

*curiae* must petition the presiding officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c). If the hearing is later rescheduled, the presiding officer will notify all participants.

The notice to New Hampshire announcing an administrative hearing to reconsider the disapproval of its SPA reads as follows: Mr. John A. Stephen, Commissioner, Department of Health and Human Services, 129 Pleasant Street, Concord, NH 03301-3857

Dear Mr. Stephen: I am responding to your request for reconsideration of the decision to disapprove New Hampshire State Plan Amendment (SPA) 04-001A, which the State submitted on March 31, 2004. The SPA 04-001A sought to reduce the Estimated Acquisition Cost (EAC) for prescription drugs from Average Wholesale Price (AWP) minus 12 percent to AWP minus 16 percent and the dispensing fee from \$2.50 to \$1.75 per prescription, effective for the period from January 12, 2004, to March 11, 2004. The Centers for Medicare & Medicaid Services (CMS) reviewed this proposal, and for the reasons set forth below, was unable to approve SPA 04-001A as submitted.

At issue is whether the requested effective date of January 12, 2004, is consistent with statutory and regulatory requirements. In a separate action, CMS approved SPA 04-001B, which made the same changes in the EAC and dispensing fee calculations, effective March 12, 2004. Section 1902(a)(30) of the Social Security Act (the Act) requires a state's Medicaid state plan to provide such methods and procedures as may be necessary to ensure that payments are consistent with efficiency, economy, and quality of care. Under that authority, the Secretary has issued regulations prescribing state rate-setting procedures. Federal regulations at 42 CFR 447.205(d) require public notice to be issued prior to the effective date of a significant change in any methods and standards for setting payment rates for services. The State did not issue a public notice for the proposed changes in payment methodology until March 11, 2004. Therefore, the earliest that such changes could be effective is March 12, 2004. Based on the above, and after consultation with the Secretary as required under 42 CFR 430.15(c)(2), CMS disapproved New Hampshire SPA 04-001A.

I am scheduling a hearing for November 19, 2004, at 10 a.m., JFK Federal Building, Room E275A, Boston, Massachusetts 02203-0003, to reconsider the decision to disapprove SPA 04-001A. If this date is not

acceptable, we would be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed at 42 CFR part 430. I am designating Ms. Kathleen Scully-Hayes as the presiding officer. If these arrangements present any problems, please contact the presiding officer. In order to facilitate any communication that may be necessary between the parties to the hearing, please notify the presiding officer to indicate acceptability of the hearing date that has been scheduled and provide names of the individuals who will represent the State at the hearing. The presiding officer may be reached at (410) 786-2055.

Sincerely,

Mark B. McClellan, M.D., PhD.

**Authority:** Section 1116 of the Social Security Act (42 U.S.C. 1316); 42 CFR 430.18. (Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: September 27, 2004.

**Mark B. McClellan,**

*Administrator, Centers for Medicare & Medicaid Services.*

[FR Doc. 04-22419 Filed 10-5-04; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### SES Performance Review Board

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the appointment of members of the CMS Senior Executive Service (SES) Performance Review Board.

**DATES:** Effective September 30, 2004.

**FOR FURTHER INFORMATION CONTACT:** Donna Mueller, Executive Resources Management Team, Baltimore Human Resources Center, Department of Health and Human Services, C2-12-16, 7500 Security Boulevard, Baltimore, MD 21244-1850, (410) 786-5554.

**SUPPLEMENTARY INFORMATION:** Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. The purpose of the board is to provide fair and impartial review of the initial appraisal prepared by the senior executive's immediate supervisor; to make recommendations to the appointing authority regarding the performance of the senior executive;

and to make recommendations for monetary performance awards. Composition of the specific PRB will be determined on an *ad hoc* basis from among the individuals listed below:

Gale Arden, Director, Disabled and Elderly Health Program Group.  
 Gary Bailey, Deputy Director for Health Plans, Center for Beneficiary Choices.  
 Dara Bendavid, Director, Program Integrity Group.  
 Judith Berek, Senior Advisor on National Policy Implementation.  
 Charlene Brown, Deputy Director, Center for Medicaid and State Operations.  
 Glenn Chaney, Director, Accounting Management Group.  
 Rose Crum-Johnson, Atlanta Regional Administrator.  
 Robert Donnelly, Director, Health Plan Policy Group.  
 John Dyer, Chief Operating Officer.  
 James Farris, Dallas Regional Administrator.  
 Jeffrey Flick, San Francisco Regional Administrator.  
 Robert Foreman, Director, Office of Legislation.  
 Richard Foster, Chief Actuary/Director Office of the Actuary.  
 Wallace Fung, Deputy Director (Technology).  
 Jacqueline Garner, Chicago Regional Administrator.  
 Edward Gendron, Director, Financial Systems Budget Group.  
 Thomas Gustafson, Deputy Director, Center for Medicare Management.  
 Stuart Guterman, Director, Office of Research, Development and Information.  
 Thomas Hamilton, Director, Office of Survey and Certification.  
 Kathleen Harrington, Director, Office of External Affairs.  
 Timothy B. Hill, Director, Office of Financial Management.  
 Gary Kavanagh, Director, Business Systems Operations Group.  
 Carmen Keller, Director, Office of Medicare Adjudication.  
 James Kerr, New York Regional Administrator.  
 Thomas Kickham, Director, Partnership and Promotion Group.  
 Herb Kuhn, Director, Center for Medicare Management.  
 Mary Laurenno, Director, Beneficiary Information Services Group.  
 Timothy Love, Director, Office of Information Services.  
 Gail McGrath, Director, Center for Beneficiary Choices.  
 Michael McMullan, Deputy Director, Center for Beneficiary Choices.  
 Regina McPhillips, Director, Beneficiary Education and Analysis Group.  
 Solomon Mussey, Director, Office of Medicare and Medicaid Cost Estimates Group.  
 Leslie V. Norwalk, Deputy Administrator, Chair.  
 Kevin Piper, Director, Medicare Reform Implementation.  
 Elizabeth Richter, Director, Hospital and Ambulatory Policy Group.  
 Roy Ruff, Seattle Regional Administrator.  
 Jean Sheil, Director, Family and Children's Health Program Group.

Dennis Smith, Director, Center for Medicaid and State Operations.  
 Patricia Smith, Director, Health Plans Benefits Group.  
 Stewart Streimer, Director, Provider Billing Group.  
 Brenda Sykes, Deputy Director, Office of Operations Management.  
 Deborah Taylor, Deputy Director, Office of Financial Management.  
 Joe Tilghman, Kansas City Regional Administrator.  
 Alexander Trujillo, Denver Regional Administrator.  
 Sean Tunis, Director, Office of Clinical Standards and Quality.  
 John Voorhees, Director, Office of Operations Management.  
 Gerald Walters, Director, Financial Services Group.  
 Jacqueline White, Director, Office of Strategic Operations and Regulatory Affairs.  
 Laurence Wilson, Director, Chronic Care Policy Group.  
 Charlotte Yeh, Boston Regional Administrator.

Dated: September 20, 2004.

**Leslie V. Norwalk,**

*Deputy Administrator, Centers for Medicare & Medicaid Services.*

[FR Doc. 04-22418 Filed 10-1-04; 11:46 am]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**Request for Nominations for Voting Members of a Public Advisory Committee and Subcommittees**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

The Food and Drug Administration (FDA) is requesting nominations for voting members to serve on the Food Advisory Committee (the Parent Committee) and certain subcommittees of the Food Advisory Committee in FDA's Center for Food Safety and Applied Nutrition (CFSAN). Nominations will be accepted for current vacancies and those that will or may occur through June 30, 2005.

FDA has special interest in ensuring that women, minority groups, and individuals with disabilities are adequately represented on advisory committees and, therefore, encourages

nominations of qualified candidates from these groups.

**DATES:** Because scheduled vacancies occur on various dates throughout the year, no cutoff date is established for the receipt of nominations. However, when possible, nominations should be received at least 6 months before the date of scheduled vacancies for each year, as indicated in this document.

**ADDRESSES:** Send all nominations and curricula vitae to Carolyn Jeletic, Center for Food Safety and Applied Nutrition (HFS-6), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301-436-2397, FAX: 301-436-2633, e-mail: [Carolyn.Jeletic@cfsan.fda.gov](mailto:Carolyn.Jeletic@cfsan.fda.gov).

**SUPPLEMENTARY INFORMATION:** FDA is requesting nominations of voting members for the vacancies listed in table 1 of this document.

**I. Vacancies**

FDA is requesting nominations of voting members for vacancies listed as follows:

TABLE 1.

Advisory Committee, Subcommittees, and Expertise Needed to Fill Vacancies	Number of Vacancies	Approximate Date Members Are Needed
Food Advisory Committee (Parent Committee): Physical sciences; biological and life sciences; epidemiology; risk assessment; toxicology; nutrition; food science, technology, or engineering; medical and public health sciences; and other relevant scientific and technical disciplines	6	June 30, 2005.
Additives and Ingredients Subcommittee of the Food Advisory Committee: Toxicology and food chemistry	7	June 30, 2005.
Contaminants and Natural Toxicants Subcommittee of the Food Advisory Committee: Food science, food chemistry, food microbiology, toxicology, and risk analysis	4	June 30, 2005.
Dietary Supplements Subcommittee of the Food Advisory Committee: Biological sciences and medical, hospital, dental, and public health	5	June 30, 2005.
Infant Formula Subcommittee of the Food Advisory Committee: Biological sciences and medical, hospital, dental, and public health	3	June 30, 2005.
Food Biotechnology Subcommittee of the Food Advisory Committee: Food biotechnology	5	June 30, 2005.
Nutrition Subcommittee of the Food Advisory Committee: Biological sciences and medical, hospital, dental, and public health	1	June 30, 2005.

**II. Functions**

The Parent Committee provides advice primarily to the Director of CFSAN, and as needed, to the Commissioner of Food and Drugs, and other appropriate officials, on emerging food safety, food science, nutrition, and other food-related issues that FDA considers of primary importance for its food and cosmetics program. The Parent Committee may be charged with

reviewing and evaluating available data and making recommendations on matters such as those relating to the following topics: (1) Broad scientific and technical food or cosmetic related issues, (2) the safety of new foods and food ingredients, (3) labeling of foods and cosmetics, (4) nutrient needs and nutritional adequacy, and (5) safe exposure limits for food contaminants. The Parent Committee also may be

asked to provide advice and make recommendations on ways of communicating to the public the potential risks associated with these issues and on approaches that might be considered for addressing the issues.

**III. Qualifications**

Persons nominated for membership on the Parent Committee and subcommittees shall be knowledgeable in the fields of physical sciences,