

5. Section 63.10 would be amended by revising and rearranging unnumbered subparagraphs 8, 9, and 10 to read as follows:

§ 63.101 Other HHS regulations and policies that apply.

* * * * *

59 FR 14508 (March 28, 1994)—NIH Guidelines on the Inclusion of Women and Minorities as Subjects in Clinical Research.

Note. this policy is subject to change, and interested persons should contact the Office of Research on Women's Health, NIH, Room 201, Building 1, MSC 0161, Bethesda, MD 20892-0161, telephone (301) 402-1770 (not a toll-free number) to obtain reference to the current version and any amendments.

59 FR 34496 (July 5, 1998)—NIH Guidelines for Research Involving Recombinant DNA Molecules.

Note. this policy is subject to change, and interested persons should contact the Office of Recombinant DNA Activities, NIH, Suite 323, 6000 Executive Boulevard, MSC 7010, Bethesda, MD 20892-7010, telephone (301) 496-9838 (not a toll-free number) to obtain references to the current version and any amendments.

"Public Health Service Policy on Human Care and Use of Laboratory Animals," Office for Protection from Research Risks, NIH (Revised September 1986).

Note. this policy is subject to change, and interested persons should contact the Office for Protection from Research Risks, NIH, Suite 3B01, 6100 Executive Boulevard, MSC 7507, Rockville, MD 20852-7507, telephone (301) 496-7005 (not a toll-free number) to obtain references to the current version and any amendments.

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**FEDERAL EMERGENCY
MANAGEMENT AGENCY**

44 CFR Part 67

[Docket No. FEMA-7262]

**Proposed Flood Elevation
Determinations**

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood

elevation modifications for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-3461.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director for Mitigation certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This proposed rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
Arkansas	Washington County and Incorporated Areas.	Scul Creek	Approximately 250 feet upstream of confluence with Mud Creek.	*1,183	*1,179
			Approximately 1,650 feet upstream of Sycamore Street.	*1,290	*1,294
			Approximately 650 feet upstream of College Avenue.	*1,400	*1,399
		Clabber Creek Tributary C-2.	At confluence with Clabber Creek	None	*1,161
			Approximately 2,200 feet upstream of confluence with Clabber Creek.	None	*1,201
		Hamestring Creek Tributary HS2.	Approximately 200 feet upstream of confluence with Hamestring Creek.	None	*1,192
			Approximately 3,200 feet upstream of confluence with Hamestring Creek.	None	*1,237
		Clabber Creek Tributary C-1.	Approximately 200 feet upstream of confluence with Clabber Creek.	None	*1,160
			Approximately 1,200 feet upstream of confluence with Tributary C1-A.	None	*1,203
		Clabber Creek Tributary C1-A.	Approximately 100 feet upstream of confluence of Clabber Creek Tributary C1.	None	*1,173
			Approximately 540 feet upstream of County Road 707.	None	*1,203
		Middle Fork Hamestring Creek.	Approximately 200 feet upstream of confluence with Hamestring Creek.	None	*1,220
			Approximately 100 feet upstream of Porter House Road.	None	*1,247
		North Fork Hamestring Creek.	Approximately 20 feet upstream of confluence with Hamestring Creek.	None	*1,209
			Approximately 500 feet upstream of Highway 71.	None	*1,256
		Clabber Creek	Approximately 20 feet upstream of confluence with Hamestring Creek.	*1,141	*1,144
			Approximately 1,250 feet downstream of Thuckers Drive.	None	*1,197
			Approximately 100 feet upstream of Highway 71.	None	*1,223
		South Fork Hamestring Creek.	Just above confluence with Hamestring Creek.	*1,235	*1,237
			Approximately 2,300 feet upstream of Route 71.	None	*1,273
		Town Branch	Approximately 1,250 feet downstream of Armstrong Avenue.	*1,192	*1,189
			Approximately 2,00 feet upstream of Highway 71.	None	*1,273
		Owl Creek Tributary 2	At confluence with Owl Creek	None	*1,230
			Approximately 3,000 feet upstream of confluence with Owl Creek.	None	*1,252
		Owl Creek Tributary 1	At confluence with Owl Creek	None	*1,227
			Approximately 3,100 feet upstream of confluence with Owl Creek.	None	*1,242
		Hamestring Creek	Approximately 200 feet downstream of County Road 881.	None	*1,118
			Approximately 1,500 feet upstream of Wedington Drive.	*1,255	*1,250
		Scul Creek Tributary 2	At confluence with Scull Creek	None	*1,214
			Approximately 1,000 feet upstream of confluence with Scull Creek.	None	*1,225
		Sublet Creek	At confluence with Scull Creek	*1,238	*1,232
			Approximately 1,750 feet upstream of Sycamore Street.	None	*1,383
		Scul Creek Tributary 1	At confluence with Scull Creek	None	*1,195
			Approximately 1,200 feet upstream of Futrail Drive.	None	*1,228
		Hamestring Creek Tributary HS3.	At confluence with Hamestring Creek	None	*1,236
			Approximately 125 feet upstream of Mount Comfort Road.	None	*1,260
		Hamestring Creek Tributary HS1.	Approximately 600 feet downstream of County Road 882.	None	*1,126

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
			Approximately 220 feet upstream of Double Tree Drive.	None	*1,223
		Cato Springs Branch	At confluence with Town Branch	*1,218	*1,221
			Approximately 2,500 feet upstream of Arkansas and Missouri Railroad.	None	*1,252
		Owl Creek	Approximately 700 feet downstream of Double Springs Road (County Road 27).	*1,176	*1,173
			Approximately 2,100 feet upstream of Ruppel Road.	None	*1,247
		Mud Creek Tributary	At confluence with Mud Creek	*1,232	*1,226
			Approximately 1,500 feet upstream of Azalea Drive.	*1,320	*1,316
			Approximately 2,400 feet upstream of Sycamore Street.	*1,438	*1,443

Maps are available for inspection at the Washington County Planning Office, Four South College Avenue, Suite 205, Fayetteville, Arkansas.
Send comments to The Honorable Charles A. Johnson, Washington County Judge, 280 North College Avenue, Fayetteville, Arkansas 72701.

Maps are available for inspection at 113 West Mountain, Fayetteville, Arkansas.

Send comments to The Honorable Fred Hanna, Mayor, City of Fayetteville, 113 West Mountain, Fayetteville, Arkansas 72701.

Maps are available for inspection at 2904 Main Drive, Johnson, Arkansas.

Send comments to The Honorable Richard Long, Mayor, City of Johnson, P.O. Box 563, Johnson, Arkansas 72741.

Louisiana	Hammond (City Tangipahoa Parish.	Ponchatoula Creek	Upstream of Illinois Central Gulf Railroad bridge.	*45	*45
			Approximately 4,00 feet upstream of Yellow Water Diversion Canal.	None	*46

Maps are available for inspection at the City of Hammond City Hall, 310 East Charles, Hammond, Louisiana.

Send comments to The Honorable Russell DePaulo, Mayor, City of Hammond, 310 East Charles, Hammond, Louisiana

	Ponchatoula (City Tangipahoa Parish	Ponchatoula Creek	At U.S. Highway 51	None	*17
			Approximately 6,200 feet upstream of U.S. Highway 51 bridge.	None	*21

Maps are available for inspection at 125 West Hickory, Ponchatoula, Louisiana.

Send comments to The Honorable Julian Dufreche, Mayor, City of Ponchatoula, 125 West Hickory, Ponchatoula, Louisiana 70454.

	Tangipahoa Parish (Unincorporated Areas).	Ponchatoula Creek	Upstream of U.S. Highway 51 bridge	None	*17
		Yellow Water River Canal	Upstream of New Genessee Road	None	*57
			Downstream of U.S. Highway 190 bridge	*40	*38
			Approximately 1,600 feet upstream of Ward Line Road.	*47	*46

Maps are available for inspection at 48589 Highway 51, Tickfaw, Louisiana.

Send comments to The Honorable Gordon Burgess, Tangipahoa Parish President, P.O. Box 215, Amite, Louisiana 70422.

New Mexico	Portales (City Roosevelt County.	Globe Ditch	Approximately 585 feet downstream of confluence of 17th and 18th Streets shallow flooding.	None	+3,998
			At confluence of 17th and 18th Streets shallow flooding.	*3,995	+3,999
		17th and 18th Streets Shallow Flooding and Shallow Flooding Through University and Downtown Area.	At confluence with Globe Ditch	*3,995	+3,999
			At downstream side of Burlington Northern Railroad.	None	+4,009

Maps are available for inspection at the City of Portales, 100 West First, Portales, New Mexico.

Send comments to The Honorable Don Davis, Mayor, City of Portales, 101 South Main Street, Portales, New Mexico 88130.

