

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Health Care Financing Administration****42 CFR Parts 411, 424, 435, and 455**

[HCFA-1809-N]

RIN 0938-AG80

Medicare and Medicaid Programs; Physicians' Referrals to Health Care Entities With Which They Have Financial Relationships; Extension of Comment Period

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

ACTION: Notice of extension of comment period for proposed rule.

SUMMARY: This document extends the comment period for a proposed rule published in the *Federal Register* (63 FR 1659) that generally would prohibit physician referrals under Medicare and Medicaid, to health care entities with which the physician (or his or her immediate family member) has a financial relationship. The comment period is extended 60 days.

DATES: The comment period is extended to 5 p.m. on May 11, 1998.

ADDRESSES: Mail written comments (one original and three copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA-1809-P, P.O. Box 26688, Baltimore, MD 21207-0517.

If you prefer, you may deliver your written comments (one original and three copies) to one of the following addresses: Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201, or Room C5-09-26, Central Building, 7500 Security Boulevard, Baltimore, MD 21244-1850.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA-1809-P. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 309-G of the Department's offices at 200 Independence Avenue, SW, Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690-7890).

For comments that relate to information collection and recordkeeping requirements, mail a copy of comments to: Office of Information and Regulatory Affairs, Office of Management and Budget,

Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Allison Herron Eyd, HCFA Desk Officer.

FOR FURTHER INFORMATION CONTACT: Joanne Sinsheimer (410) 786-4620.

SUPPLEMENTARY INFORMATION: On January 9, 1998, we issued a proposed rulemaking in the *Federal Register* (63 FR 1659) that would incorporate into regulations the provisions of sections 1877 and 1903(s) of the Social Security Act. Under section 1877, if a physician or a member of a physician's immediate family has a financial relationship with a health care entity, the physician may not make referrals to that entity for certain health services (designated health services) under the Medicare program, unless certain exceptions apply.

In addition, section 1877 provides that an entity may not present or cause to be presented a Medicare claim or bill to any individual, third party payer, or other entity for designated health services furnished under a prohibited referral, nor may the Secretary make payment for a designated health service furnished under a prohibited referral.

Section 1903(s) of the Social Security Act extended aspects of the referral prohibition to the Medicaid program. It denies payment under the Medicaid program to a State for certain expenditures for designated health services. Payment would be denied if the services are furnished to an individual on the basis of a physician referral that would result in the denial of payment for the services under Medicare if Medicare covered the services to the same extent and under the same terms and conditions as under the State plan. We announced that the public comment period would close 5 p.m. on March 10, 1998.

Due to the complexity of this proposed rule and because numerous commenters have requested more time to analyze the potential consequences of the proposed rule, we have decided to extend the comment period for an additional 60 days. This document announces the extension of the public comment period to May 11, 1998.

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare Hospital Insurance; Program No. 93.778, Medical Assistance Program)

Dated: March 4, 1998.

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

Dated: March 6, 1998.

Donna E. Shalala,*Secretary.*

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 300**

[I.D. 022598B]

Pacific Halibut Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of inquiry.

SUMMARY: NMFS issues this notice of inquiry to inform the public that the North Pacific Fishery Management Council (Council) recommended that Guideline Harvest Levels (GHLs) be established for the guided sport fishery for Pacific halibut in International Pacific Halibut Commission (IPHC) Regulatory Areas 2C and 3A. The Council's stated purpose for recommending these GHLs was to place an upper limit on the future harvest of halibut by the guided sport fishery.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907-586-7228.

SUPPLEMENTARY INFORMATION:

At its meeting in September 1997, the Council voted to recommend that GHLs be established for the guided sport fishery for halibut in IPHC Regulatory Areas 2C and 3A. The Council also recommended new recordkeeping and reporting requirements for the guided sport fishery for halibut. The Council, pursuant to the Northern Pacific Halibut Act of 1982 [16 U.S.C. 773, *et seq.*], has the authority to develop regulations governing halibut fisheries in the United States portion of Convention waters in and off Alaska, as long as such regulations are in addition to, and not in conflict with, regulations adopted by the IPHC. Such regulations developed by the Council may be implemented only with the approval of the Secretary of Commerce (Secretary). The Council has not submitted regulations concerning the GHLs to the Secretary for approval.

The Council's recommended GHLs for the guided sport fishery IPHC

Regulatory Areas 2C and 3A would be based on the guided sport fleet receiving 125 percent of its 1995 catch in each of these areas, expressed each year as a percentage of each year's combined commercial and guided sport harvest levels. The percentages are: 12.76 percent for IPHC Regulatory Area 2C and 15.61 percent for IPHC Regulatory Area 3A. For example, if the combined commercial and guided sport harvest for IPHC Regulatory Area 2C is 10,000,000 lb (4,536 metric tons (mt)), then the Guideline Harvest Level would be 1,276,000 lb (579 mt).

In a letter dated November 24, 1997, NMFS informed the Council that establishing GHGs by regulations would be problematical unless management measures were specified in the regulations that clearly indicated what would happen if the GHGs were reached. The Council reviewed the information provided in NMFS's letter at its meeting in December 1997, and

decided to form a Halibut Charterboat Committee (Committee). The Committee is tasked with developing management measures to keep guided sport catch under the established GHGs in IPHC Regulatory Areas 2C and 3A. The Committee will report on these management measures to the Council in April 1998. The Committee is comprised of four persons representing the guided sport sector (two persons from IPHC Regulatory Area 2C and two persons from IPHC Regulatory Area 3A), three persons representing the non-guided sport sector, one Council member, one Alaska Board of Fish member, and a representative of the Pacific States Marine Fisheries Commission who will serve as the chairman. The first meeting of the Committee was held in Anchorage, Alaska on February 25 and 26, 1998. Future meetings may be scheduled if needed.

NMFS has made no determinations with respect to the approvability of the Council's recommended GHGs for the guided sport fishery for halibut or associated management measures. If the Council adopts such management measures in the future, the Council would submit the GHGs, management measures, and regulations to the Secretary for review. At that time, the Council's regulations would be published in the **Federal Register** for public comment. NMFS encourages the interested public to participate in the Council's development of recommendations concerning GHGs for the guided sport fishery for halibut.

Dated: March 4, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98-6134 Filed 3-9-98; 8:45 am]

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