

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on June 14, 1995, at 10 a.m. in the 15th Floor Conference Room, 105 West Adams, Chicago, Illinois to reconsider our decision to disapprove Illinois SPA 93-14.

CLOSING DATE: Requests to participate in the hearing as a party must be received by the presiding officer by May 19, 1995.

FOR FURTHER INFORMATION CONTACT: Stan Katz, Presiding Officer, Ground floor, Meadowwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Maryland 21207, Telephone: (410) 597-3013.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove Illinois State plan amendment (SPA) number 93-14.

Section 1116 of the Social Security Act (the Act) and 42 CFR part 430 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. The Health Care Financing Administration (HCFA) is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.

Any individual or group that wants to participate in the hearing as a party must petition the presiding officer within 15 days after publication of this notice, in accordance with the requirements contained at 42 CFR 430.76(b)(2). Any interested person or organization that wants to participate as *amicus curiae* must petition the presiding officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c). If the hearing is later rescheduled, the presiding officer will notify all participants.

The State of Illinois submitted SPA 93-14 on October 18, 1994, to establish a new payment adjustment for uncompensated care services, and requested an effective date of July 1, 1993.

The issue in this matter is whether Illinois SPA 93-14, meets Federal regulations which require the State to comply with the public notice requirements in Section 447.205.

Illinois published public notice on August 6, 1993, with the plan amendment's proposed effective date of July 1, 1993.

HCFA believes the proposed effective date of the plan amendment was not approvable because the State failed to comply with the Federal regulation at 42 CFR 447.253(h) which requires that the Medicaid agency must comply with public notice requirements in § 447.205 when it is proposing significant changes to its methods and standards for setting payment rates for inpatient hospital and long-term care facility services. Section 447.225(d)(1) requires that the notice be published before the proposed effective date of the change. The State's requested effective date is prior to the date of the public notice announcement.

However, because public notice was published on August 5, 1993, HCFA believes the plan amendment was approvable with an effective date of August 6, 1993.

The State of Illinois contends that the change was not significant. Additionally, Illinois challenges HCFA's disapproval because public notice was published prior to the State's implementation of the amendment, and because the eventual disallowances of Federal financial participation funds based on public notice requirements are the subject of current regulatory reform proposals.

Under HCFA's policy, the sole factor in determining a significant change is the degree to which the State is proposing to modify its payment methods and standards. HCFA believes since this amendment established a new payment adjustment for uncompensated care services, the amendment represents a significant change in the methods and standards used to determine payment rates.

The notice to Illinois announcing an administrative hearing to reconsider the disapproval of its SPA reads as follows:

Mr. Robert W. Wright,
*Director, Illinois Department of Public Aid,
Jesse B. Harris Building II, 3rd Floor, 100
South Grand Avenue, East, Springfield,
Illinois 62762-0001*

Dear Mr. Wright: I am responding to your request for reconsideration of the decision to disapprove Illinois State Plan Amendment (SPA) 93-14. The State of Illinois submitted SPA 93-14 on October 18, 1994, to establish a new payment adjustment for uncompensated care services, and requested an effective date of July 1, 1993.

The issue in this matter is whether Illinois SPA 93-14, meets Federal regulations at 42 CFR 447.253(h) which require the State to comply with the public notice requirements in section 447.205.

I am scheduling a hearing on your request for reconsideration to be held on June 14, 1995, at 10 a.m. in the 15th floor conference room, 105 West Adams, Chicago, Illinois. If this date is not acceptable, we would be glad to set another date that is mutually agreeable

to the parties. The hearing will be governed by the procedures prescribed at 42 CFR, Part 430.

I am designating Mr. Stanley Katz as the presiding officer. If these arrangements present any problems, please contact the presiding officer. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the presiding officer to indicate acceptability of the hearing date that has been scheduled and provide the names of the individuals who will represent the State at the hearing. The presiding officer may be reached at (410) 597-3013.

Sincerely,

Bruce C. Vladeck,
Administrator.

(Sec. 1116 of the Social Security Act (42 U.S.C. section 1316); 42 CFR 430.18)
(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: April 28, 1995.

Bruce C. Vladeck,
*Administrator, Health Care Financing
Administration.*

[FR Doc. 95-11019 Filed 5-3-95; 8:45 am]

BILLING CODE 4120-01-P

Substance Abuse and Mental Health Services Administration

Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies and Laboratories That Have Withdrawn From the Program

AGENCY: Substance Abuse and Mental Health Services Administration, HHS, (Formerly: National Institute on Drug Abuse, ADAMHA, HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services notifies Federal agencies of the laboratories currently certified to meet standards of Subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (59 FR 29916, 29925). A similar notice listing all currently certified laboratories will be published during the first week of each month, and updated to include laboratories which subsequently apply for and complete the certification process. If any listed laboratory's certification is totally suspended or revoked, the laboratory will be omitted from updated lists until such time as it is restored to full certification under the Guidelines.

If any laboratory has withdrawn from the National Laboratory Certification Program during the past month, it will be identified as such at the end of the current list of certified laboratories, and