

Dated: February 7, 2008.

**Kerry Weems,**

*Acting Administrator, Centers for Medicare & Medicaid Services.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[CMS-1549-N]

#### Medicare Program; Public Meetings in Calendar Year 2008 for All New Public Requests for Revisions to the Healthcare Common Procedure Coding System (HCPCS) Coding and Payment Determinations

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the dates, time, and location of the Healthcare Common Procedure Coding System (HCPCS) public meetings to be held in calendar year 2008 to discuss our preliminary coding and payment determinations for all new public requests for revisions to the HCPCS. These meetings provide a forum for interested parties to make oral presentations or to submit written comments in response to preliminary coding and payment determinations. Discussion will be directed toward responses to our specific preliminary recommendations and will include all items on the public meeting agenda.

**DATES:** *Meeting Dates:* The following are the 2008 HCPCS public meeting dates:

1. Tuesday, April 22, 2008, 9 a.m. to 5 p.m., e.d.t. (Supplies and Other Issues).
2. Wednesday, April 23, 2008, 9 a.m. to 5 p.m., e.d.t. (Supplies and Other Issues).
3. Tuesday, May 6, 2008, 9 a.m. to 5 p.m., e.d.t. (Orthotics and Prosthetics).
4. Wednesday, May 7, 2008, 9 a.m. to 5 p.m., e.d.t. (Drugs/Biologicals/Radiopharmaceuticals/Radiologic Imaging Agents).
5. Thursday, May 8, 2008, 9 a.m. to 5 p.m., e.d.t. (Drugs/Biologicals/Radiopharmaceuticals/Radiologic Imaging Agents).
6. Wednesday, May 28, 2008, 9 a.m. to 5 p.m., e.d.t. (Durable Medical Equipment (DME) and Accessories).
7. Thursday, May 29, 2008, 9 a.m. to 5 p.m., e.d.t. (Durable Medical Equipment (DME) and Accessories).

*Deadlines for Primary Speaker Registration and Presentation Materials:*

The deadline for registering to be a primary speaker, and submitting materials and writings that will be used in support of an oral presentation are as follows:

- April 8, 2008 for the April 22 and 23, 2008 public meetings.
- April 22, 2008 for the May 6, 7 and 8, 2008 public meetings.
- May 14, 2008 for the May 28 and 29, 2008 public meetings.

*Deadlines for all Other Attendees Registration:* Individuals must register for each date that they plan on attending. The registration deadlines are different for each meeting. Registration deadlines are as follows:

- April 15, 2008 for the April 22 and 23, 2008 public meeting dates.
- April 29, 2008 for the May 6, 7 and 8, 2008 public meeting dates.
- May 21, 2008 for the May 28 and 29, 2008 public meetings.

*Deadlines for Requesting Special Accommodations:*

- April 8, 2008 for the April 22 and 23, 2008 public meeting dates.
- April 22, 2008 for the May 6, 7 and 8, 2008 public meeting dates.
- May 14, 2008 for the May 28 and 29, 2008 public meetings.

*Deadline for Submission of Written Comments:* Written comments must be received by the date of meeting at which a request is scheduled for discussion.

**ADDRESSES:** *Meeting Location:* The public meetings will be held in the main auditorium of the central building of the Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244-1850.

*Submission of Written Comments:* Written comments can be e-mailed to [HCPCS@cms.hhs.gov](mailto:HCPCS@cms.hhs.gov) or sent regular mail to Jennifer Carver or Gloria Knight, HCPCS Public Meeting Coordinator, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Mail Stop C5-08-27, Baltimore, MD 21244.

*Registration and Special Accommodations:* Individuals wishing to participate or who need special accommodations or both must register by completing the on-line registration located at <http://www.cms.hhs.gov/medhpcpsgeninfo> or by contacting one of the following persons: Jennifer Carver at (410) 786-6610 or [Jennifer.Carver@cms.hhs.gov](mailto:Jennifer.Carver@cms.hhs.gov); or Gloria Knight at (410) 786-4598 or [Gloria.Knight@cms.hhs.gov](mailto:Gloria.Knight@cms.hhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Jennifer Carver at (410) 786-6610 or [Jennifer.Carver@cms.hhs.gov](mailto:Jennifer.Carver@cms.hhs.gov); or Gloria Knight at (410) 786-4598 or [Gloria.Knight@cms.hhs.gov](mailto:Gloria.Knight@cms.hhs.gov).

**SUPPLEMENTARY INFORMATION:**

## I. Background

On December 21, 2000, the Congress passed the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) (Pub. L. 106-554). Section 531(b) of BIPA mandated that we establish procedures that permit public consultation for coding and payment determinations for new durable medical equipment (DME) under Medicare Part B of title XVIII of the Social Security Act (the Act). The procedures and public meetings announced in this notice for new DME are in response to the mandate of section 531(b) of BIPA.

