

DRG	DRG title
69 .....	OTITIS MEDIA & URI AGE >17 W/O CC

7. On page 47638, in Table 6E—Revised Diagnosis Code Titles, the first entry, the CC (column 3) is corrected to read as follows:

Diagnosis code	CC
285.21* .....	N

8. On page 47675, in Table 9A—Hospital Reclassifications and Redesignations by Individual Hospital and CBSA—FY 2006, first set of entries, the 36th entry, the Reclassified CBSA is corrected to read as follows:

Provider No.	Reclassified CBSA
360095 .....	45780

### III. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive the notice and comment procedures if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice. We can also waive the 30-day delay in effective date under the APA (5 U.S.C. 553(d)) when there is good cause to do so and we publish in the rule an explanation of our good cause.

The policies and payment methodology expressed in the FY 2006 final rule have previously been subjected to notice and comment procedures. This correction notice merely corrects typographical and technical errors in the preamble, regulations text, and addendum of the FY 2006 final rule and does not make substantive changes to the policies or payment methodologies that were adopted in the final rule. As a result, this correction notice is intended to ensure that the FY 2006 final rule accurately reflects the policies adopted in the final rule. Therefore, we find that undertaking further notice and comment procedures to incorporate these corrections into the final rule is unnecessary and contrary to the public interest.

For the same reasons, we are also waiving the 30-day delay in effective date for this correction notice. We believe that it is in the public interest to ensure that the FY 2006 final rule accurately represents our prospective payment methodology, payment rates, and policies. Thus delaying the effective date of these corrections would be contrary to the public interest. Therefore, we also find good cause to waive the 30-day delay in effective date.

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

Dated: September 27, 2005.

**Ann C. Agnew,**

*Executive Secretary to the Department.*

[FR Doc. 05–19612 Filed 9–29–05; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[CMS–1282–CN]

#### 42 CFR Parts 411 and 424

RIN 0938–AN65

#### Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities; Correction

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

**ACTION:** Final rule; correction notice.

**SUMMARY:** This document corrects typographical and technical errors that appeared in the August 4, 2005 **Federal Register**, entitled “Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2006.”

**EFFECTIVE DATE:** October 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Jeanette Kranacs, (410) 786–9385. Bill Ullman, (410) 786–5667. Sheila Lambowitz, (410) 786–7605.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In FR Doc. 05–15221, (70 FR 45026), the final rule entitled “Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2006” (hereinafter referred to as the FY 2006 final rule), there were a number of typographical and technical errors that are identified and corrected in section III. “Correction of Errors” below. The

provisions of this correction notice are effective as if they had been included in the FY 2006 final rule. Accordingly, the corrections are effective on October 1, 2005.

## II. Summary of the Corrections to the FY 2006 Final Rule

### A. Corrections to the Preamble of the FY 2006 Final Rule

On pages 45046 and 45047, in the preamble discussion of the SNF market basket index, we inadvertently included incorrect values in the column labeled “Relative importance, labor-related, FY 2005 (97 index).” Therefore, we are revising the second column in Table 11 (“Labor-Related Relative Importance, FY 2005 and FY 2006”) to include the correct values for the labor share estimate for FY 2005 based on the 2nd quarter 2004 projection. (See item 1 of section III.A of this notice.)

### B. Corrections to the Regulations Text of the FY 2006 Final Rule

On page 45055, we made a technical error in the regulations text of title 42, part 411. In this paragraph, we inadvertently excluded the updated statutory authority citation for this part. As revised by FR Doc. 05–1321 entitled “Medicare Program; Medicare Prescription Drug Benefit” (70 FR 4525, January 28, 2005), in this notice we are correcting the regulations text to include Secs. 1102, 1860D–1 through D–42, and 1871 of the Social Security Act (42 U.S.C. 1302, 1395w–101 through 1395w–152, and 1395hh). Accordingly, we are now republishing the corrected statutory authority citation for part 411, as revised by FR Doc. 05–1321. (See item 1 of section III. B. of this notice.)

