

design for prescription and nonprescription oral analgesics.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by March 18, 1998. Oral presentations from the public will be scheduled between approximately 8 a.m. and 8:30 a.m. on March 24 and 25, 1998. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before March 18, 1998, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 25, 1998.

Michael A. Friedman,

Deputy Commissioner of Operations.

[FR Doc. 98-5343 Filed 3-2-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration [HCFA-179 and HCFA-R-53]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Transmittal and Notice of Approval of State Plan Material and Supporting Regulations in 42 CFR 430.10-430.20 and 440.167; *Form No.:* HCFA-179 (OMB# 0938-0193); *Use:* The HCFA-179 is used by State agencies to transmit State plan material to HCFA for approval prior to amending their State plan. The State Plan is the method in which States inform staff of State policies, standards, procedures and instructions; *Frequency:* On occasion; *Affected Public:* State, local and tribal government; *Number of Respondents:* 57; *Total Annual Responses:* 1,254; *Total Annual Hours:* 1,254.

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Imposition of Cost Sharing Charges Under Medicaid and Supporting Regulations contained in 42 CFR 447.53; *Form No.:* HCFA-R-53 (OMB# 0938-0429); *Use:* The information collection requirements contained in 42 CFR 447.53 require the States to include in their Medicaid State Plan their cost sharing provisions for the medically and categorically needy. The State Plan is the method in which States inform staff of State policies, standards, procedures and instructions; *Frequency:* Annually; *Affected Public:* State, Local or Tribal Government; *Number of Respondents:* 54; *Total Annual Responses:* 54; *Total Annual Hours:* 2,700.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: February 24, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 98-5427 Filed 3-2-98; 8:45 am]

BILLING CODE 4120-03-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration [HCFA-2000-N]

RIN 0938-A178

Medicaid Program; State Allotments for Additional Federal Funding of Emergency Health Services Furnished to Undocumented Aliens: Federal Fiscal Years 1998 Through 2001

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice announces Federal fiscal year allotments that are available to certain States to furnish emergency health services under Medicaid to undocumented aliens. The 12 States having the highest number of undocumented aliens residing in the State will receive limited Federal funds for fiscal years 1998 through 2001 as additional compensation for providing emergency health services to the undocumented alien population. This notice also describes the methodology used to determine each State's allotment.

This notice implements section 4723 of the Balanced Budget Act of 1997, Public Law 105-33.

DATES: The allotments specified in this notice are available for approved expenditures for services furnished in each Federal fiscal year 1998 through 2001 (beginning October 1, 1997).

ADDRESSES: *Copies:* To order copies of the **Federal Register** containing this document, send your request to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents, or enclose your Visa or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at (202) 512-1800 or by faxing to (202) 512-2250. The cost for each copy is \$8.00. As an alternative, you may view and photocopy the **Federal Register** document at most libraries designated as Federal Deposit Libraries and at

many other public and academic libraries throughout the country that receive the **Federal Register**.

This **Federal Register** document is also available from the **Federal Register** online database through GPO Access, a service of the U.S. Government Printing Office. Free public access is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs/, by using local WAIS client software, or by telnet to <swais.access.gpo.gov>, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512-1661; type swais, then login as guest (no password required).

FOR FURTHER INFORMATION CONTACT:
Miles McDermott, (410) 786-3722.

SUPPLEMENTARY INFORMATION:

I. Background

Section 4723 of the Balanced Budget Act of 1997, Public Law 105-33, enacted August 5, 1997, provides for making available to certain States, through State allotments, additional Federal funding for emergency health services furnished to undocumented aliens. For those States eligible for the allotments, payments may be made for emergency medical services furnished to undocumented aliens who, except for their alien status, would otherwise qualify for Medicaid and for amounts paid for services furnished to aliens who do not meet the Medicaid eligibility requirements.

