

## ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
	Replicate 24-Hour Dietary Recall—Prenatal	90	1	24/60
	Request for notification of child's birth .....	1,413	1	2/60
	Birth Screener .....	1,368	1	2/60
	1-Month Survey .....	1,231	1	20/60
	2-Month Survey .....	1,192	1	15/60
	3-Month Survey .....	1,153	1	15/60
	24-Hour Dietary Recall—Month 3 .....	750	1	24/60
	Replicate 24-Hour Dietary Recall—Month 3 ..	73	1	24/60
	4-Month Survey .....	1,117	1	15/60
	5-Month Survey .....	1,081	1	15/60
	6-Month Survey .....	1,046	1	15/60
	8-Month Survey .....	1,013	1	15/60
	10-Month Survey .....	980	1	20/60
	12-Month Survey .....	949	1	15/60
	15-Month Survey .....	919	1	15/60
	18-Month Survey .....	889	1	15/60
	21-Month Survey .....	861	1	15/60
	24-Month Survey .....	833	1	15/60

**Jeffrey M. Zirger,**

Lead, Information Collection Review Office,  
Office of Scientific Integrity, Office of Science,  
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**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Disease Control and Prevention****CDC/Mine Safety and Health Research Advisory Committee (MSHRAC); Notice of Charter Renewal**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of Charter Renewal.

**SUMMARY:** This gives notice that under the Federal Advisory Committee Act of October 6, 1972, that the MSHRAC, Centers for Disease Control and Prevention (CDC), Department of Health and Human Services, has been renewed for a 2-year period through November 30, 2022.

**FOR FURTHER INFORMATION CONTACT:** George W. Luxbacher, Designated Federal Officer, CDC/Mine Safety and Health Research Advisory Committee (MSHRAC), CDC, HHS, 1600 Clifton Road NE, MS-E20, Atlanta, Georgia 30329-4027; Telephone (404) 498-2808, [GLuxbacher@cdc.gov](mailto:GLuxbacher@cdc.gov).

**SUPPLEMENTARY INFORMATION:** The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the

authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Kalwant Smagh,**

Director, Strategic Business Initiatives Unit,  
Office of the Chief Operating Officer, Centers  
for Disease Control and Prevention.

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Disease Control and Prevention****Board of Scientific Counselors, National Center for Health Statistics (BSC, NCHS)**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Board of Scientific Counselors, National Center for Health Statistics BSC, NCHS). This meeting is open to the public limited only by the audio (via teleconference) lines available. The public is welcome to listen to the meeting, please use the following URL [https://www.cdc.gov/nchs/about/bsc/bsc\\_meetings.htm](https://www.cdc.gov/nchs/about/bsc/bsc_meetings.htm) that points to the BSC homepage. Further information and meeting agenda will be available on the

BSC website including instructions for accessing the live meeting broadcast.

**DATES:** This meeting will be held on January 27, 2021, from 11:00 a.m.—5:30 p.m., EST.

**ADDRESSES:** The teleconference access is [https://www.cdc.gov/nchs/about/bsc/bsc\\_meetings.htm](https://www.cdc.gov/nchs/about/bsc/bsc_meetings.htm).

**FOR FURTHER INFORMATION CONTACT:** Sayeedha Uddin, M.D., M.P.H., Executive Secretary, NCHS/CDC, Board of Scientific Counselors, 3311 Toledo Road, Room 2627, Hyattsville, Maryland 20782; Telephone (301) 458-4303, Email [SUddin@cdc.gov](mailto:SUddin@cdc.gov).

**SUPPLEMENTARY INFORMATION: PURPOSE:** This committee is charged with providing advice and making recommendations to the Secretary, Department of Health and Human Services; the Director, CDC; and the Director, NCHS, regarding the scientific and technical program goals and objectives, strategies, and priorities of NCHS.

**Matters to be Considered:** The meeting agenda includes welcome remarks and a Center update by NCHS leadership; presentation on National Center for Health Statistics Strategic Planning; presentation on integrating Pulse and RANDS Surveys into the National Health Interview Survey; the National Health and Nutrition Examination Survey update; and update on the National Ambulatory Medical Care Survey workgroup. Agenda items are subject to change as priorities dictate.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been

delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Kalwant Smagh,**

*Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2020-27226 Filed 12-10-20; 8:45 am]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

[CMS- 1758-PN]

**Medicare Program; Request for an Exception to the Prohibition on Expansion of Facility Capacity Under the Hospital Ownership and Rural Provider Exceptions to the Physician Self-Referral Prohibition**

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

**ACTION:** Notice with request for comment.

**SUMMARY:** The Social Security Act prohibits a physician-owned hospital from expanding its facility capacity, unless the Secretary of the Department of Health and Human Services grants the hospital's request for an exception to that prohibition after considering input on the hospital's request from individuals and entities in the community where the hospital is located. The Centers for Medicare & Medicaid Services has received a request from a physician-owned hospital for an exception to the prohibition against expansion of facility capacity. This notice solicits comments on the request from individuals and entities in the community in which the physician-owned hospital is located. Community input may inform our determination regarding whether the requesting hospital qualifies for an exception to the prohibition against expansion of facility capacity.

**DATES:** To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on January 11, 2021.

**ADDRESSES:** In commenting, refer to file code CMS-1758-PN.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <http://www.regulations.gov>. Follow the "Submit a comment" instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-1758-PN, P.O. Box 8010, Baltimore, MD 21244-1850.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-1758-PN, Mail Stop C4-26-05, 7500 Security Boulevard, Baltimore, MD 21244-1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** Patricia Taft at 410-786-4561 or Joi Hosley at 410-786-2194; *POH-ExceptionRequests@cms.hhs.gov*.

**SUPPLEMENTARY INFORMATION: Inspection of Public Comments:** All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: <http://www.regulations.gov>. Follow the search instructions on that website to view public comments. CMS will not post on *Regulations.gov* public comments that make threats to individuals or institutions or suggest that the individual will take actions to harm the individual. CMS continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

**I. Background**

Section 1877 of the Social Security Act (the Act), also known as the physician self-referral law— (1) prohibits a physician from making referrals for certain designated health services payable by Medicare to an entity with which he or she (or an immediate family member) has a financial relationship, unless the requirements of an applicable exception are satisfied; and (2) prohibits the entity

from filing claims with Medicare (or billing another individual, entity, or third party payer) for any improperly referred designated health services. A financial relationship may be an ownership or investment interest in the entity or a compensation arrangement with the entity. The statute establishes a number of specific exceptions and grants the Secretary of the Department of Health and Human Services (the Secretary) the authority to create regulatory exceptions for financial relationships that do not pose a risk of program or patient abuse.

Section 1877(d) of the Act sets forth exceptions related to ownership or investment interests held by a physician (or an immediate family member of a physician) in an entity that furnishes designated health services. Section 1877(d)(2) of the Act provides an exception for ownership or investment interests in rural providers (the "rural provider exception"). In order to qualify for the rural provider exception, the designated health services must be furnished in a rural area (as defined in section 1886(d)(2) of the Act) and substantially all the designated health services furnished by the entity must be furnished to individuals residing in a rural area, and, in the case where the entity is a hospital, the hospital meets the requirements of section 1877(i)(1) of the Act no later than September 23, 2011. Section 1877(d)(3) of the Act provides an exception for ownership or investment interests in a hospital located outside of Puerto Rico (the "whole hospital exception"). In order to qualify for the whole hospital exception, the referring physician must be authorized to perform services at the hospital, the ownership or investment interest must be in the hospital itself (and not merely in a subdivision of the hospital), and the hospital meets the requirements of section 1877(i)(1) of the Act no later than September 23, 2011.

**II. Prohibition on Facility Expansion**

Section 6001(a)(3) of the Patient Protection and Affordable Care Act (Affordable Care Act) (Pub. L. 111-148) amended the rural provider and whole hospital exceptions to provide that a hospital may not increase the number of operating rooms, procedure rooms, and beds beyond that for which the hospital was licensed on March 23, 2010 (or, in the case of a hospital that did not have a provider agreement in effect as of this date, but did have a provider agreement in effect on December 31, 2010, the effective date of such provider agreement). Thus, since March 23, 2010, a physician-owned hospital that seeks to avail itself of either exception is