Texas	Victoria (City Victoria County.	Whispering Creek	Just upstream of John Stockbauer Drive	*108	*108
			Just downstream of Loop 463	*116	*114

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
			Approximately 3,640 feet upstream of Loop 463.	*119	*118

Maps are available for inspection at the City of Victoria City Hall, 700 Main Center, Suite 115, Victoria, Texas.

Send comments to The Honorable Gary Middleton, Mayor, City of Victoria, P.O. Box 1758, Victoria, Texas 77902.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: October 26, 1998.

Michael J. Armstrong,

Associate Director for Mitigation.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of Inspector General

45 CFR Part 61

RIN 0991-AA98

Health Care Fraud and Abuse Data Collection Program: Reporting of Final Adverse Actions

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would establish a new 45 CFR part 61 to implement the statutory requirements of section 1128E of the Social Security Act, as added by section 221(a) of the Health Insurance Portability and Accountability Act (HIPAA) of 1996. Section 221(a) of HIPAA specifically directed the Secretary to establish a national health care fraud and abuse data collection program for the reporting and disclosing of certain final adverse actions taken against health care providers, suppliers, or practitioners, and maintain a data base of final adverse actions taken against health care providers, suppliers and practitioners.

DATES: To assure consideration, public comments must be delivered to the address provided below by no later than 5 p.m. on December 29, 1998.

ADDRESSES: Please mail or deliver your written comments to the following address: Health Resources and Services Administration, Bureau of Health Professions, Division of Quality Assurance, Room 8A-55, Attention: OIG-46-P, 5600 Fishers Lane, Rockville, Maryland 20857.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code OIG-46-P.

FOR FURTHER INFORMATION CONTACT:

Thomas C. Croft, (301) 443-2300, Director, Division of Quality Assurance/BHPr/HRSA.

SUPPLEMENTARY INFORMATION:

I. Background

The National Practitioner Data Bank

The National Practitioner Data Bank (NPDB) was established under the Health Care Quality Improvement Act (HCQIA) of 1986, as amended (42 U.S.C. 11101). The NPDB contains adverse licensure action reports on physician and dentists (including revocations, suspensions, reprimands, censures, probations and surrenders for quality purposes); adverse clinical privilege actions against physicians and dentists; adverse professional society membership actions against physicians and dentists; and medical malpractice payments made on all health care practitioners. Groups that have access to this data system include hospitals, other health care entities that conduct peer review and provide or arrange for care, State Boards of Medical or Dental examiners and other health care practitioner State boards. Individual practitioners are able to self-query. The reporting of information under the NPDB is limited to medical malpractice payers, State licensing medical boards and dental examiners, professional societies with formal peer review and hospitals and health care entities.

Establishment of the Healthcare Integrity and Protection Data Bank

The Health Insurance Portability and Accountability Act (HIPAA) of 1996, Public Law 104-191, requires the Secretary, acting through the Office of Inspector General (OIG) and the United States Attorney General, to establish a new health care fraud and abuse control program to combat health care fraud and abuse (see section 1128C of the Act, as enacted by section 201(a) of HIPAA). Among the major steps in this program

is the establishment of a national data bank to receive and disclose certain final adverse actions against health care providers, suppliers, or practitioners (see section 1128C(a)(1)(E) of the Act). The data bank is specifically provided for by section 1128E of the Act (added by section 221(a) of HIPAA), which directs the Secretary to maintain a data base of such final adverse actions. Final adverse actions include: (1) civil judgments against a health care provider, supplier, or practitioner in Federal or State court related to the delivery of a health care item or service; (2) Federal or State criminal convictions against a health care provider, supplier, or practitioner related to the delivery of a health care item or service; (3) actions by Federal or State agencies responsible for the licensing and certification of health care providers, suppliers, or practitioners; (4) exclusion of a health care provider, supplier, or practitioner from participation in Federal or State health care programs; and (5) any other adjudicated actions or decisions that the Secretary establishes by regulations. Settlements in which no findings or admissions of liability have been made will be excluded from reporting. However, any final adverse action that emanates from such settlements and consent judgments, and that would otherwise be reportable under the statute, is to be reported to the data bank. Final adverse actions are to be reported, regardless of whether such actions are being appealed by the subject of the report (see section 1128E(b)(2)(C) of the Act). Groups that have access to this new data bank system include Federal and State government agencies; health plans; and self queries from health care suppliers, providers and practitioners. Reporting is limited to the same groups that have access to the information.

The range of reportable final adverse actions specified in the statute clearly indicates that Congress intended a broad interpretation of the terms "health care fraud and abuse." For purposes of the statute, we believe all reportable final adverse actions include actions related to provider, supplier and practitioner practices that are inconsistent with