

as specified in paragraphs (b)(3) (i) and (ii) of this section.

(b) Home health services include the following services and items. \* \* \*

\* \* \* \* \*

(3) Medical supplies, equipment, and appliances suitable for use in the home.

(i) A recipient's need for medical supplies, equipment, and appliances must be reviewed by a physician annually.

(ii) Frequency of further physician review of a recipient's continuing need for the items is determined on a case-by-case basis, based on the nature of the item prescribed;

\* \* \* \* \*

(c) A recipient's place of residence, for home health services, does not include a hospital, nursing facility, or intermediate care facility for persons with mental retardation.

(d) "Home health agency" means a public or private agency or organization, or part of an agency or organization that meets requirements for participation in Medicare and any additional standards legally promulgated by the State that are not in conflict with Federal requirements.

\* \* \* \* \*

3. A new § 440.167 is added to read as follows:

**§ 440.167 Personal care services**

(a) *Personal care services* means services that are furnished to an individual who is not an inpatient or resident of a hospital, nursing facility, intermediate care facility for persons with mental retardation, or institution for mental disease that are—

(1) Authorized for the individual by a physician in accordance with a plan of treatment or (at the option of the State) otherwise authorized for the individual in accordance with a service plan approved by the State;

(2) Provided by an individual who is qualified to provide such services and who is not a member of the individual's family; and

(3) Furnished in a home, and at the State's option, in another location.

(b) For purposes of this section, *family member* means a parent (or step parent) of a minor recipient or a recipient's spouse.

4. In § 440.170, paragraph (f) is removed and reserved.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Dated: October 6, 1995.  
Bruce C. Vladeck,  
*Administrator, Health Care Financing Administration.*  
[FR Doc. 96-5511 Filed 3-7-96; 8:45 am]  
BILLING CODE 4120-01-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

**Radio Broadcasting Services; Esperanza, PR, Christiansted, VI**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; dismissal of petition.

**SUMMARY:** The Commission denies the petition for reconsideration filed by Esperanza Broadcasters which requests the allotment of Channel 258B to Esperanza, Puerto Rico, as the community's first local aural broadcast service. To accommodate the allotment at Esperanza, petitioner also requests the substitution of Channel 293B for Channel 258B at Christiansted, Virgin Islands, and the modification of Station WVIQ(FM)'s license accordingly. The Commission found that the petition was prematurely filed since it is contingent upon the outcome of the on-going proceeding in MM Docket 91-259 and that the petitioner failed to comply with the provisions of Section 1.401(d) which require that a copy of the petition be served on all affected licensees, in this case, the licensee of Station WVIQ(FM).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memoandum Opinion and Order*, adopted February 20, 1996, and released March 4, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Federal Communications Commission.  
Douglas W. Webbink,  
*Chief, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 96-5436 Filed 3-8-96; 8:45 am]  
BILLING CODE 6712-01-F

**47 CFR Part 73**

[MM Docket No. 96-27; RM-8750]

**Radio Broadcasting Services; Pullman, WA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Keith E. Lamonica proposing the allotment of Channel 249A at Pullman, Washington, as the community's third local commercial FM transmission service. Channel 249A can be allotted to Pullman in compliance with the Commission's minimum distance separation requirements with a site restriction of 8.8 kilometers(5.5 miles) east to avoid a short-spacing to the construction permit site for Station WLKY(FM), Channel 250C1, Milton-Freewater, Oregon. The coordinates for Channel 249A at Pullman are North Latitude 46-44-37 and West Longitude 117-03-34. Since Pullman is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested.

**DATES:** Comments must be filed on or before April 25, 1996 and reply comments on or before May 10, 1996.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Keith E. Lamonica, 760 SE. Carolstar, Pullman, Washington 99163 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 96-27, adopted February 20, 1996, and released March 4, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter