

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Medicare & Medicaid Services****42 CFR Part 418**

[CMS-1835-CN]

RIN 0938-AV49

Medicare Program; FY 2026 Hospice Wage Index and Payment Rate Update and Hospice Quality Reporting Program Requirements; Correction**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.**ACTION:** Final rule; correction.

SUMMARY: This document corrects typographical errors in the final rule that appeared in the August 5, 2025 **Federal Register** titled “Medicare Program; FY 2026 Hospice Wage Index and Payment Rate Update and Hospice Quality Reporting Program Requirements” (hereinafter referred to as the “FY 2026 Hospice final rule”). The effective date of the FY 2026 Hospice final rule is October 1, 2025.

DATES: This correction is effective October 1, 2025.

FOR FURTHER INFORMATION CONTACT: For questions regarding the hospice quality reporting program, contact Jermama Keys at (410) 786-7778.

SUPPLEMENTARY INFORMATION:**I. Background**

In FR Doc. 2025-14782 of August 5, 2025 (90 FR 37404), there were typographical errors that are identified and corrected in this correcting document.

II. Summary of Errors

On page 37404, we inadvertently included a sentence referencing requests for information.

On page 37425, in Table 8, we inadvertently omitted the words “or completion”.

III. Waiver of Proposed Rulemaking

Under section 553(b) of the Administrative Procedure Act (the APA) (5 U.S.C. 553(b)), the agency is required to publish a notice of proposed rulemaking in the **Federal Register** before the provisions of a rule take effect. Similarly, section 1871(b)(1) of the Social Security Act (the Act) requires the Secretary to provide for notice of the proposed rule in the **Federal Register** and provide a period of not less than 60 days for public comment. In addition, section 553(d) of the APA and section 1871(e)(1)(B)(i) of

the Act mandate a 30-day delay in effective date after issuance or publication of a rule. Sections 553(b)(B) and 553(d)(3) of the APA provide for exceptions from the APA notice and comment, and delay in effective date requirements, respectively; sections 1871(b)(2)(C) and 1871(e)(1)(B)(ii) of the Act provide exceptions from the notice and 60-day comment period and delay in effective date requirements of the Act, respectively, as well. Section 553(b)(B) of the APA and section 1871(b)(2)(C) of the Act authorize an agency to dispense with normal notice and comment rulemaking procedures for good cause if the agency makes a finding that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and includes a statement of the finding and the reasons for it in the rule. In addition, section 553(d)(3) of the APA and section 1871(e)(1)(B)(ii) of the Act allow the agency to avoid the 30-day delay in effective date where such delay is contrary to the public interest and the agency includes in the rule a statement of the finding and the reasons for it. We believe that this correcting document does not constitute a rule that would be subject to the notice and comment or delayed effective date requirements described above. This correcting document corrects typographical errors in the preamble and a table included in the FY 2026 Hospice final rule but does not make substantive changes to the policies or payment methodologies that were adopted in the FY 2026 Hospice final rule. As a result, this correcting document is intended to ensure that the information in the FY 2026 Hospice final rule accurately reflects the policies adopted in that document.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this correcting document into the final rule or delaying the effective date would be contrary to the public interest because it is in the public's interest for providers to receive appropriate payments in as timely a manner as possible, and to ensure that the FY 2026 Hospice final rule accurately reflects our policies. Furthermore, such procedures would be unnecessary, as we are not altering our payment methodologies or policies, but rather, we are simply correctly implementing the policies that we previously proposed, requested comment on, and subsequently

finalized. This correcting document is intended solely to ensure that the FY 2026 Hospice final rule accurately reflects these payment methodologies and policies. For these reasons, we believe we have good cause to waive the notice and comment and delayed effective date requirements.

IV. Correction of Errors

In FR Doc. 2025-14782 of August 5, 2025 (90 FR 37404), make the following corrections:

- 1. On page 37404, third column, second full paragraph, lines 7 through 10, the sentence “This section also provides RFIs related to the transition to digital measures, nutrition, and wellbeing concepts.” is removed.
- 2. On page 37425, Table 8, column 2, row 2, lines 1 through 4, the sentence “Submit at least 90 percent of all HOPE records within 30 days of the event date (for example, patient's admission date, HUV completion date or discharge date) for patient admissions/discharges occurring 1/1/27–12/31/2027.” is corrected to read, “Submit at least 90 percent of all HOPE records within 30 days of the event or completion date (for example, patient's admission date HUV completion date or discharge date) for patient admissions/discharges occurring 1/1/27–12/31/27.”.

Cortney L. McCormick,

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

[FR Doc. 2025-16960 Filed 9-3-25; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 61 and 69**

[WC Docket Nos. 21-17, 17-144; FCC 25-44; FR ID 309562]

Price Cap Business Data Services; Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission temporarily waives §§ 61.50(j)(2) and 69.803(c) of the Commission's rules until the Commission directs the Wireline Competition Bureau to update the competitive market tests for incumbent local exchange carriers' business data services.

DATES: Effective August 8, 2025.

ADDRESSES: Federal Communications Commission, 45 L ST. NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Christopher Koves, Associate Division Chief, Pricing Policy Division, Wireline Competition Bureau, (202) 418-8209, Christopher.Koves@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, FCC 25-44, released August 8, 2025. A full-text copy may be obtained at the following internet address: <https://docs.fcc.gov/public/attachments/FCC-25-44A1.pdf>.

People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

Paperwork Reduction Act. This document does not contain new or substantively modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or substantively modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198. This document may contain nonsubstantive changes to information collection requirements that were previously reviewed and approved by the Office of Management and Budget (OMB) pursuant to the PRA. Any such modifications to these information collections will be submitted to OMB pursuant to OMB's nonsubstantive modification process.

Synopsis

Introduction. On the Commission's own motion, in this *Order* we temporarily waive §§ 61.50(j)(2) and 69.803(c) of the Commission's rules until the Commission completes its review of the record developed in response to the Commission's *Notice of Proposed Rulemaking* and *Third Further Notice of Proposed Rulemaking* (*Notice*) released on August 8, 2025, FCC 25-44.

Competitive Market Tests. The competitive market tests are used to identify areas subject to potential or actual competition that warrant eliminating rate regulation and tariffing obligations for incumbent local exchange carriers' (carriers') business data services (BDS). The Commission's rules require the Wireline Competition Bureau (Bureau) to release the results of the triennial updates to the competitive market tests no later than three years following the effective date of the previous test. The results of the last competitive market test were released on January 31, 2023. In the *Form 477 Sunset Order* (87 FR 76949, Dec. 16, 2022), the Commission directed the Bureau and the Office of Economics and Analytics (OEA) to update the competitive market test results using Broadband Data Collection (BDC) data beginning with the 2026 update. Accordingly, absent waiver, the next competitive market test results must be released by January 31, 2026 and rely on BDC data.

Discussion. We find good cause to temporarily waive §§ 61.50(j)(2) and 69.803(c) of the Commission's rules. Considering that the next competitive market tests must be based on a new dataset that the Commission has not used before, and the fact that we are proposing a wide range of deregulatory actions in the *Notice*, including eliminating the competitive market tests, we find that special circumstances exist and the public interest would be best served by temporarily waiving the triennial updates to the competitive market tests to allow stakeholders to fully engage with the *Notice* and to allow the Commission time to consider the record that develops. Taking into account hardship, equity, and effective implementation of overall policy, our good cause finding is bolstered by the fact that relatively few price cap counties and rate-of-return study areas have been deemed competitive in the last two triennial reviews suggesting the 2026 update might prove a futile exercise, and there will be minimal impact from waiting for completion of this proceeding. On balance then, we find that the burdens of conducting the

2026 triennial update, as the Commission considers the continuing need for these updates, outweigh the benefits of doing so. Accordingly, we temporarily waive §§ 61.50(j)(2) and 69.803(c) of the Commission's rules until we direct the Bureau and the OEA to conduct the next triennial updates to the competitive market tests.

Procedural Matters. The Commission will not send a copy of this Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act (CRA), see 5 U.S.C. 801(a)(1)(A), because it does not adopt any rule as defined in the CRA, 5 U.S.C. 804(3).

Ordering Clauses. Accordingly, *it is ordered*, pursuant to sections 1, 4(i)-(j), 10, 201(b), 202(a), 214, 303(r), 403, of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 151, 152, 154(i)-(j), 160, 201(b), 202(a), 214, 303(r), 403, 1302, this *order is adopted*.

It is further ordered that, pursuant to sections 1, 4(i)-(j), 10, 201(b), 202(a), 214, and 303(r), of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 151, 152, 154(i)-(j), 160, 201(b), 202(a), 214, 303(r), 1302, and § 1.3 of the Commission's rules, 47 CFR 1.3, that §§ 61.50(j)(2) and 69.803(c) of the Commission's rules, 47 CFR 61.50(j)(2) and 69.803(c), are waived to the extent described above in the Order, and that the order *shall be effective* upon release pursuant to § 1.102(b)(1) of the Commission's rules, 47 CFR 1.102(b)(1).

It is further ordered that, pursuant to Section 220(i) of the Communications Act of 1934, as amended, 47 U.S.C. 220(i), that notice be given to each state commission of the above rulemaking proceeding, and that the Wireline Competition Bureau shall serve a copy of this *Order* on each state commission.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2025-16980 Filed 9-3-25; 8:45 am]

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