

List of Subjects

28 CFR Part 503

Prisoners.

28 CFR Part 542

Administrative practice and procedure, Prisoners.

28 CFR Part 543

Claims, Lawyers, Legal services, Prisoners.

Harley G. Lappin,*Director, Bureau of Prisons.*

■ Under rulemaking authority vested in the Attorney General in 5 U.S.C 301; 28 U.S.C. 509, 510 and delegated to the Director, Bureau of Prisons in 28 CFR 0.96, we propose to amend 28 CFR chapter V as set forth below.

Subchapter A—General Management and Administration

■ 1. Revise part 503 to read as follows:

**PART 503—BUREAU OF PRISONS
CENTRAL OFFICE, REGIONAL
OFFICES, INSTITUTIONS AND STAFF
TRAINING CENTERS**

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4003, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4161–4166 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984, as to offenses committed after that date), 5039; 28 U.S.C. 509, 510.

§ 503.1 Structure of the Bureau of Prisons.

The Bureau of Prisons consists of a Central Office, located at 320 First Street, NW., Washington, DC 20534, a Staff Training Center, and six Regional Offices (Northeast, Mid-Atlantic, Southeast, North Central, South Central, and Western). For further information, please contact the Central Office at the address referenced, or visit www.bop.gov for a complete list of contact information for Bureau Regional Offices and facilities.

Subchapter C—Institutional Management**PART 542—ADMINISTRATIVE
REMEDY**

■ 2. The authority citation for 28 CFR part 542 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984, as to offenses committed after that date), 5039; 28 U.S.C. 509, 510.

§ 542.15 [Amended]

■ 3. In § 542.15(b)(3), delete the phrase “for addresses of the Central Office and

Regional Offices” in the parenthetical in the final sentence and insert “for information on locating Bureau addresses” in its place.

Subchapter C—Institutional Management**PART 543—LEGAL MATTERS**

■ 4. The authority citation for 28 CFR part 543 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984, as to offenses committed after that date), 5039; 28 U.S.C. 509, 510, 1346(b), 2671–80, 28 CFR 0.95–0.99, 0.172, 14.1–11.

■ 5. In § 543.31(c), revise the last sentence to read as follows:

§ 543.31 Filing a claim.

* * * * *

(c) * * * 28 CFR part 503 contains information on locating Bureau of Prisons addresses.

[FR Doc. 05–21966 Filed 11–3–05; 8:45 am]

BILLING CODE 4410–05–P

DEPARTMENT OF JUSTICE**Bureau of Prisons****28 CFR Part 522**

[BOP–1113–F]

RIN 1120–AB13

**Civil Contempt of Court Commitments:
Revision To Accommodate
Commitments Under the D.C. Code****AGENCY:** Bureau of Prisons, Justice.**ACTION:** Final rule.

SUMMARY: In this document, the Bureau of Prisons (Bureau) revises its rules on Civil Contempt of Court Commitments to include references to relevant D.C. Code provisions regarding civil contempt commitments. We make this revision to accommodate D.C. Code offenders in Bureau institutions or Bureau contract facilities under the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Revitalization Act), D.C. Code section 24–101(a) and (b). We also revise this rule to clarify existing provisions by using simpler organization and language. For further simplification, we remove language relating solely to internal agency practices and procedures. We do not, however, make any substantive changes to the current rules.

DATES: This rule is effective December 5, 2005.**ADDRESSES:** Rules Unit, Office of General Counsel, Bureau of Prisons, 320 First Street, NW., Washington, DC 20534.**FOR FURTHER INFORMATION CONTACT:** Sarah Qureshi, Office of General Counsel, Bureau of Prisons, phone (202) 307–2105.

SUPPLEMENTARY INFORMATION: Through this rule, the Bureau revises its regulations in 28 CFR part 522, on Civil Contempt of Court Commitments (civil contempt commitments). We make this rule to comply with the D.C. Revitalization Act, enacted August 5, 1997. This Act makes the Bureau responsible for the “custody, care, subsistence, education, treatment and training” of “the felony population sentenced pursuant to the District of Columbia Code” (D.C. Code offenders). (D.C. Code section 24–101 (a) and (b).)

As a result of absorbing approximately 8,000 D.C. Code offenders, we revise our rules on Civil Contempt of Court Commitments to address D.C. Code offenders.

We also revise this rule to clarify existing provisions by using simpler organization and language. To clarify section 522.11, which is long and unnecessarily complex, we divided it into five separate rules with clearer headings. For further simplification, we remove language relating solely to internal agency practices and procedures. We do not, however, make any substantive changes to the current rules.

Comments: We published this as a proposed rule on October 6, 2003 (68 FR 46138). We received one comment in support of this rule. The commenter suggested that we “include references to relevant DC Code provisions regarding civil contempt commitments.” The commenter posited that without “relevant DC Code provisions,” “DC Code section 24–101(a) and (b) cannot be properly implemented.”

