

§ 17.1225 Payment or reimbursement for emergent suicide care.

(a) VA will not charge individuals eligible under § 17.1210 who receive care under § 17.1215 any costs for such care.

(1) For care furnished in a VA facility, VA will not charge any copayment or other costs that would otherwise be applicable under 38 CFR chapter 17.

(2) For care furnished in a non-VA facility, VA will either:

(i) Pay for the care furnished, subject to paragraphs (b) through (d) of this section; or

(ii) Reimburse an individual eligible under § 17.1210 for the costs incurred by the individual for the care received, subject to paragraph (e) of this section.

(b) The amounts paid by VA for care furnished under paragraph (a)(2)(i) of this section will:

(1) Be established pursuant to contracts, or agreements, or

(2) If there is no amount determinable under paragraph (b)(1) of this section, VA will pay the following amounts:

(i) For care furnished in Alaska for which a VA Alaska Fee Schedule (see 38 CFR 17.56(b)) code and amount exists: The lesser of billed charges or the VA Alaska Fee Schedule amount. The VA Alaska Fee Schedule only applies to physician and non-physician professional services. The schedule uses the Health Insurance Portability and Accountability Act mandated national standard coding sets.

(ii) For care not within the scope of paragraph (b)(2)(i) of this section, and for which an applicable Medicare fee schedule or prospective payment system amount exists for the period in which the service was provided (without any changes based on the subsequent development of information under Medicare authorities) (hereafter “Medicare rate”): The lesser of billed charges or the applicable Medicare rate.

(iii) For care not within the scope of paragraph (b)(2)(i) of this section, furnished by a facility currently designated as a Critical Access Hospital (CAH) by CMS, and for which a specific amount is determinable under the following methodology: The lesser of billed charges or the applicable CAH rate verified by VA. Data requested by VA to support the applicable CAH rate shall be provided upon request. Billed charges are not relevant for purposes of determining whether a specific amount is determinable under the above methodology.

(iv) For care not within the scope of paragraphs (b)(2)(i) through (iii) of this section and for which there exists a VA Fee Schedule amount for the period in which the service was performed: The

lesser of billed charges or the VA Fee Schedule amount for the period in which the service was performed, as posted on VA.gov.

(v) For care not within the scope of paragraphs (b)(2)(i) through (iv) of this section: Billed charges.

(c) Payment by VA under paragraph (a)(2)(i) of this section shall, unless rejected and refunded within 30 calendar days of receipt, extinguish all liability on the part of the individual who received care. Neither the absence of a contract or agreement between the Secretary and the provider nor any provision of a contact, agreement, or assignment to the contrary shall operate to modify, limit, or negate this requirement.

(d) To obtain payment under paragraph (a)(2)(i) of this section, a health care provider or non-VA facility must:

(1) If the care was provided pursuant to a contract, follow all applicable provisions and instructions in such contract to receive payment.

(2) If the care was not provided pursuant to a contract with VA, submit to VA a standard billing form and other information as required no later than 180 calendar days from the date services were furnished. Submission instructions, to include required forms and other information, can be found at www.va.gov.

(e) To obtain reimbursement under paragraph (a)(2)(ii) of this section, an individual eligible under § 17.1210 must submit to VA a standard billing form and other information as required no later than 180 calendar days from the date the individual paid for emergent suicide care. Submission instructions, to include required forms and other information, can be found at www.va.gov.

(f) VA may recover costs of care it has paid or reimbursed under paragraphs (a)(2)(i) and (ii) of this section, other than for such care for a service-connected disability, if the individual who received the care is entitled to the care (or payment of the care) under a health plan contract. Such recovery procedures will generally comply with 38 CFR 17.100–17.106.

§ 17.1230 Payment or reimbursement of emergency transportation.

(a) VA will pay or reimburse for the costs of emergency transportation (*i.e.*, ambulance or air ambulance) to a VA facility or non-VA facility for the provision of emergent suicide care to an eligible individual under § 17.1210.

(1) For claims submitted by providers of emergency transportation, rates of payment for emergency transportation

under paragraph (a) of this section will be calculated as they are under 38 CFR 17.1005(a)(1) through (3). For purposes of this section, the term “emergency treatment” in § 17.1005(a) should be read to mean “emergency transportation.”

(2) For claims submitted by an individual eligible under § 17.1210, VA will reimburse for emergency transportation under paragraph (a) of this section the costs such individual incurred for the emergency transportation.

(b) To obtain payment for emergency transportation furnished under paragraph (a) of this section, the provider of such transportation must submit to VA a standard billing form and other information as required no later than 180 calendar days from the date transportation was furnished. Submission instructions, to include required forms and other information, can be found at www.va.gov.

