Home Health Issues

With regard to the proper certification of Medicare beneficiaries for home health services, a recommendation was made to develop a Fraud Alert defining what is considered ''home bound'' and what actions should be taken to ensure that the beneficiary is appropriately certified and is eligible for home health services. The commenter also recommended that a Fraud Alert address home health agency procedures related to contacting patients upon discharge from the hospital, and claims for home health visits that occur prior to physician authorization for the visit.

Medicare as Secondary Payer

A commenter indicated that if primary coverage is not identified, Medicare may be billed inappropriately, thus leading to allegations of fraudulent billing. The commenter recommended a new Fraud Alert setting forth the appropriate process to determine primary coverage, and the level of diligence a facility must use to verify primary coverage.

Hospice Care

A new Fraud Alert was recommended outlining the appropriate method for determining life expectancy to meet hospice eligibility criteria, and the responsibility if a patient is subsequently found ineligible for hospice benefits due to an incorrect determination of life expectancy. It was also suggested that the Fraud Alert address billing issues associated with a hospice patient who is transferred to a hospital, and the instances when a hospital should bill the hospice instead of Medicare to avoid duplicate bills to Medicare for the same patient.

Hospital Issues

It was suggested that problems have occurred with PPS hospitals billing Medicare for discharging a patient when the patient was actually transferred to another PPS hospital or unit, and that the OIG develop a Fraud Alert outlining instances in which a hospital may bill Medicare for a patient discharge and when the hospital must file a claim as a transfer.

Value Added Services

A new Fraud Alert was recommended to address concerns about vendors in the food service industry offering ''value added services'' to their institutional customers. The commenter stated that many of these practices, intended to induce the initiation or maintenance of a business relationship between parties, raised concerns under the anti-kickback statute since food service sold to health care institutions is reimbursed in part by Medicare and the State health care programs.

Further public comments on the proposals summarized above are *not* being solicited at this time.

III. Solicitation of Additional New Recommendations and Proposals

In accordance with the requirements of section 205 of Public Law 104–191, we are seeking additional recommendations from affected provider, practitioner, supplier and beneficiary representatives regarding the development of proposed or modified safe harbor regulations and new Special Fraud Alerts beyond those summarized above.

Criteria for Modifying and Establishing Safe Harbor Provisions

In accordance with the statute, we will consider a number of factors in reviewing proposals for new or modified safe harbor provisions, such as the extent to which the proposals would effect an increase or decrease in—

- Access to health care services;
- The quality of care services;
- Patient freedom of choice among health care providers;
- Competition among health care providers;
- The cost to Federal health care programs;
- The potential overutilization of the health care services; and
- The ability of health care facilities to provide services in medically underserved areas or to medically underserved populations.

In addition, we will also take into consideration the existence (or nonexistence) of any potential financial benefit to health care professionals or providers that may vary based on their decisions of whether to (1) order a health care item or service, or (2) arrange for a referral of health care items or services to a particular practitioner or provider.

Criteria for Developing Special Fraud Alerts

In determining whether to issue additional Special Fraud Alerts, we will also consider whether, and to what extent, those practices that would be identified in new Fraud Alerts may result in any of the consequences set forth above, and the volume and frequency of the conduct that would be identified in these Special Fraud Alerts.

A detailed explanation of justification or empirical data supporting the suggestion, and sent to the address indicated above, would prove helpful in our considering and drafting new or modified safe harbor regulations and Special Fraud Alerts.

Dated: December 1, 1997.

June Gibbs Brown,

Inspector General.

[FR Doc. 97–32150 Filed 12–9–97; 8:45 am]

BILLING CODE 4150–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 32

[CC Docket No. 97–212; FCC 97–355]

Uniform System of Accounts for Interconnection

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, we propose rules for the accounting treatment of transactions related to interconnection and shared infrastructure. Specifically, we propose new Part 32 accounts and subsidiary recordkeeping requirements to record the revenues and expenses related to providing and obtaining interconnection. We tentatively conclude that new accounts are not necessary to record the revenues and expenses associated with sharing infrastructure.

DATES: Interested parties may file comments on or before December 10, 1997, and reply comments on or before January 26, 1998. Written comments by the public on the proposed and/or modified information collections are due December 10, 1997. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before February 9, 1998.

ADDRESSES: Parties should send their comments or reply comments to Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Room 222, Washington, DC 20554. Parties should also send a paper copy, and a copy on 3.5 inch diskette formatted in an IBM compatible form using, if possible, WordPerfect 5.1 for Windows software, to Matthew Vitale of the Common Carrier Bureau's Accounting and Audits Division, 2000 L Street, NW., Room 200F, Washington, DC 20554. Commenters should also provide one copy of any documents filed in this proceeding to the Commission's copy contractor, International Transcription Service, 1231 20th Street, NW., Washington, DC 20036.