The proposed rules published on October 6, 2003, describe procedures for Federal civil contempt commitments. There is no need to cite, in rule text, to the particular D.C. Code section regarding civil contempt commitments (D.C. Code section 11–944) because this type of commitment also arises from a Federal court. Further, contrary to the commenter’s assertion, the text of the rules effectively implement the D.C. Revitalization Act, which gives the Bureau authority over D.C. Code offenders in Bureau custody in accordance with the D.C. Code, without citing to the specific D.C. Code section that discusses civil contempt commitments.

We therefore finalize the proposed rules published on October 6, 2003, with minor changes to the titles/headings of each regulation.

Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review," section 1(b), Principles of Regulation. The Director of the Bureau of Prisons has determined that this rule is not a "significant regulatory action" under Executive Order 12866, section 3(f), and accordingly this rule has not been reviewed by the Office of Management and Budget.

Executive Order 13132

This regulation will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on distribution of power and responsibilities among the various levels of government. Under Executive Order 13132, this rule does not have sufficient federalism implications for which we would prepare a federalism assessment.

Regulatory Flexibility Act

The Director of the Bureau of Prisons, under the Regulatory Flexibility Act (5 U.S.C. 605(b)), reviewed this regulation. By approving it, the Director certifies that it will not have a significant economic impact upon a substantial number of small entities because: This rule is about the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, and its economic impact is limited to the Bureau's appropriated funds.

Unfunded Mandates Reform Act of 1995

This rule will not cause State, local and tribal governments, or the private sector, to spend \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. We do not need to take action under the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based

companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 28 CFR Part 522

Prisoners.

Harley G. Lappin,

Director, Bureau of Prisons.

■ Under rulemaking authority vested in the Attorney General in 5 U.S.C 301; 28 U.S.C. 509, 510 and delegated to the Director, Bureau of Prisons in 28 CFR 0.96, we amend 28 CFR part 522 as follows.

Subchapter B—Inmate Admission, Classification, and Transfer

PART 522—ADMISSION TO INSTITUTION

■ 1. Revise the authority citation for 28 CFR part 522 to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3568 (Repealed November 1, 1987 as to offenses committed on or after that date), 3585, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to conduct occurring on or after November 1, 1987), 4161–4166, (repealed October 12, 1984, as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; D.C. Code § 24–101(b).

■ 2. Revise Subpart B to read as follows:

Subpart B—Civil Contempt of Court Commitments

Sec.

522.10 Purpose.

522.11 Civil contempt commitments.

522.12 Relationship between existing criminal sentences imposed under the U.S. or D.C. Code and new civil contempt commitment orders.

522.13 Relationship between existing civil contempt commitment orders and new criminal sentences imposed under the U.S. or D.C. Code.

522.14 Inmates serving civil contempt commitments.

522.15 No good time credits for inmates serving only civil contempt commitments.

Subpart B—Civil Contempt of Court Commitments

§ 522.10 Purpose.

(a) This subpart describes the procedures for federal civil contempt of court commitments (civil contempt commitments) referred to the Bureau of Prisons (Bureau). These cases are not commitments to the custody of the Attorney General for service of terms of imprisonment following criminal convictions.

(b) We cooperate with the federal courts to implement civil contempt commitments by making our facilities

and resources available. When we receive notification from the federal court that the reason for the civil contempt commitment has ended or that the inmate is to be released for any other reason, we will terminate the inmate's civil contempt commitment.

§ 522.11 Civil contempt commitments.

Inmates can come into Bureau custody for civil contempt commitments in two ways:

(a) The U.S. Marshals Service may request a designation from the Bureau for a civil contempt commitment if local jails are not suitable due to medical, security or other reasons; or

(b) The committing court may specify a Bureau institution as the place of incarceration in its contempt order. We will designate the facility specified in the court order unless there is a reason for not placing the inmate in that facility.

§ 522.12 Relationship between existing criminal sentences imposed under the U.S. or D.C. Code and new civil contempt commitment orders.

If a criminal sentence imposed under the U.S. Code or D.C. Code exists when a civil contempt commitment is ordered, we delay or suspend credit towards service of the criminal sentence for the duration of the civil contempt commitment, unless the committing judge orders otherwise.

§ 522.13 Relationship between existing civil contempt commitment orders and new criminal sentences imposed under the U.S. or D.C. Code.

(a) Except as stated in (b), if a civil contempt commitment order is in effect when a criminal sentence of imprisonment is imposed under the U.S. or D.C. Code, the criminal sentence runs consecutively to the commitment order, unless the sentencing judge orders otherwise.

(b) *For federal criminal sentences imposed for offenses committed before November 1, 1987, under 18 U.S.C. Chapter 227:* If a civil contempt commitment order is in effect when a criminal sentence of imprisonment is imposed, the criminal sentence runs concurrent with the commitment order, unless the sentencing judge orders otherwise.

