

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

[CMS-1406-CN2]

RIN 0938-AQ03

**Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and Fiscal Year 2010 Rates and to the Long-Term Care Hospital Prospective Payment System and Rate Year 2010 Rates: Final Fiscal Year 2010 Wage Indices and Payment Rates Implementing the Affordable Care Act; Corrections**

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

**ACTION:** Correction of notice.

**SUMMARY:** This document corrects technical errors in the notice entitled "Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and Fiscal Year 2010 Rates and to the Long-Term Care Hospital Prospective Payment System and Rate Year 2010 Rates: Final Fiscal Year 2010 Wage Indices and Payment Rates Implementing the Affordable Care Act" which appeared in the June 2, 2010 *Federal Register*.

**DATES:** *Effective Date:* This document corrects technical errors that appeared in a notice that described revised standard Federal rates effective for payment years beginning October 1, 2009. Hospitals are paid based on the rates published in that notice, as corrected by this document, for discharges on or after April 1, 2010.

**FOR FURTHER INFORMATION CONTACT:** Tzvi Hefter, (410) 786-4487.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In FR Doc. 2010-12563 of June 2, 2010 (that is, the fiscal year 2010 hospital inpatient prospective payment systems/rate year 2010 long-term care hospital prospective payment system (FY 2010 IPPS/R Y 2010 LTCH PPS) notice), there were several technical and typographic errors that are identified and corrected in the Correction of Errors section below. This document corrects technical errors that appeared in the FY

2010 IPPS/R Y 2010 LTCH PPS notice that described revised standard Federal rates effective for payment years beginning October 1, 2009. Hospitals are paid based on the rates published in that notice, as corrected by this document, for discharges on or after April 1, 2010.

**II. Summary of Errors**

In the Addendum to the notice, we made technical and typographical errors in the titles of the Tables 1A through 1E and 4J. In Tables 1A through 1E, we inadvertently indicated that the values listed in the tables were applicable to payments made for discharges on or after October 1, 2009 through discharges on or before September 30, 2010 instead of the second half of the fiscal year which is April 1, 2010 through September 30, 2010. Although these rates are effective for all of FY 2010 and RY 2010 as applicable, hospitals were not paid on the basis of the rates until April 1, 2010. Therefore, in section III. 1. and 2. of this notice, we correct this error in the listing of tables on page 31147 as well as the table headings on page 31148. In Table 4J, we made errors in the table heading in this list of tables and the table heading and table description that immediately precede the table. We are correcting these errors in section III.5. of this correction notice.

In addition, we inadvertently included two section 508 hospitals in the FY 2010 wage index as reclassified under the Medicare Geographic Classification Review Board (MGCRCB) rather than assigning them their section 508 reclassification. Therefore, in section III.3., 4. and 6.b. of this notice, we are correcting, Tables 2, 4C, and 9B. In Table 9B, we also inadvertently titled the third column "Geographic CBSA" instead of "Section 508 Reclassification CBSA." We are correcting this error in section III.6.a. of this correction notice.

**III. Correction of Errors**

In FR Doc. 2010-12563 of June 2, 2010, make the following corrections:

1. On page 31147,
  - a. First column, in the title for Table 1A, the date "October 1, 2009" is corrected to read "April 1, 2010."
  - b. Second column—

(1) In the title for Table 1B, the date "October 1, 2009" is corrected to read "April 1, 2010."

(2) In the title for Table 1C, the date "October 1, 2009" is corrected to read "April 1, 2010."

(3) In the title for Table 1D, the date "October 1, 2009" is corrected to read "April 1, 2010."

(4) In the title for Table 1E, the date "October 1, 2009" is corrected to read "April 1, 2010."

(5) In the title for Table 2, the parenthetical phrase, "(April 1, 2010 through September 30, 2010)" is corrected to read "(April 1, 2010 through September 30, 2010 unless otherwise footnoted)."

c. Third column, the title, "Table 4J.—Out-Migration Adjustment—FY 2010 (April 1, 2010 through September 30, 2010)" is corrected to read "Table 4J.—(Abbreviated) Out-Migration Adjustment for Acute Care Hospitals—FY 2010 (April 1, 2010 through September 30, 2010)"

2. On page 31148—

a. First column—

(1) In the title for Table 1A, in the bracketed statement, the date "October 1, 2009" is corrected to read "April 1, 2010."

(2) In the title for Table 1B, in the bracketed statement, the date "October 1, 2009" is corrected to read "April 1, 2010."

(3) In the title for Table 1C, in the bracketed statement, the date "October 1, 2009" is corrected to read "April 1, 2010."

b. Second column

(1) In the title for Table 1D, in the bracketed statement, the date "October 1, 2009" is corrected to read "April 1, 2010."

(2) In the title for Table 1E, in the bracketed statement, the date "October 1, 2009" is corrected to read "April 1, 2010."

3. On pages 31148 through 31211, in Table 2,

a. In the title for Table 2, the parenthetical phrase "(April 1, 2010 through September 30, 2010)" is corrected to read "(April 1, 2010 through September 30, 2010 unless otherwise footnoted)."

b. The listed entries are corrected to read as follows:

TABLE 2—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2008; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2010 (APRIL 1, 2010 THROUGH SEPTEMBER 30, 2010 UNLESS OTHERWISE FOOTNOTED); HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2008 (2004 WAGE DATA), 2009 (2005 WAGE DATA), AND 2010 (2006 WAGE DATA); AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES

Provider No.	Case-mix index <sup>2</sup>	FY 2010 wage index	Average hourly wage FY 2008	Average hourly wage FY 2009	Average hourly wage FY 2010 <sup>1</sup>	Average hourly wage** (3 years)
070006 <sup>6</sup>	1.5739	1.2695	39.3935	41.2165	41.9550	40.8714
070010 <sup>6</sup>	1.6536	1.2695	36.7227	38.6114	38.7345	38.0240
070015	1.5383	1.2695	37.3454	39.9249	42.4738	39.9522
070018 <sup>6</sup>	1.4603	1.2695	41.8460	42.4771	44.1370	42.8524
070028 <sup>6</sup>	1.5644	1.2695	38.0855	40.9645	41.2950	40.1488
070033	1.4800	1.2695	41.7955	44.6717	46.5982	44.4108
070034 <sup>6</sup>	1.4667	1.2695	40.1685	42.4111	45.7694	42.8155
070036 <sup>6</sup>	1.6717	1.2886	42.3391	43.6374	44.0756	43.3656
310002	1.8480	1.2769	37.8652	37.9484	39.7599	38.5483
310009	1.4222	1.2769	33.6165	35.4624	37.9098	35.6657
310015	1.9526	1.2769	39.2928	40.8229	39.5076	39.8655
310017	1.3448	1.2769	35.7308	35.9806	34.8881	35.5276
310018	1.1786	1.2769	32.9704	32.6956	33.5069	33.0673
310021 <sup>6</sup>	1.6643	1.2769	31.6562	32.2064	33.2554	32.3743
310028 <sup>6</sup>	1.1675	1.2769	33.9911	34.8332	37.2987	35.4152
310038	1.9228	1.2769	36.3344	39.8707	40.7395	39.0018
310039	1.3348	1.2769	33.2100	32.6425	33.4253	33.0853
310050 <sup>6</sup>	1.3393	1.2769	32.3686	37.9214	32.5213	34.0930
310051 <sup>6</sup>	1.5305	1.2769	38.1174	39.7671	37.9104	38.5967
310054	1.4187	1.2769	36.9095	38.2432	37.2851	37.4826
310060 <sup>6</sup>	1.2940	1.2769	27.8242	27.9134	30.4626	28.7274
310070	1.4413	1.2769	36.3279	36.9999	36.8951	36.7447
310076	1.7144	1.2769	37.5163	38.1671	39.0325	38.2365
310083	1.3697	1.2769	31.9151	28.3406	28.2875	29.3819
310093	1.2441	1.2769	30.2860	32.3860	33.4460	32.0464
310096	1.8766	1.2769	35.0707	34.2014	36.3201	35.2111
310108	1.4508	1.2769	34.5866	36.2848	38.3403	36.4174
310115 <sup>6</sup>	1.3215	1.2769	31.9208	32.1197	33.7061	32.6067
310119	1.8872	1.2769	41.5702	41.2997	46.1339	42.9802
310120 <sup>6</sup>	1.1045	1.2769	33.3861	35.1661	36.3365	34.9295
330023 <sup>6</sup>	1.5109	1.2930	36.4736	37.5135	40.9595	38.3939
330027	1.3567	1.2930	45.1920	45.9571	49.0573	46.6599
330049 <sup>6</sup>	1.5474	1.2930	34.8585	34.9740	38.0110	36.0057
330067 <sup>6</sup>	1.4022	1.2930	29.2571	30.7537	31.5572	30.4995
330126 <sup>6</sup>	1.3626	1.2930	36.5689	37.7807	40.0542	38.1472
330135 <sup>6</sup>	1.2423	1.2930	32.0525	33.2314	35.3624	33.5938
330167	1.6734	1.2930	39.1251	39.2421	40.8753	39.7618
330181	1.3412	1.2930	43.0977	46.2181	47.2523	45.4811
330182	2.2325	1.2930	41.3033	42.7962	46.6346	43.5697
330198	1.4522	1.2930	34.8985	35.8715	37.9641	36.3109
330205 <sup>6</sup>	1.2381	1.2930	33.9418	35.3792	37.0171	35.4769
330225	1.2075	1.2930	35.7651	32.9036	33.7052	34.1540
330259	1.5187	1.2930	36.4788	39.0213	38.5914	37.9800
330331	1.3291	1.2930	41.2694	44.1734	44.3947	43.3044
330332	1.3587	1.2930	37.0111	38.6932	40.8557	38.8521
330372	1.2862	1.2930	35.1297	37.0323	40.3348	37.4455

<sup>6</sup> The wage index for these section 508 and special exception providers are effective October 1, 2009 due to section 3137, as amended by section 10317 of the Affordable Care Act.

4. On pages 31206 through 31209, in Table 4C, the wage index and geographic adjustment factors for the listed entries are corrected to read as follows:

TABLE 4C—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR ACUTE CARE HOSPITALS THAT ARE RECLASSIFIED BY CBSA AND BY STATE—FY 2010 (APRIL 1, 2010 THROUGH SEPTEMBER 30, 2010)  
[Wage Index includes rural floor budget neutrality adjustment]

CBSA Code	Area	State	Wage index	GAF
35644 .....	New York–White Plains–Wayne, NY–NJ .....	CT .....	1.2695	1.1775
35644 .....	New York–White Plains–Wayne, NY–NJ .....	NJ .....	1.2769	1.1822
35644 .....	New York–White Plains–Wayne, NY–NJ .....	NY .....	1.2930	1.1924

5. On page 31211, in Table 4J, the table title and description are corrected to read as follows:

**Table 4J—(Abbreviated) Out-Migration Adjustment for Acute Care Hospitals—FY 2010 (April 1, 2010 Through September 30, 2010)**

The following abbreviated version of Table 4J lists one hospital that is added to the list of hospitals eligible to have their area wage index increased by the out-migration adjustment as a result of

the implementation of the provisions of the Affordable Care Act. Hospitals cannot receive the out-migration adjustment if they are reclassified under section 1886(d)(10) of the Act or redesignated under section 1886(d)(8)(B) of the Act or if they are receiving a section 508 reclassification or special exception wage index. Hospitals that have already been reclassified under section 1886(d)(10) of the Act or redesignated under section

1886(d)(8)(B) of the Act, or that will now receive a section 508 reclassification or special exception wage index are designated with an asterisk.

6. On pages 31212 through 31213, in Table 9B—

a. Third column, the column heading “Geographic CBSA” is corrected to read “Section 508 Reclassification CBSA.”

b. The table is corrected by adding the following providers:

**TABLE 9B—HOSPITAL RECLASSIFICATIONS AND REDESIGNATIONS BY INDIVIDUAL HOSPITAL UNDER SECTION 508 OF PUBLIC LAW 108–173**

[Revised as of April 1, 2010 and effective October 1, 2009 through September 30, 2010]

Provider No.	Note	Section 508 reclassification CBSA	Wage index CBSA section 508 reclassification	Own wage index
070010 .....	.....	35644	1.2695	.....
070028 .....	.....	35644	1.2695	.....

**IV. Waiver of Proposed Rulemaking**

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). We also ordinarily provide a 30-day delay in the effective date of the provisions of a rule in accordance with section 553(d) of the APA. However, we can waive this notice and comment procedure and the 30-day delay in the effective date if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

The changes made by this notice do not constitute agency rulemaking. This correction notice merely corrects typographical and technical errors in the addendum of the FY 2010 IPPS/R Y 2010 LTCH PPS notice and does not make substantive changes to either that notice or the policies or methodologies set forth in the FY 2010 IPPS/R Y 2010 LTCH PPS final rule. Instead, this correction notice is intended to ensure that the FY 2010 IPPS/R Y 2010 LTCH PPS notice accurately describes the changes to the FY 2010 IPPS and R Y 2010 LTCH PPS payment amounts required by the Affordable Care Act. We further note that this document makes corrections to a notice that itself did not constitute agency rulemaking; we refer readers to section III.B. of the FY 2010 IPPS/R Y 2010 LTCH PPS notice for additional discussion on that point.

However, to the extent that notice and comment rulemaking or a delay in effective date or both would otherwise apply, we find that notice and comment rulemaking and a delay in effective date would be unnecessary and impracticable for the reasons set forth above, as well as for the reasons articulated in section III.B. of the FY 2010 IPPS/R Y 2010 LTCH PPS notice.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 15, 2010.

**Dawn L. Smalls,**

*Executive Secretary to the Department.*

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