD PARTY HEALTH COVERAGE

Significance: Regulatory Program

Legal Authority: Sec 402(a)(26); The Social Security Act as amended by Sec 12304; The Consolidated Omnibus Budget Reconciliation Act of 1985

CFR Citation: 45 CFR 232.13; 45 CFR 232.40; 45 CFR 232.41; 45 CFR 232.42; 45 CFR 232.43; 45 CFR 232.44; 45 CFR 232.45; 45 CFR 232.47; 45 CFR 232.48; 45 CFR 232.49; 45 CFR 234.60; 45 CFR 235.70

Legal Deadline: None

Abstract: The proposed rules specify that as a condition of eligibility for AFDC, each applicant or recipient must cooperate with the State by identifying and providing information to assist the State in pursuing any third party who may be liable to pay for care and services available under the State's plan for medical assistance under title XIX, unless such individual has good

cause for refusing to cooperate as determined by the State agency in accordance with standards prescribed by the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	
NPRM Comment Period End	05/01/89	
Final Action	11/01/89	
Final Action Effective	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970-AA49

872. OMNIBUS BUDGET RECONCILIATION ACT OF 1987

Significance: Agency Priority

Legal Authority: PL 100-203; Sec 9133 The Omnibus Budget Reconciliation Act of 1987

CFR Citation: 45 CFR 233.53; 45 CFR 235.111; 45 CFR 233.20(a)(3)(x)

Legal Deadline: None

Abstract: These proposed rules implement sections of the Omnibus Budget Reconciliation Act regarding the support and maintenance disregard, the optional fraud control program, and treatment of foster care payments.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	06/00/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970-AA56

HHS—FSA

Proposed Rule Stage

873. SERVICES TO POST-AFDC AND MEDICAID ONLY FAMILIES**Significance:** Agency Priority**Legal Authority:** 42 USC 654(4); 42 USC 654(5); 42 USC 657(c)**CFR Citation:** 45 CFR 301.1; 45 CFR 302.31; 45 CFR 302.33; 45 CFR 302.70; 45 CFR 302.51; 45 CFR 303.72; 45 CFR 303.102; 45 CFR 304.20; 45 CFR 306.50; 45 CFR 306.51**Legal Deadline:** None**Abstract:** This regulation would implement section 9141 of P.L. 100-203, the Omnibus Budget Reconciliation Act of 1987 under which child support agencies are required to continue to provide IV-D services to persons no longer eligible for AFDC without requiring an application or payment of an application fee. It also implements section 9142 of P.L. 100-203 which requires child support agencies to provide IV-D services to all families with an absent parent who receive Medicaid and have assigned their rights to medical support to the State.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	01/00/90	

Small Entities Affected: None**Government Levels Affected:** Local, State, Federal**Agency Contact:** Andrew Hagan, Program Specialist, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5375**RIN:** 0970-AA61**874. ● IMMEDIATE WAGE WITHHOLDING, REVIEW AND MODIFICATION OF ORDERS, MANDATORY AUTOMATED SYSTEMS AND MONTHLY NOTICE OF SUPPORT COLLECTIONS****Significance:** Regulatory Program**Legal Authority:** 42 USC 654(5); 42 USC 654(16); 42 USC 654(24); 42 USC 666**CFR Citation:** 45 CFR 302.54; 45 CFR 302.70; 45 CFR 302.85; 45 CFR 303.4; 45 CFR 303.100**Legal Deadline:** None**Abstract:** This regulation implements certain provisions of the Family Support

Act of 1988 (P.L. 100-485). It requires States: (1) by November 1990, to require immediate income withholding in all cases receiving services under title IV-D of the Social Security Act with new or modified orders unless there is an alternative arrangement; (2) to develop automated tracking and monitoring systems by October 1, 1995, when enhanced funding will be eliminated; (3) to review support orders in IV-D cases by October 1993 at least every 36 months and modify the support orders in accordance with support guidelines, as appropriate; and (4) to send monthly as opposed to annual notices of the amount of support collected to AFDC families.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
Final Action	02/00/90	

Small Entities Affected: None**Government Levels Affected:** Local, State, Federal**Agency Contact:** Betsy Matheson, Chief, Policy Branch, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5362**RIN:** 0970-AA63**875. ● \$50 DISREGARD, PATERNITY ESTABLISHMENT AND MANDATORY GUIDELINES****Significance:** Agency Priority**Legal Authority:** 42 USC 654(6); 42 USC 655(a)(1); 42 USC 657(b)(1); 42 USC 666(a)(5); 42 USC 667**CFR Citation:** 45 CFR 302.50; 45 CFR 302.51; 45 CFR 302.53; 45 CFR 302.56; 45 CFR 302.70; 45 CFR 303.5; 45 CFR 303.7; 45 CFR 303.100; 45 CFR 304.20**Legal Deadline:** None**Abstract:** This regulation implements certain provisions of the Family Support Act of 1988 (P.L. 100-485). It requires States to use guidelines as a rebuttable presumption in setting support awards; clarifies that the \$50 disregard be paid to the family if the support is paid on time; clarifies that State laws and procedures must provide for paternity establishment of any child for whom a paternity action was previously dismissed under a statute of limitations of less than 18 years; provides 90

percent federal funding of laboratory costs in establishing paternity; and requires genetic testing in contested paternity establishment cases upon request by any party.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	10/00/89	

Small Entities Affected: None**Government Levels Affected:** Local, State, Federal**Agency Contact:** Craig Hathaway, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5367**RIN:** 0970-AA64**876. ● CHILD SUPPORT PROGRAM; STATE PLAN REQUIREMENTS****Significance:** Regulatory Program**Legal Authority:** PL 100-485**CFR Citation:** 45 CFR 2322**Legal Deadline:** Final, Statutory, July 1, 1989.**Abstract:** The proposed rule will emphasize the role and the responsibility of the AFDC applicant/recipient in the establishment of paternity and the enforcement of child support obligations.**Timetable:**

Action	Date	FR Cite
NPRM	04/01/89	
NPRM Comment Period End	05/01/89	

Small Entities Affected: Undetermined**Government Levels Affected:** State**Agency Contact:** Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116**RIN:** 0970-AA66**877. ● JOBS PARTICIPANT EMPLOYMENT PROTECTION****Significance:** Regulatory Program**Legal Authority:** 42 USC 602; 42 USC 682; 42 USC 684(d)(1); 42 USC 684(d)(2)

HHS—FSA

Proposed Rule Stage

CFR Citation: 45 CFR 251

Legal Deadline: NPRM, Statutory, April 13, 1989. Final, Statutory, October 13, 1989.

Abstract: The Family Support Act of 1988 (PL 100-485) establishes the JOBS program under title IV-A of the Social Security Act. Associated with the program are workers' issues, such as working conditions, tort claims protection, workers' compensation and displacement. The legislation, (PL 100-485) requires that necessary protections be provided for program participants.

Timetable:

Action	Date	FR Cite
NPRM	04/13/89	
NPRM Comment	05/29/89	
Period End		
Final Action	10/13/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Carol Callahan, Acting Director, Div. of Special Initiatives, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-4979

RIN: 0970-AA67

878. • JOB OPPORTUNITY AND BASIC SKILLS (JOBS) TRAINING PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 602(a)(19)(g); 42 USC 602(g); 42 USC 603(e); 42 USC 603(k); 42 USC 603(l)

CFR Citation: 45 CFR 250

Legal Deadline: NPRM, Statutory, April 13, 1989. Final, Statutory, October 13, 1989.

Abstract: Current regulations provide for a number of work and training programs. Some States have designed their own programs. Many of the Federal provisions have been optional and State funding has not always permitted such programs. Lack of child care transportation, and other support services have often proved to be barriers to receiving education, training, as well as arranging and maintaining employment. The Family Support Act (Public Law 100-485), which was signed 10/13/88, establishes under title IV-F of

the Social Security Act, the Job Opportunities and Basic Skills (JOBS) training program. JOBS' purpose is to assure that needy families with children obtain the education, training, and employment that will help them avoid long term dependence. The legislation mandates that all States implement a JOBS program by October 1, 1990.

Timetable:

Action	Date	FR Cite
NPRM	04/13/89	
NPRM Comment	05/28/89	
Period End		
Final Action	10/13/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Agency Contact: Mark Ragan, Branch Chief, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5137

RIN: 0970-AA68

879. • RELATED AFDC AMENDMENTS UNDER THE FAMILY SUPPORT ACT OF 1988 — RESPONSIBILITIES OF THE STATE

Significance: Regulatory Program

Legal Authority: PL 100-485, Sec 401(a); PL 100-485, Sec 402; PL 100-485, Sec 403; PL 100-485, Sec 601; PL 100-485, Sec 604(a)(3)

CFR Citation: 45 CFR 201.1(g); 45 CFR 205.44(b); 45 CFR 205.44(c); 45 CFR 205.44(e); 45 CFR 232.2; 45 CFR 233.20(a)(3)(xiii); 45 CFR 233.20(a)(6)(xi); 45 CFR 233.20(a)(11)(i)(B); 45 CFR 233.20(a)(11)(i)(C); 45 CFR 233.20(a)(11)(i)(D); 45 CFR 233.20(a)(11)(ii)(B); 45 CFR 233.20(a)(11)(vii); 45 CFR 233.100; 45 CFR 233.107

Legal Deadline: None

Abstract: Would make the following changes required by the Family Support Act: (1) Require all States to provide benefits for families with unemployed parents and provide at least 6 months of coverage; (2) Increase the standard work expense disregard to \$90; (3) Increase the limit on the dependent care disregard to \$175 (\$200 for a child under 2); (4) Disregard earned income

tax credit payments; (5) Allow States to require as a condition of eligibility that minor mothers who have never married live in a place of residence maintained by a parent, legal guardian or other adult-supervised living arrangement; (6) Adds American Samoa to the jurisdictions authorized to develop and operate an AFDC program and includes American Samoa within the quality control system and subjects it to the same error rate tolerances and sanctions that are applicable to other territorial jurisdictions.(cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONTINUED: (7) Make States responsible for assuring that benefits and services under IV-A, IV-D, and IV-F are furnished in an integrated manner and re-enforce the role and responsibility of the State in obtaining the cooperation of the applicant/recipient in the establishment of paternity and the enforcement of child support obligations.

Agency Contact: Diana Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970-AA69

880. • DISREGARD OF BONA FIDE LOANS, STUDENT ASSISTANCE UNDER THE HIGHER EDUCATION TECHNICAL AMENDMENTS ACT OF 1987, AND COMPENSATION UNDER THE CIVIL LIBERTIES ACT OF 1989

Significance: Regulatory Program

Legal Authority: PL 100-50; PL 100-363

CFR Citation: 45 CFR 233.20(a)(4)

Legal Deadline: None

Abstract: Would add the following income and resource disregards to the regulations: (1) Disregard of Bona Fide Loans; (2) Disregard of Student Financial Assistance under title IV of the Higher Education Act or under Bureau of Indian Affairs Student Assistance Programs that is made

HHS—FSA

Proposed Rule Stage

available for attendance costs; (3) Disregard of Compensation to individuals of Japanese ancestry, and residents of the Aleutian and Pribilof Islands who were interned during World War II.

Timetable:

Action	Date	FR Cite
NPRM	05/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson,
Director, Division of Policy, Office of

Family Assistance, Department of Health and Human Services, Family Support Administration, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970-AA70

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Family Support Administration (FSA)

881. SCOPE OF PAYMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1102; 42 USC 602

CFR Citation: 45 CFR 233.20(a)(2)(i); 45 CFR 233.20(a)(2)(v); 45 CFR 233.120

Legal Deadline: None

Abstract: These proposed regulations would clarify that States may not provide simultaneous multiple shelter allowances or special need allowances to recipients under Titles I, IV-A, X, XIV, and XVI of the Social Security Act based on the type of housing in which they reside. Also, these regulations would limit Federal matching under the Emergency Assistance program to one 30-day period in twelve consecutive months and would require States to specify the maximum amount of assistance to be provided for each type of emergency.

Timetable:

Action	Date	FR Cite
NPRM	12/14/87	52 FR 47420
NPRM Comment	01/28/88	
Period End		
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: \$0; Yearly Recurring Cost: \$0

Additional Information: Split off from Regulation on Administrative Improvement in the AFDC Program (RIN 0960-AB72).

Agency Contact: Diann Dawson,
Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant

Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970-AA00

882. RETROACTIVE MODIFICATION OF CHILD SUPPORT ARREARAGES

Legal Authority: PL 99-509, Sec 9103

CFR Citation: 45 CFR 302; 45 CFR 303; 45 CFR 304

Legal Deadline: None

Abstract: This regulation requires, as a result of the Omnibus Budget Reconciliation Act of 1986, that child support payments be judgments on and after the day they fall due as well as requires that States have procedures to prohibit the retroactive modification of child support arrearages.

Timetable:

Action	Date	FR Cite
NPRM	09/14/87	52 FR 34689
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Michael Fitzgerald,
Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5366

RIN: 0970-AA03

883. AID TO FAMILIES WITH DEPENDENT CHILDREN; DEFINITION OF PERMISSIBLE STATE PRACTICE-QUALITY CONTROL

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 603

CFR Citation: 45 CFR 205.40(a)(8)

Legal Deadline: None

Abstract: This rule will amend the definition of "Permissible State Practice." The rule will enable quality control to review against Federal statutes and regulations when a state plan is not amended to reflect new federal rules.

Timetable:

Action	Date	FR Cite
NPRM	06/18/85	50 FR 25269
NPRM Comment	08/19/85	
Period End		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson,
Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970-AA04

884. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; IMPLEMENTATION OF THE DEFICIT REDUCTION ACT OF 1984

Significance: Agency Priority

Legal Authority: 42 USC 1302; PL 98-369 The Deficit Reduction Act of 1984; PL 99-514 The Tax Reform Act of 1986

CFR Citation: 45 CFR 233.36; 45 CFR 237.50; 45 CFR 238.18; 45 CFR 238.20; 45 CFR 238.50; 45 CFR 239.12; 45 CFR 239.14; 45 CFR 239.16; 45 CFR 239.24; 45 CFR 239.58; 45 CFR 239.82; 45 CFR 233.10; 45 CFR 233.90; 45 CFR 232.20; 45 CFR 233.35; ...

Legal Deadline: None

Abstract: The final regulations will clarify provisions first published in the

HHS—FSA

Final Rule Stage

Interim Final Rules implementing the Deficit Reduction Act of 1984 and as clarified by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35586
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970-AA06

885. CONSISTENCY FOR THE FOOD STAMP PROGRAM, AFDC PROGRAM, AND THE ADULT ASSISTANCE PROGRAMS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; Sec 1102, 49 Stat. 647

CFR Citation: 45 CFR 205.10(a)(4)(ii); 45 CFR 233.31(b); 45 CFR 233.20(a)(8)(v)(B); 45 CFR 205.10(a)(7); 45 CFR 205.10(a); 45 CFR 205.52; 45 CFR 233.20(a)(3)(ii)(D); 45 CFR 233.20(a)(3)(iii)

Legal Deadline: None

Abstract: The Final rule will provide increased consistency in eligibility policies and procedures between the AFDC and Food Stamp programs, within existing statutory requirements. The aim is to improve and simplify program administration and ease the burden placed upon the State agencies and individuals applying for assistance.

Timetable:

Action	Date	FR Cite
ANPRM	02/19/85	50 FR 6970
ANPRM Comment Period End	04/22/85	50 FR 6970
NPRM	09/29/87	52 FR 36546
NPRM Comment Period End	11/30/87	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of

Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970-AA08

886. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; GENERAL ADMINISTRATION — PUBLIC ASSISTANCE PROGRAM — QUALITY CONTROL SYSTEM

Significance: Agency Priority

Legal Authority: 42 USC 1302; PL 97-248

CFR Citation: 45 CFR 205.44

Legal Deadline: None

Abstract: These proposed rules amend the QC regulations under the AFDC program by establishing more definitive criteria to be used in determining whether waivers will be granted to states that fail to meet the statutory error standard.

Timetable:

Action	Date	FR Cite
NPRM	02/02/87	52 FR 21
NPRM Comment Period End	04/03/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: \$0; Yearly Recurring Cost: \$0; Base Year for Dollar Estimates: 1986

Agency Contact: Sean Hurley, Director, Division of Quality Control, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5075

RIN: 0970-AA11

887. COOPERATIVE AGREEMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 654(7); 42 USC 652

CFR Citation: 45 CFR 302.34; 45 CFR 303.107; 45 CFR 304.22; 45 CFR 305.34

Legal Deadline: None

Abstract: The regulation specifies provisions that must be contained in all cooperative agreements between IV-D

agencies and courts and law enforcement agencies.

Timetable:

Action	Date	FR Cite
NPRM	10/05/88	53 FR 39110
NPRM Comment Period End	12/05/88	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Andrew Hagan, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, D.C. 20447, 202 252-5375

RIN: 0970-AA50

888. TARGETING OF, AND TOLERANCES FOR, INCOME AND ELIGIBILITY VERIFICATION SYSTEM DATA

Significance: Agency Priority

Legal Authority: PL 99-509, Sec 9101 Omnibus Budget Reconciliation Act of 1986

CFR Citation: 45 CFR 205.56

Legal Deadline: None

Abstract: These rules make revisions to the regulations designed to incorporate changes made by Section 9101 of PL 99-509, which amended Section 1137 of the Social Security Act to allow States flexibility in targeting uses of data through the Income and Eligibility Verification System. States will not be required to verify and act on all data. This changes earlier regulations which required 100% verification and allows the States the option to target their uses to those identified in the State Plan as most likely to be productive.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/29/88	53 FR 52709
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant

HHS—FSA

Final Rule Stage

Promenade, S.W., Washington, D.C.
20447, 202 252-5116

RIN: 0970-AA58

889. AUTOMATED DATA PROCESSING EQUIPMENT AND SERVICES; CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION II

Significance: Regulatory Program

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 95.601; 45 CFR 95.605; 45 CFR 95.611; 45 CFR 95.612; 45 CFR 95.613; 45 CFR 95.615; 45 CFR 95.617; 45 CFR 95.619; 45 CFR 95.621; 45 CFR 95.623; 45 CFR 95.624; 45 CFR

95.625; 45 CFR 95.631; 45 CFR 95.633; 45 CFR 95.641

Legal Deadline: None

Abstract: This final rule changes regulations of 45 CFR 95.600, et seq., to reduce the amount of time necessary to review and respond to State and local agency requests for FFP. The reduction in process time will be accomplished by streamlining the review process and requiring fewer points of prior approval for smaller expenditures by the Department.

Timetable:

Action	Date	FR Cite
NPRM	09/21/87	52 FR 35454
NPRM Comment Period End	11/30/87	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ron Lentz, Management Analyst, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, 202 252-4795

RIN: 0970-AA59

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

Family Support Administration (FSA)

890. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; ADMINISTRATIVE IMPROVEMENT IN THE AFDC PROGRAM

Significance: Regulatory Program

CFR Citation: 45 CFR 205; 45 CFR 224; 45 CFR 232; 45 CFR 233; 45 CFR 238

Completed:

Reason	Date	FR Cite
Withdrawn - superseded by provisions of Family Support Act of 1988.	01/19/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Diann Dawson 202 252-5116

RIN: 0970-AA09

891. REFUGEE RESETTLEMENT PROGRAM; REFUGEE CASH AND ASSISTANCE; REQUIREMENTS FOR JOB SEARCH, EMPLOYMENT SERVICES, AND EMPLOYMENT; REFUGEE MEDICAL ASSISTANCE; AND REFUGEE SOCIAL SERVICES

Significance: Agency Priority

CFR Citation: 45 CFR 400

Completed:

Reason	Date	FR Cite
Final Action	02/03/89	54 FR 5463
Final Action Effective	07/01/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Philip A. Holman 202 252-4566

RIN: 0970-AA10

892. ESSENTIAL PERSONS

Significance: Regulatory Program

CFR Citation: 45 CFR 233.20

Completed:

Reason	Date	FR Cite
Final Action	01/24/89	54 FR 3448

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Diann Dawson 202 252-5116

RIN: 0970-AA44

893. FEDERAL TAX REFUND OFFSET PROCESS - PRE-OFFSET NOTICE FEE

Significance: Agency Priority

CFR Citation: 45 CFR 303.72

Completed:

Reason	Date	FR Cite
Final Action	11/25/88	53 FR 47708
Final Action Effective	11/25/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Andrew Hagan 202 252-5375

RIN: 0970-AA52

894. EMERGENCY COMMUNITY SERVICES HOMELESS GRANT PROGRAM; INTERIM FINAL RULE WITH REQUEST FOR COMMENTS

CFR Citation: 45 CFR 1080; 45 CFR 96.12; 45 CFR 96.14; 45 CFR 96C; 45 CFR 96E; 45 CFR 96F

Completed:

Reason	Date	FR Cite
Final Action	02/09/89	54 FR 6368
Final Action Effective	02/09/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Fox 202 475-0418

RIN: 0970-AA57

[FR Doc. 89-7775 Filed 04-21-89; 8:45 am]

BILLING CODE 4150-04-T

FAST TRACK

Monday
April 24, 1989

Part IX

Department of Housing and Urban Development

Semiannual Regulatory Agenda

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. N-89-1944; FR-2627]

Semiannual Agenda of Regulations

AGENCY: Department of Housing and Urban Development.**ACTION:** Semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, of regulations expected to be issued and under review.

SUMMARY: In accordance with section 5 of Executive Order 12291, "Federal Regulation," the Department is publishing its agenda of proposed regulations already issued or expected to be issued, and of currently effective rules that are under review. Also, under section 602 of the Regulatory Flexibility Act, the Department has prepared a regulatory flexibility agenda of regulations expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities. As permitted by Executive Order 12291 and the Regulatory Flexibility Act, the two agendas are combined for publication.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW., Washington, DC 20410, (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulation," issued on February 17, 1981 (46 FR 13193), requires each agency to publish semiannually an agenda of regulations that the agency has issued or expects to issue and of currently effective regulations that are under agency review.

The Regulatory Flexibility Act, 5 U.S.C. 601-612, requires each agency to publish semiannually a regulatory

flexibility agenda of rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of "small entities," meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12291 and section 605 of the Regulatory Flexibility Act each permit incorporation of the agenda it requires with any other prescribed agenda. Accordingly, the agenda set out below combines the information required by the Executive Order and by the Regulatory Flexibility Act. In addition, the agenda contains certain information not required by either the Executive Order or by the Act which the Department considers useful, both better to inform the public and to enhance the Department's own inventory control over its body of regulations.

For purposes of Executive Order 12291, "regulation" or "rule" is defined as "an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency," subject to certain exceptions. The agenda published below concentrates upon regulatory material contained, or expected to be contained, in the Code of Federal Regulations (CFR) (or incorporated therein by reference) following publication in the *Federal Register*. As appropriate, however, issuances in the nature of general statements of policy may be published in the *Federal Register* but not for codification in the CFR.

The Department also is subject to certain requirements involving congressional review of rulemaking actions, including publication of an agenda. Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight (the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking,

Finance and Urban Affairs) a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days of continuous session of Congress after transmittal of the agenda. If, within such period, either Committee notifies the Secretary that it intends to review any rule or regulation or portion thereof which appears on the agenda, the Secretary must submit to both Committees a copy of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days of continuous session before it is published for comment. The Semiannual Agenda appearing hereinafter is the agenda transmitted to the Committees in compliance with the foregoing requirement.

The agenda items are divided first by program office. Within each program office, the agenda items are divided into four groups: (i) Prerulemaking actions, (ii) publications or other implementations of notices of proposed rulemaking, (iii) publications or other implementations of final rules, and (iv) completed actions. Within each grouping, rules are listed in chronological order by the Part number of the CFR affected. Where a rule affects multiple parts of the CFR, the rule is listed by the first affected Part number. Priority rules include all regulations designated for priority development by the Department.

Items listed in this agenda are from the following Offices within the Department: Office of the Secretary; Office of Housing; Office of Public and Indian Housing; Office of Community Planning and Development; Office of Fair Housing and Equal Opportunity; Office of Administration; and Government National Mortgage Association.

Dated: March 1, 1989.

Carolyn B. Lieberman,
Acting General Counsel.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
895	24 CFR 81.41 Secondary Market Operations of the Federal National Mortgage Association (FNMA) (S-3-81)	2501-AA10

HUD

Office of the Secretary—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
896	24 CFR 0000 Denial of Federal Benefits to Drug Traffickers and Possessors (S-2-89; FR-2612)	2501-AA81
897	24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environ- mental Quality (S-4-85; FR-2206)	2501-AA30
898	24 CFR 55 Procedure for Floodplain Management and the Protection of Wetlands. Implementation of Executive Orders 11988 and 11990 (S-7-84; FR-865)	2501-AA23
899	24 CFR 56 Flood Insurance Requirements for Insurance, Loan, and Grant Programs (S-3-85; FR-2007)	2501-AA59
900	24 CFR 760 Verification of HUD Applicant and Participant Employment and Wage and Claim Justification (S-10-88; FR-2588)	2501-AA80

Office of the Secretary—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
901	24 CFR 206 Home Equity Conversion Mortgage Insurance Demonstration (S-2-88; FR-2481)	2501-AA67
902	24 CFR 574 Comprehensive Homeless Assistance Plan (Implementation of 1988 McKinney Act Amendments) - (S- 1-89; FR-2386)	2501-AA79
903	24 CFR 0000 Supplemental Assistance for Facilities to Assist the Homeless (S-3-89; FR-2585)	2501-AA82
904	24 CFR 17 Administrative Claim: Implementing Certain Provisions of the Debt Collection Act of 1982 (S-10-86; FR- 1644)	2501-AA55
905	24 CFR 24 Debarment Suspension and Limited Denial of Participation—All- Cash Sales Exception (S-4-87; FR- 2356)	2501-AA60
906	24 CFR 24 Implementation of the Drug-Free Workplace Act of 1988 (Common Rule)(S-11-88; FR-2598)	2501-AA78
907	24 CFR 58 Environmental Review Procedures for the Community Development Block Grant, Rental Rehabilitation and Housing Development Grant Programs (S-6-84; FR-1965)	2501-AA25
908	24 CFR 200 Restrictions on Housing Assistance to Ineligible Aliens (S-7-87; FR-2383 (formerly FR-1588))	2501-AA63
909	24 CFR 200 Implementation of Sec. 165 of the HCD Act of 1987—Social Security Rule (S-4-88; FR-2501)	2501-AA72
910	24 CFR 203 Insurance of Price Level Adjusted Mortgages (Indexed Mortgages) (S-5-88; FR-2518)	2501-AA73
911	24 CFR 213 Temporary Disqualification of Certain Newly Legalized Aliens from Certain HUD Programs (S-12-88; FR-2600)	2501-AA77
912	00 CFR 000 Emergency Shelter Grants Program (Implementation of 1988 McKinney Act Amendments) - (S-6-88; FR-2562)	2501-AA74
913	24 CFR 18 Disallowance of Legal Fees; Litigation Controls for HUD Assistance Recipients (S-7-88; FR-2134)	2501-AA75

Office of the Secretary—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
914	24 CFR 0003 Elimination of Obsolete Regulations (S-16-86; FR-2261)	2501-AA50
915	24 CFR 10 Amending Rules on Rules and FOIA Rules (S-3-87; FR-2320)	2501-AA57
916	24 CFR 46 Protection of Human Subjects in Research (S-6-83; FR-1807)	2501-AA15
917	24 CFR 0058 Environmental Review Procedures for the Community Development Block Grant, Rental Rehabilita- tion and Housing Development Grant Programs (S-13-88; FR-2316)	2501-AA39
918	24 CFR 14 Fair Housing; Implementation of the Fair Housing Amendments Act of 1988 (S-8-88; FR-2565)	2501-AA76

Office of Housing—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
919	24 CFR 203.2 Eligibility Requirements—Mortgagee Approval (H-13-88; FR-2453)	2502-AE37
920	24 CFR 3280 Manufactured Home Construction & Safety Construction on Siding & Roofing Materials & Application Criteria (H-8-87; FR-2327)	2502-AE06

HUD

Office of Housing—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
921	24 CFR 0000 Criteria for Determining Unutilized or Underutilized Federal Property as Suitable for Facilities to Assist the Homeless (H-3-89; FR2620).....	2502-AE68
922	24 CFR 50 Coinsurance of Equity Loans (H-37-88; FR2560).....	2502-AE60
923	24 CFR 200 Authorize Additional Types of Loans for Direct Endorsement Processing (H-4-88; FR-2433).....	2502-AE48
924	24 CFR 200 Changes to the Minimum Property Standards (H-40-88; FR-2599).....	2502-AE64
925	24 CFR 201 Revised Underwriting and Loan Origination Requirements for Title I Manufactured Home Loans (H-5-89; FR2623).....	2502-AE67
926	4 CFR 203 Retention Period for Mortgagee Single Family Claim Records (H-81-84).....	2502-AC50
927	24 CFR 203 Penalty for Lack of Documentation (H-80-84).....	2502-AC54
928	24 CFR 203.366 Mortgagee Charges for Serious Title Defects (H-28-87; FR-2368).....	2502-AE11
929	24 CFR 203.400 Deadline for Filing Single Family Supplemental Claims (H-26-88; FR-2487).....	2502-AE51
930	24 CFR 203 Action to Reduce Losses under FHA Single Family Mortgage Insurance Program (H-28-88; FR-2491).....	2502-AE52
931	24 CFR 207 Limitation on Prepayment of Mortgages on Multifamily Rental Housing (H-54-84; FR-1952).....	2502-AC49
932	24 CFR 207 Method of Payment of Multifamily Insurance Claims (H-38-88; FR-2571).....	2502-AE61
933	24 CFR 290 HUD-Owned and HUD-Held Multifamily Projects - Management and Disposition including Provision of Section 8 Assistance for Projects at Foreclosure (H-3-86; FR-2158).....	2502-AD43
934	24 CFR 3282 Manufactured Home Procedural and Enforcement Regulations Interpretative Bulletins (H-31-87; FR-2380).....	2502-AE10
935	24 CFR 791 Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds (S-10-84; FR-1896).....	2502-AA73
936	24 CFR 882 Conforming Section 8 Existing Certificate Regulation to Housing Voucher Format (H-2-87; FR-2294).....	2502-AD91
937	24 CFR 886.310 Miscellaneous Revisions of Part 886 (H-37-86; FR-2275).....	2502-AD69
938	24 CFR 1710 Land Registration (H-21-86).....	2502-AD54
939	24 CFR 3280.506 Manufactured Housing Energy Conservation Standards (H-29-88; FR-2497) 1987 HCD Act.....	2502-AE53
940	24 CFR 3280 Changes to the Manufactured Home Construction and Safety Standards from the CABO and MHCSS Committees and Others (H-4-89; FR-2622).....	2502-AE66
941	24 CFR 3282 Manufactured Home Procedural and Enforcement System (H-40-86; FR-2278).....	2502-AD60
942	24 CFR 3282 Manufactured Home Design Inspection System (H-41-86; FR-2279).....	2502-AD61
943	24 CFR 3282.307(b) Manufactured Home Safety Standards - Monitoring Inspection Fee (H-2-89; FR-2613).....	2502-AE65

Office of Housing—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
944	00 CFR 000 Tenant Participation in Multifamily Projects (H-11-88; FR-2451) 1987 HCD Act.....	2502-AE35
945	00 CFR 000 Capital Improvement Flexible Subsidy Program: Loans 8 (H-34-88; FR-2541).....	2502-AE55
946	00 CFR 000 Section 8 Certificate Program Project-Based Assistance (H-30-88; FR-2502).....	2502-AE56
947	24 CFR 200 Applicability of Minimum Property Standards Manufactured Homes under Title II of the National Housing Act (H-82-82; FR-1578).....	2502-AB24
948	24 CFR 200 Restrictions on All-Cash Sales (Amendment to Part 200) (H-30-87; FR-2374).....	2502-AE12
949	24 CFR 201 Amendments to the Title I Regulations (H-19-87; FR2370).....	2502-AE15
950	24 CFR 203 HUD Inspections - No Duty of Care (H-1-85; FR-2025).....	2502-AC92
951	24 CFR 203 Temporary Mortgage Assistance Payments (TMAP) and Assignments to HUD (H-44-85; FR-2147).....	2502-AD34
952	24 CFR 203 Criteria for Acceptability of Insured 10-Year Protection Plans (H-28-86; FR-2036).....	2502-AD65
953	24 CFR 203 Deregulation of Loan Origination Fees in FHA Single Family Housing (H-18-87; FR-2333).....	2502-AD98
954	24 CFR 203 Allegany Reservation of the Seneca Nation (H-32-87; FR-2382).....	2502-AE09
955	24 CFR 203 Single Family Mortgage Insurance - Occupant and Investor Mortgagors (H-16-88; FR-2456) 1987 HCD Act.....	2502-AE40
956	24 CFR 208 Computer Automation of Required Data for Certification and Recertifications Subsidy Billing Procedures for Certain Multifamily Subsidized Projects (H-2-88; FR-2421).....	2502-AE26
957	24 CFR 215 State Agency Amendments (H-70-84; FR-1997).....	2502-AC73
958	24 CFR 50 Prepayment of Mortgages on Low- and Moderate-Income Housing (H-10-88; FR-2450) 1987 HCD Act.....	2502-AE34
959	24 CFR 280 Nehemiah Opportunity Grants Program (H-25-88; FR-2478) 1987 HCD Act.....	2502-AE45
960	24 CFR 882 Shared Housing in the Section 8 Moderate Rehabilitation Program (H-26-86; FR-2238).....	2502-AD66
961	24 CFR 885 Management Rules and Comprehensive Housing and Community Development Amendments (H-34-83; FR-1761).....	2502-AC03
962	24 CFR 885 Loans for the Elderly or Handicapped - Housing for the Handicapped (H-23-88; FR-2476) 1987 HCD Act.....	2502-AE47
963	24 CFR 885 Loans for Housing for the Elderly or Handicapped Duration of Section 202 Fund Reservation (H-33-88; FR-2536).....	2502-AE58

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Office of Housing—Final Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
964	24 CFR 885.415 Loans for Housing for the Elderly or Handicapped Davis-Bacon Wage Rate (H-6-89; FR-2589)	2502-AE69
965	24 CFR 890 Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals (H-1-89; FR-2539)	2502-AE62
966	24 CFR 1710 Amendments to Interstate Land Sales Registration (H-47-86; FR-2503)	2502-AD81
967	24 CFR 3500 Real Estate Settlement Procedures Act - Controlled Business Provisions and Miscellaneous Amendments (H-45-84; FR-1942)	2502-AC09

Office of Housing—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
968	00 CFR 000 HODAG 1987 Act Amendments (H-19-88; FR-2459)	2502-AE43
969	24 CFR 200 Minimum Property Standards (MPS) for Housing - Water Supply Systems (H-31-86; FR-2255)	2502-AD64
970	24 CFR 203 Emergency Homeownership Counseling (H-20-88; FR-2460) 1987 HCD Act	2502-AE28
971	24 CFR 203 Disclosure of Annual Rate Changes of Adjustable Rate Mortgages (H-35-88; FR-2542)	2502-AE57
972	24 CFR 204.280 Claim Processing on Defaulted Coinsured Single-Family Mortgages (H-1-88; FR-2410)	2502-AE25
973	24 CFR 207 Revisions Relating to Full Insurance and Coinsurance of Existing Cooperatives (H-31-88; FR-2511)	2502-AE54
974	24 CFR 219 Flexible Subsidy Program; 1983 Amendments (H-50-84)	2502-AC31
975	24 CFR 219 Eligibility of Section 23 and Section 202 Housing for Flexible Subsidy (H-18-88; FR-2458) 1987 HCD Act	2502-AE42
976	24 CFR 221.55 Assignment Option (H-44-86)	2502-AD78
977	24 CFR 290 HUD-Owned Multifamily Projects-Management and Disposition (H-69-78; FR-432)	2502-AC68
978	24 CFR 735 Section 236 Rent Supplement (H-17-88; FR-2457) 1987 HCD Act	2502-AE41
979	24 CFR 850 Housing Development Grant Program (H-26-84; FR-1902)	2502-AC23
980	24 CFR 880 Section 8 Housing Assistance Payments Programs - Revisions to Contract Rent Adjustment Regulations (H-22-88; FR-2469) 1987 HCD Act	2502-AE44
981	24 CFR 882 Interprogram Transfers of Assisted Tenants (H-8-88; FR-2436)	2502-AE32
982	24 CFR 885 Loans for the Elderly or Handicapped - Loan Interest Rate Provisions (H-24-88; FR-2477) 1987 HCD Act	2502-AE46
983	24 CFR 3280.308 Manufactured Home Construction and Safety Standards - Formaldehyde Regulations (H-10-87; FR-2332)	2502-AE02
984	24 CFR 3280.309 Notice of Formaldehyde; Manufactured Home Construction and Safety (H-23-87; FR2349)	2502-AE21

Office of Community Planning and Development—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
985	24 CFR 511 Rental Rehabilitation Program (CPD-11-88; FR-2558)	2506-AA88
986	24 CFR 570.488 Community Development Block Grants: State's Program (CPD-7-83; FR-1877)	2506-AA38
987	24 CFR 570 Miscellaneous Revisions of Part 570 - 1987 HCD Act (CPD-5-88; FR-2493)	2506-AA84
988	24 CFR 570 Community Development Technical Assistance Program (CPD-1-89; FR2516)	2506-AA90

Office of Community Planning and Development—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
989	24 CFR 236 Uniform Relocation Act Amendments of 1987- Technical Amendments (CPD-3-89; FR2624)	2506-AA92
990	24 CFR 511 Residential Rental Rehabilitation Program (CPD-7-84; FR-1901)	2506-AA55
991	24 CFR 0570.511 Community Development Block Grant Program: Escrow Accounts (CPD-2-86; FR-2164)	2506-AA66
992	24 CFR 0570 Secretary's Discretionary Fund - Work Study Program (CPD-4-88; FR-2475) 1987 HCD Act	2506-AA81
993	24 CFR 570 Conserving Neighborhoods by Prohibiting Displacement (CPD-3-88; FR-2474) 1987 HCD Act	2506-AA82
994	24 CFR 0570 Implementation of Prohibition on Use of UDAG Grants for Business Relocation (CPD-6-88; FR-2500) ...	2506-AA86

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Office of Community Planning and Development—Final Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
995	24 CFR 590 Urban Homesteading Program; Implementing of 1987 Statutory Amendments and Revision of Selected Program Procedures (CPD-1-88; FR-2461)	2506-AA79

Office of Community Planning and Development—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
996	24 CFR 510.34 Removal of Risk Premium Provisions in Section 312 Program (CPD-9-88; FR-2553)	2506-AA87
997	24 CFR 0510 Personal Liability for Repayment on Section 312 Rehabilitation Loans (CPD-10-88; FR-2557)	2506-AA89
998	24 CFR 511.1 Rental Rehabilitation Grants (CPD-2-88; FR-2472)	2506-AA80
999	24 CFR 511 '88 Amendments—Rental Rehab Program (CPD-4-89; FR-2630)	2506-AA91
1000	24 CFR 570 Technical Assistance: Discretionary Awards (CPD-6-79; FR-1115)	2506-AA30
1001	24 CFR 570 Urban Development Action Grant Applications from Consortia of Small Cities (CPD-6-87; FR-2381)	2506-AA76

Government National Mortgage Association—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1002	24 CFR 390 Book-Entry Securities of GNMA (GNMA-2-85)	2503-AA03

Government National Mortgage Association—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1003	24 CFR 390 GNMA Mortgage-Backed Securities (GNMA-1-88; FR-2548)	2503-AA06

