

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 482, 484, and 485

[CMS–3317–RCN]

RIN 0938–AS59

Medicare and Medicaid Programs; Revisions to Requirements for Discharge Planning for Hospitals, Critical Access Hospitals, and Home Health Agencies; Extension of Timeline for Publication of Final Rule

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Extension of timeline for publication of a final rule.

SUMMARY: This document announces the extension of the timeline for publication of the “Medicare and Medicaid Program; Revisions to Requirements for Discharge Planning for Hospitals, Critical Access Hospitals, and Home Health Agencies” final rule. We are issuing this document in accordance with section 1871(a)(3)(B) of the Social Security Act (the Act), which requires notice to be provided in the **Federal Register** if there are exceptional circumstances that cause us to publish a final rule more than 3 years after the publication date of the proposed rule. In this case, the complexity of the rule and scope of public comments warrants the extension of the timeline for publication.

DATES: This extension is effective on November 2, 2018.

FOR FURTHER INFORMATION CONTACT: Alpha-Banu Wilson, (410) 786–8687.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1871(a)(3)(A) of the Social Security Act (the Act) requires the Secretary of the Department of Health and Human Services (the Secretary), in consultation with the Director of the Office of Management and Budget (OMB), to establish a regular timeline for the publication of a final rule based on the previous publication of a proposed rule or an interim final rule. Section 1871(a)(3)(B) of the Act allows the timeline for publishing Medicare final regulations to vary based on the complexity of the regulation, number and scope of comments received, and other related factors. The timeline for publishing the final regulation, however, cannot exceed 3 years from the date of publishing the proposed regulation unless there are exceptional

circumstances. The Secretary may extend the initial targeted publication date of the final regulation, if the Secretary provides public notice including a brief explanation of the justification for the variation no later than the regulation’s previously established proposed publication date.

After consultation with the Director of OMB, the Department, through the Centers for Medicare & Medicaid Services (CMS), published a notice in the **Federal Register** on December 30, 2004 (69 FR 78442) establishing a general 3-year timeline for publishing Medicare final rules after the publication of a proposed or interim final rule.

II. Notification of Continuation

Section 1861(e)(1) through (9), section 1861(m), section 1861(mm), section 1861(o), section 1891, and section 1820(e) of the Act list the requirements that hospitals, home health agencies (HHAs), and critical access hospitals (CAHs) must meet to be eligible for Medicare and Medicaid participation. The Medicare Conditions of Participation (CoPs) and Conditions for Coverage (CfCs) set forth the federal health and safety standards that providers and suppliers must meet to participate in the Medicare and Medicaid programs. The purposes of these conditions are to protect patient health and safety and to ensure that quality care is furnished to all patients in Medicare and Medicaid-participating facilities. The statute also specifies that the Secretary may establish other requirements as necessary in the interest of the health and safety of patients.

On November 3, 2015, we published a proposed rule in the **Federal Register** titled, “Medicare and Medicaid Program; Revisions to Requirements for Discharge Planning for Hospitals, Critical Access Hospitals, and Home Health Agencies” (80 FR 68126) that would update the discharge planning requirements for hospitals, CAHs, and HHAs. We also proposed to implement the discharge planning requirements of the Improving Medicare Post-Acute Care Transformation Act of 2014 (Pub. L. 113–185), that requires hospitals, including, but not limited to, short-term acute care hospitals, CAHs and certain post-acute care (PAC) providers, including long term care hospitals, inpatient rehabilitation facilities, HHAs, and skilled nursing facilities, to take into account quality measures and resource use measures to assist patients and their families during the discharge planning process in order to encourage patients and their families to become active participants in the planning of

their transition to the PAC setting (or between PAC settings). In response to the proposed rule, we received 299 public comments. Commenters included individuals, health care professionals and corporations, national associations and coalitions, state health departments, patient advocacy organizations, and individual facilities that would be impacted by the rule. The commenters presented procedural and cost information related to their specific circumstances, and the information presented requires additional analysis.

This document announces an extension of the timeline for publication of the final rule based on the following exceptional circumstances, which we believe, justify such an extension. Based on both public comments received and stakeholder feedback, we have determined that there are significant policy issues that need to be resolved in order to address all of the issues raised by public comments to the proposed rule and to ensure appropriate coordination with other government agencies. Specifically, the development of the final rule requires collaboration with the Department of Health and Human Services’ Office of the National Coordinator for Health Information Technology.

We, therefore, are not able to meet the 3-year timeline for publication of the final rule and are instead extending the timeline for publication of the final rule.

Our decision to extend the timeline for issuing a final rule that would update the CoPs should not be viewed as a diminution of the Department’s commitment to timely and effective rulemaking in this area. We are committed to publishing a final rule that provides clear health and safety standards for hospitals, HHAs, and CAHs. At this time, we believe we can best achieve this balance by issuing this notification of continuation.

This document extends the timeline for publication of the final rule until November 3, 2019.

III. Collection of Information

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: October 24, 2018.

Ann C. Agnew,

*Executive Secretary to the Department,
Department of Health and Human Services.*

[FR Doc. 2018-23922 Filed 10-30-18; 4:15 pm]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[CC Docket No. 94-102; FCC 02-318]

Compatibility With Enhanced 911 Emergency Calling Systems; Petition of City of Richardson, Texas Order on Reconsideration II

AGENCY: Federal Communications
Commission.