In the November 23, 2001 **Federal Register** (66 FR 58743), we published a notice providing information regarding the establishment of the public meeting process for DME. It is our intent to distribute any materials submitted to CMS to the HCPCS workgroup members for their consideration. CMS and the HCPCS workgroup members require sufficient preparation time to review all relevant materials. For this reason, our HCPCS Public Meeting Coordinators will only accept and review presentation materials received by the deadline for each public meeting, as specified in the **DATES** section of this notice. Therefore, we are implementing a 10-page submission limit and firm deadlines for receipt of any presentation materials the meeting participant wishes CMS to consider.

The public meeting process provides an opportunity for the public to become aware of coding changes under consideration, as well as an opportunity for CMS to gather public input.

## II. Meeting Registration

### A. Required Information for Registration

The following information must be provided when registering:

- Name;
- Company name and address;
- Direct-dial telephone and fax numbers;
- E-mail address; and
- Special needs information.

A CMS staff member will confirm your registration by mail, e-mail, or fax.

### B. Registration Process

#### 1. Primary Speakers

Individuals must also indicate whether they are the "primary speaker" for an agenda item. Primary speakers must be designated by the entity that submitted the HCPCS coding request. When registering, primary speakers must provide a brief written statement regarding the nature of the information they intend to provide, and advise the

HCPCS Public Meeting Coordinator regarding needs for audio/visual support. To avoid disruption of the meeting and ensure compatibility with our systems, tapes and disk files are tested and arranged in speaker sequence well in advance of the meeting. We will accept tapes and disk files that are received by the deadline for submissions for each public meeting as specified in the **DATES** section of this notice. The sum of all materials including the presentation may not exceed 10 pages (each side of a page counts as 1 page). An exception will be made to the 10-page limit for relevant studies published between the application deadline and the public meeting date, in which case, we would like a copy of the complete publication as soon as possible.

These materials may be delivered by regular mail or by e-mail to one of the HCPCS Public Meeting Coordinators as specified in the **ADDRESSES** section of this notice. Individuals will need to provide 35 copies if materials are delivered by mail.

## 2. 5-Minute Speakers

To afford the same opportunity to all attendees, 5-minute speakers are not required to register as primary speakers; however, 5-minute speakers must still register as attendees by the deadline set forth under "Deadlines for all Other Attendees Registration" in the **DATES** section of this notice. Attendees can sign up only on the day of the meeting to do a 5-minute presentation. They must provide their name, company name and address, contact information as specified on the sign-up sheet, and identify the specific agenda item that they will address.

### C. Additional Meeting/Registration Information

Public Meetings are scheduled far in advance of the influx of HCPCS applications each cycle. At the time they are scheduled we can only anticipate the number of applications that we receive in each category. As a result, we may not need the second day of Drugs/Biologicals/Radiopharmaceuticals/Radiologic Imaging Agents (Thursday, May 8, 2008) and the second day of DME and Accessories (Thursday, May 29, 2008). We have scheduled these dates tentatively. The Public Meeting Agendas published on CMS' HCPCS Web site at: <http://www.cms.hhs.gov/medhpcsgeninfo> will serve as final notification regarding whether meetings will be held on May 8th and May 29th.

The product category reported by the meeting participant may not be the same

as that assigned by CMS. All meeting participants are advised to review the public meeting agenda at <http://www.cms.hhs.gov/medhpcsgeninfo> which identifies our category determinations, and the dates each item will be discussed. Draft agendas, including a summary of each request and CMS' preliminary decision will be posted on our HCPCS Web site at: <http://www.cms.hhs.gov/medhpcsgeninfo> at least 1 month before each meeting.

Additional details regarding the public meeting process for all new public requests for revisions to the HCPCS, along with information on how to register and guidelines for an effective presentation, will be posted at least 1 month before the first meeting date on the HCPCS Web site at: <http://www.cms.hhs.gov/medhpcsgeninfo>. Individuals who intend to provide a presentation at a public meeting need to familiarize themselves with the HCPCS Web site and the valuable information it provides to prospective registrants. The HCPCS Web site also contains a document titled "The Healthcare Common Procedure Coding System (HCPCS) Level II Coding Procedures," which is a description of the HCPCS coding process, including a detailed explanation of the procedures used to make coding and payment determinations for all the products, supplies, and services that are coded in the HCPCS. A summary of each public meeting will be posted on the HCPCS Web site by the end of August 2008.

## III. Presentations and Comment Format

We can only estimate the amount of meeting time that will be needed since it is difficult to anticipate the total number of speakers for each meeting. Meeting participants should arrive early since each meeting is expected to begin promptly at 9 a.m., e.d.t. Meetings may end earlier than the stated ending time.

### A. Oral Presentation Procedures

Individuals who are planning to provide an oral presentation must register as provided under the section titled "Meeting Registration." Materials and writings that will be used in support of an oral presentation should be submitted to one of the HCPCS Public Meeting Coordinators.

These materials may be delivered by regular mail (postmark date no later than deadline date) or by e-mail to one of the HCPCS Public Meeting Coordinators specified in the **ADDRESSES** section. Individuals will need to include 35 copies if materials are delivered by mail.