Government National Mortgage Association—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1004	24 CFR 390.17 GNMA Fees (GNMA-1-87; FR-2395)	2503-AA05

Office of Fair Housing and Equal Opportunity—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1005	24 CFR 9.101 Nondiscrimination Based on Handicapped in Programs Conducted by HUD (FR-2163; FH&EO-2-85)	2529-AA28
1006	24 CFR 125 Fair Housing - Coordination of Executive Agency and Regulatory Agency Affirmative Administration of Programs in Connection with HUD (FH&EO-1-88; FR-2480)	2529-AA36

HUD

Office of Fair Housing and Equal Opportunity—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1007	24 CFR 111 Redesign for Fair Housing Assistance Program (FHEO-2-87; FR-2403).....	2529-AA33
1008	24 CFR 735 Conforming Amendments to HUD Rules to Comply with Sec. 504 of the Rehab Act and Other Authorities (FH&EO-3-88; FR-2531).....	2529-AA38

Office of Fair Housing and Equal Opportunity—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1009	24 CFR 0000 Nondiscrimination in Housing and Community Development Programs (FHEO-1-89; FR-2629).....	2529-AA42
1010	24 CFR 105 Procedure for Processing Complaints under Section 810 of the Fair Housing Act (FHEO-5-88; FR-2563).....	2529-AA40
1011	24 CFR 115 Recognition of Jurisdictions with Substantially Equivalent Fair Housing Laws (FHEO-1-88).....	2529-AA31
1012	24 CFR 120 Community Housing Resource Board Program (FH&EO-4-88; FR-2561).....	2529-AA39
1013	24 CFR 125 The Fair Housing Initiatives Program (FH&EO-2-88; FR-2486) 1987 HCD Act.....	2529-AA37

Office of Administration—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
1014	24 CFR 3 Organization, Function, and Delegations of Authority Subpart C - Secretary's Delegations of Authority to Heads of Offices (ADM-2-82).....	2535-AA01

Office of Administration—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1015	48 CFR 24 HUD Acquisition Regulation (ADM-2-88; FR-2473).....	2535-AA16

Office of Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1016	24 CFR 29 OMB Cir. A-110, Uniform Administrative Requirements for Grants and Agreements with Universities, Hospitals and Other Nonprofit Organizations (ADM-1-87; FR-2376).....	2535-AA15
1017	48 CFR 2401 Revisions of HUDAR to Reflect Changes in GNMA Procurement Procedures (ADM-3-88; FR-2534).....	2535-AA17

Office of Administration—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1018	48 CFR Chap. 24 Amendment of the HUD Acquisition Regulations (ADM-5-85; FR-2131).....	2535-AA10
1019	24 CFR 570 Federal Procurement of Cement Containing Fly Ash (ADM-1-84; FR-1938).....	2535-AA05

HUD

Office of Administration—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1018	48 CFR Chap. 24 Amendment of the HUD Acquisition Regulations (ADM-5-85; FR-2131)	2535-AA10
1019	24 CFR 570 Federal Procurement of Cement Containing Fly Ash (ADM-1-84; FR-1938)	2535-AA05

Office of Public and Indian Housing—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1020	00 CFR 000 Public Housing Drug Elimination Pilot Program (P-20-88; FR-2592)	2577-AA76
1021	24 CFR 0060 Determination of Wage Rates for Maintenance and Technical Employees of Public Housing Agencies and Indian Housing Authorities (P-10-88; FR-2211)	2577-AA68
1022	24 CFR 0913 Public and Indian Housing; Ceiling Rents (P-2-89; FR-2529) 1987 HCD Act	2577-AA57
1023	24 CFR 812 Increase in Single Person Occupancy Limits (P-48-84; FR-2063)	2577-AA07
1024	24 CFR 965.705 Lead-Based Paint Poisoning Prevention Act - Stewart B. McKinney Homeless Assistance Act of 1988 - Section 1088 (P-19-88; FR-2583)	2577-AA78
1025	24 CFR 989 PHA Obligations with respect to Residual Receipts in the Public Housing, Turnkey III, and Sec. 23 Programs; (P-2-87; FR2354; formerly H-27-87)	2577-AA49
1026	24 CFR 990 Performance Funding System Revisions (87 Act)—Formal Review Process Energy Conservation Savings, Audit Responsibilities (P-12-88; FR-2504)	2577-AA71

Office of Public and Indian Housing—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1027	24 CFR 970 Replacement Housing for Public Housing Demolition and Disposition (P-5-88; FR-2463) 1987 HCD Act ..	2577-AA58
1028	00 CFR 000 Implementation of Percentage Limit Provisions Under Section 16 of the United Housing Act of 1937 (P-7-88; FR-2465) 1987 HCD Act	2577-AA60
1029	24 CFR 905 Indian Housing Program—Revised Program Regulations (P-2-86; FR-2208)	2577-AA32
1030	24 CFR 905 Establishment of Preference for Elderly and Near Elderly Families (P-13-88; FR-2505)	2577-AA69
1031	24 CFR 960 Public Housing - Tenant Leases and PHA Grievance Hearings (P-26-79; FR-1164)	2577-AA18
1032	24 CFR 965.304 Individual Metering of Utilities of Existing PHA-Owned Projects (P-36-83; FR-1769)	2577-AA27
1033	24 CFR 965 PHA-Owned and Leased Project; Maintenance and Operation; Tenant Allowance for Utilities (P-8-86; FR-2260)	2577-AA40
1034	24 CFR 965 Change in Consolidated Supply Program (CSP) (P-11-88; FR2482)	2577-AA67
1035	24 CFR 968 Public Housing CIAP and Comprehensive Grant Program (P-8-88; FR-2488)	2577-AA66

Office of Public and Indian Housing—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1036	00 CFR 000 Limitation on Public Housing Development (P-6-88; FR-2464) 1987 HCD Act	2577-AA59
1037	24 CFR 813 Indian Housing Act of 1988 (P-16-88; FR-2538)	2577-AA70
1038	24 CFR 904 Turnkey III Homeownership Opportunities Program (P-3-85; FR-2138)	2577-AA34
1039	24 CFR 968 Public and Indian Housing - Cost Containment Procedures (P-1-86; FR-2191)	2577-AA37
1040	24 CFR 905 Self-Help Homeownership Program (P-17-88; FR-2544)	2577-AA74
1041	24 CFR 906 Public Housing Homeownership Under Sec. 5(h) (P-1-89; FR-2609)	2577-AA75
1042	24 CFR 968 Public and Indian Housing Cost Containment Procedures - Comprehensive Improvement Assistance Program and Indian Housing (P-9-86; FR-2262)	2577-AA43
1043	24 CFR 968.12(i) Decontrol of Public Housing Authorities; CIAP Development (P-5-87; FR-2408)	2577-AA48
1044	24 CFR 968 Comprehensive Improvement Assistance Program—Special Purpose Modernization (P-18-88; FR-2545) ..	2577-AA72
1045	24 CFR 990 Revision to PFS - Insurance Costs (P-2-88; FR-2437) 1987 HCD Act	2577-AA56
1046	24 CFR 990 Annual Contributions for Operating Subsidy (P-21-88; FR-2593)	2577-AA77

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Secretary (HUDSEC)

Prerule Stage

895. SECONDARY MARKET OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA) (S-3-81)

Legal Authority: 12 USC 1723a; 42 USC 3535(d)

CFR Citation: 24 CFR 81.41; 24 CFR 81.45

Legal Deadline: None

Abstract: This rule would amend the definition of "FNMA security" at 24 CFR 81.41(b) to delete the exclusionary

parenthetical and to remove the provision in 24 CFR 81.45(b) which allows FNMA debentures in book-entry form only.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7260

RIN: 2501-AA10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Secretary (HUDSEC)

Proposed Rule Stage

896. ● DENIAL OF FEDERAL BENEFITS TO DRUG TRAFFICKERS AND POSSESSORS (S-2-89; FR-2612)

Legal Authority: Not yet determined

CFR Citation: 24 CFR 0000

Legal Deadline: None

Abstract: Section 5301 permits courts to declare individuals convicted of drug trafficking and possession to be ineligible for certain Federal benefits for specified periods.

Timetable:

Action	Date	FR Cite
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NPRM 05/31/89

Final Action 09/30/89

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Edward Murphy, Associate General Counsel for Legislation & Regs, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7093

RIN: 2501-AA81

in decision-making under HUD programs other than the Community Development Block Grant, Urban Development Action Grant, Rental Rehabilitation, and Housing Development Grant Programs. The rule is intended to reduce regulatory burdens and procedural details based on experience under the existing regulations; reflect field office reorganization; and implement sec. 535 of the Housing Act of 1949, as amended.

Timetable:

Action	Date	FR Cite
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NPRM 12/00/89

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Replaces RIN: 2506-AA10

Agency Contact: Walter Prybyla, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, 202 755-6611

RIN: 2501-AA30

the Department of Housing and Urban Development to implement and enforce Executive Order 11988, Floodplain Management, and Executive Order 11990, the Protection of Wetlands. This regulation replaces a general statement of Departmental policy (44 FR 47623; August 14, 1979) implementing these Executive Orders. In addition, this rule would revise HUD's Minimum Property Standards for One and Two Family Dwellings to accord with Executive Order 11988 and FEMA's regulations for its National Flood Insurance Program.

Timetable:

Action	Date	FR Cite
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NPRM 05/00/89

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Richard H. Broun, Director, Office of Environment & Energy, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-7894

RIN: 2501-AA23

897. DEPARTMENTAL POLICIES, RESPONSIBILITIES, AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY (S-4-85; FR-2206)

Legal Authority: 42 USC 4321; PL 95-557

CFR Citation: 24 CFR 50

Legal Deadline: None

Abstract: This rule proposes revisions in the regulations governing HUD's consideration of environmental factors

898. PROCEDURE FOR FLOODPLAIN MANAGEMENT AND THE PROTECTION OF WETLANDS. IMPLEMENTATION OF EXECUTIVE ORDERS 11988 AND 11990 (S-7-84; FR-865)

Legal Authority: EO 11988; EO 11900; 42 USC 3535(d)

CFR Citation: 24 CFR 55; 24 CFR 50; 24 CFR 58; 24 CFR 200

Legal Deadline: None

Abstract: This regulation sets forth the policy, procedure and responsibilities of

899. FLOOD INSURANCE REQUIREMENTS FOR INSURANCE, LOAN, AND GRANT PROGRAMS (S-3-85; FR-2007)

Legal Authority: 42 USC 4012(a); 42 USC 4106(a)

CFR Citation: 24 CFR 56; 24 CFR 207; 24 CFR 232; 24 CFR 234; 24 CFR 238; 24 CFR 241; 24 CFR 242; 24 CFR 244; 24 CFR 250; 24 CFR 511; 24 CFR 570; 24 CFR 884; 24 CFR 904; 24 CFR 905

Legal Deadline: None

HUD—HUDSEC

Proposed Rule Stage

Abstract: This rule would implement HUD's responsibilities under the Flood Disaster Protection Act of 1973. It would add a new Part 56 to specify HUD's responsibilities to require that flood insurance be obtained for eligible properties. This part would then be cross-referenced in the rules governing programs involving insurance, loans and grants.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Replaced RIN: 2502-AC78

Agency Contact: Walter Prybyla, Deputy Director, Environmental Mgt. Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6611

RIN: 2501-AA59

900. ● VERIFICATION OF HUD APPLICANT AND PARTICIPANT EMPLOYMENT AND WAGE AND CLAIM JUSTIFICATION (S-10-88; FR-2588)

Legal Authority: 42 USC 3544; PL 100-628

CFR Citation: 24 CFR 760; 24 CFR 813; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886; 24 CFR 887; 24 CFR 900; 24 CFR 903; 24 CFR 905; 24 CFR 913; 24 CFR 960

Legal Deadline: Other, Statutory, September 30, 1989.

Section 904 statutorily takes effect on September 30, 1989 (although there is an early implementation option in the statute).

Abstract: The regulation implementing section 904 of the McKinney Amendments would require applicants and participants in certain HUD programs to sign consent forms permitting (1) HUD, PHA or owners responsible for determining eligibility for or level of benefits to verify employee income information with previous or current employers, and (2)

HUD or the PHA to request wage and claim information from a State unemployment agency. Signing the consent from would be a condition of eligibility or continuing eligibility for the covered program. The rule would provide limitations on the collection, maintenance, use, and dissemination of wage and claim information obtained from a State unemployment agency. Criminal and civil penalties are also specified.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dennis A. Raschka, Director, Fraud Control Division, Department of Housing and Urban Development, Office of the Inspector General, 202 426-6493

RIN: 2501-AA80

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Final Rule Stage

Office of the Secretary (HUDSEC)

901. HOME EQUITY CONVERSION MORTGAGE INSURANCE DEMONSTRATION (S-2-88; FR-2481)

Significance: Regulatory Program

Legal Authority: PL 100-242, Sec 417

CFR Citation: 24 CFR 206

Legal Deadline: None

Abstract: This regulation is intended to implement the Home Equity Conversion Mortgage demonstration program in order to meet the special needs of the elderly by permitting the conversion of a portion of accumulated home equity into liquid assets, and to encourage and increase the involvement of mortgagees and participants in the mortgage markets in the making and servicing of home equity conversion mortgages for elderly homeowners.

Timetable:

Action	Date	FR Cite
NPRM	10/25/88	53 FR 43156
NPRM Comment Period End	12/27/88	53 FR 43156

Timetable:

Action	Date	FR Cite
Final Action	04/00/89	
Final Action Effective	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Judith V. May, Office of Economic Affairs, Department of Housing and Urban Development, Policy Development and Research, 202 755-5537

RIN: 2501-AA67

902. ● COMPREHENSIVE HOMELESS ASSISTANCE PLAN (IMPLEMENTATION OF 1988 MCKINNEY ACT AMENDMENTS) - (S-1-89; FR-2386)

Significance: Agency Priority

Legal Authority: PL 100-628

CFR Citation: 24 CFR 574

Legal Deadline: Final, Statutory, November 7, 1989.

Final rule has statutory deadline of November 7, 1989.

Abstract: A notice implementing the 1988 McKinney amendments to the CHAP was published on December 28, 1988. The notice, which provides for public comment, will form the basis for a final rule to be published by November 1989.

Timetable:

Action	Date	FR Cite
Notice	12/28/88	53 FR 52600
Final Action	11/07/89	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Don Patch, Director, Office of Block Grant Assistance, Department of Housing and Urban

HUD—HUDSEC

Final Rule Stage

Development, Office of Community Planning and Development, 202 755-6587

RIN: 2501-AA79

903. ● SUPPLEMENTAL ASSISTANCE FOR FACILITIES TO ASSIST THE HOMELESS (S-3-89; FR-2585)

Legal Authority: 24 USC 11301

CFR Citation: 24 CFR 0000

Legal Deadline: Final, Statutory, November 8, 1989.

Abstract: A program to provide: (1) assistance to cover costs in excess of assistance provided under the Emergency Shelter Grants and Supportive Housing Demonstration programs that are required to meet the special needs of certain homeless populations or to facilitate the transfer and use of public buildings to assist the homeless; or (2) comprehensive assistance for particularly innovative programs for or alternative methods of, meeting the immediate and long-term needs of the homeless. No funds were appropriated for this program in FY 1989.

Timetable:

Action	Date	FR Cite
NPRM	03/27/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edwin Stromberg, Office of Policy Development, Policy Development & Research, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 426-1520

RIN: 2501-AA82

904. ADMINISTRATIVE CLAIM: IMPLEMENTING CERTAIN PROVISIONS OF THE DEBT COLLECTION ACT OF 1982 (S-10-86; FR-1644)

Legal Authority: 42 USC 3711; 42 USC 3717; 42 USC 3535(d)

CFR Citation: 24 CFR 17

Legal Deadline: None

Abstract: This rule would make final an interim rule published in 1984, implementing the administrative offset and salary offset provisions of the Debt Collection Act of 1982.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/84	49 FR 32346
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Previously listed as 2535-AA09. Includes: ADM-1-82.

Agency Contact: Samuel B. Rothman, Attorney Advisor, Office of Program Enforcement, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7184

RIN: 2501-AA55

905. DEBARMENT SUSPENSION AND LIMITED DENIAL OF PARTICIPATION—ALL- CASH SALES EXCEPTION (S-4-87; FR-2356)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 24

Legal Deadline: None

Abstract: This interim rule contains provisions of the common rule on Nonprocurement Debarment and Suspension which HUD could not adopt at the time that rule was published because of statutory requirements for congressional pre-publication review. These provisions relate to the application of debarment and suspension to foreign governments and organizations. The interim rule also deletes the exception for all cash sales at 24 CFR 24. The exception is being removed as a response to fraudulent practices experienced by the Department.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/10/88	53 FR 30049
Interim Final Rule Effective	10/01/88	53 FR 30049
Interim Final Rule Comments Due	10/11/88	53 FR 30049
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia Black, Assistant General Counsel for, Inspector General & Admin

Proceedings, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7200

RIN: 2501-AA60

906. ● IMPLEMENTATION OF THE DRUG-FREE WORKPLACE ACT OF 1988 (COMMON RULE)(S-11-88; FR-2598)

Significance: Agency Priority

Legal Authority: PL 100-690

CFR Citation: 24 CFR 24

Legal Deadline: None

Abstract: This rule establishes drug-free workplace requirements for Federal contractors and grantees. OMB's Office of Federal Procurement Policy has the lead in developing a governmentwide common rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4947
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marylea Byrd, Attorney-Advisor, Department of Housing and Urban Development, Office of the General Counsel, 202 755-9886

RIN: 2501-AA78

907. ENVIRONMENTAL REVIEW PROCEDURES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT, RENTAL REHABILITATION AND HOUSING DEVELOPMENT GRANT PROGRAMS (S-6-84; FR-1965)

Legal Authority: 42 USC 1437o(i); 42 USC 5304(f)

CFR Citation: 24 CFR 58

Legal Deadline: None

Abstract: This agenda item makes final two current interim rules. These rules provide policies and procedures by which assisted communities and participating States discharge Federal environmental review responsibilities. They also streamline and reduce environmental requirements. They include: (1) an expanded listing of block grant activities and projects exempt or categorically excluded from the NEPA requirements; (2) a definitive list of related statutes and authorities that

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must be observed by grant recipients for the release of block grant funds as required by HUD legislation; and (3) additional provisions needed to conform with and implement innovative measures included in the HUD Amendments of 1981, such as the State-administered block grant program for small cities and the assumption of the environmental oversight responsibilities by States; and (4) (CONT)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/07/84	49 FR 23610
Interim Final Rule Effective	07/31/84	49 FR 23610
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT'D: provisions for extending and adopting the environmental procedures, including historic preservation requirements, to the programs established by title III of the Housing and Urban-Rural Recovery Act of 1983.

This item also provides for the extension of the rule to the new programs authorized by the Stewart B. McKinney Homeless Assistance Act - P.L. 100-77, as amended by P.L. 100-628.

Includes: RIN 2506-AA05 (CPD-21-81; FR-1027)

Agency Contact: Charles E. Thomsen, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environmental and Energy, Environmental Management Division, 202 755-6611

RIN: 2501-AA25

908. RESTRICTIONS ON HOUSING ASSISTANCE TO INELIGIBLE ALIENS (S-7-87; FR-2383 (FORMERLY FR-1588))

Significance: Regulatory Program

Legal Authority: 42 USC 1436a

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 235; 24 CFR 236; 24 CFR 247; 24 CFR 812; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886; 24 CFR 887; 24 CFR 912

Legal Deadline: None

Abstract: This rule will implement section 214 of the Housing and

Community Development Act of 1980, as amended in 1981, 1986, and 1988. That Act prohibits the Secretary from providing financial assistance to substantially all illegal aliens as well as to most classes of aliens admitted for temporary purposes. The restriction applies to the Public and Indian Housing programs, the Section 8 Housing Assistance Payments programs, the Rent Supplement program, the Section 236 program, and the Section 235 homeownership assistance program.

