

2005 (70 FR 50940) are confirmed as final and revised as set forth below:

PART 410—SUPPLEMENTARY MEDICAL INSURANCE (SMI) BENEFITS

■ 1. The authority citation for part 410 is revised to read as follows:

Authority: Secs. 1102, 1834, 1871, and 1893 of the Social Security Act (42 U.S.C. 1302, 1395m, 1395hh, and 1395ddd).

Subpart B—Medical and Other Health Services

■ 2. Section 410.38 is amended by revising paragraph (c) to read as follows:

§ 410.38 Durable medical equipment: Scope and conditions.

* * * * *

(c) *Power mobility devices (PMDs)*. (1) *Definitions*. For the purposes of this paragraph, the following definitions apply:

Physician has the same meaning as in section 1861(r)(1) of the Act.

Power mobility device means a covered item of durable medical equipment that is in a class of wheelchairs that includes a power wheelchair (a four-wheeled motorized vehicle whose steering is operated by an electronic device or a joystick to control direction and turning) or a power-operated vehicle (a three or four-wheeled motorized scooter that is operated by a tiller) that a beneficiary uses in the home.

Prescription means a written order completed by the physician or treating practitioner who performed the face-to-face examination and that includes the beneficiary's name, the date of the face-to-face examination, the diagnoses and conditions that the PMD is expected to modify, a description of the item (for example, a narrative description of the specific type of PMD), the length of need, and the physician or treating practitioner's signature and the date the prescription was written.

Treating practitioner means a physician assistant, nurse practitioner, or clinical nurse specialist as those terms are defined in section 1861(aa)(5) of the Act, who has conducted a face-to-face examination of the beneficiary.

Supplier means an entity with a valid Medicare supplier number, including an entity that furnishes items through the mail.

(2) *Conditions of payment*. Medicare Part B pays for a power mobility device if the physician or treating practitioner, as defined in paragraph (c)(1) of this section meets the following conditions:

(i) Conducts a face-to-face examination of the beneficiary for the

purpose of evaluating and treating the beneficiary for his or her medical condition and determining the medical necessity for the PMD as part of an appropriate overall treatment plan.

(ii) Writes a prescription, as defined in paragraph (c)(1) of this section that is provided to the beneficiary or supplier, and is received by the supplier within 45 days after the face-to-face examination.

(iii) Provides supporting documentation, including pertinent parts of the beneficiary's medical record (for example, history, physical examination, diagnostic tests, summary of findings, diagnoses, treatment plans and/or other information as may be appropriate) that supports the medical necessity for the power mobility device, which is received by the supplier within 45 days after the face-to-face examination.

(3) *Exceptions*. (i) Beneficiaries discharged from a hospital do not need to receive a separate face-to-face examination as long as the physician or treating practitioner who performed the face-to-face examination of the beneficiary in the hospital issues a PMD prescription and supporting documentation that is received by the supplier within 45 days after the date of discharge.

(ii) Accessories for PMDs may be ordered by the physician or treating practitioner without conducting a face-to-face examination of the beneficiary.

(4) *Dispensing a power mobility device*. Suppliers may not dispense a PMD to a beneficiary until the PMD prescription and the supporting documentation have been received from the physician or treating practitioner who performed the face-to-face examination of the beneficiary. These documents must be received within 45 days after the date of the face-to-face examination.

(5) *Documentation*. (i) A supplier must maintain the prescription and the supporting documentation provided by the physician or treating practitioner and make them available to CMS and its agents upon request.

(ii) Upon request by CMS or its agents, a supplier must submit additional documentation to CMS or its agents to support and/or substantiate the medical necessity for the power mobility device.

(6) *Safety requirements*. The PMD must meet any safety requirements specified by CMS.

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

Dated: March 10, 2006.

Mark B. McClellan,
Administrator, Centers for Medicare & Medicaid Services.

Dated: March 30, 2006.

Michael O. Leavitt,
Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 06–609; MB Docket No. 05–279; RM–11276]

Radio Broadcasting Services; Black River and Old Forge, New York

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division, at the request of Radioactive, LLC., reallots Channel 223A from Old Forge, New York to Black River, New York, and modifies the construction permit authorization, accordingly. The coordinates for Channel 223A at Black River are 44–04–01 North Latitude and 75–38–53 West Longitude, with a site restriction of 13.3 kilometers (8.3 miles) northeast of the community. Canadian concurrence has been obtained.

DATES: Effective May 1, 2006.

FOR FURTHER INFORMATION CONTACT: Helen McLean, Media Bureau, (202) 418–2738.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MB Docket No. 05–279, adopted March 15, 2006, and released March 17, 2006. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or www.BCPIWEB.com. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 reads as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under New York, is amended by removing Channel 223A at Old Forge and by adding Black River, Channel 223A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 06-3159 Filed 4-4-06; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 06-613; MB Docket No. 04-202, RM-10985; MB Docket No. 04-271, RM-11013; MB Docket No. 04-272, RM-11014; MB Docket No. 04-273, RM-11015; and MB Docket No. 04-431, RM-11115]

Radio Broadcasting Services; Hermitage, AR; Richland Springs, TX; Tomahawk, WI; Wasco, CA; and Waynoka, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots five channels to the communities of Hermitage, Arkansas; Richland Springs, Texas; Tomahawk, Wisconsin; Wasco, California and Waynoka, Oklahoma. *See SUPPLEMENTARY INFORMATION, infra.*

DATES: Effective May 1, 2006. The window period for filing applications for these channels will not be opened at this time. Instead, the issue of opening filing windows for these allotments for auction will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MB Docket Nos. 04-202, 04-271, 04-272, 04-273 and 04-431, adopted March 15, 2006, and released March 17, 2006. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Information

Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpweb.com>. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

The Audio Division, at the request of Results Broadcasting of Rhinelander, Inc., allots Channel 265C3 at Tomahawk, Wisconsin, as the community's second local commercial FM transmission service. *See* 69 FR 34113, June 18, 2004. Channel 265C3 can be allotted to Tomahawk in compliance with the Commission's minimum distance with a site restriction of 8.5 kilometers (5.3 miles) west-northwest to avoid a short-spacing to the licensed site of Station WOBE(FM), Channel 264C1, Crystal Falls, Michigan. Since Tomahawk is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been obtained. The coordinates for Channel 265C3 at Tomahawk are 45-30-01 North Latitude and 89-49-50 West Longitude.

The Audio Division, at the request of Charles Crawford, d/b/a Waynoka Broadcasting Company, allots Channel 231C2 at Waynoka, Oklahoma, as the community's first local aural transmission service. *See* 69 FR 46474, August 3, 2004. Channel 231C2 can be allotted to Waynoka in compliance with the Commission's minimum distance separation requirements with a site restriction of 28.8 kilometers (17.9 miles) north to avoid a short-spacing to the proposed allotment sites for Channel 233A, Cherokee, Oklahoma, and Channel 233A, Kiowa, Kansas. The coordinates for Channel 231C2 at Waynoka are 36-49-25 North Latitude and 98-59-50 West Longitude.

The Audio Division, at the request of Linda A. Davidson, allots Channel 224A at Wasco, California, as the community's first local commercial FM transmission service. *See* 69 FR 46474, August 3, 2004. Channel 224A can be allotted to Wasco in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 224A at Wasco are 35-35-37 North Latitude and 119-20-35 West Longitude.

The Audio Division, at the request of Charles Crawford, allots Channel 299A at Richland Springs, Texas, as the community's second local FM transmission. To accommodate the allotment, we also modify the reference coordinates for vacant Channel 299A at Hamilton, Texas. *See* 69 FR 46474, August 3, 2004. Channel 299A can be allotted to Richland Springs in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.7 kilometers (9.1 miles) southwest to avoid a short-spacing to the proposed allotment site for Channel 296A, Brady, Texas. The coordinates for Channel 299A at Richland Springs are 31-09-42 North Latitude and 99-02-03 West Longitude. The modified reference coordinates for vacant Channel 299A at Hamilton are 31-49-57 North Latitude and 98-07-00 West Longitude. Since Richland Springs is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested but has not been received. If a construction permit for Channel 299A at Richland Springs is granted prior to the Commission's receipt of formal concurrence in the allotment by the Mexican Government, the construction permit will include the following condition: "Use of this allotment is subject to suspension, modification, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement or if specifically objected to by Mexico's Secretaria de Comunicaciones Y Transportes."

The Audio Division, at the request of Charles Crawford, allots Channel 300A at Hermitage, Arkansas, as the community's first local aural transmission service. *See* 69 FR 77975, December 29, 2004. Channel 300A can be allotted to Hermitage in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.8 kilometers (6.1 miles) east to avoid a short-spacing to the construction permit site for Station KLAL(FM), Channel 299C1, Wrightsville, Arkansas. The coordinates for Channel 300A at Hermitage are 33-25-00 North Latitude and 92-04-30 West Longitude.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended as follows: