

announcement for additional information pertaining to this request. In addition, we note that CMS will not respond to questions about the policy issues raised in this RFI.

We will actively consider all input as we develop future regulatory proposals or future subregulatory policy guidance. We may or may not choose to contact individual responders. Such communications would be for the sole purpose of clarifying statements in the responders' written responses. Contractor support personnel may be used to review responses to this RFI. Responses to this notice are not offers and cannot be accepted by the Government to form a binding contract or issue a grant. Information obtained as a result of this RFI may be used by the Government for program planning on a non-attribution basis. Respondents should not include any information that might be considered proprietary or confidential. This RFI should not be construed as a commitment or authorization to incur cost for which reimbursement would be required or sought. All submissions become U.S. Government property and will not be returned. In addition, we may publically post the public comments received, or a summary of those public comments.

Dated: April 22, 2019.

**Seema Verma,**

*Administrator, Centers for Medicare & Medicaid Services.*

Dated: June 3, 2019.

**Alex M. Azar II,**

*Secretary, Department of Health and Human Services.*

### Appendix: Patients over Paperwork Sample Accomplishments

The following is a sample of CMS accomplishments reducing unnecessary administrative burden in response to input from clinicians, providers, beneficiaries, and other stakeholders. For more Patients over Paperwork highlights, visit <https://www.cms.gov/About-CMS/story-page/patients-over-paperwork.html>.

#### Reducing Regulatory Burden

- Removed data elements from the Outcomes and Assessment Information Set (OASIS) assessment instrument.
- Removed the inpatient admission order documentation requirement in an effort to reduce duplicative documentation requirements at the time of admission.
- Removed the requirement that certification/recertification statements detail where in the medical record the required information can be found.
- Established the innovative new classification system, the Patient Driven Payment Model (PDPM), that ties skilled nursing facility payments to patients' conditions and care needs rather than volume of services provided, and simplifies

complicated paperwork requirements for performing patient assessments by significantly reducing reporting burden.

- Eliminated the requirement that certifying physicians estimate how much longer skilled services are required when recertifying the need for continued home health care.
- Proposed giving facilities the flexibility to review their emergency program every 2 years, or more often at their own discretion, in order to best address their individual needs.
- Proposed allowing multi-hospital systems to have unified and integrated Quality Assessment and Performance Improvement (QAPI) and unified infection control programs for all of its member hospitals.
- Published a proposed rule to streamline Medicaid & CHIP managed care regulation.
- Issued Medicare Advantage (MA) and the prescription drug benefit program (Part D) final rule that promotes innovation, empowers patients and providers to make healthcare decisions, and includes burden-reducing provisions.

#### Simplifying Documentation Requirements

- Changed policy to allow a teaching physician to rely on medical student documentation and verify it rather than re-documenting the evaluation and management (E&M) service, and explained that the physician's signature and date is acceptable verification of the medical student's documentation.
- Provided an exception so that physicians acting as suppliers do not need to write orders to themselves.
- Simplified the requirements for preliminary/verbal Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) orders: Suppliers may dispense most items of DMEPOS based on a verbal order or preliminary written order from the treating physician.
- Clarified DMEPOS written order prior to delivery date requirements: If the written order is dated the day of or prior to delivery, there is no need for affirmative documentation of it being "received".
- Clarified that a supplier can use the discharge date as the date of service if mailing 1 or 2 days before discharge.
- Released a newly revised Skilled Nursing Facility Advanced Beneficiary Notice (SNFABN) with concise instructions and no longer using the 5 denial letters and Notice of Exclusion from Medicare Benefits—SNF.

#### Focusing on Meaningful Measures

- Our Meaningful Measures initiative is centered on holding providers accountable for patient health outcomes, safe and efficient care, and making sure the measure sets providers are asked to report on are meaningful to patients and clinicians alike.
- Reduced the burden of reporting quality measures in MIPS with a focus on reporting through electronic means and incentivizing the use of clinical registries.