This rule will replace the rule published on April 1, 1986, which was not made effective, but has been withdrawn. This new rule will provide that alien status must be verified with the Immigration and Naturalization Service by the entity responsible for tenant selection (or for approval of a Section 235 mortgage application).

Timetable:

Action	Date	FR Cite
NPRM	10/19/88	53 FR 41038
NPRM Comment Period End	12/19/88	53 FR 41038
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information:

ADDITIONAL CONTACT PERSON (Public and Indian Housing):

Edward Whipple, Director, Rental and Occupancy Branch, Office of Public Housing, (202) 426-0744

Agency Contact: James J. Tahash, Director, Program Planning Division, Office of Multifamily Hsg. Management, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2501-AA63

909. IMPLEMENTATION OF SEC. 165 OF THE HCD ACT OF 1987—SOCIAL SECURITY RULE (S-4-88; FR-2501)

Legal Authority: 42 USC 3543

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 230; 24 CFR 750; 24 CFR 813; 24 CFR 840; 24 CFR 841; 24 CFR 850; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 885; ...

Legal Deadline: None

Abstract: This rule would implement section 165 of the HCD Act of 1987 by providing for required disclosure of social security numbers by certain HUD program users, including applicants, managing principals, contractors, corporate officers, and other officials involved in HUD's FHA mortgage and loan insurance programs, rental assistance programs, and public housing programs.

Timetable:

Action	Date	FR Cite
NPRM	10/17/88	53 FR 40624
NPRM Comment Period End	12/16/88	53 FR 40624
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Edward Murphy, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7093

RIN: 2501-AA72

910. INSURANCE OF PRICE LEVEL ADJUSTED MORTGAGES (INDEXED MORTGAGES) (S-5-88; FR-2518)

Legal Authority: 12 USC 1715z to 10

CFR Citation: 24 CFR 203; 24 CFR 220; 24 CFR 221; 24 CFR 234; 24 CFR 235

Legal Deadline: None

Abstract: This rule provides for the insurance of Price Level Adjusted Mortgages (PLAMs) which are intended to increase the availability of homeownership opportunities for homebuyers while protecting the FHA against default exposure.

Timetable:

Action	Date	FR Cite
NPRM	06/04/84	49 FR 23063
NPRM Comment Period End	08/03/84	49 FR 23063
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Sharmeen Dosky, Attorney-Advisor, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7055

RIN: 2501-AA73

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Final Rule Stage

911. ● TEMPORARY DISQUALIFICATION OF CERTAIN NEWLY LEGALIZED ALIENS FROM CERTAIN HUD PROGRAMS (S-12-88; FR-2600)**Significance:** Agency Priority**Legal Authority:** 8 USC 1255(h); 8 USC 1255(i)**CFR Citation:** 24 CFR 213; 24 CFR 221; 24 CFR 237; 24 CFR 510; 24 CFR 511; 24 CFR 570**Legal Deadline:** None

Abstract: This rule will complete the action necessary to implement section 201(a) of the Immigration Reform and Control Act (IRCA) of 1986 (100 Stat. 3394, 3401) for HUD programs. That Act authorized the Attorney General to identify the programs of Federal financial assistance to which the temporary disqualification of certain newly legalized aliens applies. The Attorney General issued a proposed rule in 1987 (52 FR 31784) listing numerous HUD programs. The Attorney General's revised rule on this subject is expected to be published in early 1989, requiring that HUD publish an implementing rule for effect no later than October 1989.

Timetable:

Action	Date	FR Cite
Final Action	07/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Robert S. Kenison, Associate General Counsel for Assisted, Housing and Community Development, Department of Housing and Urban Development, Office of the General Counsel, 202 426-5212

RIN: 2501-AA77**912. EMERGENCY SHELTER GRANTS PROGRAM (IMPLEMENTATION OF 1988 MCKINNEY ACT AMENDMENTS) - (S-6-88; FR-2562)****Legal Authority:** PL 100-628**CFR Citation:** 00 CFR 000

Legal Deadline: Final, Statutory, November 7, 1989.
Final rule has statutory deadline of November 7, 1989.

Abstract: A notice implementing the 1988 McKinney amendments to the ESG program was published on January 9, 1989. The notice, which provides for public comment, will form the basis for a final rule to be published by November 1989.

Timetable:

Action	Date	FR Cite
Notice	01/09/89	54 FR 750
Final Action	11/07/89	

Small Entities Affected: Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State, Federal

Agency Contact: Don Patch, Director, Office of Block Grant Assistance, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6587

RIN: 2501-AA74**913. DISALLOWANCE OF LEGAL FEES; LITIGATION CONTROLS FOR HUD ASSISTANCE RECIPIENTS (S-7-88; FR-2134)****Significance:** Regulatory Program**Legal Authority:** 42 USC 1437g**CFR Citation:** 24 CFR 18**Legal Deadline:** None

Abstract: This proposed rule will declare HUD policy regarding PHA legal expenses for litigation against HUD and prescribe limited litigation reporting procedures for HUD assistance recipients.

Timetable:

Action	Date	FR Cite
NPRM	10/27/88	53 FR 43610
NPRM Comment Period End	12/27/88	
Final Action	09/00/89	

Small Entities Affected: None**Government Levels Affected:** Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of the Secretary, 202 755-8713

RIN: 2501-AA75
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Secretary (HUDSEC)

Completed Actions

914. ELIMINATION OF OBSOLETE REGULATIONS (S-16-86; FR-2261)

CFR Citation: 24 CFR 0003; 24 CFR 0043; 24 CFR 0052; 24 CFR 0130; 24 CFR 0200; 24 CFR 0203; 24 CFR 0205; 24 CFR 0207; 24 CFR 0209; 24 CFR 0210; 24 CFR 0211; 24 CFR 0213; 24 CFR 0215; 24 CFR 0220; 24 CFR 0221; ...

Completed:

Reason	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: None**Government Levels Affected:** Undetermined

Agency Contact: Tim Coward 202 755-7055

RIN: 2501-AA50**915. AMENDING RULES ON RULES AND FOIA RULES (S-3-87; FR-2320)**

CFR Citation: 24 CFR 10; 24 CFR 15; 24 CFR 1720

Completed:

Reason	Date	FR Cite
Withdrawn	01/30/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Grady J. Norris 202 755-7055

RIN: 2501-AA57**916. PROTECTION OF HUMAN SUBJECTS IN RESEARCH (S-6-83; FR-1807)****CFR Citation:** 24 CFR 46**Completed:**

Reason	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: None**Government Levels Affected:** Undetermined

HUD—HUDSEC

Completed Actions

Agency Contact: Arthur S. Newburg
202 755-6230

RIN: 2501-AA15

**917. ENVIRONMENTAL REVIEW
PROCEDURES FOR THE COMMUNITY
DEVELOPMENT BLOCK GRANT,
RENTAL REHABILITATION AND
HOUSING DEVELOPMENT GRANT
PROGRAMS (S-13-86; FR-2316)**

CFR Citation: 24 CFR 0058

Completed:

Reason	Date	FR Cite
Withdrawn - merged into RIN 2501-AA25 (FR-1965)	04/10/89	

Small Entities Affected: None

Government Levels Affected:
Undetermined

Agency Contact: Charles E. Thomsen
202 755-6611

RIN: 2501-AA39

**918. FAIR HOUSING;
IMPLEMENTATION OF THE FAIR
HOUSING AMENDMENTS ACT OF
1988 (S-8-88; FR-2565)**

Significance: Agency Priority

CFR Citation: 24 CFR 14; 24 CFR 105;
24 CFR 115

Completed:

Reason	Date	FR Cite
Final Action	01/23/89	54 FR 3232
Final Action Effective	03/12/89	

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Lawrence D. Pearl 202
755-5288

RIN: 2501-AA76

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Housing (OH)**

Prerule Stage

**919. ELIGIBILITY REQUIREMENTS—
MORTGAGEE APPROVAL (H-13-88;
FR-2453)**

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203.2

Legal Deadline: None

Abstract: This rule would clarify HUD requirements for approval of partnerships as mortgagees for mortgage insurance programs. The current rule only mentions limited partnerships with one general partner. The new rule would explain approval conditions for other limited partnerships and general partnerships.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Sandra Allison, Dir.,
Lender Approval & Recertification Div.,
Department of Housing and Urban
Development, Office of Housing, 202
755-6924

RIN: 2502-AE37

**920. MANUFACTURED HOME
CONSTRUCTION & SAFETY
CONSTRUCTION ON SIDING &
ROOFING MATERIALS &
APPLICATION CRITERIA (H-8-87;
FR2327)**

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Legal Deadline: None

Abstract: This Advance Notice of Proposed Rulemaking requests public comment on those portions of the Manufactured Home Construction and Safety Standards (Standards) that are applicable to the materials and application criteria for external coverings. The Department is concerned

that certain siding and roofing materials, more common to conventional-type construction may not be compatible in important aspects with typical manufactured home construction. Consumer complaint information indicates that the current Standards do not address certain important problems areas.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Donald R. Fairman,
Chief, Standards and Products Branch,
Department of Housing and Urban
Development, Office of Housing, 202
755-5718

RIN: 2502-AE06

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Housing (OH)**

Proposed Rule Stage

**921. ● CRITERIA FOR DETERMINING
UNUTILIZED OR UNDERUTILIZED
FEDERAL PROPERTY AS SUITABLE
FOR FACILITIES TO ASSIST THE
HOMELESS (H-3-89; FR2620)**

Legal Authority: 42 USC 11411

CFR Citation: 24 CFR 0000

Legal Deadline: None

Abstract: This regulation would describe the criteria HUD uses to determine whether unutilized or underutilized Federal properties,

described by other agencies in HUD-conducted surveys, are suitable for facilities to assist the homeless. This determination is the responsibility of HUD under the procedure in Section 501 of the McKinney Act for the identification and use of unutilized and

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Proposed Rule Stage

underutilized Federal property for facilities to assist the homeless.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Morris Bourne, Director, Transitional Housing Development, Staff, Department of Housing and Urban Development, Office of Housing, 202 755-9075

RIN: 2502-AE68

922. COINSURANCE OF EQUITY LOANS (H-37-88, FR2560)

Legal Authority: PL 100-242

CFR Citation: 24 CFR 50; 24 CFR 221; 24 CFR 236; 24 CFR 241; 24 CFR 248

Legal Deadline: None

Abstract: This rule implements the Preservation of Low Income Housing Act adopted by Congress to avoid the irreplaceable loss of income housing and irrevocable displacement of tenants due to the prepayment of FHA-insured mortgages covering subsidized projects. Pursuant to this enactment, the Secretary may offer the owner of an eligible multifamily project several inducements not to prepay the mortgage. One such inducement, provided by these regulations, is the insurance of an equity loan which the owner of the project may use as a vehicle to capture a portion of the project's appreciation.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Hamernick, Director, Multifamily Development, Department of Housing and Urban Development, Office of Housing, 202 755-6500

RIN: 2502-AE60

923. AUTHORIZE ADDITIONAL TYPES OF LOANS FOR DIRECT ENDORSEMENT PROCESSING (H-4-88; FR-2433)

Significance: Agency Priority

Legal Authority: 12 USC 1709; 12 USC 1715(b)

CFR Citation: 24 CFR 200; 24 CFR 203

Legal Deadline: None

Abstract: This rule proposes to make the following types of mortgages eligible for processing through the direct endorsement program as (1) those insured under sections 222 and 203(k) and (2) those insured pursuant to section 238(c) of the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Martin, Dir., Office of Insured Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AE48

924. CHANGES TO THE MINIMUM PROPERTY STANDARDS (H-40-88; FR-2599)

Legal Authority: 12 USC 1701 to 1715z-18

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This proposed rule would amend 24 CFR Part 200 by (1) referencing the latest editions of private sector standards presently in the MPS; (2) standardizing requirements to control termites and wood decay; (3) removing Federal agency standards for solar energy and thermal insulation standards and referencing a model energy code instead; (4) relying on EPA approved local or State water purification systems with individual sources of unsafe water and (5) revising the time for periodic changes to the MPS.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark Holman, Director, Manufactured Housing and Construction Standards Division,

Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AE64

925. REVISED UNDERWRITING AND LOAN ORIGINATION REQUIREMENTS FOR TITLE I MANUFACTURED HOME LOANS (H-5-89; FR2623)

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 201

Legal Deadline: None

Abstract: This rule would amend the Title I regulations to require that: (1) the lender shall conduct a personal or telephone interview with the borrower to ascertain the accuracy and completeness of the credit application; (2) the manufactured home shall comply with federally prescribed site installation requirements; (3) the lender or its agent shall conduct a post-disbursement site inspection of the home to assure that the borrower and dealer certifications on the Placement Certificate are correct; and (4) the use of loan proceeds to finance the purchase of wheels and axles is prohibited.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Coyle, Director, Title I Insurance Div., Department of Housing and Urban Development, Office of Housing, 202 755-6680

RIN: 2502-AE67

926. RETENTION PERIOD FOR MORTGAGEE SINGLE FAMILY CLAIM RECORDS (H-81-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 4 CFR 203

Legal Deadline: None

Abstract: Under the new Single Family Claims System, the mortgagee is not required to provide documentation to support the fiscal data reported or entered on the new claim form. Instead, the mortgagee will be randomly audited; at that time, the mortgagee will be expected to produce all the

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supporting receipts, payment ledger records, etc.

Regulations will be changed to specify the retention period and the required file contents for records supporting single family claim payments and mortgagee reviews.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Agency Contact: John J. Coonts, Deputy Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AC50

927. PENALTY FOR LACK OF DOCUMENTATION (H-80-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: The new single family claims process provides for "random audits" of mortgagees' records when single family claims for insurance benefits are filed with HUD. During the audit, the mortgagee will be required to provide specific supporting documentation. When the mortgagee cannot produce the required documentation, HUD will penalize the mortgagee for the amount not supported plus an amount representing the current interest rate on that unsupported amount from the date of payment.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ann M. Sudduth, Chief, Insured Servicing Branch, Single Family Servicing Division, Department

of Housing and Urban Development, Office of Housing, 202 755-7330

RIN: 2502-AC54

928. MORTGAGEE CHARGES FOR SERIOUS TITLE DEFECTS (H-28-87; FR-2368)

Legal Authority: 12 USC 1710; 12 USC 1715(b); 12 USC 1709

CFR Citation: 24 CFR 203.366; 24 CFR 203.403

Legal Deadline: None

Abstract: Proposed rule is intended to impose graduated charges on mortgagees who convey FHA-insured properties to HUD with serious title defects. These charges would increase with the length of time required by the mortgagee to rectify the defects.

Exploring the base on which the graduated charges will be calculated; i.e., whether to use a percentage of the total insured claim or materials averages of daily holding costs.

Timetable:

Action	Date	FR Cite
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NPRM 06/00/89

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jacqueline Campbell, Dir., Single Family Property Disposition, Division, Department of Housing and Urban Development, Office of Housing, 202 755-5740

RIN: 2502-AE11

929. DEADLINE FOR FILING SINGLE FAMILY SUPPLEMENTAL CLAIMS (H-26-88; FR-2487)

Legal Authority: 12 USC 1710

CFR Citation: 24 CFR 203.400

Legal Deadline: None

Abstract: At present, there is no regulatory control over the time period during which mortgagees can submit applications for supplemental insurance benefits. The Department has instructed lenders to file these supplemental claims within one year of the date of the original insurance settlement. This information has so far been contained in the Instructions for Single Family Application for Insurance Benefits, Form HUD-27011. This rule will formalize the requirement that lenders

follow this one-year filing period for supplemental claims.

Timetable:

Action	Date	FR Cite
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NPRM 07/00/89

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert E. Falkenstein, Jr., Director, Single Family Servicing Div., Department of Housing and Urban Development, Office of Housing, 202 755-6672

RIN: 2502-AE51

930. ACTION TO REDUCE LOSSES UNDER FHA SINGLE FAMILY MORTGAGE INSURANCE PROGRAM (H-28-88; FR-2491)

Legal Authority: 12 USC 1715b; 12 USC 1735f(1); PL 100-242, Sec 407

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule proposes to implement section 407 of the Housing and Community Development Act of 1987. Where, as a result of an annual review, the Secretary finds a mortgagee with a higher than normal default and claim rate, the Secretary shall require the mortgagee to submit a report with a plan for corrective action. Failure to submit the report or complete the plan for corrective action within the timeframe required may be cause for suspension of the mortgagee from participation in FHA programs.

Timetable:

Action	Date	FR Cite
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NPRM 04/00/89

NPRM Comment 06/00/89
Period End

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Nistler, Deputy Asst. Sec. for Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-6675

RIN: 2502-AE52

931. LIMITATION ON PREPAYMENT OF MORTGAGES ON MULTIFAMILY RENTAL HOUSING (H-54-84; FR-1952)

Significance: Regulatory Program

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Legal Authority: 12 USC 1715z-15; PL 100-242, Sec 261

CFR Citation: 24 CFR 207; 24 CFR 221; 24 CFR 215; 24 CFR 836; 24 CFR 245; 24 CFR 277; 24 CFR 219; 24 CFR 231; 24 CFR 242; 24 CFR 244

Legal Deadline: None

Abstract: This rule would codify HUD policies for implementing section 250(a) and (b) of the National Housing Act, as added by section 433 of the Housing and Urban-Rural Recovery Act of 1983 and amended by section 261 of the Housing and Community Development Act of 1987. This rule would restrict prepayment of multifamily project mortgages whenever Secretary has prepayment approval responsibilities. Prepayment will not be approved unless project is no longer needed for lower income housing, tenants have been given notice and opportunity to comment, and a relocation assistance plan has been put in place. Similar restrictions will apply to termination of insurance. Where the Secretary is not responsible for approving prepayment and therefore cannot restrict it, priority will be given for additional section 8 and troubled project assistance in order to discourage prepayment. Additional requirements imposed on the prepayment of multifamily project mortgages by Title II, Subtitle B of the Housing and Community Development Act of 1987 have been implemented by separate rulemaking (FR-2450; H-10-88; RIN: 2502-AE34).

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning, Office of Multifamily Housing Management, 202 755-3970

RIN: 2502-AC49

932. ● METHOD OF PAYMENT OF MULTIFAMILY INSURANCE CLAIMS (H-38-88; FR-2571)

Significance: Agency Priority

Legal Authority: 12 USC 1735(a)

CFR Citation: 24 CFR 207; 24 CFR 220; 24 CFR 221; 24 CFR 233; 24 CFR 236; 24 CFR 251; 24 CFR 255

Legal Deadline: None

Abstract: This proposed rule would revise the method of payment of insurance benefits on multifamily mortgages assigned or conveyed to the Secretary. The rule would invest the Secretary with the discretion to settle insurance claims in cash, in debentures, or in a combination of both, depending on which method the Secretary determines to be most cost effective at the time of payment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James B. Mitchell, Director, Financial Policy Division, Department of Housing and Urban Development, Office of Housing, 202 426-4325

RIN: 2502-AE61

933. HUD-OWNED AND HUD-HELD MULTIFAMILY PROJECTS - MANAGEMENT AND DISPOSITION INCLUDING PROVISION OF SECTION 8 ASSISTANCE FOR PROJECTS AT FORECLOSURE (H-3-86; FR-2158)

Significance: Regulatory Program

Legal Authority: 42 USC 1437f; 12 USC 3706; 12 USC 3717; 12 USC 1713(k); 12 USC 1701z-11; 12 USC 1701z-12

CFR Citation: 24 CFR 290; 24 CFR 836; 24 CFR 27

Legal Deadline: None

Abstract: This proposed rule would amend HUD regulations to implement section 181 of the Housing and Community Development Act of 1987 and section 1010 of the Stewart B. McKinney Homeless Assistance Amendments of 1988. Section 181 expanded the scope of section 203 of the Housing and Community Development Amendments of 1978 to include projects that are subject to a HUD-held mortgage and are delinquent, under a workout agreement, or being foreclosed upon by HUD. HUD, when it is owner or mortgagee-in-possession, and the owner in other situations now

covered by section 203 must, to the greatest extent possible, maintain all such occupied projects in decent, safe, and sanitary condition and maintain full occupancy and must also maintain all such projects for purposes of providing rental or cooperative housing for the longest feasible time. The statute directs HUD to provide not less than one of several specified forms of financial assistance to a purchaser other than HUD at foreclosure, or after sale by the Secretary. Section 1010 further amended section 203 to clarify which units in HUD-held unsubsidized projects (CONT'D)

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: (ABSTRACT CONT'D) must be preserved for low and moderate income tenants and to provide procedures under which local governments and designated State agencies have a right of first refusal to purchase HUD-owned multifamily housing projects.

Agency Contact: James J. Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AD43

934. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS INTERPRETATIVE BULLETINS (H-31-87; FR-2380)

Legal Authority: 42 USC 5424

CFR Citation: 24 CFR 3282

Legal Deadline: None

Abstract: This proposed rule would amend the Manufactured Home Procedural and Enforcement Regulations in order to remove the issuance of Interpretative Bulletins from the rulemaking process. The purpose of this procedural modification is to promote efficiency in issuing Interpretative Bulletins so that important guidance can be provided to the manufactured housing industry in a timely manner.

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Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Mark W. Holman, Director, Manufactured Housing & Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AE10

935. REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE AND ALLOCATION OF HOUSING ASSISTANCE FUNDS (S-10-84; FR-1896)

Legal Authority: 42 USC 1439

CFR Citation: 24 CFR 791

Legal Deadline: None

Abstract: The rule revises HUD's regulations for the allocation of housing assistance funds to conform with statutory changes made by the Housing and Urban-Rural Recovery Act of 1983. It contains an explicit description of the allocation formula, including some modifications to the factors making up the formula; deletes specific requirements on allocating funds in accordance with approved Housing Assistance Plans; and eliminates the requirements for local consultation in the allocation process. Part 791 would also be amended to consolidate local government submission requirements and HUD criteria for review of applications for housing.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: Includes: H-4-81, FR-1512.

Agency Contact: Stephen Cooley, Office of Housing Policy, Department of Housing and Urban Development, Office of Housing, 202 755-6454

RIN: 2502-AA73

936. CONFORMING SECTION 8 EXISTING CERTIFICATE REGULATION TO HOUSING VOUCHER FORMAT (H-2-87; FR-2294)

Significance: Regulatory Program

Legal Authority: 42 USC 1437f; PL 100-242, Sec 144; PL 100-242, Sec 145; PL 100-242, Sec 146; PL 100-242, Sec 147; PL 100-242, Sec 148; PL 100-242, Sec 149; PL 100-242, Sec 262

CFR Citation: 24 CFR 882

Legal Deadline: None

Abstract: This rule will revise the Section 8 Certificate Program regulations in Part 882 to conform them to the extent practicable to the closely-related Housing Voucher Program regulations in Part 887, to implement certain statutory amendments to the Program under the Housing and Community Development Act of 1987 and to propose certain revisions based on programmatic experience. It will also implement several recent statutory amendments affecting the Certificate and Housing Voucher Programs and those amendments affecting other Section 8 Programs with respect to contract rent adjustments. The rule will propose changes in the Certificate and Voucher Programs to authorize PHAs to terminate assistance for program participants who are trafficking in drugs or who commit other crimes.

Timetable:

Action	Date	FR Cite
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NPRM 07/00/89

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FR-2469 (RIN: 2502-AE44) and FR-2584 (RIN: 2502-AE63) have been merged into this item.

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 755-6887

RIN: 2502-AD91

937. MISCELLANEOUS REVISIONS OF PART 886 (H-37-86; FR-2275)

Legal Authority: 42 USC 1437a; 42 USC 1437c; 42 USC 1437f

CFR Citation: 24 CFR 886.310; 24 CFR 886.330; 24 CFR 886.331; 24 CFR 886.334;

24 CFR 886.322; 24 CFR 886.333; 24 CFR 886.122

Legal Deadline: None

Abstract: This proposed rule would amend Part 886, which governs procedures for additional assistance for projects with HUD-insured or HUD-held mortgages (Subpart A) and the Section 8 housing assistance payments program for the disposition of HUD owned projects (Subpart C). This rule would (1) modify the maximum monthly rent provisions of Subpart C to reflect Section 102(b)(7) of the Housing and Community Development Amendments of 1984; (2) amend the work write-up, cost estimate and cost certification provisions governing the rehabilitation of projects under Subpart C; and (3) make other miscellaneous changes to Part 886.

Timetable:

Action	Date	FR Cite
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NPRM 10/00/89

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This proposal was originally included as part of FR-1950.

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, 202 426-3970

RIN: 2502-AD69

938. LAND REGISTRATION (H-21-86)

Legal Authority: 15 USC 1701

CFR Citation: 24 CFR 1710

Legal Deadline: None

Abstract: This rule would adjust the reporting and registering requirements for land registration and adjust the fee payment procedures.

Timetable:

Action	Date	FR Cite
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NPRM 00/00/00

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Lionel Cabrera, Chief, Land Sales Policy Examination Branch, Department of Housing and Urban

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Proposed Rule Stage

Development, Office of Housing, 202
755-6924

RIN: 2502-AD54

**939. MANUFACTURED HOUSING
ENERGY CONSERVATION
STANDARDS (H-29-88; FR-2497) 1987
HCD ACT**

Legal Authority: PL 100-242, Sec 568

CFR Citation: 24 CFR 3280.506

Legal Deadline: None

Abstract: The regulation would revise the Department's thermal energy standards to comport with section 568's requirements that the Department's standards be "cost-effective energy conservation standards designed to ensure the lowest total of construction and operating costs."

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Donald R. Fairman, Chief, Standards and Products Branch, Department of Housing and Urban Development, Office of Housing, 202 755-5718

RIN: 2502-AE53

**940. ● CHANGES TO THE
MANUFACTURED HOME
CONSTRUCTION AND SAFETY
STANDARDS FROM THE CABO AND
MHCSS COMMITTEES AND OTHERS
(H-4-89; FR-2622)**

Legal Authority: 42 USC 5401

CFR Citation: 24 CFR 3280

Legal Deadline: None

Abstract: This revision will contain updating of appropriate reference standards, some editorial changes and helpful clarifications and improvement of existing requirements. Major changes will deal with improved ventilation and condensation control, both within the units and in roof cavities. Roof truss testing procedures will be revised and new thermal criteria will be presented in conformance with the mandates of Section 568 of the Housing and Community Development Act of 1987. Other provisions may be added as this revision is prepared in 1989.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Donald R. Fairman, Chief, Standards & Products Branch, Department of Housing and Urban Development, Office of Housing, 202 755-5718

RIN: 2502-AE66

**941. MANUFACTURED HOME
PROCEDURAL AND ENFORCEMENT
SYSTEM (H-40-86; FR-2278)**

Significance: Regulatory Program

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3282

Legal Deadline: None

Abstract: This rule would propose revisions to HUD enforcement regulations at 24 CFR Part 3282 to improve the effectiveness of Production Inspection Primary Inspection Agencies (IPIAs).

Timetable:

Action	Date	FR Cite
ANPRM	05/08/87	52 FR 17411

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mark W. Holman, Director, Manufactured Housing & Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AD60

**942. MANUFACTURED HOME DESIGN
INSPECTION SYSTEM (H-41-86; FR-
2279)**

Significance: Regulatory Program

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3282

Legal Deadline: None

Abstract: This proposed rule will deregulate the current design inspection system on manufactured homes and substitute a procedure for manufacturer certification, among other revisions.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mark W. Holman, Director, Manufactured Housing & Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AD61

**943. ● MANUFACTURED HOME
SAFETY STANDARDS - MONITORING
INSPECTION FEE (H-2-89; FR-2613)**

Legal Authority: 42 USC 5419

CFR Citation: 24 CFR 3282.307(b)

Legal Deadline: None

Abstract: States with a large number of manufacturing facilities have incurred additional expenses in monitoring and inspecting those facilities. As the regulation is now written, the monitoring inspection fee paid by the manufacturers to the Secretary is distributed to the states based on the number of new manufacturer housing units whose first location after leaving the plant is on the premises of a distributor, dealer, or purchaser in that state. 24 CFR 3282.307(b) will be amended to provide a more equitable distribution of the inspection fee proceeds that will take into account the additional expenses incurred by the states in which manufacturing facilities are located.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark Holman, Director, Manufactured Housing & Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AE65

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Housing (OH)

Final Rule Stage

**944. TENANT PARTICIPATION IN
MULTIFAMILY PROJECTS (H-11-88;
FR-2451) 1987 HCD ACT**
Legal Authority: PL 100-242, Sec 183**CFR Citation:** 00 CFR 000**Legal Deadline:** None

Abstract: This rule provides for the applicability of the tenant participation requirements of section 202 of the HCDA of 1978 to section 202 elderly and handicapped projects. The rule also removes the Secretary's authority not to provide for tenant participation in certain owner actions and authorizes the application of the tenant participation requirements in the Secretary's proposal to sell a multifamily housing project.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None**Government Levels Affected:** Undetermined

Agency Contact: James J. Tahash, Dir., Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502-AE35
**945. CAPITAL IMPROVEMENT
FLEXIBLE SUBSIDY PROGRAM:
LOANS 8 (H-34-88; FR-2541)**
Significance: Regulatory Program**Legal Authority:** 12 USC 1715z-1a**CFR Citation:** 00 CFR 000**Legal Deadline:** None

Abstract: This rule implements amendments made to section 201 of the Housing and Community Development Amendments of 1978 to broaden the categories of projects eligible for assistance under the Flexible Subsidy program and to create a program of loans for capital improvements to multifamily housing projects, under specified terms and conditions set out in the statute. The rule will make these changes effective in accordance with section 1011 of the McKinney Homeless Assistance Amendments Act of 1988.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/07/89	54 FR 9708
Interim Final Rule Effective	03/07/89	54 FR 9708
Interim Final Rule Comment Period End	05/08/89	54 FR 9708
Final Action	07/00/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: James J. Tahash, Director, Planning & Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502-AE55
**946. SECTION 8 CERTIFICATE
PROGRAM PROJECT-BASED
ASSISTANCE (H-30-88; FR-2502)**
Significance: Agency Priority**Legal Authority:** 42 USC 1437f**CFR Citation:** 00 CFR 000**Legal Deadline:** None

Abstract: Section 148 of the Housing and Community Development Act of 1987 amended section 8(d)(2) of the United States Housing Act of 1937 to require the Department to permit a PHA to attach not more than 15 percent of the section 8 Existing Housing Program assistance to existing structures if the owner agrees to rehabilitate the structure other than with assistance under the 1937 Act. Section 1005 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 requires the Department to permit PHA's to attach assistance, within the same 15 percent limit, to newly constructed units. This rule would implement these provisions by establishing a new Subpart G to 24 CFR Part 882 for project-based certification.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/04/89	54 FR 230
Interim Final Rule	06/00/89	

Small Entities Affected: None**Government Levels Affected:** Undetermined

Agency Contact: Lawrence Goldberger, Director, Office of Elderly and, Assisted

Housing, Department of Housing and Urban Development, Office of Housing, 202 755-5720

RIN: 2502-AE56
**947. APPLICABILITY OF MINIMUM
PROPERTY STANDARDS
MANUFACTURED HOMES UNDER
TITLE II OF THE NATIONAL HOUSING
ACT (H-82-82; FR-1578)**
Legal Authority: 42 USC 3535(d)**CFR Citation:** 24 CFR 200; 24 CFR 203**Legal Deadline:** None

Abstract: Interim rule permits insured financing of properties with manufactured homes under Title II of the National Housing Act, as a means of broadening affordable home ownership opportunities. To qualify for such financing, the manufactured homes, foundations and sites must meet prescribed standards to insure adequate security for HUD-insured mortgages. By such action homeowners can expect reduced housing cost without sacrificing housing quality or durability.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/24/83	48 FR 7731
Final Action	08/00/89	

Small Entities Affected: None**Government Levels Affected:** Federal

Agency Contact: Morris Carter, Director, Single Family Development, Division, Department of Housing and Urban Development, Office of Housing, 202 755-6700

RIN: 2502-AB24
**948. RESTRICTIONS ON ALL-CASH
SALES (AMENDMENT TO PART 200)
(H-30-87; FR-2374)**
Legal Authority: 12 USC 1703; 12 USC 1715b**CFR Citation:** 24 CFR 200**Legal Deadline:** None

Abstract: This interim rule is intended to prohibit assumptors of a mortgage, or other persons purchasing property subject to a mortgage, on which an insured claim has been paid by the Department, from participating in a HUD "all cash public sale."

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Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John J. Coonts, Deputy Director, Office of Single Family, Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AE12

949. AMENDMENTS TO THE TITLE I REGULATIONS (H-19-87; FR2370)

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 201

Legal Deadline: None

Abstract: This rule would involve the following revisions to the Title I loan insured program: (1) a requirement that affected new manufactured homes meet the thermal energy requirements in HUD's Minimum Property Standards; (2) restrictions on the use of loan proceeds for the acquisition of furniture; (3) a reduction in the length of hazard insurance coverage that can be financed; (4) an increase in the property improvement loan amount on which a security interest is required; and (5) the collection of a higher percentage of the loan insurance premium in the early years when the risks of default are greatest.

Timetable:

Action	Date	FR Cite
NPRM	08/15/88	53 FR 30697
NPRM Comment Period End	10/31/88	53 FR 39613
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert J. Coyle, Director, Title I Insurance Division, Department of Housing and Urban Development, Office of Housing, 202 755-6680

RIN: 2502-AE15

950. HUD INSPECTIONS - NO DUTY OF CARE (H-1-85; FR-2025)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 234

Legal Deadline: None

Abstract: Proposed regulation to protect HUD against suits brought under the Federal Tort Claims Act claiming negligent inspection of FHA-insured properties.

Timetable:

Action	Date	FR Cite
NPRM	04/13/88	53 FR 12431
NPRM Comment Period End	06/13/88	53 FR 12431
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen Martin, Director, Office of Insured Single, Family Housing Division, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AC92

951. TEMPORARY MORTGAGE ASSISTANCE PAYMENTS (TMAP) AND ASSIGNMENTS TO HUD (H-44-85; FR-2147)

Significance: Agency Priority

Legal Authority: 12 USC 1715b; 12 USC 1715u

CFR Citation: 24 CFR 203; 24 CFR 204

Legal Deadline: None

Abstract: Additional amendments to TMAP and Assignment rule are needed to reflect change in TMAP interest rate made by section 428 of the Housing and Community Development Act of 1987 and to assure that mortgagees inform mortgagors of the possible right to TMAP or assignment before they accept a deed in lieu of foreclosure from the mortgagor. (This rule was identified in earlier Agendas as RIN: 2502-AB79; H-29-81; FR-1415.)

Timetable:

Action	Date	FR Cite
NPRM	01/03/86	51 FR 216
NPRM Comment Period End	03/04/86	51 FR 216
Final Action	03/05/87	52 FR 6908
Revised Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen Martin, Director, Office of Insured Single, Family Housing, Department of Housing

and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AD34

952. CRITERIA FOR ACCEPTABILITY OF INSURED 10-YEAR PROTECTION PLANS (H-28-86; FR-2036)

Significance: Agency Priority

Legal Authority: 12 USC 1709, Sec 203, 211; 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule would revise the existing administrative criteria for acceptability of insured 10-year protection Plans (Plans). The Department began this proceeding by publishing a Notice informing the public that HUD intended to revise the criteria. This rule describes, among other things, criteria related to Plan acceptability, insurance and financial backing, Plan coverage, and methods for determining Plan obligations.

HUD acceptance of these Plans is a prerequisite to reduced inspection requirements on a property accepted for mortgage insurance before the commencement of construction. It is also a prerequisite to high loan-to-value insured financing for existing one-to-four family dwellings that are less than one year old and that were not approved and inspected by HUD or the Veterans Administration before the start of construction.

Timetable:

Action	Date	FR Cite
Notice of Solicitation Public Comments	11/14/84	49 FR 45075
NPRM	06/10/87	52 FR 21961
NPRM Comment Period End	08/10/87	52 FR 21961

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen Martin, Director, Office of Insured, Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AD65

HUD—OH

Final Rule Stage

953. DEREGULATION OF LOAN ORIGINATION FEES IN FHA SINGLE FAMILY HOUSING (H-18-87; FR-2333)**Legal Authority:** 42 USC 3535(d)**CFR Citation:** 24 CFR 203**Legal Deadline:** None

Abstract: Origination fees in the FHA single family program will be deregulated, and the methods for determining mortgagor income would be revised.

Timetable:

Action	Date	FR Cite
NPRM	04/29/88	53 FR 15408
NPRM Comment	06/28/88	53 FR 15408
Period End		

Next Action Undetermined

Small Entities Affected: Undetermined**Government Levels Affected:** Federal

Agency Contact: Morris E. Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502-AD98**954. ALLEGANY RESERVATION OF THE SENECA NATION (H-32-87; FR-2382)****Legal Authority:** 12 USC 1709**CFR Citation:** 24 CFR 203**Legal Deadline:** None

Abstract: This rule implements Public Law 99-601. The law authorizes the Secretary of HUD, notwithstanding any contrary requirements in the National Housing Act, to insure single family mortgages covering certain properties located on lands within the Allegany Reservation of the Seneca Indian Nation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/21/87	52 FR 48197
Interim Final Rule Comments	02/19/88	52 FR 48197
Interim Final Rule Effective	03/28/88	53 FR 9869
Final Action	06/00/89	

Small Entities Affected: None**Government Levels Affected:** Local, Federal

Agency Contact: Stephen Martin, Director, Office of Insured Single, Family Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AE09**955. SINGLE FAMILY MORTGAGE INSURANCE - OCCUPANT AND INVESTOR MORTGAGORS (H-16-88; FR-2456) 1987 HCD ACT****Legal Authority:** 12 USC 1709; 12 USC 1715b**CFR Citation:** 24 CFR 203; 24 CFR 213; 24 CFR 221; 24 CFR 222; 24 CFR 226; 24 CFR 233; 24 CFR 234; 24 CFR 235**Legal Deadline:** None

Abstract: This rule would implement section 406 of the Housing & Community Development Act of 1987. Section 406 authorizes HUD (1) to insure single family mortgages under title II of the National Housing Act, or (2) to approve a substitute mortgagor for single family mortgages insured under title II, only if the mortgagor is to occupy the dwelling as a principal or secondary residence, as determined by HUD. Section 406 provides that this occupancy requirement only applies if the mortgage involve a principal obligation that exceeds 75 percent of the loan-to-value or equivalent calculation under the insuring authority involved. The action exempts from the occupancy requirement, mortgagors under the Rehabilitation Loan program under section 203(k) of the National Housing Act, and certain public entity, nonprofit, serviceperson, and other mortgagors under various National Housing Act activities.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	53 FR 38844
NPRM Comment	12/02/88	
Period End		
Final Action	05/00/89	

Small Entities Affected: None**Government Levels Affected:** Federal

Agency Contact: Morris Carter, Dir., Single Family Development Division, Department of Housing and Urban Development, Office of Housing, 202 755-6700

RIN: 2502-AE40**956. COMPUTER AUTOMATION OF REQUIRED DATA FOR CERTIFICATION AND RECERTIFICATIONS SUBSIDY BILLING PROCEDURES FOR CERTAIN MULTIFAMILY SUBSIDIZED PROJECTS (H-2-88; FR-2421)****Significance:** Agency Priority**Legal Authority:** 42 USC 3535(d)**CFR Citation:** 24 CFR 208**Legal Deadline:** None

Abstract: This rule would require owners of certain multifamily subsidized projects to automate the information and transmission of HUD forms and worksheets for certification and recertification of compliance with HUD's tenant eligibility and rent procedures, and the computation of tenant rent/payment and the monthly subsidy billing forms, as applicable. This rule would apply to multifamily projects under the following program: section 236 rental assistance payments, section 8 housing assistance payments, section 221(d)(5), below market interest rate housing for low and moderate income mortgage insurance, and section 101 rent supplements.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20649
NPRM Comment	07/21/88	53 FR 20649
Period End		
Final Action	04/00/89	

Small Entities Affected: None**Government Levels Affected:** Undetermined

Agency Contact: James J. Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 426-3970

RIN: 2502-AE26**957. STATE AGENCY AMENDMENTS (H-70-84; FR-1997)****Legal Authority:** 12 USC 1715z-16(b); 12 USC 1715z-16(c)**CFR Citation:** 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 245**Legal Deadline:** None

Abstract: This rule would make the Department's regulations on prohibited lease terms applicable to section 236 projects financed by state housing agencies.