Also on page 45055, in our revisions to two different sections of the regulations text in part 424 of the FY 2006 final rule, we inadvertently omitted a subpart heading. Specifically, revised § 424.3 and § 424.20 were both displayed as being included within subpart B of part 424 (“Certification and Plan of Treatment Requirements”). In fact, only § 424.20 is included within that subpart, while § 424.3 is included within subpart A (“General Provisions”). (See items 2 and 3 of section III. B. of this notice.)

### C. Corrections of Errors to the Addendum of the FY 2006 Final Rule

Wage index data for two providers were erroneously omitted from the wage index calculation. This affected the wage index determination for the Houston-Sugar Land-Baytown, TX CBSA and the Nashville-Davidson-Murfreesboro, TN CBSA. Accordingly,

we are revising Table 8 and Table A to reflect the correct information. In addition, both Table 8 and Table A contained a number of technical and typographical errors. Therefore, we are including the corrected data in Table 8

and Table A. (See items 1 and 2 of section III.C. of this notice.)

### III. Correction of Errors

In FR Doc. 05–15221 of August 4, 2005 (70 FR 45026), we are making the following corrections:

#### A. Corrections to Errors in the Preamble

1. On pages 45046 and 45047, in Table 11—Labor-Related Relative Importance, FY 2005 is corrected to read as follows:

TABLE 11.—LABOR-RELATED RELATIVE IMPORTANCE, FY2005 AND FY2006

	Relative importance,* labor-related, FY 2005 (97 index)	Relative importance,** labor-related, FY 2006 (97 index)
Wages and salaries .....	54.720	54.391
Employee benefits .....	11.595	11.648
Nonmedical professional fees .....	2.688	2.739
Labor-intensive services .....	4.125	4.128
Capital-related .....	3.094	3.016
Total .....	76.222	75.922

\* Source: Global Insights, Inc., formerly DRI-WEFA, 2nd Quarter, 2004.

\*\* Source: Global Insights, Inc., formerly DRI-WEFA, 2nd Quarter, 2005.

#### B. Corrections of Errors in the Regulations Text

##### PART 411—[CORRECTED]

■ 1. On page 45055, second column, lines 1 through 3, in part 411 (Exclusions From Medicare and Limitations On Medicare Payment), the authority citation is corrected to read as follows:

**Authority:** Secs. 1102, 1860D–1 through 1860D–42, and 1871 of the Social Security

Act (42 U.S.C. 1302, 1395w–101 through 1395w–152, and 1395hh).

##### PART 424—[CORRECTED]

■ 2. On page 45055, second column, above § 424.3 Definitions, remove “Subpart B—Certification and Plan of Treatment Requirements” and add in its place, “Subpart A—General Provisions.”

■ 3. On page 45055, second column, above amendatory instruction 3., add

the subpart heading to read as follows: “Subpart B Certification and Plan of Treatment Requirements.”

#### C. Corrections to the Addendum

1. On pages 45065, 45069, and 45070 in Table 8.—(“FY 2006 Wage Index For Urban Areas Based On CBSA Labor Market Areas”) the entries for the Urban area and Wage index are corrected to read as follows:

CBSA code	Urban area (constituent counties)	Wage index
26420 .....	Houston-Baytown-Sugar Land, TX .....	0.9996
31900 .....	Mansfield, OH .....	0.9891
34980 .....	Nashville-Davidson Murfreesboro, TN .....	0.9790

2. On pages 45080 through 45121, the following entries identified in Table A.—(“FY 2006 SNF PPS Transition

Wage Index”) are corrected to read as follows:

SSA State/ county code	County name	MSA No.	MSA Urban/ rural	2006 MSA- based WI	2006 CBSA- based WI	CBSA No.	CBSA Urban/ rural	Transition wage index *
01330 .....	Geneva County, Alabama .....	01	Rural .....	0.7432	0.7721	20020	Urban .....	0.7577
04280 .....	Hempstead County, Arkansas .....	04	Rural .....	0.7744	0.7466	99904	Rural .....	0.7605
11451 .....	Fayette County, Georgia .....	0520	Urban .....	0.9793	0.9793	12060	Urban .....	0.9793
11840 .....	Richmond County, Georgia .....	0600	Urban .....	0.9808	0.9748	12260	Urban .....	0.9778
16350 .....	Fremont County, Iowa .....	16	Rural .....	0.8594	0.8509	99916	Rural .....	0.8552
27130 .....	Fergus County, Montana .....	27	Rural .....	0.8762	0.8762	99927	Rural .....	0.8762
36710 .....	Richland County, Ohio .....	4800	Urban .....	0.9891	0.9891	31900	Urban .....	0.9891
44070 .....	Cannon County, Tennessee .....	44	Rural .....	0.7935	0.9790	34980	Urban .....	0.8863
44100 .....	Cheatham County, Tennessee .....	5360	Urban .....	0.9808	0.9790	34980	Urban .....	0.9799
44180 .....	Davidson County, Tennessee .....	5360	Urban .....	0.9808	0.9790	34980	Urban .....	0.9799
44210 .....	Dickson County, Tennessee .....	5360	Urban .....	0.9808	0.9790	34980	Urban .....	0.9799
44400 .....	Hickman County, Tennessee .....	44	Rural .....	0.7935	0.9790	34980	Urban .....	0.8863
44550 .....	Macon County, Tennessee .....	44	Rural .....	0.7935	0.9790	34980	Urban .....	0.8863
44730 .....	Robertson County, Tennessee .....	5360	Urban .....	0.9808	0.9790	34980	Urban .....	0.9799
44740 .....	Rutherford County, Tennessee .....	5360	Urban .....	0.9808	0.9790	34980	Urban .....	0.9799
44790 .....	Smith County, Tennessee .....	44	Rural .....	0.7935	0.9790	34980	Urban .....	0.8863
44820 .....	Sumner County, Tennessee .....	5360	Urban .....	0.9808	0.9790	34980	Urban .....	0.9799

SSA State/ county code	County name	MSA No.	MSA Urban/ rural	2006 MSA- based WI	2006 CBSA- based WI	CBSA No.	CBSA Urban/ rural	Transition wage index *
44840 .....	Trousdale County, Tennessee .....	44	Rural .....	0.7935	0.9790	34980	Urban .....	0.8863
44930 .....	Williamson County, Tennessee .....	5360	Urban .....	0.9808	0.9790	34980	Urban .....	0.9799
44940 .....	Wilson County, Tennessee .....	5360	Urban .....	0.9808	0.9790	34980	Urban .....	0.9799
45070 .....	Austin County, Texas .....	45	Rural .....	0.7931	0.9996	26420	Urban .....	0.8964
45180 .....	Brazoria County, Texas .....	1145	Urban .....	0.8563	0.9996	26420	Urban .....	0.9280
45280 .....	Chambers County, Texas .....	3360	Urban .....	1.0091	0.9996	26420	Urban .....	1.0044
45341 .....	Coryell County, Texas .....	3810	Urban .....	0.8526	0.8526	28660	Urban .....	0.8526
45530 .....	Fort Bend County, Texas .....	3360	Urban .....	1.0091	0.9996	26420	Urban .....	1.0044
45550 .....	Galveston County, Texas .....	2920	Urban .....	0.9635	0.9996	26420	Urban .....	0.9816
45610 .....	Harris County, Texas .....	3360	Urban .....	1.0091	0.9996	26420	Urban .....	1.0044
45757 .....	Liberty County, Texas .....	3360	Urban .....	1.0091	0.9996	26420	Urban .....	1.0044
45801 .....	Montgomery County, Texas .....	3360	Urban .....	1.0091	0.9996	26420	Urban .....	1.0044
45884 .....	San Jacinto County, Texas .....	45	Rural .....	0.7931	0.9996	26420	Urban .....	0.8964
45950 .....	Waller County, Texas .....	3360	Urban .....	1.0091	0.9996	26420	Urban .....	1.0044

#### IV. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a notice such as this take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). We also ordinarily provide a 30-day delay in the effective date of the provisions of a notice in accordance with section 553(d) of the APA (5 U.S.C. 553(d)). However, we can waive both the notice and comment procedure and the 30-day delay in effective date if the Secretary finds, for good cause, that a notice and comment process is impracticable, unnecessary or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

We find it unnecessary to undertake notice and comment rulemaking because this notice merely provides technical and typographical corrections to the regulations. We are not making substantive changes to our payment methodologies or policies, but rather, are simply implementing correctly the payment methodologies and policies that we previously proposed, received comments on, and subsequently finalized. The public has already had the opportunity to comment on the payment methodology and policies being used to calculate wage indexes. In addition, this correction notice is intended to ensure that the FY 2006 SNF PPS final rule accurately reflects the payment methodologies and policies adopted in the final rule. Therefore, we believe that undertaking further notice and comment procedures to incorporate these corrections into the final rule is unnecessary and contrary to the public interest.

Further, we believe a delayed effective date is unnecessary because

this correction notice merely corrects inadvertent technical and typographical errors. The changes noted above do not make any substantive changes to the SNF PPS payment methodologies or policies. Moreover, we regard imposing a delay in the effective date as being contrary to the public interest. We believe that it is in the public interest for providers to receive appropriate SNF PPS payments in as timely a manner as possible and to ensure that the FY 2006 SNF PPS final rule accurately reflects our payment methodologies, payment rates, and policies. Therefore, we find good cause to waive notice and comment procedures, as well as the 30-day delay in effective date.

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

Dated: September 28, 2005.

**Ann C. Agnew,**

*Executive Secretary to the Department.*

[FR Doc. 05–19762 Filed 9–29–05; 8:45 am]

**BILLING CODE 4120–01–P**

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Centers for Medicare & Medicaid Services

##### 42 CFR Part 412

[CMS–1290–CN]

**RIN 0938–AN43**

##### Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for FY 2006; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects technical errors that appeared in the FY 2006 Inpatient Rehabilitation Facility (IRF) Prospective Payment System (PPS) regulation entitled “Inpatient Rehabilitation Facility Prospective Payment System for FY 2006” (70 FR 47880).

**DATES:** *Effective Date:* October 1, 2005.

This rule applies for discharges on or after October 1, 2005 and on or before September 30, 2006 (FY 2006).

**FOR FURTHER INFORMATION CONTACT:** Pete Diaz, (410) 786–1235.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In the FY 2006 IRF PPS final rule (70 FR 47880), there were a number of technical errors that are identified and corrected in the “Correction of Errors” section below. The provisions in this correction notice are effective as if they had been included in the FY 2006 IRF PPS final rule (70 FR 47880).

Accordingly, the corrections are effective for the payments for discharges occurring on or after October 1, 2005 and on or before September 30, 2006.

Most of the technical errors identified and corrected in the “Correction of Errors” section below originate from the same error, an inadvertent inclusion of incorrect data for four inpatient rehabilitation facilities (IRFs) in the analysis for the FY 2006 final rule (70 FR 47880). In the analysis for the FY 2006 final rule (70 FR 47880), we inadvertently and incorrectly neglected to apply any rural adjustment amount to estimated payments for four IRFs in our analysis sample that should have received a portion of the rural adjustment under the IRF hold harmless policy (as described below). When we reran the data analysis with the correct portion of the rural adjustment applied to payments for these four facilities, it resulted in the technical changes to the