#### Improving Operational Efficiencies and Interoperability

- In implementing the Quality Payment Program (QPP), established a consolidated data submission experience for the different performance categories of the Merit-based Incentive Payment System (MIPS) so that clinicians no longer need to submit data in multiple systems as under the legacy programs (the Physician Quality Reporting System (PQRS) and the Medicare Electronic Health Record (EHR) Incentive Program).
- Refocused the Medicare EHR Incentive Program (now called the Promoting Interoperability Program) on interoperability, emphasizing exchange of health information between patients and providers.
- Implemented changes resulting in faster processing of state requests to make program or benefit changes to their Medicaid program through the state plan amendment (SPA) and section 1915 waiver review process.

#### Enhancing Transparency and Consistency

Made significant changes to the Medicare Program Integrity Manual Chapter 13 to improve transparency in the Local Coverage Determination process. The manual includes instructions, policies and procedures for Medicare Administrative Contractors (MAC) that administer the Medicare program in different regions of the country, as well as guidance for stakeholder engagement in the process.

#### Offering Burden-Reducing Flexibilities in Payment Model Demonstrations

- In the Bundled Payments for Care Improvement Advanced (BPCI Advanced) model, CMS issued the Post-Discharge Home Visit Payment Policy waiver which allows for certain services to be delivered in the eligible model beneficiary's home by auxiliary personnel under the general supervision of a participating practitioner.
- In the Next Generation Accountable Care Organization (Next Gen ACO) model, CMS issued the Telehealth Expansion waiver which allows for eligible model beneficiaries to receive Telehealth services in their home.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

RIN 0648-B189

### Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Fishery Management Plan; Amendment 28

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

**ACTION:** Notice of availability of proposed FMP Amendment; request for comments.

**SUMMARY:** NMFS announces that the Pacific Fishery Management Council submitted Amendment 28 to the Pacific Coast Groundfish Fishery Management Plan to the Secretary of Commerce for review. If approved, Amendment 28 would establish new and revised areas closed to bottom trawling to conserve and protect Pacific coast groundfish essential fish habitat, and would re-open areas that were closed to bottom trawling to rebuild previously-overfished groundfish stocks. Combined, these two changes are anticipated to increase protections for groundfish essential fish habitat and provide additional flexibility to participants fishing with bottom trawl gear in the groundfish trawl rationalization program. Amendment 28 would also close deep-water areas off the coast of California to bottom contacting gear to protect deep-water habitats, including deep-sea corals using discretionary fishery management plan provisions in the Magnuson-Stevens Fishery Conservation and Management Act.

**DATES:** Comments on Amendment 28 must be received on or before August 10, 2019.

**ADDRESSES:** You may submit comments on this document, identified by NOAA–NMFS–2019–0039, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0039](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0039), click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Barry A. Thom., Regional Administrator, 7600 Sand Point Way NE, Seattle, WA, 98115.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

FMP Amendment 28, background information and documents are available at the Council’s website at <http://www.pcouncil.org/groundfish/fishery-management-plan/groundfish-amendments-in-development/>. Information relevant to Amendment 28, which includes a draft Environmental Impact Statement, a regulatory impact review, and a Regulatory Flexibility Act certification are available for public review during business hours at the NMFS West Coast Regional Office at 7600 Sand Point Way NE, Seattle, WA 98115, or by requesting them via phone or the email address listed in the **FOR FURTHER INFORMATION CONTACT** section. Additional background documents are available at the NMFS West Coast Region website at <http://www.westcoast.fisheries.noaa.gov/fisheries/groundfish/index.html>.

**FOR FURTHER INFORMATION CONTACT:** Gretchen Hanshew, phone: 206–526–6147, or email: [Gretchen.Hanshew@noaa.gov](mailto:Gretchen.Hanshew@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fisheries in the exclusive economic zone off Washington, Oregon, and California under the Pacific Coast Groundfish Fishery Management Plan (FMP). The Council prepared and NMFS implemented the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* and by regulations at 50 CFR parts 600 and 660. The Magnuson-Stevens Act requires that each regional fishery management council submit any FMP or plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or amendment, immediately publish a notice that the FMP or amendment is available for public review and comment. This notice announces that proposed Amendment 28 to the FMP is available for public review and comment. NMFS will consider the public comments received during the comment period described above in determining whether to approve, partially approve, or disapprove Amendment 28 to the FMP.

Amendment 28 would: (1) Revise, or create new area closures to conserve and protect essential fish habitat (EFH) from the adverse effects of bottom trawl fishing activities; (2) re-open historically important fishing grounds to bottom trawl gear to provide additional flexibility in harvest strategies in the Trawl Rationalization Program; (3) close to fishing with bottom contact gear the

area of the exclusive economic zone (EEZ) seaward of 3,500 meters under the Magnuson-Stevens Act discretionary authority to protect deep-water habitats, including deep-sea corals; and (4) update information in the FMP regarding designated EFH and the EFH review process.

Using the best scientific information available from the periodic review of groundfish EFH, the Council recommended changes to spatial management measures for vessels fishing with bottom trawl gear or bottom contact gear; primarily changes to EFH conservation area (EFHCA) boundaries. The Council recommended revising boundaries of some existing EFHCAs and establishing new EFHCAs in some areas. The new suite of EFHCAs are anticipated to minimize the adverse effects of fishing to groundfish EFH. The Council also recommended reopening the trawl rockfish conservation area (trawl RCA) off Oregon and California. These historically important fishing areas have been closed since 2002 to rebuild overfished groundfish species during a period when the fishery was primarily managed using trip limits. In recent years, NMFS has declared as rebuilt the overfished groundfish stocks most commonly found at depths within the trawl RCA. In addition, the trawl rationalization program has increased incentives for fishermen to use precaution in areas where they may encounter rebuilding stocks and to generally reduce discards. Reopening the trawl RCA off Oregon and California is anticipated to increase the flexibility to vessels fishing with bottom trawl gear so they can harvest a higher proportion of their groundfish quotas. The combination of new and revised EFHCAs and the reopening of the trawl RCA is anticipated to minimize adverse impacts to groundfish EFH from the effects of fishing, while providing participants in the trawl rationalization program additional flexibility for efficient and sustainable harvest of groundfish species with bottom trawl gear.

The Council also considered new information regarding the deep-water habitats, including the presence of deep-sea corals in waters greater than 3,500 meters. While little to no fishing occurs with gears that are designed to make contact with the bottom in this area, permanent damage to these habitats could occur from future prospective fishing with bottom contact gear. These depths are deeper than designated groundfish EFH. Therefore, Amendment 28 would use the discretionary authority provisions in the Magnuson-Stevens Act to close the EEZ seaward of

3,500 meters to bottom contact gear to protect deep-water habitats, including deep-sea corals that occur there.

The Council also recommended changes to the FMP that do not have corresponding regulation changes or on the water effects. The Council recommended revising the FMP by updating the description of fishing effects on designated EFH from fisheries that are not managed under the Magnuson-Stevens Act, the purpose of the periodic EFH review and the summaries for research and data needs. The Council also recommended revising the FMP by updating the groundfish life history and the text description of designated EFH, the effects of fishing

and non-fishing activities on designated EFH, and latitude and longitude coordinates and maps of EFHCAs. The Council also recommended archiving portions of EFH-related appendices that no longer reflected the best scientific information available.

NMFS welcomes comments on the proposed FMP amendment through the end of the comment period. A proposed rule to implement Amendment 28 has been submitted for Secretarial review and approval. NMFS expects to publish and request public review and comment on proposed regulations to implement Amendment 28 in the near future. For public comments on the proposed rule to be considered in the approval or

disapproval decision on Amendment 28, those comments must be received by the end of the comment period on the amendment. All comments received by the end of the comment period for the amendment, whether specifically directed to the amendment or the proposed rule, will be considered in the approval/disapproval decision.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: June 5, 2019.

**Jennifer M. Wallace,**

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

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