HUD—OH

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/21/87	52 FR 48276
NPRM Comment	02/19/88	52 FR 48276
Period End		
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC73

958. PREPAYMENT OF MORTGAGES ON LOW- AND MODERATE-INCOME HOUSING (H-10-88; FR-2450) 1987 HCD ACT

Legal Authority: PL 100-242; PL 100-628

CFR Citation: 24 CFR 50; 24 CFR 221; 24 CFR 236; 24 CFR 241; 24 CFR 248; 24 CFR 880; 24 CFR 881; 24 CFR 883

Legal Deadline: None

Abstract: The regulation implements provisions of the Housing and Community Development Act of 1987 that provide that mortgages on "eligible low income housing" may be prepaid only in accordance with a "plan of action" approved by the Secretary. The regulation establishes procedures for the submission and negotiation of such plans of action, lists incentives which may be part of the plan of action, and provides standards which the plans of action must meet. The regulation is designed to preserve needed low income housing in cases where the project owner might otherwise prepay its mortgage and convert the project to higher-income use.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/05/88	53 FR 11224
Interim Final Rule Effective Date	05/20/88	53 FR 11224
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Tahash, Director, Planning & Procedure Division, Office of Multifamily Housing

Management, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502-AE34

959. NEHEMIAH OPPORTUNITY GRANTS PROGRAM (H-25-88; FR-2478) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: PL 100-242, Sec 611

CFR Citation: 24 CFR 280

Legal Deadline: None

Abstract: This rule would implement the Nehemiah Housing Opportunity Grants Program. Under this program HUD would provide assistance to private nonprofit organizations in the form of grants. The nonprofit organizations receiving grants would use the assistance to provide loans to families purchasing homes constructed or substantially rehabilitated under the program.

Timetable:

Action	Date	FR Cite
NPRM	11/08/88	53 FR 45216
NPRM Comment	01/09/89	53 FR 45216
Period End		
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Morris Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502-AE45

960. SHARED HOUSING IN THE SECTION 8 MODERATE REHABILITATION PROGRAM (H-26-86; FR-2238)

Significance: Agency Priority

Legal Authority: 42 USC 1437f(p); 42 USC 3535(d)

CFR Citation: 24 CFR 882

Legal Deadline: None

Abstract: This final rule will permit eligible applicants and tenants to share housing units with other eligible applicants or tenants in Section 8 Moderate Rehabilitation units, in accordance with the statutory directive in 42 USC 1437f(p). A proposed rule

that included this program was published in 1984.

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	49 FR 48005
NPRM Comment	02/05/85	49 FR 48005
Period End		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, 202 755-6887

RIN: 2502-AD66

961. MANAGEMENT RULES AND COMPREHENSIVE HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS (H-34-83; FR-1761)

Legal Authority: 12 USC 1701q; 42 USC 3535(d)

CFR Citation: 24 CFR 885

Legal Deadline: None

Abstract: This final rule will amend HUD's regulations governing projects that received direct loans under section 202 of the Housing Act of 1959 and housing assistance payments under section 8 of the United States Housing Act of 1987. The regulation adds regulatory provisions to govern section 202/8 project operations and management; incorporates changes required by statutory requirements governing housing assistance payments contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/09/87	52 FR 46614
NPRM Comment	02/08/88	52 FR 46614
Period End		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC03

HUD—OH

Final Rule Stage

962. LOANS FOR THE ELDERLY OR HANDICAPPED - HOUSING FOR THE HANDICAPPED (H-23-88; FR-2476) 1987 HCD ACT**Significance:** Regulatory Program**Legal Authority:** 12 USC 1701g**CFR Citation:** 24 CFR 885**Legal Deadline:** None

Abstract: Section 162 of the Housing and Community Development Act of 1987 authorizes a new type of assistance payments to be made to replace section 8 assistance payments made in connection with section 202 housing for the nonelderly handicapped. This rule would establish regulations for this program.

Timetable:

Action	Date	FR Cite
NPRM	11/02/88	53 FR 44288
NPRM Comment Period End	01/03/89	53 FR 44288
Final Action	04/00/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Margaret Milner, Office of Policy, Financial Management, and Administration, Department of Housing and Urban Development, Office of Housing, 202 755-6742

RIN: 2502-AE47**963. LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED DURATION OF SECTION 202 FUND RESERVATION (H-33-88; FR-2536)****Legal Authority:** 12 USC 1701q**CFR Citation:** 24 CFR 885**Legal Deadline:** None

Abstract: This final rule amends HUD's regulations governing projects that receive direct loans under section 202 of the Housing Act of 1959 and housing assistance payments under section 8 of the United States Housing Act of 1937. The rule amends 24 CFR 885.230, duration of section 202 fund reservation (1) to permit HUD's Regional Office to extend the duration of fund reservation by an additional 12 months and (2) to add procedures governing the appeal of HUD decisions to cancel section 202 fund reservation as required by section 161(2) of the Housing and Community Development Act of 1987 (Pub. L. 100-242 approved February 5, 1988).

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Robert Wilden, Director, Assisted Elderly & Handicapped, Housing Division, Department of Housing and Urban Development, Office of Housing, 202 426-8730

RIN: 2502-AE58**964. ● LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED DAVIS-BACON WAGE RATE (H-6-89; FR-2589)****Legal Authority:** 12 USC 1701(q)(c)(3)**CFR Citation:** 24 CFR 885.415; 24 CFR 885.420; 24 CFR 885.422**Legal Deadline:** None

Abstract: This rule will implement a statutory change in the 202 direct loan program contained in sec. 162(b)(3) of the HCD Act of 1987, providing that Davis-Bacon wages are not required whenever a 202 Project contains 12 or fewer family units. (Before the Amendment, Davis-Bacon was applied to all section 202/8 projects, without regard to project size.)

Timetable:

Action	Date	FR Cite
Final Action	06/00/89	
Final Action Effective	08/00/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Justin Logsdon, Assistant to the Secretary for, Labor Relations, Department of Housing and Urban Development, Office of the Secretary, 202 755-5370

RIN: 2502-AE69**965. ● SECTION 8 MODERATE REHABILITATION PROGRAM FOR SINGLE ROOM OCCUPANCY DWELLINGS FOR HOMELESS INDIVIDUALS (H-1-89; FR-2539)****Significance:** Agency Priority**Legal Authority:** PL 100-77; PL 100-404**CFR Citation:** 24 CFR 890

Legal Deadline: Final, Statutory, November 7, 1989. Other, Statutory. HUD is required to establish the requirements of this program by Notice within 60 days of enactment and by final rule within 12 months of enactment.

Abstract: The purpose of the Section 8 Moderate Rehabilitation Program for Single Room Occupancy (SRO) Dwellings for Homeless Individuals is to provide rental assistance for homeless individuals in rehabilitated SRO housing. A Notice of Fund Availability was published on January 9, 1989, to announce the availability of \$45 million for the program and to establish the requirements for participation in the program for Fiscal Year 1989. The Notice serves as a Notice of Proposed Rulemaking and invites comments for a period of 60 days. A statutory deadline was set for issuance of a final rule by November 7, 1989.

Timetable:

Action	Date	FR Cite
Notice of Fund Availability	01/09/89	54 FR 758
Proposed Rule Cross-Reference	01/09/89	54 FR 769
Final Action	11/07/89	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Lawrence Goldberger, Director, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 755-5720

RIN: 2502-AE62**966. AMENDMENTS TO INTERSTATE LAND SALES REGISTRATION (H-47-86; FR-2503)****Significance:** Agency Priority**Legal Authority:** 15 USC 1718; 42 USC 3535(d)**CFR Citation:** 24 CFR 1710**Legal Deadline:** None

Abstract: The Department is proposing to amend the regulatory exemption section of its regulations to provide further relief from registration requirements with no loss in consumer protection.

HUD—OH

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/12/88	53 FR 30443
NPRM Comment	10/11/88	53 FR 30443
Period End		
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Roger G. Henderson, Acting Director, Interstate Land, Registration Division, Department of Housing and Urban Development, Office of Housing, 202 755-0502

RIN: 2502-AD81

967. REAL ESTATE SETTLEMENT PROCEDURES ACT — CONTROLLED BUSINESS PROVISIONS AND MISCELLANEOUS AMENDMENTS (H-45-84; FR-1942)

Significance: Agency Priority

Legal Authority: 12 USC 2601; 12 USC 2607; PL 98-181

CFR Citation: 24 CFR 3500

Legal Deadline: None

Abstract: The rule will implement statutory amendments established by Section 461 of the Housing and Urban Rural Recovery Act of 1983 (Pub.L.98-181). The amendments address a problem identified as "controlled business" and the manner in which Section 8 of the Real Estate Settlement Procedures Act (12 USC 2607), the kickback prohibition of RESPA, is to be applied to such arrangements. No

alternatives are being considered because of the statutory mandate. The rule will also contain miscellaneous changes to clarify and update the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	05/16/88	53 FR 17424
NPRM Comment	07/15/88	53 FR 17424
Period End		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Grant E. Mitchell, Department of Housing and Urban Development, Office of the General Counsel, Office of Equal Opportunity and Admin. Law, 202 755-6550

RIN: 2502-AC09

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Completed Actions

Office of Housing (OH)

968. HODAG 1987 ACT AMENDMENTS (H-19-88; FR-2459)

CFR Citation: 00 CFR 000

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jessica Franklin 202 755-6142

RIN: 2502-AE43

969. MINIMUM PROPERTY STANDARDS (MPS) FOR HOUSING — WATER SUPPLY SYSTEMS (H-31-86; FR-2255)

CFR Citation: 24 CFR 200

Completed:

Reason	Date	FR Cite
Withdrawn -	01/31/89	

Merged into
FR-2599 (RIN:
2502-AE64)

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mark W. Holman 202 755-5210

RIN: 2502-AD64

970. EMERGENCY HOMEOWNERSHIP COUNSELING (H-20-88; FR-2460) 1987 HCD ACT

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Withdrawn	04/03/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Martin 202 755-3046

RIN: 2502-AE28

971. DISCLOSURE OF ANNUAL RATE CHANGES OF ADJUSTABLE RATE MORTGAGES (H-35-88; FR-2542)

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Final Action	01/04/89	54 FR 110
Final Action	03/31/89	54 FR 8321
Effective		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Falkenstein, Director 202 755-6672

RIN: 2502-AE57

972. CLAIM PROCESSING ON DEFAULTED COINSURED SINGLE-FAMILY MORTGAGES (H-1-88; FR-2410)

CFR Citation: 24 CFR 204.280; 24 CFR 204.281; 24 CFR 204.282; 24 CFR 204.283; 24 CFR 204.284; 24 CFR 204.292; 24 CFR 204.293; 24 CFR 204.294; 24 CFR 204.300; 24 CFR 204.301; 24 CFR 204.302

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert E. Faulkenstein, Jr. 202 755-6672

RIN: 2502-AE25

973. REVISIONS RELATING TO FULL INSURANCE AND COINSURANCE OF EXISTING COOPERATIVES (H-31-88; FR-2511)

CFR Citation: 24 CFR 207; 24 CFR 255

HUD—OH

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	01/24/89	54 FR 3444
Final Action Effective	03/06/89	54 FR 3444

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Martin 202 755-3016

RIN: 2502-AE54

974. FLEXIBLE SUBSIDY PROGRAM; 1983 AMENDMENTS (H-50-84)

CFR Citation: 24 CFR 219

Completed:

Reason	Date	FR Cite
Withdrawn - Merged into FR-2541 (RIN: 2502-AE55)	11/02/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash 202 426-3970

RIN: 2502-AC31

975. ELIGIBILITY OF SECTION 23 AND SECTION 202 HOUSING FOR FLEXIBLE SUBSIDY (H-18-88; FR-2458) 1987 HCD ACT

CFR Citation: 24 CFR 219

Completed:

Reason	Date	FR Cite
Withdrawn - Merged into FR-2541 (RIN: 2502-AC55)	01/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash 202 426-3944

RIN: 2502-AE42

976. ASSIGNMENT OPTION (H-44-86)

Significance: Agency Priority

CFR Citation: 24 CFR 221.55

Completed:

Reason	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Linda Gibbs 202 755-2632

RIN: 2502-AD78

977. HUD-OWNED MULTIFAMILY PROJECTS-MANAGEMENT AND DISPOSITION (H-69-78; FR-432)

Significance: Regulatory Program

CFR Citation: 24 CFR 290; 24 CFR 886

Completed:

Reason	Date	FR Cite
Final Action	07/19/88	53 FR 27158
Final Action Effective	09/19/88	53 FR 27158

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marc Harris 202 755-9280

RIN: 2502-AC68

978. SECTION 236 RENT SUPPLEMENT (H-17-88; FR-2457) 1987 HCD ACT

CFR Citation: 24 CFR 735

Completed:

Reason	Date	FR Cite
Withdrawn	02/22/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Tahash 202 426-3944

RIN: 2502-AE41

979. HOUSING DEVELOPMENT GRANT PROGRAM (H-26-84; FR-1902)

CFR Citation: 24 CFR 850

Completed:

Reason	Date	FR Cite
Withdrawn	02/23/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jessica Franklin 202 755-6142

RIN: 2502-AC23

980. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - REVISIONS TO CONTRACT RENT ADJUSTMENT REGULATIONS (H-22-88; FR-2469) 1987 HCD ACT

CFR Citation: 24 CFR 880; 24 CFR 861; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886; 24 CFR 888

Completed:

Reason	Date	FR Cite
Withdrawn - Merged into FR-2294 (RIN: 2502-AD91)	01/31/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash 202 426-3944

RIN: 2502-AE44

981. INTERPROGRAM TRANSFERS OF ASSISTED TENANTS (H-8-88; FR-2436)

CFR Citation: 24 CFR 882; 24 CFR 887; 24 CFR 905; 24 CFR 950

Completed:

Reason	Date	FR Cite
Withdrawn - merged into FR-2294 (RIN: 2502-ad91)	02/28/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash 202 426-3944

RIN: 2502-AE32

982. LOANS FOR THE ELDERLY OR HANDICAPPED - LOAN INTEREST RATE PROVISIONS (H-24-88; FR-2477) 1987 HCD ACT

CFR Citation: 24 CFR 885

Completed:

Reason	Date	FR Cite
Final Action	11/09/88	53 FR 45265
Final Action Effective	03/03/89	54 FR 8322

Small Entities Affected: None

Government Levels Affected: Undetermined

HUD—OH

Completed Actions

Agency Contact: Robert Wilden 202 426-8730

RIN: 2502-AE46

983. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - FORMALDEHYDE REGULATIONS (H-10-87; FR-2332)

CFR Citation: 24 CFR 3280.308; 24 CFR 3280.309; 24 CFR 3280.406

Completed:

Reason	Date	FR Cite
Withdrawn	01/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mark W. Holman 202 755-5210

RIN: 2502-AE02

984. NOTICE OF FORMALDEHYDE; MANUFACTURED HOME CONSTRUCTION AND SAFETY (H-23-87; FR2349)

CFR Citation: 24 CFR 3280.309

Completed:

Reason	Date	FR Cite
Withdrawn	01/31/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark W. Holman 202 755-6590

RIN: 2502-AE21

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)**

Proposed Rule Stage

985. RENTAL REHABILITATION PROGRAM (CPD-11-88; FR-2558)

Legal Authority: PL 100-242, Sec 150(b); PL 100-242, Sec 150(f)

CFR Citation: 24 CFR 511

Legal Deadline: None

Abstract: This rule will implement sections 150(b) and 150(f) of the Housing and Community Development Act of 1987 which amend sections 17(a)(1)(A) and 17(k)(4), respectively, of the United States Housing Act of 1937. Section 150(b) makes eligible for rehabilitation grant funds property that will be privately owned upon completion of rehabilitation. The previous authorizing legislation and current regulations limit the use of rehabilitation grant funds to properties that are (and continue to be) privately owned. Section 150(f) expands the definition of "privately owned real property to be used primarily for residential rental purposes" (and thus eligible for rehabilitation grant funds) to include housing that is owned by a State or locally chartered, neighborhood based, nonprofit organization the primary purpose of which is the provision and improvement of housing.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Mary Kolesar, Director, Rehabilitation Management Division, Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5970

RIN: 2506-AA88

986. COMMUNITY DEVELOPMENT BLOCK GRANTS: STATE'S PROGRAM (CPD-7-83; FR-1877)

Significance: Regulatory Program

Legal Authority: 42 USC 5301; PL 98-181, Sec 104; PL 98-181, Sec 101

CFR Citation: 24 CFR 570.488

Legal Deadline: None

Abstract: This revision would implement amendments to the State administered CDBG program made in the Housing and Urban-Rural Recovery Act (Pub. L. 98-181) approved November 30, 1983, and the Housing and Community Development Act of 1987 (Pub. L. 100-242) approved February 5, 1988. The rule includes definitions of low and moderate income persons, requirements for meeting the three national objectives, the 60% test for low and moderate income benefit, added local and state public participation, coverage of program income, performance reporting and record keeping, and consequences of States' dropping program administration after FY 85.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Richard J. Kennedy, Asst. Dir. State Small Cities Div., Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, State and Small Cities Division, 202 755-6322

RIN: 2506-AA38

987. MISCELLANEOUS REVISIONS OF PART 570 - 1987 HCD ACT (CPD-5-88; FR-2496)

Legal Authority: PL 100-242

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: The proposed rule would revise the Community Development Block Grant Program rules (24 CFR Part 570) as necessary to implement certain changes made in the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988), and the Department of Housing and Urban Development - Independent Agencies Appropriations Act, 1989 (Pub. L. 100-404, approved August 19, 1988).

The proposed rule will cover the following four specific changes:

HUD—CPD

Proposed Rule Stage

1. The new requirements for a citizens participation plan for entitlement and HUD-administered small cities grantees. (The requirements for States will be covered separately in the State proposed rules;

2. The circumstances under which a grant recipient may newly construct, or substantially reconstruct, housing where it is clear that such work is needed before the CDBG activity commences; (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT:

3. The circumstances under which a grant recipient may provide a 9-1-1 emergency services communication system serving an area having less than

51 percent low- and moderate-income residents and still be considered to meet the national objective of benefitting low- and moderate-income persons; and

4. The authority to use CDBG funds to pay special assessments for certain low- and moderate-income property owners to recover local costs incurred in providing public improvements serving an area having less than 51 percent low- and moderate-income persons, under the national objective of benefitting such persons.

Agency Contact: Jim Broughman, Director, Entitlement Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5977

RIN: 2506-AA84

988. • COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE PROGRAM (CPD-1-89; FR2616)

Legal Authority: 42 USC 5307

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This rule would revise and update the Department's procedures governing the issuance of technical assistance awards under Title I of the Housing and Community Development Act of 1974. It would clarify the Department's authority to make such awards and to make the procedures more efficient and cost-effective.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Maggie H. Taylor, Technical Assistance Division, Office of Program Policy Development, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6090

RIN: 2506-AA90

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) Office of Community Planning and Development (CPD)

Final Rule Stage

989. • UNIFORM RELOCATION ACT AMENDMENTS OF 1987—TECHNICAL AMENDMENTS (CPD-3-89; FR2624)

Legal Authority: PL 100-17

CFR Citation: 24 CFR 236; 24 CFR 290; 24 CFR 510; 24 CFR 511; 24 CFR 570; 24 CFR 571; 24 CFR 575; 24 CFR 850; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 905; ...