ACTION: Final rule; announcement of
effective date.

SUMMARY: In this document, the
Commission announces that the Office
of Management and Budget (OMB) has
approved, on an emergency basis, a new
information collection associated with
Revision of Commission's Rules to
Ensure Compatibility with Enhanced
911 Emergency Calling Systems;
Petition of City of Richardson, Texas
Order on Reconsideration II. This
document is consistent with the Order
on Reconsideration, which stated that
the Commission would publish a
document in the **Federal Register**
announcing the effective date of the
rule.

DATES: The amendments to 47 CFR
20.18(j)(4) and (5), published at 68 FR
2914, January 22, 2003, and
redesignated as 47 CFR 20.18(m)(4) and
(5) at 80 FR 11805, March 4, 2015, are
effective November 2, 2018.

FOR FURTHER INFORMATION CONTACT:

Nellie Foosaner, Attorney-Advisor,
Policy and Licensing Division, Public
Safety and Homeland Security Bureau,
at (202) 418-2925, or email:
nellie.foosaner@fcc.gov. For additional
information concerning the Paperwork
Reduction Act information collection
requirements contact Nicole Ongele at
(202) 418-2991 or via email at
Nicole.Ongele@fcc.gov.

SUPPLEMENTARY INFORMATION: A
summary of the Order on
Reconsideration (FCC 02-318) was
published in the **Federal Register**, 68 FR
2914, on January 22, 2003. The Order on
Reconsideration adopted rules designed
to facilitate the rapid implementation of
E911 by addressing what constitutes a
valid Public Safety Answering Point
(PSAP) request to trigger wireless
carriers' obligations to provide E911

service to a PSAP. The Order on
Reconsideration stated that with the
exception of certain rules requiring
OMB approval, the rules adopted in the
Order on Reconsideration would
become effective. With regard to rules
requiring OMB approval, the
Commission stated it will publish a
document in the **Federal Register**
announcing the effective date of these
rules, 68 FR 2914. The information
collection requirements in § 20.18(j)(4)
and (j)(5) were approved by OMB on
January 16, 2003, under OMB Control
No. 3060-1031. Subsequent to OMB
approval, the Commission redesignated
§ 20.18(j)(4) and (j)(5) as 20.18(m)(4) and
(m)(5). 80 FR 11805, March 4, 2015.
With publication of the instant
document in the **Federal Register**, all
rules adopted in the Order on
Reconsideration are now effective. If
you have any comments on the burden
estimates listed below, or how the
Commission can improve the
collections and reduce any burdens
caused thereby, please contact Nicole
Ongele, Federal Communications
Commission, Room 1-A620, 445 12th
Street SW, Washington, DC 20554.
Please include the OMB Control
Number, 3060-1031, in your
correspondence. The Commission will
also accept your comments via email at
PRA@fcc.gov.

Synopsis

As required by the Paperwork
Reduction Act of 1995 (44 U.S.C. 3507),
the FCC is notifying the public that it
received OMB approval on January 27,
2003, for the information collection
requirements contained in the
modifications to the Commission's rules
in 47 CFR 20.18(m)(4) and (m)(5),
formerly 47 CFR 20.18(j)(4) and (j)(5).

Under 5 CFR part 1320, an agency
may not conduct or sponsor a collection
of information unless it displays a
current, valid OMB Control Number.

No person shall be subject to any
penalty for failing to comply with a
collection of information subject to the
Paperwork Reduction Act that does not
display a current, valid OMB Control
Number. The OMB Control Number is
3060-1031.

The foregoing notice is required by
the Paperwork Reduction Act of 1995,
Pub. L. 104-13, October 1, 1995, and 44
U.S.C. 3507.

The total annual reporting burdens
and costs for the respondents are as
follows:

OMB Control Number: 3060-1031.

OMB Approval Date: January 16,
2003.

OMB Expiration Date: August 31,
2003.

Title: Revision of Commission's Rules
To Ensure Compatibility With Enhanced
911 Emergency Calling Systems; City of
Richardson, Texas, Recon Order.

Form Number: N/A.

Respondents: Business or other for-
profit.

Type of Review: New Information
Collection.

*Number of Respondents and
Responses:* 1,358 respondents; 1,358
responses.

Estimated Time per Response: 2-40
hours.

Frequency of Response: On occasion,
third party disclosure requirement, and
recordkeeping requirement.

Obligation to Respond: Mandatory.
Statutory authority for this information
collection is contained in 47 U.S.C. 154,
160, 201, 251-254, 303, and 332 of the
Communications Act of 1934, as
amended.

Total Annual Burden: 13,960 hours.

Total Annual Cost: No cost.

Nature and Extent of Confidentiality:
Respondents are not required to submit
proprietary trade secrets or other
confidential information. However,
carriers that believe the only way to
satisfy the requirements for information
is to submit what it considers to be
proprietary trade secrets or other
confidential information, carriers are
free to request that materials or
information submitted to the
Commission be withheld from public
inspection (see section 0.459 of the
Commission's rules).

Privacy Act Impact Assessment: No
impact(s).

Needs and Uses: The information
collection requirements contained in
this collection guarantee continued
cooperation between wireless carriers
and Public Safety Answering Points
(PSAPs) in complying with the
Commission's E911 requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

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