In addition to filing comments with the Secretary, a copy of any comments on the information collection contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, NW., Washington, DC 20554, or via the Internet at jboley@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 17th Street, NW., Washington, DC 20503 or via the Internet to fain__t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Matthew Vitale, Accounting and Audits Division, Common Carrier Bureau, (202) 418–0866.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking adopted October 2, 1997, and released October 7, 1997. The full text of this Commission notice is available for inspection and copying during normal business hours in the FCC Public Reference Room (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may be purchased from the Commission's copy contractor, International Transcription Service, 1231 20th Street, NW., Washington, DC 20036.

Paperwork Reduction Analysis

This notice contains a proposed or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this Notice, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. Public and agency comments are due at the same time as other comments on this notice; OMB notification of action is due 60 days from date of publication of this Notice in the **Federal Register**. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of information collection; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: None.

Title: Amendments to Uniform Systems of Accounts for Interconnection, Notice of Proposed Rulemaking, CC Docket No. 97–212.

Form No.: N/A.

Type of Review: New Collection.

Respondents: Businesses or other for profit.

Proposed Collections:

	# Respondents	Est. time per response (hours)	Total annual burden (hours)
a. New Accounts	68	40	2,720
b. Subsidiary Accounting Records	68	120	8,160
c. Cost Study	68	160	10,880

Total Annual Burden: 21,760.

Estimated Costs Per Respondent: $0.

Needs and Uses: In this Notice of Proposed rulemaking issued in CC Docket No. 97–212, the Commission initiates a proceeding with the goal of reviewing comprehensively our Part 32 procedures dealing with the accounting treatment of transactions related to interconnection and shared infrastructure to ensure that they meet the objectives of the 1996 Act. The Commission seeks comment on a proposal establishing new Part 32 accounts and subsidiary recordkeeping requirements to record the revenues and expenses related to providing and obtaining interconnection. The Commission also seeks comment on the conclusion that new accounts are not necessary to record the revenues and expenses associated with sharing infrastructure.

Regulatory Flexibility Analysis

This Notice proposes new revenue and expense accounts for ILECs to record the revenues they receive and the amounts they pay in the sale and purchase of interconnection, access to unbundled network elements, transport and termination of traffic, and resale of telecommunications services. Section 603 of the Regulatory Flexibility Act (RFA), as amended,[1] requires an initial Regulatory Flexibility Act Analysis in notice-and-comment rulemaking proceedings unless we certify that ''the rule will not, if promulgated, have a significant economic impact on a significant number of small entities.''[2]

The RFA defines the term *small entity* as having the same meaning as *small business concern* under the Small Business Act (SBA),[3] which defines *small business concern* as ''one which is independently owned and operated and which is not dominant in its field of operation.''[4] Section 121.201 of the SBA regulations defines small telecommunications entities in SIC Code 4813 (Telephone Communications, Except Radiotelephone) as any entity with fewer than 1,500 employees at the holding company level.[5] Some entities employing fewer than 1500 employees at the holding company level may be affected by the proposals made in this Notice. However, we do not consider such entities to be ''small entities'' under the RFA because they are either affiliates of large corporations or dominant in their field of operations. Therefore, we do not believe that the proposed rules will affect a substantial number of small entities.

Even if the small ILECs were ''small entities'' under the SBA, we would still certify that no regulatory flexibility analysis is necessary here because none of the proposals in this Notice, if adopted, would have a significant economic impact on the carriers which must comply with our accounting rules. Pursuant to long-standing rules, ILECs must record the revenues and expenses associated with their operations. This Notice merely proposes that new revenue and expense accounts be established so that the amounts pertaining to interconnection and infrastructure sharing will be uniformly reported. This procedure will be easy for ILECs to implement and will not require costly or burdensome analysis.

We therefore certify, pursuant to section 605(b) of the RFA that the rules proposed in this Notice will not have a significant economic impact on a substantial number of small entities.

Ordering Clause

Accordingly, *it is ordered* that, pursuant to sections 1, 2, 4, 201–205, 215, 218, 220, 229, 254, and 410 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154,

[1] 5 U.S.C. 603.

[2] *Id.* 605(b).

[3] *Id.* 601(6) adopting 15 U.S.C. § 632(a)(1).

[4] 15 U.S.C. 632(a)(1).

[5] 13 CFR 121.201.

201–205, 215, 218, 220, 229, 254 and 410 that *notice is hereby given* of proposed amendments to Part 32 of the Commission's rules, 47 CFR part 32, as described in this *notice of proposed rulemaking.*

List of Subjects in 47 CFR Part 32

Uniform System of Accounts.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 97–32223 Filed 12–9–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 648

[I.D. 112897A]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Applications for Experimental Fishing Permits (EFPs)

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

ACTION: Notification of experimental fishery proposal; request for comments.

SUMMARY: NMFS issues this notice to announce that the Regional Administrator, Northeast Region, NMFS is considering approval of an experimental fishing proposal that would allow vessels to conduct operations otherwise restricted by regulations governing the Fisheries of the Northeastern United States. The experimental fishery would involve fishing for, retention, and limited landing of Atlantic sea scallops with a modified sea scallop dredge in Southern New England and Mid-Atlantic Regulated Mesh Areas. Regulations under the Magnuson-Stevens Act provisions require publication of this notice to provide interested parties the opportunity to comment on the proposed experimental fishery.

DATES: Comments on this notice must be received by December 29, 1997.

ADDRESSES: Comments should be sent to Andrew A. Rosenberg, Ph. D., Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark on the outside of the envelope ''Comments on Proposed Experimental Fishery.''

FOR FURTHER INFORMATION CONTACT: Peter Christopher, Fishery Management Specialist, 978–281–9288.

SUPPLEMENTARY INFORMATION: The Virginia Institute of Marine Science submitted an application for an EFP on October 17, 1997, to investigate summer flounder bycatch by Atlantic sea scallop dredges. An experimental dredge would be modified with large mesh on the upper portion of the dredge to allow for summer flounder escapement. Fishing activity would target a limited amount of Atlantic sea scallops in the Southern New England and Mid-Atlantic Regulated Mesh Areas.

The Virginia Institute of Marine Science would conduct experimental fishing activities on chartered fishing vessels. EFPs are required to exempt vessels from possession limits, gear restrictions, and days-at-sea restrictions of the Atlantic Sea Scallop Fishery Management Plan.

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

Dated: December 4, 1997.

Gary C. Matlock,

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

[FR Doc. 97–32337 Filed 12–9–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 648

[I.D. 112897B]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Applications for Experimental Fishing Permits (EFPs)

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

ACTION: Notification of experimental fishery proposal; request for comments.

SUMMARY: NMFS issues this notice to announce that the Regional Administrator, Northeast Region, NMFS (Regional Administrator), is considering approval of an experimental fishing proposal that would permit vessels to conduct operations otherwise restricted by regulations governing the Fisheries of the Northeastern United States. The experimental fishery would involve the possession and retention of *Crangon* shrimp (brown shrimp), including the possible capture and release of regulated multispecies, in the Gulf of Maine/Georges Bank Regulated Mesh Area. Regulations under the Magnuson-Stevens Act provisions require publication of this notice to provide interested parties the opportunity to comment on the proposed experimental fishery.

DATES: Comments on this notice must be received on or before December 29, 1997.

ADDRESSES: Comments should be sent to Andrew A. Rosenberg, Ph.D., Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark on the outside of the envelope ''Comments on Proposed Experimental Fisheries.''

FOR FURTHER INFORMATION CONTACT: Bonnie VanPelt, Fishery Management Specialist, (978) 281–9244.

SUPPLEMENTARY INFORMATION: The Maine Department of Marine Resources (MEDMR) has been approved for a Saltonstall/Kennedy (S/K) Grant to investigate the feasibility of developing a 3-month winter *Crangon septemspinosus* shrimp (brown shrimp) fishery between Frenchman's Bay and Casco Bay, Maine, in nearshore and estuarine waters. The two main objectives of the proposed project are the use of gear technology to address regulatory species bycatch and the development of a sustainable fishery that will ease financial hardship by absorbing displaced groundfishing effort. New gears and fishing methods will be employed based on technology of a similar *Crangon* shrimp fishery that exists in Europe, as well as on a modification of the gear technology currently used in the northern shrimp fishery.

The MEDMR submitted an application for an EFP to conduct the proposed project on October 14, 1997. The experimental trawl surveys are proposed for January through June 1998. The proposed experiment will allow approximately three commercial fishing vessels to conduct gear trials using a *Crangon* otter trawl, an otter trawl of European design, and two beam trawl nets with mesh sizes of 20 mm. One otter trawl will be assembled with a Nordmore grate (physical separator) and the other with a bycatch reduction device known as a false upper (behavioral separator), while the beam trawl nets will contain a finfish excluder device called a sieve. Bar spacing of the Nordmore grate will be 1/2 inch (1.27 cm), smaller than the 1 inch (2.54 cm) now being used in the northern shrimp fishery. All trawl gear is designed to enable finfish to escape through a hole in the lower panel of the net. Experimental gear performance will be tested with control otter trawl nets of 20 mm stretched mesh with 1/4 inch (0.635 cm) mesh liners and 20 mm beam trawl nets. Trawl effectiveness will be