Legal Deadline: Final, Statutory, April 2, 1989.

The 1987 Amendments to the Uniform Act become effective April 2, 1989.

Abstract: The 1987 Amendments to the Uniform Relocation Act (P.L. 100-17) make numerous changes to the Uniform Act. Among the changes is the expansion of coverage to displacement resulting from rehabilitation, demolition or privately undertaken acquisition carried out for a federally assisted project or program. For HUD-assisted community development and housing programs, the expanded coverage will apply to displacements occurring on or after April 2, 1989. The amendments will contain the necessary conforming changes to HUD programs consistent

with the final governmentwide rule implementing the 1987 Amendments to the Uniform Act. (See Federal Register (53 FR 4964) dated February 19, 1988.)

Timetable:

Action	Date	FR Cite
Final Action	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold J. Huecker, Director, Relocation & Real Estate Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6336

RIN: 2506-AA92

990. RESIDENTIAL RENTAL REHABILITATION PROGRAM (CPD-7-84; FR-1901)

Legal Authority: 42 USC 1437c; 42 USC 3535(d); PL 98-479, Sec 103; PL 98-181, Sec 302; PL 98-181, Sec 301

CFR Citation: 24 CFR 511

Legal Deadline: None

Abstract: This rule implements the Rental Rehabilitation Program authorized by section 17 of the U.S. Housing Act of 1937. The regulation (1) sets out a variety of program and other requirements to be met by grantees, State recipients and others that use or benefit from rental rehabilitation grants amounts, (2) enumerates the requirements for participating in the Rental Rehabilitation Program, (3) sets forth the formula by which allocations of rental rehabilitation grant amounts will be made to eligible grantees, (4) explains the rental housing assistance available for tenants, (5) enumerates administrative requirements for the Program, and (6) explains how HUD will review program performance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/84	49 FR 16936
Interim Rule Effective	05/24/84	49 FR 16936
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

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Final Rule Stage

Additional Information: Includes: CPD-17-82; CPD-8-84; FR-1912; FR-2055 (RIN: 2506-AA60)

Agency Contact: Mary Kolesar, Director, Rental Rehabilitation Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5970
RIN: 2506-AA55

991. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: ESCROW ACCOUNTS (CPD-2-88; FR-2164)

Legal Authority: 42 USC 5301 to 5321

CFR Citation: 24 CFR 0570.511

Legal Deadline: None

Abstract: The Department is proposing to establish a rule that would govern the circumstances under which CDBG program recipients could establish escrow accounts for the purpose of disbursing funds to contractors expeditiously. The rule reflects U.S. Treasury Department requirements governing cash withdrawals.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37162
NPRM Comment	12/04/87	
Period End		
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Paul D. Webster, Dir., Financial Management Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-1871
RIN: 2506-AA66

992. SECRETARY'S DISCRETIONARY FUND - WORK STUDY PROGRAM (CPD-4-88; FR-2475) 1987 HCD ACT

Legal Authority: PL 100-242, Sec 107

CFR Citation: 24 CFR 0570

Legal Deadline: None

Abstract: The proposed rule would implement section 501(b)(2) of the Housing and Community Development Act of 1987 under which HUD would use amounts set aside for the Secretary's Discretionary Fund for grants to institutions of higher education for the purposes of providing assistance to economically

disadvantaged and minority students who participate on community development work-study programs.

Timetable:

Action	Date	FR Cite
NPRM	08/17/88	53 FR 31224
NPRM Comment	10/17/88	
Period End		
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Turk, Technical Assistance Division, Office of Program Policy Development, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6092
RIN: 2506-AA31

993. CONSERVING NEIGHBORHOODS BY PROHIBITING DISPLACEMENT (CPD-3-88; FR-2474) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: 42 USC 5301 to 5320

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This interim rule implements section 509 of the Housing and Community Development Act of 1987 which requires an antidisplacement program as a condition to CPDG or UDAG amount.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/17/88	53 FR 31234
Interim Final Rule	10/17/88	53 FR 31234
Comments Due		
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Harold J. Huecker, Director, Relocation and Real Estate Div., Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6336
RIN: 2506-AA82

994. IMPLEMENTATION OF PROHIBITION ON USE OF UDAG GRANTS FOR BUSINESS RELOCATION (CPD-6-88; FR-2500)

Legal Authority: PL 100-242, Sec 16

CFR Citation: 24 CFR 0570

Legal Deadline: None

Abstract: This rule amends the regulations governing Urban Development Action Grants by revising, and adding new text to, existing provisions pertaining to prohibitions on the use of UDAG for business relocations. This proposal (1) elaborates on the existing prohibition on the use of UDAG funds for speculative projects intended to facilitate the relocation of business from one area to another to incorporate existing HUD policies regarding this prohibition, and (2) implements statutory amendments which additionally prohibit the use of UDAG funds for projects with identified intended occupants where the project is likely to facilitate the relocation of businesses from one area to another.

Timetable:

Action	Date	FR Cite
NPRM	05/18/88	53 FR 17724
NPRM Comment	06/17/88	53 FR 17724
Period End		
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stanley Newman, Director, Urban Development Action Grants, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6290
RIN: 2506-AA86

995. URBAN HOMESTEADING PROGRAM; IMPLEMENTING OF 1987 STATUTORY AMENDMENTS AND REVISION OF SELECTED PROGRAM PROCEDURES (CPD-1-88; FR-2461)

Significance: Agency Priority

Legal Authority: 12 USC 1706e

CFR Citation: 24 CFR 590

Legal Deadline: None

Abstract: This rule established new selection procedures for urban homesteading programs. This rule also permits States and units of government to designate qualified community organizations to act as local urban

HUD—CPD

Final Rule Stage

homesteading agencies. In addition, the rule makes procedural changes to the program requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/19/88	53 FR 41026
NPRM Comment Period End	12/19/88	53 FR 41026
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Richard Burk, Dir., Rehabilitation Loans & Homesteading, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5327

RIN: 2506-AA79

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Completed Actions

Office of Community Planning and Development (CPD)

996. REMOVAL OF RISK PREMIUM PROVISIONS IN SECTION 312 PROGRAM (CPD-9-88; FR-2553)

CFR Citation: 24 CFR 510.34; 24 CFR 510.36

Completed:

Reason	Date	FR Cite
Final Action	10/31/88	53 FR 43865
Final Action Effective	03/03/89	54 FR 8322

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: David Cohen 202 755-5685

RIN: 2506-AA87

997. PERSONAL LIABILITY FOR REPAYMENT ON SECTION 312 REHABILITATION LOANS (CPD-10-88; FR-2557)

CFR Citation: 24 CFR 0510

Completed:

Reason	Date	FR Cite
Withdrawn	01/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard R. Burk 202 755-0367

RIN: 2506-AA89

998. ● RENTAL REHABILITATION GRANTS (CPD-2-88; FR-2472)

Legal Authority: 42 USC 1437o; PL 100-242, Sec 150

CFR Citation: 24 CFR 511.1; 24 CFR 511.3; 24 CFR 511.4; 24 CFR 511.10; 24 CFR 511.20

Legal Deadline: None

Abstract: This rule makes a number of changes in the Rental Rehabilitation

Grant program. Major changes include (1) increasing the \$5,000 per-unit limit on the amount of rental rehabilitation assistance for any structure by means of a sliding per-unit scale from \$5,000 to \$8,500, depending on the number of bedrooms in the units; (2) permitting a unit of general local government that has an ordinance requiring rehabilitation to meet seismic standards to use all its rental rehabilitation grants to rehabilitate units with one bedroom or less, if the occupants of the units will have incomes not in excess of 50 percent of the median area income; and (3) allowing States and formula cities and counties to retain up to 10 percent of any rental rehabilitation grant amounts they receive for administrative expenses in carrying out their rental rehabilitation programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/06/88	53 FR 25462
Final Action	12/06/88	53 FR 49138
Final Action Effective	03/03/89	54 FR 8322

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Mary Ann Kolesar, Director, Rehab Management Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5970

RIN: 2506-AA80

999. ● '88 AMENDMENTS—RENTAL REHAB PROGRAM (CPD-4-89; FR-2630)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 511

Legal Deadline: None

Abstract: This rule will incorporate 1988 amendments to the Rental Rehabilitation program into the Department's permanent rules.

Timetable:

Action	Date	FR Cite
Withdrawn - merged with RIN 2506-AA55 (FR-1901)	04/10/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: David Cohen, Director, Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5685

RIN: 2506-AA91

1000. ● TECHNICAL ASSISTANCE: DISCRETIONARY AWARDS (CPD-6-79; FR-1115)

Legal Authority: 42 USC 5307

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This rule would amend 24 CFR 510.402 to update and clarify priorities for Technical Assistance funding and to clarify application and review procedures for awards.

Timetable:

Action	Date	FR Cite
Withdrawn	02/16/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Jerome Friedman, Director, Policy Development Division, Department of Housing and Urban

HUD—CPD

Completed Actions

Development, Office of Community
Planning and Development, 202 755-8909
RIN: 2506-AA30

**1001. URBAN DEVELOPMENT ACTION
GRANT APPLICATIONS FROM
CONSORTIA OF SMALL CITIES (CPD-
6-87; FR2381)**

CFR Citation: 24 CFR 570

Completed:

Reason	Date	FR Cite
Final Action	12/28/88	53 FR 52414
Final Action Effective	03/03/89	54 FR 8322

Small Entities Affected: None

Government Levels Affected: Local,
Federal

Agency Contact: Stanley Newman 202
755-6290

RIN: 2506-AA76

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Government National Mortgage Association (GNMA)**

Proposed Rule Stage

**1002. BOOK-ENTRY SECURITIES OF
GNMA (GNMA-2-85)**

Significance: Agency Priority

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 390

Legal Deadline: None

Abstract: The regulation will provide
for utilization of a book-entry system to
govern the issuance and custody of

GNMA securities. The system allows
for maintenance of records by an Agent
Bank and utilization of wire transfers.
Further, the book-entry system will
curtail loss, theft and repeated pledging
of GNMA securities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy,
Assistant General Counsel for Finance,
Department of Housing and Urban
Development, Office of the General
Counsel, Office of Insured Housing and
Finance, 202 755-7260

RIN: 2503-AA03

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Government National Mortgage Association (GNMA)**

Final Rule Stage

**1003. GNMA MORTGAGE-BACKED
SECURITIES (GNMA-1-88; FR-2548)**

Legal Authority: 42 USC 3535

CFR Citation: 24 CFR 390

Legal Deadline: None

Abstract: Rule proposes to increase net
worth eligibility requirements for
issuers of mortgage-backed securities.

Timetable:

Action	Date	FR Cite
NPRM	10/17/88	53 FR 40458
Notice	12/06/88	53 FR 49240
NPRM Comment Period End	12/16/88	53 FR 40458
Comments Due	02/06/89	53 FR 49240
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected:
Undetermined

Agency Contact: Robert P. Kalish, Vice
President, Office of Mortgage Finance,
Department of Housing and Urban
Development, Government National
Mortgage Association, 202 755-5593

RIN: 2503-AA06

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Government National Mortgage Association (GNMA)**

Completed Actions

**1004. GNMA FEES (GNMA-1-87;
FR2395)**

CFR Citation: 24 CFR 390.17

Completed:

Reason	Date	FR Cite
Withdrawn	09/16/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy 202
755-7260

RIN: 2503-AA05

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)
Proposed Rule Stage
1005. NONDISCRIMINATION BASED ON HANDICAPPED IN PROGRAMS CONDUCTED BY HUD (FR-2163; FH&EO-2-85)
Significance: Regulatory Program**Legal Authority:** 29 USC 794**CFR Citation:** 24 CFR 9.101; 24 CFR 9.102; 24 CFR 9.103; 24 CFR 9.110; 24 CFR 9.111; 24 CFR 9.130; 24 CFR 9.140; 24 CFR 9.149; 24 CFR 9.150; 24 CFR 9.151; 24 CFR 9.160; 24 CFR 9.170**Legal Deadline:** None

Abstract: This proposed rule would implement section 504 of the Rehab Act of 1973 (as extended by the Rehab. Comprehensive Service and Developmental Disabilities Act of 1978) for HUD-conducted programs or activities. This proposed rule will be a companion rule to the Department's rule on nondiscrimination based on handicap in federally assisted programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None**Government Levels Affected:** Federal**Agency Contact:** David Enzel, Attorney, Department of Housing and

Urban Development, Office of the General Counsel, 202 755-6207

RIN: 2529-AA28
1006. FAIR HOUSING - COORDINATION OF EXECUTIVE AGENCY AND REGULATORY AGENCY AFFIRMATIVE ADMINISTRATION OF PROGRAMS IN CONNECTION WITH HUD (FH&EO-1-88; FR-2480)
Legal Authority: 42 USC 3601**CFR Citation:** 24 CFR 125**Legal Deadline:** None

Abstract: The Fair Housing Law, Title VIII of the Civil Rights Act of 1968, charges the Secretary with the responsibility for the administration and enforcement of Title VIII. Section 808 of Title VIII requires the Secretary to administer programs and activities relating to housing and urban development in a manner affirmatively to further fair housing. All other Executive Agencies are required to administer programs relating to housing and urban development in a manner affirmatively to further fair housing and to cooperate with the Secretary in further fair goal of fair housing. In December 1980, Executive Order 12259 was issued to assure interagency coordination and consistent and effective implementation of Section 808.

The Order reemphasizes the mandate of Tie VIII, I, stipulates the Secretary's leadership and coordination role and states the responsibilities of all Executive Agencies; includes Regulatory Agencies, in connection with the preparation and implementation of rules, regulations and procedures. The time has come to publish a rule for comment. A proposed rule in 1981 failed to be published.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	10/00/89	

Small Entities Affected: None**Government Levels Affected:** Federal**Agency Contact:** Wagner D. Jackson, Acting Director, Office of Fair Housing, Enforcement and Sec. 3 Compliance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-6836**RIN:** 2529-AA36
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)
Final Rule Stage
1007. REDESIGN FOR FAIR HOUSING ASSISTANCE PROGRAM (FHEO-2-87; FR-2403)
Significance: Agency Priority**Legal Authority:** 42 USC 3601-9**CFR Citation:** 24 CFR 111**Legal Deadline:** None

Abstract: This rule will change the current funding mechanism of the Fair Housing Assistance Program (FHAP) from a dual noncompetitive and competitive system to a single comprehensive noncompetitive funding mechanism. The new system will allow the same disbursement of 5 million dollars to substantially equivalent agencies. The FHAP agencies will be funded for cases processed and other eligible activities.

Timetable:

Action	Date	FR Cite
NPRM	09/07/88	53 FR 34668
NPRM Comment Period End	10/07/88	
Final Action	04/00/89	

Small Entities Affected: None**Government Levels Affected:** Local, State, Federal**Agency Contact:** Maxine Cunningham, Director, Federal, State & Local Programs, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-0455**RIN:** 2529-AA33
1008. CONFORMING AMENDMENTS TO HUD RULES TO COMPLY WITH SEC. 504 OF THE REHAB ACT AND OTHER AUTHORITIES (FH&EO-3-88; FR-2531)
Legal Authority: 29 USC 794**CFR Citation:** 24 CFR 735**Legal Deadline:** None

Abstract: Conforming HUD rules to comply with Sec. 504 of the Rehabilitation Act and other authorities.

Timetable:

Action	Date	FR Cite
Final Action	06/00/89	

Small Entities Affected: None**Government Levels Affected:** Federal**Agency Contact:** Robert Ardinger, Program Compliance, Department of

HUD—FHEO

Final Rule Stage

Housing and Urban Development,

Office of Fair Housing and Equal
Opportunity, 202 755-5404

RIN: 2529-AA38

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Completed Actions

1009. ● NONDISCRIMINATION IN
HOUSING AND COMMUNITY
DEVELOPMENT PROGRAMS (FHEO-1-
89; FR-2629)

Legal Authority: 42 USC 5309

CFR Citation: 24 CFR 0000

Legal Deadline: None

Abstract: The regulation will implement Section 109 of the Housing and Community Development Act of 1974, which prohibits discrimination based on race, color, national origin, or sex in any program funded under the Act.

Timetable:

Action	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local,
State

Agency Contact: Eleanor G. Clagett,
Director, Program Compliance Div.,
Department of Housing and Urban
Development, Office of Fair Housing
and Equal Opportunity, 202 755-5404

RIN: 2529-AA42

1010. PROCEDURE FOR PROCESSING
COMPLAINTS UNDER SECTION 810
OF THE FAIR HOUSING ACT (FHEO-5-
88; FR-2563)

CFR Citation: 24 CFR 105

Completed:

Reason	Date	FR Cite
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Withdrawn - 10/14/88
Merged into
FR-2565 (RIN:
2501-AA76)

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Laurence Pearl 202
755-5288

RIN: 2529-AA40

1011. RECOGNITION OF
JURISDICTIONS WITH
SUBSTANTIALLY EQUIVALENT FAIR
HOUSING LAWS (FHEO-1-88)

CFR Citation: 24 CFR 115

Completed:

Reason	Date	FR Cite
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Withdrawn - 01/31/89
Merged into
FR-2565 (RIN:
2501-AA76)

Small Entities Affected: None

Government Levels Affected: Local,
State, Federal

Agency Contact: Wagner Jackson 202
755-6636

RIN: 2529-AA31

1012. COMMUNITY HOUSING
RESOURCE BOARD PROGRAM
(FH&EO-4-88; FR-2561)

CFR Citation: 24 CFR 120

Completed:

Reason	Date	FR Cite
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Withdrawn 04/10/89

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Florence Maultsby
202 755-7007

RIN: 2529-AA39

1013. THE FAIR HOUSING
INITIATIVES PROGRAM (FH&EO-2-88;
FR-2486) 1987 HCD ACT

Significance: Agency Priority

CFR Citation: 24 CFR 125

Completed:

Reason	Date	FR Cite
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Final Action 02/10/89 54 FR 6492
Final Action 05/09/89 54 FR 6492
Effective

Small Entities Affected: None

Government Levels Affected: Local,
State, Federal

Agency Contact: Harry L. Carey 202
755-5570

RIN: 2529-AA37

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Administration (OA)

Prerule Stage

1014. ORGANIZATION, FUNCTION,
AND DELEGATIONS OF AUTHORITY
SUBPART C - SECRETARY'S
DELEGATIONS OF AUTHORITY TO
HEADS OF OFFICES (ADM-2-82)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 3

Legal Deadline: None

Abstract: Subpart C delegates authority from the Secretary to the Comptroller and then to certain Divisions. This subpart is almost entirely obsolete. The alternatives being considered are to eliminate Subpart C entirely or to update all of the obsolete references. The benefits of both alternatives are to eliminate a potentially confusing delegation of authority.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Albert M. Miller,
Deputy Director, Department of Housing

HUD—OA

Prerule Stage

and Urban Development, Office of

Administration, Office of Finance and
Accounting, 202 755-6310

RIN: 2535-AA01

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Administration (OA)**Proposed Rule Stage****1015. HUD ACQUISITION
REGULATION (ADM-2-88; FR-2473)**

Legal Authority: 42 USC 3535(d)

CFR Citation: 48 CFR 24

Legal Deadline: None

Abstract: The proposed rule will update
the HUD Acquisition Regulation toconform to changes in the Federal
Acquisition Regulation (FAR).**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None**Government Levels Affected:** Federal**Agency Contact:** Edward L. Girovasi,
Jr., Director, Policy and Evaluation
Division, Office of Procurement and
Contracts, Department of Housing and
Urban Development, Office of
Administration, 202 755-5294

RIN: 2535-AA16

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Administration (OA)**Final Rule Stage****1016. OMB CIR. A-110, UNIFORM
ADMINISTRATIVE REQUIREMENTS
FOR GRANTS AND AGREEMENTS
WITH UNIVERSITIES, HOSPITALS
AND OTHER NONPROFIT
ORGANIZATIONS (ADM-1-87; FR-2376)**

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 29

Legal Deadline: None

Abstract: This rule is part of a
government-wide common rule to
provide uniformity to the administrative
requirements for grants and agreements
with universities, hospitals and other
nonprofit organizations.**Timetable:**

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44710
NPRM Comment Period End	01/03/89	
Final Action	08/00/89	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Edward L. Girovasi,
Jr., Director, Policy & Evaluation
Division, Office of Procurement &
Contracts, Department of Housing and
Urban Development, Office of
Administration, 202 755-5294

RIN: 2535-AA15

**1017. REVISIONS OF HUDAR TO
REFLECT CHANGES IN GNMA
PROCUREMENT PROCEDURES (ADM-
3-88; FR-2534)**

Legal Authority: 42 USC 3535

CFR Citation: 48 CFR 2401; 48 CFR
2402

Legal Deadline: None

Abstract: Rule to amend HUDAR to
clarify circumstances under which
GNMA may exercise its "statutoryprocurement authority" without regard
to FAR or FIRM. The rule will direct
that all HUD procurement policy
regulations and procedures are the
responsibility of the Assistant Secretary
for Administration except transactions
between GNMA and issuers of
mortgage-backed securities in
furtherance of GNMA's guaranty of
such securities.**Timetable:**

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None**Government Levels Affected:** Federal**Agency Contact:** Gladys Gines, Office
of Procurement & Contracts,
Department of Housing and Urban
Development, Office of Administration,
202 755-5294

RIN: 2535-AA17

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Administration (OA)**Completed Actions****1018. AMENDMENT OF THE HUD
ACQUISITION REGULATIONS (ADM-5-
85; FR-2131)**

CFR Citation: 48 CFR Chap. 24

Completed:

Reason	Date	FR Cite
Final Action	11/17/88	53 FR 46532
Final Action Effective	03/03/89	54 FR 8336

Small Entities Affected: None**Government Levels Affected:** Federal**Agency Contact:** Gladys Gines 202
755-5294

RIN: 2535-AA10

**1019. FEDERAL PROCUREMENT OF
CEMENT CONTAINING FLY ASH
(ADM-1-84; FR-1938)**

CFR Citation: 24 CFR 570; 24 CFR 207

HUD—OA

Completed Actions

Completed:

Reason	Date	FR Cite
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Withdrawn	04/10/89	
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Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Ed Girovasi 202 755-5294

RIN: 2535-AA05

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Public and Indian Housing (PIH)

Proposed Rule Stage

1020. ● PUBLIC HOUSING DRUG ELIMINATION PILOT PROGRAM (P-20-88; FR-2592)

Legal Authority: PL 100-690

CFR Citation: 00 CFR 000

Legal Deadline: NPRM, Statutory, May 19, 1989.

Proposed rule has statutory deadline of May 19, 1989.

Abstract: The Public Housing Drug Elimination Act of 1988 establishes a new HUD-administered categorical grant program to help PHA's and IHA's to eliminate drug-related crime in public and Indian housing.

Timetable:

Action	Date	FR Cite
NPRM	05/19/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: R. Wayne Hunter, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA76

1021. DETERMINATION OF WAGE RATES FOR MAINTENANCE AND TECHNICAL EMPLOYEES OF PUBLIC HOUSING AGENCIES AND INDIAN HOUSING AUTHORITIES (P-10-88; FR-2211)

Legal Authority: 42 USC 1437j

CFR Citation: 24 CFR 0060

Legal Deadline: None

Abstract: This rule would describe the Department's policies and procedures for determining or adopting prevailing wage rates for public housing maintenance employees under section 12 of the United States Housing Act of 1937.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Justin Logsdon, Assistant to the Secretary for Labor, Relations, Department of Housing and Urban Development, Office of the Secretary, 202 755-5370

RIN: 2577-AA68

1022. PUBLIC AND INDIAN HOUSING; CEILING RENTS (P-2-89; FR-2529) 1987 HCD ACT

Legal Authority: 42 USC 1437a; PL 100-242, Sec 102(a)

CFR Citation: 24 CFR 0913

Legal Deadline: None

Abstract: Rule to permit PHAs and IHAs to adopt, with HUD approval, rents for projects or dwelling units that would establish a cap, or ceiling on the income-based rent as currently calculated under 24 CFR 913.107, that are not more than the income-based rent and not less than the average monthly amount of debt service and operating expenses attributed to units by similar size in housing projects owned and operated by the PHA.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA57

1023. INCREASE IN SINGLE PERSON OCCUPANCY LIMITS (P-48-84; FR-2063)

Legal Authority: 42 USC 1437a

CFR Citation: 24 CFR 812; 24 CFR 912

Legal Deadline: None

Abstract: Implements Section 202 of the Housing and Urban-Rural Recovery Act of 1983 to permit the Secretary to increase from 15 percent to 30 percent the number of units that may be occupied by single persons and are within the jurisdiction of any public housing agency. In addition, this rule would revise the procedures for HUD's approval of single person occupancy for affected dwelling units.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ADDITIONAL CONTACT PERSON: James J. Tahash; Director, Program Planning Division; Office of Multifamily Housing Management. (202) 426-3970.

Agency Contact: Edward Whipple, Chief, Occupancy Branch, Office of Public Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 426-0744

RIN: 2577-AA07

1024. ● LEAD-BASED PAINT POISONING PREVENTION ACT -- STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT OF 1988 -- SECTION 1088 (P-19-88; FR-2583)

Significance: Agency Priority

Legal Authority: 42 USC 4821; PL 100-404

CFR Citation: 24 CFR 965.705; 24 CFR 965.706; 24 CFR 965.9; 24 CFR 966.9; 24 CFR 968; 24 CFR 35

HUD—PIH

Proposed Rule Stage

Legal Deadline: None

Abstract: The rule will implement statutory amendments established by section 1088 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100-404). The amendments make a number of changes to the Lead-Based Paint Poisoning Prevention Act, including the possible selection of the 1978 CPSC standard for lead in paint of .06 percent by weight of the dry paint film as a criteria for determining when, and to what extent, abatement in public housing will be required; adding dust containing lead to the hazard to be abated; and adding atomic absorption spectroscopy (AAS) as an acceptable method of testing for lead-based paint and dust containing lead.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Grant E. Mitchell, Senior Attorney, Department of Housing and Urban Development, Office of the General Counsel, 202 755-6550

RIN: 2577-AA78

1025. PHA OBLIGATIONS WITH RESPECT TO RESIDUAL RECEIPTS IN THE PUBLIC HOUSING, TURNKEY III, AND SEC. 23 PROGRAMS; (P-2-87; FR2354; FORMERLY H-27-87)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 989

Legal Deadline: None

Abstract: This rule would reiterate the requirement of the Annual Contributions Contract that a PHA must submit to HUD its residual receipts within 60 days of the end of its fiscal year. The rule would also prescribe the method for determining the rate of interest due when residuals are not remitted on time. The rule will contain provisions for retention of residual receipts by the PHA under certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Office of Policy & Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA49

1026. PERFORMANCE FUNDING SYSTEM REVISIONS (87 ACT)—FORMAL REVIEW PROCESS ENERGY CONSERVATION SAVINGS, AUDIT RESPONSIBILITIES (P-12-88; FR-2504)

Significance: Regulatory Program

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 990

Legal Deadline: None

Abstract: This rule would implement section 118(a) and 118(d). Section 118(a) requires HUD to amend the Performance Funding System, among other things, to provide for a formal review process for PHAs to obtain a change in allowable expense level to correct inequities in the original base year expense level, to correct for changes in operating circumstances and to reflect the level of economic distress of the locality. Section 118(d) also provides for sharing of the savings between a PHA and HUD for energy conservation improvements, and for preservation of subsidy when several units are rehabilitated and combined into fewer units.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA71

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Public and Indian Housing (PIH)

Final Rule Stage

1027. REPLACEMENT HOUSING FOR PUBLIC HOUSING DEMOLITION AND DISPOSITION (P-5-88; FR-2463) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: 42 USC 1437p; PL 100-242, Sec 121(a)-(d)

CFR Citation: 24 CFR 970

Legal Deadline: None

Abstract: This rule would establish procedures for the approval and funding of replacement housing for public housing units that have been

demolished or disposed of. In addition, this rule would require that HUD may approve an application for demolition if the project is obsolete, making it unusable for housing purposes and if no reasonable program modifications are feasible to return the project to a useful life. The rule would also require HUD, in allocating assistance for public housing acquisition or development or for Section 8 moderate rehabilitation, to give consideration to housing that replaces demolished public housing units in accordance with an approved replacement plan. PHAs would be

prohibited from taking any action to demolish or dispose of public housing projects without obtaining HUD's approval and satisfying pertinent statutory requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/17/88	53 FR 30984
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

HUD-PIH

Final Rule Stage

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA58

1028. IMPLEMENTATION OF PERCENTAGE LIMIT PROVISIONS UNDER SECTION 16 OF THE UNITED HOUSING ACT OF 1937 (P-7-88; FR-2465) 1987 HCD ACT

Significance: Agency Priority

Legal Authority: 42 USC 1437n

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This rule would establish admission procedures which set differing percentage limitations on admission of lower income families in separate assisted housing programs that when aggregated will achieve the overall 5 percent limitation on occupancy under public housing annual contribution contracts and section 8 housing assistance payments contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/29/88	53 FR 15412
NPRM Comment	05/31/88	53 FR 15412
Period End		
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA60

1029. INDIAN HOUSING PROGRAM--REVISED PROGRAM REGULATIONS (P-2-86; FR-2208)

Significance: Regulatory Program

Legal Authority: 25 USC 450e(b); PL 100-358

CFR Citation: 24 CFR 905

Legal Deadline: None

Abstract: This rule will consolidate relevant provisions of regulations flowing from the U.S. Housing Act of 1937, as amended by the Indian Housing Act of 1988. It is the Department's intention that this

consolidated Part 905, followed with a comprehensive Indian Housing Handbook, should be the controlling regulatory authority governing the development and operation of Indian housing projects.

Timetable:

Action	Date	FR Cite
NPRM	06/29/88	53 FR 24554
NPRM Comment	09/27/88	53 FR 24554
Period End		
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Includes: P-31-82 (RIN: 2577-AA17)

Agency Contact: Patricia Arnaudo, Deputy Director, Office of Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-1015

RIN: 2577-AA32

1030. ESTABLISHMENT OF PREFERENCE FOR ELDERLY AND NEAR ELDERLY FAMILIES (P-13-88; FR-2505)

Legal Authority: 42 USC 1437a; PL 100-242, Sec 111

CFR Citation: 24 CFR 905; 24 CFR 960

Legal Deadline: None

Abstract: This rule would establish a preference for elderly families in projects or building designated for the elderly and a discretionary preference for "near elderly" families to be used when a PHA determines, in accordance with HUD regulations, that there are more vacant units than needed in an elderly project or building to meet the demand for units occupied by the elderly.

Timetable:

Action	Date	FR Cite
NPRM	10/14/88	53 FR 40240
NPRM Comment	12/13/88	
Period End		
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Edward Whipple, Chief, Occupancy Branch, Office of Public Housing, Department of Housing

and Urban Development, Office of Public and Indian Housing, 202 426-0744

RIN: 2577-AA69

1031. PUBLIC HOUSING - TENANT LEASES AND PHA GRIEVANCE HEARINGS (P-26-79; FR-1164)

Significance: Agency Priority

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 960; 24 CFR 966

Legal Deadline: None

Abstract: Would amend the regulations to simplify the requirements for provisions included in the lease between a PHA and its tenants and the requirements for the grievance procedure.

Timetable:

Action	Date	FR Cite
NPRM	07/23/86	51 FR 26504
NPRM Comment	09/22/86	51 FR 26504
Period End		
Final Action	08/30/88	53 FR 33216
Final Rule	02/15/89	54 FR 6886
Withdrawn		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Edward Whipple, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 426-0744

RIN: 2577-AA18

1032. INDIVIDUAL METERING OF UTILITIES OF EXISTING PHA-OWNED PROJECTS (P-36-83; FR-1769)

Legal Authority: 42 USC 1437 note; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965.304; 24 CFR 965.310; 24 CFR 965.404; 24 CFR 965.408

Legal Deadline: None

Abstract: Rule would revise the factors that PHAs use in estimating utility consumption savings resulting from conversions from master metered utilities systems to individually metered system and would amend energy audit provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/14/83	48 FR 51785
NPRM Comment	01/13/84	48 FR 51785
Period End		

HUD—PIH

Final Rule Stage

Action	Date	FR Cite
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Charles R. Ashmore, Utilities Officer, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6649

RIN: 2577-AA27

1033. PHA-OWNED AND LEASED PROJECT; MAINTENANCE AND OPERATION; TENANT ALLOWANCE FOR UTILITIES (P-8-86; FR-2260)

Significance: Regulatory Program

Legal Authority: 42 USC 1437; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965

Legal Deadline: None

Abstract: HUD's procedures for the establishment and administration by PHAs of allowances for utilities and surcharges for excess consumption are contained in Part 965, Subpart E. This rule amends Subpart E to clarify how utility consumption attributable to air conditioning and certain tenant supplied major equipment will be treated under the allowance and surcharge provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38470
NPRM Comment	12/04/87	52 FR 38470
Period End		
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Charles Ashmore, Utility Specialist, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6640

RIN: 2577-AA40

1034. CHANGE IN CONSOLIDATED SUPPLY PROGRAM (CSP) (P-11-88; FR-2482)

Legal Authority: 42 USC 1437; 42 USC 1437a; 42 USC 1437d; 42 USC 1427g

CFR Citation: 24 CFR 965

Legal Deadline: None

Abstract: This rule proposes to remove the requirement to use purchase agreements for buying supplies with a value not in excess of the Open Market Purchase Limitation (currently \$10,000).

Timetable:

Action	Date	FR Cite
NPRM	07/06/88	53 FR 25348
NPRM Comment	09/06/88	53 FR 25348
Period End		
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael E. Diggs, Chief, Consolidation Supply & Procurement, Branch, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 472-4703

RIN: 2577-AA67

1035. PUBLIC HOUSING CIAP AND COMPREHENSIVE GRANT PROGRAM (P-8-88; FR-2488)

Significance: Regulatory Program

Legal Authority: PL 100-242, Sec 119

CFR Citation: 24 CFR 968

Legal Deadline: None

Abstract: Section 119 of the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988) began a two-part legislative process designed to develop an improved means of allocating funds for the modernization of public housing for PHAs that own or operate a total of 500 or more units.

Section 119 contemplates the adoption, by the Congress, of a follow-up statute providing for a revised method for

allocating assistance under the new program. Until this additional legislation is approved, HUD's current method of allocating funds will continue in effect.

The Department is developing procedural rules to govern administration of the new Comprehensive Grant Program (CGP) under the new system outlined in section 119, and has published a proposed rule on October 27, 1988. The proposed rule also proposed simplifying the current CIAP program and limiting it to PHAs that own or operate few than 500 units.

After a new statutory formula is adopted, the Department will publish a final rule linking the statutory allocation (CONT)

Timetable:

Action	Date	FR Cite
NPRM	10/27/88	53 FR 43648
NPRM Comment	12/27/88	53 FR 43648
Period End		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: method with the previously proposed procedural rule, so that the Comprehensive Grant concept can be put into operation as promptly as possible.

Final action dependent on Congressional adoption of Modernization formula revisions to be submitted by HUD in 1989.

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA66

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Public and Indian Housing (PIH)
Completed Actions
1036. LIMITATION ON PUBLIC HOUSING DEVELOPMENT (P-6-88; FR-2464) 1987 HCD ACT

Significance: Agency Priority

CFR Citation: 00 CFR 000

Completed:

Reason	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577-AA59

1037. INDIAN HOUSING ACT OF 1988 (P-16-88; FR-2538)

CFR Citation: 24 CFR 813; 24 CFR 905; 24 CFR 913; 24 CFR 942

Completed:

Reason	Date	FR Cite
Withdrawn - Merged into Final Rule FR-2208 (RIN: 2577-AA32)	01/31/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia Arnaudo 202 755-1015

RIN: 2577-AA70

1038. TURNKEY III HOMEOWNERSHIP OPPORTUNITIES PROGRAM (P-3-85; FR-2138)

CFR Citation: 24 CFR 904

Completed:

Reason	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Wayne Hunter 202 755-6713

RIN: 2577-AA34

1039. PUBLIC AND INDIAN HOUSING - COST CONTAINMENT PROCEDURES (P-1-86; FR-2191)

CFR Citation: 24 CFR 968; 24 CFR 941; 24 CFR 905

Completed:

Reason	Date	FR Cite
Final Action	10/24/88	53 FR 41597
Final Action Effective	03/03/89	54 FR 8322

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577-AA37

1040. SELF-HELP HOMEOWNERSHIP PROGRAM (P-17-88; FR-2544)

Significance: Agency Priority

CFR Citation: 24 CFR 905

Completed:

Reason	Date	FR Cite
Withdrawn Combined into FR-2208 (RIN: 2577-AA32)	01/31/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia Arnaudo, Deputy Director 202 755-1015

RIN: 2577-AA74

1041. PUBLIC HOUSING HOMEOWNERSHIP UNDER SEC. 5(H) (P-1-89; FR-2609)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 906

Legal Deadline: None

Abstract: This proposed rule would add a new Part 906 to the Department's public housing regulations, to provide a regulatory codification of the "Section 5(h) program". It reflects the way in which, over the last 14 years, the Department has been implementing the Congressional mandate for public housing homeownership opportunities under Sections 5(h) and (6)(c)(4)(D) of the United States Housing Act of 1937, and would thus make no change in established policy and practice.

In general, the proposal would provide a regulatory framework for continued implementation of these statutory authorizations for public housing agencies (PHAs) to sell public housing units to lower income tenants under viable homeownership opportunity

programs for families capable of assuming the responsibilities of homeownership.

Timetable:

Action	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Wayne Hunter, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA75

1042. PUBLIC AND INDIAN HOUSING COST CONTAINMENT PROCEDURES - COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AND INDIAN HOUSING (P-9-86; FR-2262)

CFR Citation: 24 CFR 968; 24 CFR 905

Completed:

Reason	Date	FR Cite
Withdrawn	10/19/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577-AA43

1043. DECONTROL OF PUBLIC HOUSING AUTHORITIES; CIAP DEVELOPMENT (P-5-87; FR-2408)

CFR Citation: 24 CFR 968.12(i); 24 CFR 968.15

Completed:

Reason	Date	FR Cite
Withdrawn - Merged into FR-2488 (RIN: 2577-AA66)	10/19/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy S. Chisholm 202 755-6713

RIN: 2577-AA48

1044. COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM-SPECIAL PURPOSE MODERNIZATION (P-18-88; FR-2545)

Significance: Agency Priority

HUD—PIH

Completed Actions

CFR Citation: 24 CFR 968

Completed:

Reason	Date	FR Cite
Final Action	03/03/89	54 FR 9039
Final Action Effective	04/17/89	54 FR 9039

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577-AA72

1045. REVISION TO PFS - INSURANCE COSTS (P-2-88; FR-2437) 1987 HCD ACT

Significance: Agency Priority

CFR Citation: 24 CFR 990

Completed:

Reason	Date	FR Cite
Final Action	03/15/89	54 FR 10657
Final Action Effective	05/01/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577-AA56

1046. ● ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY (P-21-88; FR-2593)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 990

Legal Deadline: None

Abstract: This final rule will allow housing authorities the flexibility to submit either an annual or a bi-annual operating budget to HUD.

Timetable:

Action	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Theodore Daniels, Director, Project Financial Management &, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-8145

RIN: 2577-AA77

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