The scope of emergency services under State Medicaid programs has been previously defined by the Social Security Act (the Act). Section 1903(v)(2) of the Act provides that payment may be made only if the services are necessary for the treatment of an emergency medical condition of the alien, and the care and services do not involve procedures related to an organ transplant. Section 1903(v)(3) of the Act defines the term "emergency medical services" as a medical condition (including emergency labor and delivery) accompanied with severe symptoms (including severe pain) that require immediate attention and that if not given could result in seriously jeopardizing the patient's health; seriously impairing bodily functions; or seriously damaging bodily organs or parts. Implementing regulations for these statutory provisions are set forth at 42 CFR Part 440.

Section 4723 of Public Law 105-33 provides for the distribution of additional Federal funding of \$25 million, for each Federal fiscal year 1998 through 2001, among the 12 States (which may include the District of Columbia) that are determined to have the greatest number of undocumented aliens. Section 4723 specifies that the number of undocumented aliens in a State will be determined based on estimates prepared by the Statistics Division of the Immigration and Naturalization Service (INS) as of October 1992 (or a later date if that date is at least one year before the beginning of the fiscal year involved). Section 4723 provides that the fiscal year allotments for each of these 12 States will also be determined based on the number of undocumented aliens in each specific State. In addition, any portion of an allotment to a State that is not paid out in a particular fiscal year will be available for payment during the next fiscal year.

II. Provisions of This Notice

We are issuing this notice to announce the allotments for Federal fiscal years 1998 through 2001 that are available to the 12 States that we have determined to have the highest number of undocumented aliens for the furnishing of emergency health services to undocumented aliens. These 12 States will receive Federal funds up to each State's allotment in the amount that the State (or political subdivision of the State) demonstrates it paid for approved emergency services furnished to undocumented aliens. Therefore, for those States eligible for the allotments, they can recover the State share of the cost of treatment of emergency health services furnished to undocumented aliens who, except for their alien status, would otherwise qualify for Medicaid and also amounts paid for services to undocumented aliens who do not meet the Medicaid eligibility requirements. Once a State exhausts its allotment for a given fiscal year, the State will continue to receive its usual reimbursement rate and Federal funding will be based on the Federal medical assistance percentage (FMAP) calculations in which the rate of reimbursement will be between 50 and 83 percent. Any remaining portion of the allotment that is not paid to a State during the fiscal year will be available to the State the following fiscal year.

Section 4723 of Public Law 105-33 sets forth the methodology for determining the allotment that each of the 12 States will receive. The amount of a State's allotment for a given fiscal

year is based upon the State's percentage of undocumented aliens compared to that of the other 11 eligible States. The undocumented alien population in a State is based on estimates calculated by the Statistics Division of the INS. The statute also indicates that more recent estimates could be used, if available, as long as these estimates are dated at least one year preceding the beginning of the fiscal year involved.

Additional resources, along with new data from the United States Census Bureau, have allowed the INS to review and modify its original methodology for estimating the undocumented alien population and to update these estimates to reflect this population as of October 1996. The INS estimates refer to the population of immigrants that has established residence in the United States by remaining in the country for more than 12 months in an illegal status. According to the updated estimates of the INS, the total number of undocumented alien residents in the United States as of October 1996 was 5.0 million. This number represents approximately 1.9 percent of the total U.S. population. We have identified the following 12 States as having the greatest number of undocumented alien residents: California, Texas, New York, Florida, Illinois, New Jersey, Arizona, Massachusetts, Virginia, Washington, Colorado, and Maryland.

The INS estimates of the undocumented alien population are updated approximately every 3 years. Thus, any new data may not be available until as early as October 1, 1999. Any updated data would have an impact on allotments in Federal fiscal year 2001, since the INS data must be compiled at least one year before the beginning of the fiscal year involved. Therefore, we have set forth in this notice, State allotments for Federal fiscal years 1998 through 2001. However, if the Statistics Branch of the INS generates updated estimates of the undocumented alien population by October 1, 1999, we will recalculate the State allotments for fiscal year 2001, and publish the new allotments in a **Federal Register** notice.

