

**FOR FURTHER INFORMATION CONTACT:**

Sandra M. Peay, Contact Representative or Renee Hallman, Case Management Assistant, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room H-303, Washington, DC 20580 (202) 326-3100.

By Direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 04-22930 Filed 10-12-04; 8:45 am]

**BILLING CODE 6750-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### Privacy Act of 1974; Renewal of Computer Matching Program (Match No. 2001-06)

**AGENCY:** Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS).

**ACTION:** Notice of renewal of computer matching program (CMP).

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, as amended, this notice announces the renewal of a CMP that CMS plans to conduct with the State of California Department of Health Services (DHS). We have provided background information about the proposed matching program in the "Supplementary Information" section below. Although the Privacy Act requires only that CMS provide an opportunity for interested persons to comment on the proposed matching program, CMS invites comments on all portions of this notice. See "Effective Dates" section below for comment period.

**DATES:** CMS filed a report of the CMP with the Chair of the House Committee on Government Reform and Oversight, the Chair of the Senate Committee on Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on October 1, 2004. We will not disclose any information under a matching agreement until 40 days after filing a report to OMB and Congress or 30 days after publication. We may defer implementation of this matching program if we receive comments that persuade us to defer implementation.

**ADDRESSES:** The public should address comments to: Director, Division of Privacy Compliance Data Development, Enterprise Databases Group, Office of

Information Services, CMS, Mail stop N2-04-27, 7500 Security Boulevard, Baltimore, Maryland 21244-1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9 a.m.-3 p.m., eastern daylight time.

**FOR FURTHER INFORMATION CONTACT:**

Douglass Brown, Health Insurance Specialist, Division of Methods and Strategy, Program Integrity Group, Office of Financial Management, CMS, Mail-stop C3-02-16, 7500 Security Boulevard, Baltimore Maryland 21244-1850. The telephone number is (410) 786-0028 and e-mail is [dbrown4@cms.hhs.gov](mailto:dbrown4@cms.hhs.gov).

**SUPPLEMENTARY INFORMATION:****I. Description of the Matching Program****A. General**

The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100-503), amended the Privacy Act (5 U.S.C. § 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 100-508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

1. Negotiate written agreements with the other agencies participating in the matching programs;
2. Obtain the Data Integrity Board approval of the match agreements;
3. Furnish detailed reports about matching programs to Congress and OMB;
4. Notify applicants and beneficiaries that the records are subject to matching; and,
5. Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

**B. CMS Computer Matches Subject to the Privacy Act**

CMS has taken action to ensure that all CMPs that this Agency participates in comply with the requirements of the Privacy Act of 1974, as amended.

Dated: October 1, 2004.

**Mark B. McClellan,**  
*Administrator.*

**Computer Match No. 2001-06****NAME:**

"Computer Matching Agreement Between the Centers for Medicare & Medicaid Services (CMS) and the State of California Department of Health Services (DHS) for Disclosure of Medicare and Medicaid Information".

**SECURITY CLASSIFICATION:**

Level Three Privacy Act Sensitive.

**PARTICIPATING AGENCIES:**

The Centers for Medicare & Medicaid Services, and State of California Department of Health Services.

**AUTHORITY FOR CONDUCTING MATCHING PROGRAM:**

This Computer Matching Program (CMP) is executed to comply with the Privacy Act of 1974 (Title 5 United States Code (U.S.C.) section 552a), as amended, the Office of Management and Budget (OMB) Circular A-130, titled "Management of Federal Information Resources" at 65 FR 77677 (December 12, 2000), and OMB guidelines pertaining to computer matching (54 FR 25818, June 19, 1989).

Authority for this matching program is given under the matching provisions of §§ 1816, 1842, and 1874(b) of the Social Security Act (42 U.S.C. 1395h, 1395u, and 1395kk(b)). Authority for DHS to participate in this computer-matching program is given under the provisions of §§ 10740, 10748, 10750, 14000, and 14000.3. 14000.4, 14005, 14005.4, 14100.1, 14200 of the California Welfare and Institutions Code, and 42 CFR 431.300 through 431.307. DHS is charged with administration of the Medicaid program in California and is the single state agency for such purpose. DHS may act as an agent or representative of the Federal government for any purpose in furtherance of DHS's functions or administration of the Federal funds granted to the state. In California, the Medi-Cal Act provides qualifying individuals with health care and related remedial or preventive services, including both Medicaid services and services authorized under state law that are not provided under Federal law. The program to provide all such services is known as the Medi-Cal program.

**PURPOSE(S) OF THE MATCHING PROGRAM:**

The purpose of this Agreement is to establish the conditions, safeguards, and procedures under which CMS will conduct a computer matching program

with the State of California, DHS, and under which DHS will participate in a computer matching program with CMS, to study claims, billing, and eligibility information to detect suspected instances of Medicare and Medicaid fraud and abuse (F&A) in the State of California. CMS and DHS will provide Electronic Data Systems (EDS), a CMS contractor (hereinafter referred to as the "Custodian"), with Medicare and Medicaid records pertaining to eligibility, claims, and billing which the Custodian will match in order to merge the information into a single database. Utilizing fraud detection software, the information will then be used to identify patterns of aberrant practices requiring further investigation. The following are examples of the type of aberrant practices that may constitute F&A by practitioners, providers, and suppliers in the State of California expected to be identified in this matching program: (1) Billing for provision of more than 24 hours of services in one day; (2) providing treatment and services in ways more statistically significant than similar practitioner groups; and (3) up-coding and billing for services more expensive than those actually performed.

