

and the program's emphasis on community involvement, we would prefer for-profit organizations that have a longstanding relationship with the community they serve to participate in the demonstration.

In reviewing the proposals, we will give greatest consideration to an organization's development of policies and procedures. Due to the short time frame of this demonstration and the frailty of the population, we need to be certain that the organization can anticipate potential problems and is prepared to handle the problems efficiently and effectively. In addition, these policies and procedures will increase quality by providing safeguards to protect the beneficiaries.

We reserve the right to conduct site visits to the awardee's location before making awards. An independent contractor, selected and funded by us, will design and conduct an evaluation. The awardee will be required to cooperate with the contractor conducting the evaluation.

#### IV. Collection of Information Requirements

As referenced in this notice, we will award up to 10 sites. However, given that we expect less than 10 proposals on an annual basis and the proposals are not standardized, the requirements referenced in this notice do not meet the definition of an information collection, as defined under 5 CFR 1320.3(c) and as such are not subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Authority:** Sections 1894(h) and 1934(h) of the Social Security Act (42 U.S.C. 1395eee and 1396u-4)

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773 Medicare-Hospital Insurance Program; and No. 93.774, Medicare-Supplementary Medical Insurance Program)

Dated: August 6, 2001.

**Thomas A. Scully,**

*Administrator, Centers for Medicare & Medicaid Services.*

[FR Doc. 01-20049 Filed 8-9-01; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### Notice of Hearing: Reconsideration of Disapproval of New York State Plan Amendment (SPA) 96-40a

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

**ACTION:** Notice of hearing.

**SUMMARY:** This notice announces an administrative hearing on October 3, 2001; 10 a.m.; Room 38-110a; Thirty-Eighth Floor; Jacob Javits Federal Building; 26 Federal Plaza; New York, New York 10278, to reconsider our decision to disapprove New York SPA 96-40a.

**CLOSING DATE:** Requests to participate in the hearing as a party must be received by the presiding officer by August 27, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Kathleen Scully-Hayes, Presiding Officer, CMS C1-09-13, 7500 Security Boulevard, Baltimore, Maryland 21244; Telephone: (410) 786-2055.

**SUPPLEMENTARY INFORMATION:** This notice announces an administrative hearing to reconsider our decision to disapprove New York SPA 96-40a. New York submitted this SPA on September 30, 1996. The issue is whether the effective date of a change in the method of Medicaid payment that increases Medicaid payments to hospitals may be earlier than the first day of the calendar quarter in which New York submitted a SPA for approval by the Secretary. This amendment proposes to increase payments under the Medicaid State plan by reclassifying certain amounts, originally paid outside the scope of the Medicaid program by State contractors for the cost of care for persons eligible for the State Home Relief program, as Medicaid disproportionate share hospital (DSH) payments. As the State's public notice made clear, the proposed change in Medicaid payment methodology was not simply to use an intermediary to make payments already authorized under the existing State plan, but would increase Medicaid payments by adding to the DSH payments to certain hospitals. Federal regulations at 42 CFR 447.256(c) and 430.20(b), however, preclude the Centers for Medicare & Medicaid Services (CMS), formerly the Health Care Financing Administration, from approving a SPA that changes the method of payment prior to the first day of the calendar quarter in which the SPA was submitted. In addition, Federal

regulations at 42 CFR 447.205(a) require a State to provide public notice of any significant proposed change in its methods and standards for setting payment rates for services. Federal regulations at 42 CFR 447.205(d) require that the notice be published before the proposed effective date of the change. Therefore, the earliest permissible effective date for this amendment based on the date of public notice (i.e., September 25, 1996) and on the calendar quarter in which the SPA was submitted (i.e., September 30, 1996), was September 26, 1996. After consulting with the Secretary as required by 42 CFR 430.15(c), CMS informed New York of its decision to disapprove this amendment. SPA 96-40a was originally submitted as SPA 96-40, which affected DSH payments beginning on July 1, 1994. CMS suggested the State split the original amendment into two separate amendments to allow payments beginning on September 26, 1996, to be approved. The State agreed to this suggestion. The first amendment, 96-40a, affects Medicaid payments from July 1, 1994, through September 25, 1996, and was disapproved by CMS on May 14, 2001, after consultation with the Secretary as required under 42 CFR 430.15(c)(2). The second amendment, 96-40b, affecting Medicaid payments from September 26, 1996, forward, was approved.

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

Dr. Antonia C. Novello,  
*Commissioner, New York State Department of Health, Corning Tower, Empire State Plaza, Albany, New York 12237.*

Dear Dr. Novello: I am responding to your request for reconsideration of the decision to disapprove New York State Plan Amendment (SPA) 96-40a. This SPA was submitted on September 30, 1996.

The issue is whether the effective date of a change in the method of Medicaid payment that increases Medicaid payments to hospitals may be earlier than the first day of the calendar quarter in which New York submitted a SPA for approval by the Secretary. This amendment proposes to increase payments under the Medicaid State plan by reclassifying certain amounts, originally paid outside the scope of the Medicaid program by State contractors for the cost of care for persons eligible for the State Home Relief program, as Medicaid disproportionate share hospital (DSH) payments. As the State's public notice made clear, the proposed change in Medicaid payment methodology was not simply to use an intermediary to make payments already authorized under the existing State plan, but would increase Medicaid payments by adding to the DSH payments to certain hospitals.

