



E000820

MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
HEALTH RESOURCES ADMINISTRATION
BUREAU OF HEALTH RESOURCES DEVELOPMENT
DATE: October 24, 1974

TO : Regional Health Administrators
DHEW, Region I-X
Through: Director, ORO

FROM : Acting Associate Director
for Health Resources Planning

SUBJECT: Proposed HRP Area Designation Process

Enclosed for your review and comment, is a draft proposal as to (1) the tasks or steps to be performed with respect to HRP area designation, (2) who would have principal responsibility for the initiation and performance of each of those, and (3) the timetable for their achievement.

To allow sufficient time for the careful review and consideration that I believe this warrants, you have until November 15 to submit your comments. To be most helpful, your comments should be as specific as possible, specific not only as to suggested changes themselves but the reasons therefor. There are several issues and problem areas, highlighted below, that I would call your attention to and invite your comments on particularly.

Before highlighting those, however, there are several assumptions underlying this draft proposed process that best be made explicit.

1. It is based on H.R. 16204 and the area designation requirements and timetable set forth in that bill. S.2994 as reported out by the Senate Committee differs significantly; for example, it would permit nearly a year for the area designation process to be completed, does not mandate minimum or maximum population limits, and requires regulations.
2. The House bill requires a Notice, but not regulations, to be published within 30 days of legislative enactment. That Notice, we have assumed, essentially will reflect only those area designation requirements, both substantive (e.g, population) and process (e.g., consultation with local officials), set forth in the legislation itself. Thus, there will also be a need for separate clarifying and elaborating guidelines, but not regulations per se.
3. In view of the fact that neither the House nor Senate has passed a bill and that the Congress will not reconvene until November 18, there is little likelihood that final legislation enactment will occur much before the end of December.

There are as I have noted, a number of issues or problems raised by this draft AD proposal. Among them:

1. It proposes that the Secretary, who must approve the area designations proposed by governors, delegate to ASH that official authority. Should it be further delegated by ASH; and if so, to whom (e.g.,

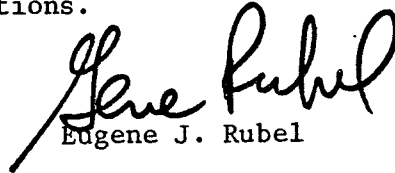
Administrator HRA.)? The draft assumes that regional offices will have the principal responsibility for reviewing proposed designations, that their recommendations would be tantamount to approval in the great majority of instances, and thus, they in effect and to that extent would exercise the actual as opposed to official approval authority in any case.

2. Central office or headquarters staff would have a minimal role in reviewing proposed designations. The scope of the central office review would be limited to "exceptions," namely, (a) all waiver requests, (b) proposed inter-regional designations, and (c) any regional office recommended non-approvals of proposed areas that ostensibly meet the prescribed, objective requirements with respect to population, SMSAs, and the like. Moreover, that review would be more in the nature of staff work for the proposed ad hoc Review Panel rather than central office concurrence or non-concurrence.
3. A Review Panel, of two central office and three regional office representatives is proposed. It would review certain "exceptions," and its recommendations as to approval (or non-approval) in effect would be binding in instances where they differed from those of the regional office in question.
4. This draft proposal defines "exceptions" per item 3 above. (Also see III.3.A of the enclosed draft.) Is that definition satisfactory; if not, what specifically should be added or deleted?
5. Governors are required to submit their area designation plans within 90 days after the initial notice in the Federal Register; and the Secretary in turn must publish approved designations in the Federal Register within 150 days of that notice. Within those 60 days review must take place. Little time will remain after review to (a) negotiate substantive revisions required as a result of waiver requests denied or other non-approval actions or (b) for the Secretary to designate acceptable areas in lieu thereof. Should a minimum grace period of 30 or 60 days be permitted? With or without such a grace period, who at the Federal level should be responsible for designating areas in these States where this either had not been done or after negotiations have failed; and how should this be done? Among the possible alternatives are to have this done by the RHA and regional office in question, or in conjunction with the central office.

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In closing, I would remind you that this is a draft proposal developed by the Area Designation Work Group with the assistance and advice of several regional office staff. It no doubt can be improved by your constructive comments and suggestions.