The table below lists the 12 States entitled to an allotment, the per State undocumented alien population, the percentage of undocumented alien population to the total population among the top 12 States, and each State's allotment for Federal fiscal years 1998 through 2001.

TABLE

[Allotments for State Emergency Health Services Furnished to Undocumented Aliens Under Section 4723 of the Balanced Budget Act of 1997: Federal Fiscal Years 1998 through 2001]

Ranking	State	Population ¹	Percent of Population	Allotment
1	California	2,000,000	45.34	\$11,335,298
2	Texas	700,000	15.87	3,967,354
3	New York	540,000	12.24	3,060,530
4	Florida	350,000	7.93	1,983,677
5	Illinois	290,000	6.57	1,643,618
6	New Jersey	135,000	3.06	765,133
7	Arizona	115,000	2.61	651,780
8	Massachusetts	85,000	1.93	481,750
9	Virginia	55,000	1.25	311,721
10	Washington	52,000	1.18	294,718
11	Colorado	45,000	1.02	255,044
12	Maryland	44,000	1.00	249,377
Total		4,411,000	100.00	25,000,000

¹ Source: INS, Statistics Branch, Demographic Statistics Section Estimated Resident Undocumented Population by State October, 1996.

The following example illustrates the calculation of California's allotment:

Example: California, the leading State of alien residence, has an estimated population of 2.0 million undocumented aliens. This figure represents 45 percent of the total undocumented alien population of 4,411,000. Since California has 45 percent of all undocumented aliens among the 12 eligible States, it is entitled to funds equal to 45 percent of the total funds available for that fiscal year (that is, 45 percent of \$25,000,000). Thus California's total allotment is \$11,335,298 for Federal fiscal year 1998.

III. Regulatory Impact Statement

We have examined the impacts of this notice as required by Executive Order 12866 and the Regulatory Flexibility Act (RFA) (Pub. L. 96-354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects; distributive impacts; and equity). The RFA requires agencies to analyze options for regulatory relief for small businesses. For purposes of the RFA, States and individuals are not considered to be small entities.

This notice implements the recently enacted provision of the Balanced Budget Act of 1997 that provides additional funding to certain States furnishing emergency health services to undocumented aliens for fiscal years 1998 through 2001. During each of the four fiscal years, \$25 million is available to distribute among the 12 States having the highest number of undocumented aliens residing in their State. As specified in the law, we have used estimates of the undocumented alien

population per State, prepared by the Statistics Division of the INS to determine the 12 highest States and to calculate the allotment each of the 12 States will receive. Any portion of the allotment that is not distributed to a State during the fiscal year will be available for that State the following fiscal year. These States will continue at the usual rate of reimbursement once allotments have been exhausted.

This notice is expected to have a positive impact on States by providing additional payment to those 12 States determined to have the greatest number of undocumented aliens residing in the State. This funding will allow States to extend the emergency health services to a greater number of those undocumented aliens meeting the required criteria and providing some advantage over those States that are not entitled to these allotments.

Also, section 1102(b) of the Social Security Act requires us to prepare a regulatory impact analysis for any notice that may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside a Metropolitan Statistical Area and has fewer than 50 beds.

We are not preparing analyses for either the RFA or section 1102(b) of the Act because we have determined and certify that this notice will not have a significant economic impact on a substantial number of small entities or a significant impact on the operations of a substantial number of small rural hospitals.

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

Authority: Sections 1902(a)(62) and 1903(v) of the Social Security Act (42 U.S.C. 1396a(62) and 1396b(v)) and Section 4723 of Public Law 105-33.

Dated: January 26, 1998.

Nancy-Ann Min DeParle,
Administrator, Health Care Financing Administration.

Dated: February 3, 1998.

Donna E. Shalala,
Secretary.

[FR Doc. 98-5385 Filed 3-2-98; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program ("the Program"), as required by section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute