



FEDERAL REGISTER

SUMMARY

January 16-31 2009

Funding Notices - These funding initiatives warrant your IMMEDIATE ATTENTION. Nonprofits or other entities must submit applications by a specific deadline and meet program criteria to be eligible for the following:

<u>Date</u>	<u>Dept.</u>	None
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Other Notices – Requests for Comments/Nominations that require a response by a specific date and/or corrections to previously published notices, guidance information, or adjusted federal funding for states (i.e. The Developmental Disabilities Act), along with other interesting funding information. Please take note of the following:

<u>Date</u>	<u>Dept.</u>
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1/23/09	HHS
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Updated poverty guidelines.

Effective date: 1/23/09

With authority contained in the *Omnibus Budget Reconciliation Act* (OBRA), the Secretary of HHS has updated the annual poverty guidelines for 2009. These guidelines are used to determine eligibility for the Community Services Block Grant program as well as other federal programs. The guidelines are completed by increasing the latest Census Bureau poverty thresholds by the percentage change in the “Consumer Price Index for All Urban Consumers” (CPI-U). For more; information about the poverty guidelines, go to:

<http://aspe.hhs.gov/POVERTY/faq.shtml>. See the document at:

<http://edocket.access.gpo.gov/2009/E9-1510.htm>.

1/23/09	DOT Federal Transit Administration (FTA)
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Request for comments on a proposed “Policy Statement for Eligible New Freedom Projects” to enhance the lives of individuals with disabilities.

Comment deadline: 2/23/09

FTA is proposing to widen the type of projects that it believes are “beyond the ADA” and, therefore, would become eligible for funding. This broadened project view would increase transportation that is available to persons with disabilities. Examples of newly eligible projects include fixed route service to be extended to accommodate a congregate living facility or a workplace; new hours or days of operation or more geographic coverage for demand response service. FTA has asked transit providers to include the general public in all added services so that transportation is not limited to individuals with disabilities. See the document at: <http://edocket.access.gpo.gov/2009/E9-1412.htm>.

- 1/26/09 The White House **Memorandum for agency heads and executive departments regarding regulatory review.**
 Executive Office **Effective date: 1/26/09**
 of the President At the direction of the President, his chief of staff has issued a memorandum to the heads of executive departments and agencies directing them to review and approve any new or pending regulations. With the exception of emergency or urgent situations involving “health, safety, environmental, financial, or national security matters,” no final or proposed rules are to be sent to the Office of the Federal Register (OFR) until a review has been made. For those proposed or final rules that have not yet been published, they are to be withdrawn from the OFR. For those rules that have been published in the *Federal Register* but are not yet effective, the effective date is to be extended for 60 days, and the comment period is to be reopened for 30 days. These requests do not apply to statutory or judicial deadlines. Department heads and agencies are to notify the director of the Office of Management and Budget of any rules that should not be subject to this memorandum. All Executive Orders related to regulatory management are to be complied with. See the document at: <http://edocket.access.gpo.gov/2009/E9-1639.htm>.
- 1/27/09 HHS **Corrected notice for the request for comments on the draft CDC Immunization Safety Office Scientific Agenda (see the 1/2/09 “Notices” section of the *Federal Register Summary* or g to:**
 Office of the **<http://edocket.access.gpo.gov/2009/E8-31196.htm>.)**
 Secretary The correction involves the address caption. See the document at:
 <http://edocket.access.gpo.gov/2009/E9-1692.htm>.

Proposed Rules – Requests for comments that require a response by a specific date. Please take note of the following:

Date Dept.

None

Final Rules – Comments have been received, processed and program implementation policies have been finalized or withdrawn. Please take note of the following:

<u>Date</u>	<u>Dept.</u>	
1/16/09	HHS Centers for Medicare & Medicaid Services (CMS)	<p>Amended rules (Interim Final), with a comment period, governing competitive acquisition of certain durable medical equipment (wheelchairs, canes, oxygen tanks, walkers, etc.), prosthetics, orthotics, and supplies (DMEPOS). Effective date: 2/17/09 Comment deadline: 3/17/09</p> <p>In 1989, Medicare began paying for most DMEPOS based on fee schedule methodologies as authorized in the <i>Social Security Act</i>. With the enactment of the <i>Medicare Prescription Drug, Improvement, and Modernization Act of 2003</i> (MMA), the Secretary of HHS was required to establish a DMEPOS competitive bidding process that involved set payment amounts for suppliers of certain DMEPOS items and services provided to beneficiaries in competitive bidding areas (CBAs). HHS implemented the Competitive Bidding Program on 7/1/08. Based on provisions in the <i>Medicare Improvements for Patients and Providers Act of 2008</i> (MIPPA), CMS has made limited changes to the DMEPOS Competitive Bidding Program. These changes include terminating competitive bidding contracts effective 6/30/08, and reinstating the Medicare fee schedule payment methodologies for competitively bid items and services. The 2009 “Round 1 rebid” will include the same CBAs (10 areas) and items and services, with “certain limited exceptions” such as the exclusion of “negative pressure wound therapy” and “group 3 complex rehabilitative wheelchairs” from the competitive bidding process. Also, Round 2 of the competitive bidding program has been delayed until 2011. See the document at: http://edocket.access.gpo.gov/2009/E9-863.htm.</p>
1/16/09	HHS Centers on Medicare & Medicaid Services (CMS)	<p>Amended rules (Interim Final), with a comment period, governing the Medicare prescription drug and advantage programs. Effective date: 1/16/09 Comment deadline: 3/17/09</p> <p>The Medicare prescription drug (Part D) and advantage programs (Part C) are authorized in the <i>Medicare Prescription Drug, Improvement, and Modernization Act of 2003</i>. Based on provisions contained in the <i>Medicare Improvements for Patients and Providers Act</i> (MIPPA), CMS has announced that Part D sponsors will be expected to continue to include medications that address the six existing areas of clinical concern. The drugs for these areas of concern must meet a two-pronged test that addresses restricted access and life-threatening conditions, and the significant need for multiply drugs within a category or class. These areas of clinical concern address beneficiaries who have conditions such as epilepsy, mental illness, certain cancers, HIV/AIDS, and depression. By making this change, CMS hopes to provide beneficiaries with uninterrupted access to drug therapy. See the document at: http://edocket.access.gpo.gov/2009/E9-783.htm.</p>

- 1/27/09 HUD **Amended rules governing income and rent determinations for those seeking housing assistance under public and assisted housing programs.**
Effective date: 3/30/09
 Based on provisions contained in the *Housing Act of 1937*, as amended, HUD is authorized to provide rental assistance to certain low-income persons who apply for housing assistance under the department's public housing or Section 8 programs. These final rules amend HUD's public and assisted housing programs by implementing the upfront income verification (UIV) process and requiring public housing agencies (PHAs) and multifamily housing owners and management agents to use the Enterprise Income Verification (EIV) System. These final rules address: when participants must submit Social Security numbers; applicants' waiting-list position and failure to provide Social Security numbers; removal of the pro-rata rental assistance provisions; use of either actual past income versus projected future income; and verification of U.S. citizenship or nationality. See the document at: <http://edocket.access.gpo.gov/2009/E9-1248.htm>.
- 1/27/09 HHS
 Centers for Medicare & Medicaid Services (CMS) **Delay of effective date (see the 1/26/09 "Notices" section of this *Federal Register Summary*) for the Medicaid Program's premiums and cost sharing rule (see the 11/25/08 "Final Rules" section of the *Federal Register Summary* or go to: <http://edocket.access.gpo.gov/2008/E8-27717.htm>).**
Reopened comment period deadline: 2/26/09
 Based on the White House memorandum issued on 1/26/09, the effective date for this rule is delayed for 60 days. See the document at: <http://edocket.access.gpo.gov/2009/E9-1771.htm>.
- 1/30/09 LSC
 Legal Services Corporation **Updated income levels for legal services assistance.**
Effective Date: 1/30/09
 Based on provisions in the *Legal Services Corporation Act*, the Corporation is required to establish maximum income levels for individuals seeking legal assistance. LSC provides for civil legal services by funding 137 legal aid programs in over 900 offices across the nation. The updated levels reflect the yearly adjustments to the Federal Poverty Guidelines. See the document at: <http://edocket.access.gpo.gov/2009/E9-1851.htm>.

Meeting Notices – Important information about upcoming federal agency meetings, audio conferences, and web casts. If you are unable to attend a meeting, most panels, committees, etc. will provide a transcript or other documents upon request. Use the contact information provided to request materials. Please take note of the following:

<u>Date</u>	<u>Dept.</u>	
1/16/09	HHS National Vaccine Advisory Committee Vaccine Safety Working Group	<p>Meeting Date: 2/4/09 at 8:00 a.m. Meeting Place: Department of Health and Human Services, HHH Building, 200 Independence Avenue, SW, Washington, D.C. And, via audio conferencing. Preregistration is required for attendance and public comment. Contact Kirsten Vannice at 202-690-5566 for information.</p> <p>This working group was established to coordinate a scientific review of the draft Scientific Agenda prepared by the Immunization Safety Office (ISO) (see the 1/2/09 “Other Notices” section of the <i>Federal Register Summary</i>). On the agenda is a review of written comments received on the draft document, and the group will receive information on community activities held to obtain input on the draft. For more information about the meeting, contact Kirsten Vannice at the number given above.</p>
1/21/09	SSA Occupational Information Development Advisory Panel – first meeting	<p>Meeting Dates: 2/23/09 at 9:00 a.m. and 2/24-25/2009 at 8:30 a.m. each day. Meeting Place: Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, VA</p> <p>This panel’s purpose is to provide advice and recommendations on replacing the “Dictionary of Occupational Titles” now used by SSA during the disability determination process. In the dictionary’s place the panel will advise SSA on creating an occupational model especially for disability programs and adjudicative needs. On the agenda are presentations on many issues, i.e., agency policy, procedures, and business practices and a summary of agency concerns and questions. The full agenda will be posted at: http://www.socialsecurity.gov/oidap/ one week before the meeting. No public comments will be heard at this meeting. However, written comments may be sent at any time to: Occupational Information Development Advisory Panel, SSA, 6401 Security Boulevard, 3-E-26 Operations, Baltimore, MD 21235-0001. For more information about this panel use the web address given above. For more information about the meeting call “Panel Staff” at 410-965-9617.</p>
1/23/09	SSA Systems Technology Advisory Panel (STAP)	<p>Meeting Dates: 2/9/09 at 9:15 a.m. and 2/10/09 at 8:30 a.m. Meeting Place: Hilton Baltimore Hotel, 401 West Pratt Street, Baltimore, MD</p> <p>This panel is charged with providing the Commissioner of SSA with advice and recommendations on the future of systems technology and electronic services. The future here means the five to ten years that the panel intends to use to map out for SSA customer service improvements. On the agenda is information sharing to educate the panel about SSA and a dialogue with senior executives of the agency. A printed agenda can be found at: http://www.ssa.gov/fstap/index.htm one week before the meeting.</p>

- 1/23/09 HS
Homeland Security Information Network Advisory Committee (HSINAC)
Meeting Dates: 2/10-12/2009 at 8:00 a.m. each day
Meeting Place: The Bolger Center, 9600 Newbridge Drive, Potomac, MD.
This committee's purpose is to identify issues and provide independent advice and recommendation to improve the Homeland Security Information Network (HSIN). HSIN is described as "a computer-based counterterrorism communications system connecting all 50 states, five territories, Washington, D.C., and 50 major urban areas." This arrangement allows the states and major urban areas to collect and share information from the three levels of government. On the agenda is an update on improvement efforts, a presentation on civil-military information sharing, and governance discussions related to HSIN. For more information, contact Niklaus Welter at 202-282-8336 or at Niklaus.Welter@dhs.gov.
- 1/23/09 TREA
Internal Revenue Service (IRS) – Taxpayer Advocacy Panel Earned Income Tax Credit Issue Committee
Meeting Date: 3/11/09 at 1:00 p.m. eastern time
Meeting Place: Via conference call. Contact Audrey Y. Jenkins at 1-888-912-1227 for dial-in information.
This committee wants comments on ways to improve customer service for those seeking Earned Income Tax Credit (EITC) assistance. EITC assists low-income working individuals and families, and is one of the most difficult tax credits to navigate. Comments may be posted at: <http://www.improveirs.org>. For more information about EITC, go to: <http://www.irs.gov/individuals/article/0,,id=96406,00.html>. For more information about the meeting, contact Audrey Y. Jenkins at the telephone number given above.
- 1/23/09 HHS
Centers for Medicare & Medicaid Services (CMS) – Town Hall Forum on Access to Dental Care
Meeting Date: 4/6/09 at 1:00 p.m.
Meeting Place: CMS, Auditorium, 7500 Security Boulevard, Baltimore, MD
Meeting Registration Deadline: 4/1/09. Register at: Cynthia.Ruff@cms.hhs.gov.
Beneficiaries, providers, dentists, industry representatives, and others are invited to this Town Hall Forum to discuss access to dental care for Medicaid eligible children. On the agenda is an overview of the goals and objectives of the meeting, an overview of the role and functions of federal and state programs, and presentations by several states. Additional information about the meeting and materials will be posted at: http://www.cms.hhs.gov/MedicaidSCHIPQualPrac/02_whatsnewinquality.asp#TopOfPage. For more information about the meeting, contact Cindy Ruff at 410-786-5916 or at the e-mail address given above.
- 1/28/09 HHS
Health Resources and Services Administration's (HRSA) Advisory Committee on Heritable Disorders in Newborns and Children (ACHDNC)
Meeting Dates: 2/26 and 2/27/09 at 8:30 a.m. each day
Meeting Place: Bethesda Marriott-Pooks Hill, 5151 Pooks Hill road, Bethesda, MD
Registration Deadline: 2/25/09. Register at: <http://events.SignUp4.com/ACHDNC0209>.
ACHDNC's purpose is to advise and guide the Secretary regarding the application of universal newborn screening. On the agenda are presentations and discussions on the "nomination/evaluation process for newborn screening candidate conditions" and various updates and reports. For a full agenda, presentations, and meeting materials, go to: <http://events.SignUp4.com/ACHDNC0209>. For more information about the meeting, contact Alaina M. Harris at 301-443-0721 or at aharris@hrsa.gov.

1/29/09 HHS
 Secretary's
 Advisory
 Committee on
 Genetics, Health,
 and Society
 (SACGHS)

Meeting Dates: 3/12/09 at 10:00 a.m. and 3/13/09 at 8:30 a.m.
Meeting Place: Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, D.C. And via web cast. For information about the web cast, go to: http://oba.od.nih.gov/SACGHS/sacghs_home.html.

SACGHS serves as a public forum for discussions on a variety of issues related to the use and development of genetic technologies. On the agenda is an exploration of genetics and the health care system and a session on informed consent, just to name a few. The committee welcomes public comments. For a full agenda and information about the committee go to the web address given above. For more information about the meeting, contact Sarah Carr at 301-496-9838 or at carrs@od.nih.gov.

Presidential Documents – These documents are statements, messages, remarks, and other materials released by the White House.

<u>Date</u>	<u>Dept</u>	
1/26/09	The White House Transparency and Open Government	The President has stated his commitment to open government on a scale never before seen. In this Presidential Document, transparency, public participation, and collaboration are stressed as the keys to successful open government. To this end, the President has directed the Chief Technology Officer, the Director of the Office of Management and Budget, and the Administrator of General Services to “coordinate the development by appropriate executive departments and agencies, within 120 days, of recommendations for an Open Government Directive, to be issued by the Director of OMB.” Independent agencies are required to comply with this directive. See the document at: http://edocket.access.gpo.gov/2009/E9-1777.htm .
1/26/09	The White House Freedom of Information Act (FOIA)	The President has stated his commitment to government accountability and transparency. The Freedom of Information Act (FOIA), in his words, “is the most prominent expression of a profound national commitment to ensuring an open Government.” To accomplish this goal, the President has directed the Attorney General to issue new guidelines related to FOIA to executive departments and agencies. See the document at: http://edocket.access.gpo.gov/2009/E9-1773.htm .