Eugene J. Rubel

Enclosure

MILESTONES Steps or Tasks to be Performed	INITIATING BODY	TIMETABLE Month Following Enactment				
		1st	2nd	3rd	4th	5th
		6th				
<p><u>I. Information and Notification</u></p> <p>A. Initial:</p> <ol style="list-style-type: none"> 1. Inform regional offices (RO) of enactment. 2. Advise States informally of enactment. 3. Briefing meeting with RO reps. to discuss AD process incl. legs. and other requirements, procedures & timetable to be followed, etc. <p>B. Formal:</p> <ol style="list-style-type: none"> 1. Prepare and publish AD Notice in Federal Register (FR), which would incl. (a) substantive AD requirements, e.g., pop., (b) process requirements, e.g., consultation with local officials, and (c) procedures and criteria to be followed in reviewing proposed ADs, esp. waiver requests. 2. Prepare & send letter to each Gov. requesting him to initiate AD process & advise RO of AD contact person for his State. 3. Prepare & send to each State AD contact person "Guideline" elaborating on AD requirements and criteria, & other related materials, e.g., AD plan format, State maps & data. <p>C. Orientation Sessions:</p> <ol style="list-style-type: none"> 1. Plan and conduct AD orientation sessions for State Officials. 2. Plan and conduct Regional HRP Orientation Sessions for CHP, EHSDS, H.B. & RMP reps. 	<p>CO</p> <p>RO</p> <p>CO</p> <p>CO</p> <p>CO-Sec</p> <p>CO-RO</p> <p>CO-RO</p> <p>CO-RO</p>	<p>X</p> <p>X</p> <p>--X</p> <p>--X</p> <p>--X</p> <p>--X</p> <p>--X</p> <p>--X</p>				

MILESTONES Steps or Tasks to be Performed	INITIATING BODY	TIMETABLE Month Following Enactment					
		1st	2nd	3rd	4th	5th	6th
<p><u>II. Designation</u></p> <p>A. AD Process:</p> <ol style="list-style-type: none"> 1. Initiate and complete, incl. required consultations. 2. Provide technical and other assistance to States. 3. Monitor AD process, incl. mtg. with States to/developing review and draft proposals & negotiate suggested revisions. <p>B. Submission:</p> <ol style="list-style-type: none"> 1. Prepare & submit proposed State AD plan (5 copies), incl. required comments, to RO 2. Fwd. 2 copies to CO. 	State						X
	RO						X
	RO						X
	State						X
	RO						X
<p><u>III. Review and Approval</u></p> <p>A. Clearances and Delegations:</p> <ol style="list-style-type: none"> 1. Prepare & submit to HRA & ASH for their concurrence proposed review & approval procedure, incl. use of a joint CO-RO review panel to handle "exceptions." 2. Prepare, submit, and obtain formal delegation authorizing ASH to approve proposed ADs. <p>B. Staff:</p> <ol style="list-style-type: none"> 1. Review AD plans submitted for (a) completeness, (b) compliance with requirements, & (c) adequacy waiver requests. 	CO			X			
	CO					X	
	RO						X

MILESTONES Steps or Tasks to be Performed	INITIATING BODY	TIMETABLE Month Following Enactment					
		1st	2nd	3rd	4th	5th	6th
<p>2. Notify States & CO of any that are substantively incomplete and/or clearly unacceptable: & seek to negotiate appropriate changes.</p> <p>3. Transmit its comments & recommendations to CO on (a) <u>all</u> waiver requests, (b) proposed inter-regional designations, e.g., Phila., St. Louis, & (c) any non-approvals of areas that ostensibly meet the requirements.</p>	RO						X
<p>C. Review Panel (RP):</p> <p>1. Establish RP, distribute materials to it, & convene mtg.</p> <p>2. Review "exceptions" to be referred to RP per III. A. 3 above.</p> <p>3. Review & recommend action on "exceptions."</p>	CO-RO						X
<p>D. Approval and Notification:</p> <p>1. Submit to ASH in the form of a proposed FR Notice of ADs, RO recommended actions &, on "exceptions," those of the RP.</p> <p>2. Official approval action.</p> <p>3. Publish FR Notice of ADs.</p> <p>4. Prepare & send letter to governors advising them of approval (or revision) of their proposed ADs.</p>	RP						X
	CO						X
	ASH						X
	Sec.						X
	RO						X

NOTE: An "X" indicates the time when a task or step must be completed. Although each task carries such a tentative end-date, initiation of the task and/or the process associated with it generally will take place before then. A solid line indicates that the task may be completed during that time period, and a dashed line indicates that the task may be initiated but not completed during that time period.