

July 13, 2000

ALL AGREEMENT AND NON-AGREEMENT STATES

PROGRAM MANAGEMENT INFORMATION: APPLICABILITY OF NEW 45 CFR PART 61 TO NRC AND AGREEMENT STATE PROGRAMS (STP-00-060)

The U.S. Nuclear Regulatory Commission (NRC) is advising that in response to a request from Mr. Aubrey V. Godwin, Director of the Arizona Radiation Regulatory Agency, we have requested and received a legal interpretation on the applicability of new health care regulations to both NRC and Agreement State Programs.

On Tuesday, October 26, 1999, the Department of Health and Human Services (HHS) published a new 45 CFR Part 61 in the Federal Register (FR) at 46 FR 57740 - 57764. This regulation and an accompanying implementing regulation requires Federal and State government agencies and health care plans to report any "final adverse actions" against health care providers, suppliers, or practitioners. Such actions are to be reported to the new "Health Care Integrity and Protection Data Bank" (HIPDB) to be maintained by HHS. The definition of "Government agency" in the statute and regulations includes, but is not limited to, "Federal or State agencies responsible for the licensing and certification of health care providers, suppliers or licensed health care practitioners." NRC as well as Agreement States regulation of the medical use of byproduct material involves such responsibilities as licensing and certification of individuals and/or entities who are health care providers, suppliers, or licensed health care practitioners, as those terms are defined in these regulations. Therefore, NRC and the Agreement States are subject to report to the HIPDB any "final adverse actions" against "health care providers, suppliers, and licensed health care practitioners."

Specific questions on the HHS reporting criteria should be directed to the individual cited in the FR Notice. Enclosed, for your information, is the first page of the FR Notice. We will keep you informed of guidance NRC developed to meet these new requirements.

Thank you for your attention to this matter. If you have any questions regarding this letter, please contact the individual named below.

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/RA/

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Enclosure:
As stated

Federal Register: October 26, 1999 (Volume 64, Number 206) [Rules and Regulations] [Page 57739-57764]

Department of Health and Human Services
Office of the Secretary
Office of Inspector General

45 CFR Part 61
Health Care Fraud and Abuse Data Collection Program: Reporting of Final Adverse Actions;
Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office of the Secretary
Office of Inspector General

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

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

ACTION: Final rule.

SUMMARY: This final rule establishes a new CFR part 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 directs 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 and practitioners, and to maintain a data base of final adverse actions taken against health care providers, suppliers and practitioners.