

be delivered as recommended within the scope of practice of the physician or licensed practitioner of the healing arts.

Furthermore, the information provided by the State did not demonstrate compliance with section 1902(a)(32) of the Act, requiring direct payment to the provider of care or services. Under the State's bundled payment methodology, the entities which would receive the proposed bundled rates for mental health rehabilitation services are not themselves providers of the service; they are not billing agents for such providers; nor are they recognized types of health care providers under Federal law. The underlying services represent different types of individual services that are furnished by individual practitioners. The State has failed to show that the proposed payment methodology is within one of the statutory exceptions as implemented by Federal regulations at 42 CFR 447.10. Indeed, the State has not shown that, under its proposed payment methodology, the actual practitioners furnishing services can even be readily identified. Thus, the State has not demonstrated that the use of bundled rates will comply with the requirement for direct payment to the actual practitioners who provide care or service.

I am scheduling a hearing on your request for reconsideration to be held on May 30, 2007, at 233 N. Michigan Avenue, Suite 600, the Indiana Room, 5th Floor, Chicago, IL, 60601, to reconsider the decision to disapprove SPA 05-10. 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 by Federal regulations 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 at (410) 786-2055. In order to facilitate any communication which 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.

Sincerely,

Leslie V. Norwalk, Esq.,
Acting Administrator.

Section 1116 of the Social Security Act (42 U.S.C. section 1316); (42 CFR section 430.18).

(Catalog of Federal Domestic Assistance program No. 13.714, Medicaid Assistance Program)

Dated: March 30, 2007.

Leslie V. Norwalk,
Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E7-6312 Filed 4-4-07; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS-1270-RCN]

RIN 0938-AN14

Medicare Program; Competitive Acquisition for Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies; Extension of Timeline for Publication of Final Rule

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Extension of timeline for publication of final rule.

SUMMARY: This notice announces an extension of the timeline for publication of a Medicare final rule in accordance with section 1871(a)(3)(B) of the Social Security Act, which allows us to extend the timeline for publication of the final rule.

EFFECTIVE DATE: This notice is effective on March 30, 2007.

FURTHER INFORMATION CONTACT: Ralph Goldberg, (410) 786-4870.

SUPPLEMENTARY INFORMATION: In the May 1, 2006 *Federal Register* (71 FR 25654), we published a proposed rule that would have implemented competitive bidding programs for certain covered items of durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) throughout the United States in accordance with sections 1847(a) and (b) of the Social Security Act (the Act). These programs would change the way that Medicare pays for these items under Part B of the Medicare program by utilizing bids submitted by DMEPOS suppliers to establish applicable payment amounts.

Section 1871(a)(3)(A) of the Act requires us to establish and publish a regular timeline for the publication of final regulations based on the previous publication of a proposed regulation. In accordance with section 1871(a)(3)(B) of the Act, the timeline may vary among different regulations based on differences in the complexity of the regulation, the number and scope of comments received, and other relevant factors, but may not be longer than 3 years except under exceptional circumstances. In addition, in accordance with section 1871(a)(3)(B) of the Act, the Secretary may extend the initial targeted publication date of the final regulation, if the Secretary, no later than the regulation's previously established proposed publication date, causes to have published a notice with the new target date, and such notice

includes a brief explanation of the justification for the variation.

We announced in the December 2006 Unified Agenda (December 11, 2006, 71 FR 72734) that we would issue the final rule in March 2007. However, we are not able to meet the announced publication target date due to the number of extensive comments received on the proposed rule and interagency coordination. We received over 2,000 timely comments on the proposed rule. The commenters presented extremely complex policy and legal issues, which require extensive consultation and analysis.

This final rule also is extremely complex because it will establish an entirely new program that will affect the DMEPOS industry as well as Medicare beneficiaries who use DMEPOS. This final rule will establish a new concept for Medicare payment for DMEPOS, which necessitates the development of new regulations and a competitive bidding process in addition to extensive payment system changes.

This notice extends the timeline for publication of the final rule until April 30, 2007.

Authority: Section 1871 of the Social Security Act (42 U.S.C. 201395hh). (Catalog of Federal Domestic Assistance Program No. 093.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 30, 2007.

Ann Agnew,

Executive Secretary to the Department.

[FR Doc. 07-1658 Filed 3-30-07; 4:01 pm]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Public Education Study on Public Knowledge of Abstinence and Abstinence Education

OMB No.: New Collection.

Description: In support of the goal to prevent unwed childbearing, pregnancy, and sexually transmitted diseases, Congress has recently authorized funding increases to support abstinence education.

To learn more about the public's views, the Administration for Children and Families (ACF) will conduct a public opinion survey of a nationally representative sample of adolescents (age 12 to 18) and their parents to examine current attitudes on abstinence and knowledge of abstinence education. The survey data will be used to inform current and future public education