§ 522.14 Inmates serving civil contempt commitments.

We treat inmates serving civil contempt commitments in Bureau institutions the same as pretrial inmates. If an inmate is serving a civil contempt commitment and a concurrent criminal sentence, we treat the inmate the same as a person serving a criminal sentence.

§ 522.15 No good time credits for inmates serving only civil contempt commitments.

While serving only the civil contempt commitment, an inmate is not entitled to good time sentence credit.

[FR Doc. 05-21968 Filed 11-3-05; 8:45 am]

BILLING CODE 4410-05-P

DEPARTMENT OF VETERANS AFFAIRS**38 CFR Part 17**

RIN 2900-AL66

Patients' Rights

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This final rule amends Department of Veterans Affairs (VA) medical regulations to update the patients' rights regulation by bringing its provisions regarding medication, restraints, and seclusion into conformity with current law and practice. The changes are primarily intended to clarify that it is permissible for VA patients to receive medication prescribed by any appropriate health care professional authorized to prescribe medication, and that it is permissible for any authorized licensed health care professional to order the use of restraints and seclusion when necessary. The rule also makes nonsubstantive changes in the patients' rights regulation for purposes of clarification.

DATES: *Effective Date:* December 5, 2005.

FOR FURTHER INFORMATION CONTACT: Audrey Drake, Program Director (108), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420, (202) 273-9237. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on August 9, 2004 (69 FR 48184), we published a proposed rule amending VA's medical regulations at 38 CFR part 17 to update the patients' rights regulation by bringing its provisions regarding medication, restraints, and seclusion into conformity with current law and practice. We provided a 60-day comment period that ended on October 8, 2004. We received four comments. Based on the rationale set forth in the proposed rule and this document, we are adopting the proposed rule as a final rule.

One commenter expressed support for expanding the scope of health care professionals authorized to prescribe

medication, and recognizing that licensed health care professionals other than physicians are authorized to order seclusion and restraint. The commenter expressed concern, however, that the reference to "appropriate licensed health care professional" might be interpreted as requiring that the authority to order restraint and seclusion be granted in the State licensing law rather than in some other State law. The commenter states that this is a crucial distinction because the authority for psychologists to order restraint and seclusion is not necessarily found in State licensing laws. The commenter asserts that such authority may be found in State laws governing health care institutions, or identifying patients' rights. The commenter recommends clarifying this point in the preamble to the regulation.

With regard to this issue, we note that the reference in the regulation to an "appropriate licensed health care professional" was not intended to require that the authority of a health care professional to order restraint and seclusion be specifically contained in State licensing law, or any State law, for that matter. Licensed health care professionals working in VA facilities may order the use of restraints and seclusion consistent with Federal, not State law. VA determines which health care providers are deemed "appropriate licensed health care professionals" for purposes of ordering restraint and seclusion through the privileging and credentialing process as outlined in VA policies and handbooks. No changes are made based on this comment.

One commenter opposed the rule because it would eliminate all references to physicians and replace those references with the words "appropriate licensed health care professional." The commenter stated that there are clear and convincing differences between the training and education of physicians and other health care professionals, and that physicians should oversee the care of patients. The commenter states that although this can be done using a team approach, the physician should provide the diagnosis and determine the course of treatment. The commenter expressed concern with the expanding scope of practice for non-physician providers within the Veterans Health Administration and throughout the health care delivery system.

VA's policy is to provide high quality health care to patients. This is accomplished through the proper utilization of a variety of well-qualified and appropriately credentialed health care providers. In VA, non-physician

health care providers commonly provide a diagnosis for patients and determine the course of treatment within their scope of practice. Nationwide, written VA policy establishes medication-prescribing authority for Clinical Nurse Specialists, Nurse Practitioners, Clinical Pharmacy Specialists, and Physicians Assistants. Written VA policy requires that procedures be in place to ensure that these practitioners are prescribing within their identified scope of practice, and licensure when appropriate, and that the scope of practice for credentialed health care providers is approved in accordance with written VHA policy. No changes are made based on these comments.

Two commenters expressed support for the proposed revision to this regulation. No changes are made based on these comments.

One nonsubstantive clarifying change has been made to this final rule. Longstanding provisions in § 17.33(e) require that an attending physician review the drug regimen of each patient at least every thirty days. In this final rule we are changing "patient" to "inpatient" to more clearly reflect the scope of this provision. This change does not alter the scope of the rule but merely clarifies VA's intent and longstanding interpretation that the thirty-day requirement is specific to inpatient treatment. As explained in the notice of proposed rulemaking, we are further clarifying that the review must be conducted by an appropriate health care provider.

Based on the rationale set forth in the proposed rule and this document, VA is adopting the provisions of the proposed rule as a final rule with the change noted above.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any given year. This final rule would have no such effect on State, local, or tribal governments, or the private sector.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3521).