

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Medicare & Medicaid Services****42 CFR Parts 482, 484, and 485**

[CMS–3317–RCN]

RIN 0938–AS59

**Medicare and Medicaid Programs; Revisions to Requirements for Discharge Planning for Hospitals, Critical Access Hospitals, and Home Health Agencies; Extension of Timeline for Publication of Final Rule****AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.**ACTION:** Extension of timeline for publication of a final rule.

**SUMMARY:** This document announces the extension of the timeline for publication of the “Medicare and Medicaid Program; Revisions to Requirements for Discharge Planning for Hospitals, Critical Access Hospitals, and Home Health Agencies” final rule. We are issuing this document in accordance with section 1871(a)(3)(B) of the Social Security Act (the Act), which requires notice to be provided in the **Federal Register** if there are exceptional circumstances that cause us to publish a final rule more than 3 years after the publication date of the proposed rule. In this case, the complexity of the rule and scope of public comments warrants the extension of the timeline for publication.

**DATES:** This extension is effective on November 2, 2018.

**FOR FURTHER INFORMATION CONTACT:** Alpha-Banu Wilson, (410) 786–8687.

**SUPPLEMENTARY INFORMATION:****I. Background**

Section 1871(a)(3)(A) of the Social Security Act (the Act) requires the Secretary of the Department of Health and Human Services (the Secretary), in consultation with the Director of the Office of Management and Budget (OMB), to establish a regular timeline for the publication of a final rule based on the previous publication of a proposed rule or an interim final rule. Section 1871(a)(3)(B) of the Act allows the timeline for publishing Medicare final regulations to vary based on the complexity of the regulation, number and scope of comments received, and other related factors. The timeline for publishing the final regulation, however, cannot exceed 3 years from the date of publishing the proposed regulation unless there are exceptional

circumstances. The Secretary may extend the initial targeted publication date of the final regulation, if the Secretary provides public notice including a brief explanation of the justification for the variation no later than the regulation’s previously established proposed publication date.

After consultation with the Director of OMB, the Department, through the Centers for Medicare & Medicaid Services (CMS), published a notice in the **Federal Register** on December 30, 2004 (69 FR 78442) establishing a general 3-year timeline for publishing Medicare final rules after the publication of a proposed or interim final rule.

**II. Notification of Continuation**

Section 1861(e)(1) through (9), section 1861(m), section 1861(mm), section 1861(o), section 1891, and section 1820(e) of the Act list the requirements that hospitals, home health agencies (HHAs), and critical access hospitals (CAHs) must meet to be eligible for Medicare and Medicaid participation. The Medicare Conditions of Participation (CoPs) and Conditions for Coverage (CfCs) set forth the federal health and safety standards that providers and suppliers must meet to participate in the Medicare and Medicaid programs. The purposes of these conditions are to protect patient health and safety and to ensure that quality care is furnished to all patients in Medicare and Medicaid-participating facilities. The statute also specifies that the Secretary may establish other requirements as necessary in the interest of the health and safety of patients.

On November 3, 2015, we published a proposed rule in the **Federal Register** titled, “Medicare and Medicaid Program; Revisions to Requirements for Discharge Planning for Hospitals, Critical Access Hospitals, and Home Health Agencies” (80 FR 68126) that would update the discharge planning requirements for hospitals, CAHs, and HHAs. We also proposed to implement the discharge planning requirements of the Improving Medicare Post-Acute Care Transformation Act of 2014 (Pub. L. 113–185), that requires hospitals, including, but not limited to, short-term acute care hospitals, CAHs and certain post-acute care (PAC) providers, including long term care hospitals, inpatient rehabilitation facilities, HHAs, and skilled nursing facilities, to take into account quality measures and resource use measures to assist patients and their families during the discharge planning process in order to encourage patients and their families to become active participants in the planning of

their transition to the PAC setting (or between PAC settings). In response to the proposed rule, we received 299 public comments. Commenters included individuals, health care professionals and corporations, national associations and coalitions, state health departments, patient advocacy organizations, and individual facilities that would be impacted by the rule. The commenters presented procedural and cost information related to their specific circumstances, and the information presented requires additional analysis.

This document announces an extension of the timeline for publication of the final rule based on the following exceptional circumstances, which we believe, justify such an extension. Based on both public comments received and stakeholder feedback, we have determined that there are significant policy issues that need to be resolved in order to address all of the issues raised by public comments to the proposed rule and to ensure appropriate coordination with other government agencies. Specifically, the development of the final rule requires collaboration with the Department of Health and Human Services’ Office of the National Coordinator for Health Information Technology.

We, therefore, are not able to meet the 3-year timeline for publication of the final rule and are instead extending the timeline for publication of the final rule.

Our decision to extend the timeline for issuing a final rule that would update the CoPs should not be viewed as a diminution of the Department’s commitment to timely and effective rulemaking in this area. We are committed to publishing a final rule that provides clear health and safety standards for hospitals, HHAs, and CAHs. At this time, we believe we can best achieve this balance by issuing this notification of continuation.

This document extends the timeline for publication of the final rule until November 3, 2019.

**III. Collection of Information**

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: October 24, 2018.

**Ann C. Agnew,**

*Executive Secretary to the Department,  
Department of Health and Human Services.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 20

[CC Docket No. 94-102; FCC 02-318]

#### Compatibility With Enhanced 911 Emergency Calling Systems; Petition of City of Richardson, Texas Order on Reconsideration II

**AGENCY:** Federal Communications  
Commission.

**ACTION:** Final rule; announcement of  
effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, on an emergency basis, a new information collection associated with Revision of Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Petition of City of Richardson, Texas Order on Reconsideration II. This document is consistent with the Order on Reconsideration, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of the rule.

**DATES:** The amendments to 47 CFR 20.18(j)(4) and (5), published at 68 FR 2914, January 22, 2003, and redesignated as 47 CFR 20.18(m)(4) and (5) at 80 FR 11805, March 4, 2015, are effective November 2, 2018.

**FOR FURTHER INFORMATION CONTACT:** Nellie Foosaner, Attorney-Advisor, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418-2925, or email: [nellie.foosaner@fcc.gov](mailto:nellie.foosaner@fcc.gov). For additional information concerning the Paperwork Reduction Act information collection requirements contact Nicole Ongele at (202) 418-2991 or via email at [Nicole.Ongele@fcc.gov](mailto:Nicole.Ongele@fcc.gov).

**SUPPLEMENTARY INFORMATION:** A summary of the Order on Reconsideration (FCC 02-318) was published in the **Federal Register**, 68 FR 2914, on January 22, 2003. The Order on Reconsideration adopted rules designed to facilitate the rapid implementation of E911 by addressing what constitutes a valid Public Safety Answering Point (PSAP) request to trigger wireless carriers' obligations to provide E911

service to a PSAP. The Order on Reconsideration stated that with the exception of certain rules requiring OMB approval, the rules adopted in the Order on Reconsideration would become effective. With regard to rules requiring OMB approval, the Commission stated it will publish a document in the **Federal Register** announcing the effective date of these rules, 68 FR 2914. The information collection requirements in § 20.18(j)(4) and (j)(5) were approved by OMB on January 16, 2003, under OMB Control No. 3060-1031. Subsequent to OMB approval, the Commission redesignated § 20.18(j)(4) and (j)(5) as 20.18(m)(4) and (m)(5). 80 FR 11805, March 4, 2015. With publication of the instant document in the **Federal Register**, all rules adopted in the Order on Reconsideration are now effective. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1-A620, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060-1031, in your correspondence. The Commission will also accept your comments via email at [PRA@fcc.gov](mailto:PRA@fcc.gov).

#### Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on January 27, 2003, for the information collection requirements contained in the modifications to the Commission's rules in 47 CFR 20.18(m)(4) and (m)(5), formerly 47 CFR 20.18(j)(4) and (j)(5).

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060-1031.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Pub. L. 104-13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

*OMB Control Number:* 3060-1031.

*OMB Approval Date:* January 16, 2003.

*OMB Expiration Date:* August 31, 2003.

*Title:* Revision of Commission's Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems; City of Richardson, Texas, Recon Order.

*Form Number:* N/A.

*Respondents:* Business or other for-profit.

*Type of Review:* New Information Collection.

*Number of Respondents and Responses:* 1,358 respondents; 1,358 responses.

*Estimated Time per Response:* 2-40 hours.

*Frequency of Response:* On occasion, third party disclosure requirement, and recordkeeping requirement.

*Obligation to Respond:* Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 154, 160, 201, 251-254, 303, and 332 of the Communications Act of 1934, as amended.

*Total Annual Burden:* 13,960 hours.

*Total Annual Cost:* No cost.

*Nature and Extent of Confidentiality:* Respondents are not required to submit proprietary trade secrets or other confidential information. However, carriers that believe the only way to satisfy the requirements for information is to submit what it considers to be proprietary trade secrets or other confidential information, carriers are free to request that materials or information submitted to the Commission be withheld from public inspection (see section 0.459 of the Commission's rules).

*Privacy Act Impact Assessment:* No impact(s).

*Needs and Uses:* The information collection requirements contained in this collection guarantee continued cooperation between wireless carriers and Public Safety Answering Points (PSAPs) in complying with the Commission's E911 requirements.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

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