#### **CATEGORIES OF RECORDS AND INDIVIDUALS COVERED BY THE MATCH:**

This CMP will enhance the ability of CMS and DHS to detect F&A by matching claims data, eligibility, and practitioner, provider, and supplier enrollment records of Medicare beneficiaries, practitioners, providers, and suppliers in the State of California against records of Medicaid/Medi-Cal beneficiaries, practitioners, providers, and suppliers in the State of California.

#### **DESCRIPTION OF RECORDS TO BE USED IN THE MATCHING PROGRAM:**

##### **Systems of Records (SOR).**

The data for CMS are maintained in the following SOR: National Claims History (NCH), System No. 09-70-0005 was most recently published in the **Federal Register**, at 59 FR 19181 (April 22, 1994). NCH contains records needed to facilitate obtaining Medicare utilization review data that can be used to study the operation and effectiveness of the Medicare program. Matched data will be released to DHS pursuant to the routine use as set forth in the system notice.

Enrollment Database, System No. 09-70-0502 (formerly known as the Health Insurance Master Record) published at 55 FR 37547 (September 12, 1990). Matched data will be released to DHS pursuant to the routine use set forth in the system notice.

Medicare Supplier Identification File, System No. 09-70-0530 was most recently published in the **Federal Register**, at 57 FR 23420 (June 3, 1992). Matched data will be released to DHS pursuant to the routine use as set forth in the system notice.

Unique Physician/Provider Identification Number (formerly known as the Medicare Physician Identification and Eligibility System), System No. 09-70-0525, was most recently published in the **Federal Register** at 53 FR 50584 (Dec 16, 1988). Matched data will be released to DHS pursuant to the routine use as set forth in the system notice.

Carrier Medicare Claims Record, System No. 09-70-0501 published in the **Federal Register** at 59 FR 37243 (July 21, 1994). Matched data will be released to DHS pursuant to the routine use as set forth in the system notice.

The data for DHS are maintained in the following data files: "Medi-Cal RFF035 File Paid Claims"; "Medi-Cal Combined Provider Master File"; and "Medi-Cal Eligibility Record File."

#### **INCLUSIVE DATES OF THE MATCH:**

The CMP shall become effective no sooner than 40 days after the report of the Matching Program is sent to OMB and Congress, or 30 days after publication in the **Federal Register**, whichever is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 04-22902 Filed 10-12-04; 8:45 am]

**BILLING CODE 4120-03-P**

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

### **Centers for Disease Control and Prevention**

#### **Advisory Committee on Immunization Practices**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announce the following Federal Committee meeting.

*Name:* Advisory Committee on Immunization Practices (ACIP).

*Times and Dates:* 9 a.m.-5:45 p.m., October 27, 2004; 8 a.m.-4:35 p.m., October 28, 2004.

*Place:* Atlanta Marriott Century Center, 2000 Century Boulevard, NE., Atlanta, Georgia 30345-3377.

*Status:* Open to the public, limited only by the space available.

*Purpose:* The committee is charged with advising the Director, CDC, on the

appropriate uses of immunizing agents. In addition, under 42 U.S.C. 1396s, the committee is mandated to establish and periodically review and, as appropriate, revise the list of vaccines for administration to vaccine-eligible children through the Vaccines for Children (VFC) program, along with schedules regarding the appropriate periodicity, dosage, and contraindications applicable to the vaccines.

*Matters To Be Discussed:* The agenda will include discussions on influenza which includes a VFC vote on use of Live Attenuated Influenza Vaccine; proposed recommendations for use of quadrivalent meningococcal conjugate vaccine (MCV4); recommendations for use of Hepatitis A Vaccine; an update on implementation of strategy to eliminate Hepatitis B virus transmission; varicella epidemiology and future program goals, including consideration of 2 dose varicella vaccination; proposal for an evidenced based format for ACIP recommendations; consideration of revisions for the Harmonized Childhood Immunization schedule; revisions to the 2002 General Recommendations; discussion of smallpox vaccine safety; and working group and Departmental updates.

Agenda items are subject to change as priorities dictate.

Due to programmatic issues that had to be resolved, the **Federal Register** notice is being published less than fifteen days before the date of the meeting.

*For Further Information Contact:* Demetria Gardner, Epidemiology and Surveillance Division, National Immunization Program, CDC, 1600 Clifton Road, NE, (E-61), Atlanta, Georgia 30333, telephone 404/639-8096, fax 404/639-8616.

The Acting Director, Management Analysis and Services Office, has been delegated the authority to sign Federal Register notices pertaining to announcements of meetings and other committee management activities for both the CDC and ATSDR.

Dated: October 7, 2004.

**B. Kathy Skipper,**

*Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 04-22985 Filed 10-8-04; 9:19 am]

**BILLING CODE 4163-18-P**

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

### **Food and Drug Administration**

**[Docket No. 2004N-0049]**

#### **Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Control of Communicable Diseases; Restrictions on African Rodents, Prairie Dogs, and Certain Other Animals**

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

**ACTION:** Notice.