The State requested an effective date of July 1, 1994. Federal regulations at 42 CFR 447.256(c) and 430.20(b), however, preclude the Centers for Medicare & Medicaid Services (CMS) (formerly the Health Care Financing Administration) from approving a SPA that changes the method of payment prior to the first day of the calendar quarter in which the SPA was submitted. In addition, Federal regulations at 42 CFR 447.205(a) require a State to provide public notice of any significant proposed change in its methods and standards for setting payment rates for services. Federal regulations at 42 CFR 447.205(d) require that the notice be published before the proposed effective date of the change. Therefore, the earliest permissible effective date for this amendment based on the date of public notice (i.e., September 25, 1996) and on the calendar quarter in which the SPA was submitted (i.e., September 30, 1996), was September 26, 1996. After consulting with the Secretary as required by 42 CFR 430.15(c), CMS informed New York of its decision to disapprove this amendment.

The SPA 96-40a was originally submitted as SPA 96-40, which affected DSH payments from July 1, 1994, forward. CMS suggested the State split the original amendment into two separate amendments to allow payments beginning on September 26, 1996, to be approved. The State agreed to this suggestion.

The first amendment, 96-40a, affects Medicaid payments from July 1, 1994, through September 25, 1996, and based on the above, was disapproved on May 14, 2001. The second amendment, 96-40b, affecting Medicaid payments from September 26, 1996, forward, was approved.

I am scheduling a hearing on your request for reconsideration to be held on October 3, 2001, at 10:00 a.m. in Room 38-110a; Thirty-Eighth Floor; Jacob Javits Building; 26 Federal Plaza; New York, New York 10278. If this date is not acceptable, we will 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 Ms. Kathleen Scully-Hayes 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 names of the individuals who will represent the State at the hearing. The presiding officer may be reached at (410) 786-2055.

Sincerely,

Ruben J. King-Shaw, Jr.,  
Deputy Administrator and Chief Operating  
Officer, Centers for Medicare & Medicaid  
Services.

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

Dated: August 7, 2001.

**Ruben J. King-Shaw, Jr.,**

*Deputy Administrator and Chief Operating  
Officer, Centers for Medicare & Medicaid  
Services.*

[FR Doc. 01-20236 Filed 8-9-01; 8:45 am]

**BILLING CODE 4120-03-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### Veterinary Medicine Advisory Committee; Notice of Meeting

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

*Name of Committee:* Veterinary Medicine Advisory Committee.

*General Function of the Committee:*

To provide advice and recommendations to the agency on FDA's regulatory issues.

*Date and Time:* The meeting will be held on September 13 and 14, 2001, from 8:30 a.m. to 5 p.m.

*Location:* The DoubleTree Hotel, Plaza Rooms I, II, and III, 1750 Rockville Pike, Rockville, MD.

*Contact:* Aleta Sindelar, Center for Veterinary Medicine (HFV-3), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 301-827-4515, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572) in the Washington, DC area), code 12546. Please call the Information Line for up-to-date information on this meeting.

*Agenda:* On September 13 and 14, 2001, the committee will seek recommendations on the issue of import tolerances under the provisions of the Animal Drug Availability Act of 1996 (ADAA). The ADAA authorizes FDA to establish drug residue tolerances (import tolerances) for imported food products of animal origin for drugs that are used in exporting countries, but that are unapproved new animal drugs in the United States. Food products of animal origin that are in compliance with the import tolerance may be imported into the United States. Elsewhere in this issue of the **Federal Register**, FDA is publishing an advance notice of proposed rulemaking (ANPRM) that details the consideration of proposing a regulation for establishing import tolerances. The agency intends to consider the comments made at the

advisory committee meeting and the written comments received in response to the ANPRM in drafting the proposed regulation. The comments should be sent to Docket No. 01N-0284. Background information including the legislative history for import tolerances, the domestic regulation of drug residues, and enforcement issues will be made available to the Veterinary Medicine Advisory Committee members and the public in advance of the meeting and posted on the Center for Veterinary Medicine home page (<http://www.fda.gov/cvm>). A limited number of paper copies of the background information will be available at the registration table on September 13, 2001.

*Procedure:* Interested persons may present data, information, or views, orally or in writing, on the import tolerance issue pending before the committee. Written submissions may be made to the contact person by August 31, 2001. Oral presentations from the public are tentatively scheduled for the afternoon of September 14, 2001. The time allotted for each presentation may be limited. Those desiring to make oral presentations should notify the contact person before August 31, 2001, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation. You will be notified of your allotted time prior to the meeting. Your entire statement should be submitted for the record.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: July 13, 2001.

**Bonnie H. Malkin,**

*Special Assistant to the Senior Associate  
Commissioner.*

[FR Doc. 01-20160 Filed 8-8-01; 11:44 am]

**BILLING CODE 4160-01-S**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Minor Adjustment of Kodiak National Wildlife Refuge Boundary

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of boundary adjustment.

**SUMMARY:** The Secretary of the Interior, acting through the Regional Director, Region 7, of the Fish and Wildlife Service, has made a minor modification to the boundary of the Kodiak National