### B. Primary Speaker Presentations

The individual or entity requesting revisions to the HCPCS coding system for a particular agenda item may designate one "primary speaker" to make a presentation for a maximum of 15 minutes. Fifteen minutes is the total time interval for the presentation, and the presentation must incorporate the demonstration, set-up, and distribution of material. In establishing the public meeting agenda, we may group multiple, related requests under the same agenda item. In that case, we will decide whether additional time will be allotted, and may opt to increase the amount of time allotted to the speaker by increments of less than 15 minutes.

We will post "Guidelines for Participation in Public Meetings for All New Public Requests for Revisions to the Healthcare Common Procedure Coding System (HCPCS) Coding and Payment Determinations" on the official HCPCS Web site at least 1 month before the first public meeting in 2008 for all new public requests for revisions to the HCPCS. Individuals designated to be the primary speaker must register to attend the meeting using the registration procedures described under the "Meeting Registration" section of this notice, at least 15 days before the meeting, and contact one of the HCPCS Public Meeting Coordinators, specified in the **ADDRESSES** section. Primary speakers must also separately register as primary speakers by the date specified in the **DATES** section of this notice.

### C. "5-Minute" Speaker Presentations

Meeting attendees can sign up at the meeting, on a first-come, first-served basis, to make 5-minute presentations on individual agenda items. Based on the number of items on the agenda and the progress of the meeting, a determination will be made at the meeting by the meeting coordinator and the meeting moderator regarding how many 5-minute speakers can be accommodated.

### D. Speaker Declaration

On the day of the meeting, before the end of the meeting, all primary speakers and 5-minute speakers must provide a brief written summary of their comments and conclusions to the HCPCS Public Meeting Coordinator.

The primary speakers and the 5-minute speakers must declare in their presentations at the meeting, as well as in their written summaries, whether they have any financial involvement with the manufacturers or competitors of any items or services being discussed; this includes any payment, salary,

remuneration, or benefit provided to that speaker by the manufacturer or the manufacturer's representatives.

#### *E. Written Comments From Meeting Attendees*

(1) Written comments will be accepted from the general public and meeting registrants anytime up to the date of the public meeting at which a request is discussed. Comments must be sent to the address listed in the **ADDRESSES** section of this notice.

(2) Meeting attendees may also submit their written comments at the meeting.

(3) Due to the close timing of the public meetings, subsequent workgroup reconsiderations, and final decisions, we are able to consider only those comments received in writing by the close of the public meeting at which the request is discussed.

#### **IV. Security, Building, and Parking Guidelines**

The meetings are held in a Federal government building; therefore, Federal security measures are applicable. In planning your arrival time, we recommend allowing additional time to clear security. In order to gain access to the building and grounds, participants must bring government-issued photo identification and a copy of your written meeting registration confirmation. Persons without proper identification will be denied access.

Individuals who are not registered in advance will not be permitted to enter the building and will be unable to attend the meeting. The public may not enter the building earlier than 45

minutes before the convening of the meeting each day.

Security measures will also include inspection of vehicles, inside and outside, at the entrance to the grounds and buildings. In addition, all persons entering the building must pass through a metal detector. All items brought to CMS are subject to inspection. We cannot assume responsibility for coordinating the receipt, transfer, transport, storage, setup, safety, or timely arrival of any personal belongings or items used for demonstration or to support a presentation. Special arrangements and approvals are required in order to bring pieces of equipment or medical devices at least 2 weeks prior to each public meeting. These arrangements need to be made with the public meeting coordinator. It is possible that certain requests made in advance of the public meeting could be denied because of unique safety, security or handling issues related to the equipment. A minimum of 2 weeks is required for approvals and security procedures. Any request not submitted at least 2 weeks in advance of the public meeting will be denied.

Parking permits and instructions are issued upon arrival by the guards at the main entrance.

All visitors must be escorted by agency staff in order to enter areas other than the public areas on the lower and first-floor levels in the Central Building.

**Authority:** Section 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 42 U.S.C. 1395hh).

Dated: February 7, 2008.

**Kerry Weems,**

*Acting Administrator, Centers for Medicare & Medicaid Services.*

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## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Administration for Children and Families**

#### **Proposed Information Collection Activity; Comment Request**

##### *Proposed Projects:*

**Title:** Application Requirements for the Low Income Home Energy Assistance Program (LIHEAP) Model Plan.

**OMB No.:** 0970-0075.

**Description:** States, including the District of Columbia, Tribes, tribal organizations and territories applying for LIHEAP block grant funds must submit an annual application (Model Plan) that meets the LIHEAP statutory and regulatory requirements prior to receiving Federal funds. A detailed application must be submitted every 3 years. Abbreviated applications may be submitted in alternate years. There have been no changes in the Model Plan.

**Respondents:** State Governments, Tribal Governments, Insular Areas, the District of Columbia, and the Commonwealth of Puerto Rico.

#### **ANNUAL BURDEN ESTIMATES**

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Detailed Model Plan .....	65	1	1	65
Abbreviated Model Plan .....	115	1	.33	38

#### *Estimated Total Annual Burden Hours: 103.*

In compliance with the requirements of section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance

Officer. E-mail address:

[infocollection@acf.hhs.gov](mailto:infocollection@acf.hhs.gov). All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on

respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: February 14, 2008.

**Janean Chambers,**

*Reports Clearance Officer.*

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