(c) To obtain reimbursement for emergency transportation under paragraph (a) of this section, an individual eligible under § 17.1210 must submit to VA a standard billing form and other information as required no later than 180 calendar days from the date the individual paid for such transportation. Submission instructions, to include required forms and other information, can be found at www.va.gov.

(d) Payment by VA under paragraph (a) of this section shall, unless rejected and refunded within 30 calendar days of receipt, extinguish all liability on the part of the individual who received care. No provision of a contact, agreement, or assignment to the contrary shall operate to modify, limit, or negate this requirement.

[FR Doc. 2023–00298 Filed 1–13–23; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS**38 CFR Part 36**

RIN 2900–AR79

Federal Civil Penalties Inflation Adjustment Act Amendments; Correction

AGENCY: Department of Veterans Affairs.
ACTION: Correcting amendments.

SUMMARY: On January 6, 2023, the Department of Veterans Affairs (VA) published in the **Federal Register** a final rule that provided public notice of inflationary adjustments to the maximum civil monetary penalties

assessed or enforced by VA, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended (the Act), for calendar year 2023. This correction addresses a typographical error in the published final rule.

DATES: This correction is effective January 17, 2023. The correction is applicable as of January 6, 2023.

FOR FURTHER INFORMATION CONTACT: Stephanie Li, Chief, Regulations Team, Loan Guaranty Service (26), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 632-8862. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: VA is correcting its regulations published on January 6, 2023, in the *Federal Register* at 88 FR 986 in the final rule “RIN 2900-AR79, Federal Civil Penalties Inflation Adjustment Act Amendments”. The final rule submitted for publication contained a typographical error; specifically, two digits were transposed in the second amendatory instruction. The final rule lists the current amount at 38 CFR 36.4340 as “\$25,067”, but the current amount is “\$25,076”.

List of Subjects in 38 CFR Part 36

Condominiums, Housing, Individuals with disabilities, Loan programs—housing and community development, Loan programs—veterans, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Veterans.

For the reasons stated in the preamble, 38 CFR part 36 is corrected by making the following correcting amendment:

PART 36—LOAN GUARANTY

■ 1. The authority citation for part 36 continues to read as follows:

Authority: 38 U.S.C. 501 and 3720.

§ 36.4340 [Amended]

■ 2. In § 36.4340, amend paragraphs (k)(1)(i) introductory text and (k)(3) by removing “\$25,076” and adding in its place “\$27,018”.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

[FR Doc. 2023-00716 Filed 1-13-23; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2022-0439; FRL-9870-02-R9]

Air Plan Approval; California; San Diego County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the San Diego County Air Pollution Control District’s (SDCAPCD or “District”) portion of the California State Implementation Plan (SIP). This revision concerns a negative declaration for the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) in the ozone nonattainment area under the jurisdiction of the SDCAPCD and one volatile organic compound (VOC) rule covering transfer of organic compounds into mobile transport trucks. We are approving a local rule to regulate these emission sources under the Clean Air Act (CAA or “the Act”) and the negative declaration. We are also correcting sections in the Code of Federal Regulations (CFR) to reflect the current

status of certain provisions of the California SIP.

DATES: This rule is effective on February 16, 2023.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2022-0439. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Donnique Sherman, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947-4129 or by email at sherman.donique@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us” and “our” refer to the EPA.

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I. Proposed Action

On June 3, 2022 (87 FR 33697), the EPA proposed to approve the following submittals into the California SIP.

Local agency	Document title	Adopted/ amended	Submitted
SDCAPCD	Rule 61.2 Transfer of Organic Compounds into Mobile Transport Tanks	02/10/2021	04/20/2021
SDCAPCD	2020 Reasonably Available Control Technology (RACT) Demonstration for the National Ambient Air Quality Standards for Ozone in San Diego County, October 2020— <i>Negative Declaration for Non-CTG Major VOC Sources.</i>	10/14/2020	12/29/2020

As mentioned in our proposed action, these submittals correct deficiencies identified in the EPA’s December 3, 2020 (85 FR 77996) partial disapproval of SDCAPCD’s 2008 Eight-Hour Ozone Reasonably Available Control Technology Demonstration for San Diego County (“2008 RACT SIP”).

SDCAPCD Rule 61.2 is designed to decrease VOC emissions during the transfer of liquid compounds into mobile transport tanks. The submitted negative declaration is a formally adopted declaration that there are currently no sources of VOC emissions in the portion of the ozone

nonattainment area regulated by SDCAPCD that exceed the 100 tons per year VOC threshold for Moderate ozone nonattainment areas and are not covered by a Control Techniques Guidelines (CTG) document. We proposed to approve these submittals because we have determined that they comply with