

JOHN R. MCGINLEY, JR., ESQ., CHAIRMAN  
ALVIN C. BUSH, VICE CHAIRMAN  
ARTHUR COCCODRILLI  
ROBERT J. HARBISON, III  
JOHN F. MIZNER, ESQ.  
ROBERT E. NYCE, EXECUTIVE DIRECTOR  
MARY S. WYATTE, CHIEF COUNSEL



PHONE: (717) 783-5417  
FAX: (717) 783-2664  
irrc@irrc.state.pa.us  
<http://www.irrc.state.pa.us>

**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

August 23, 2001

Honorable Feather O. Houstoun, Secretary  
Department of Public Welfare  
333 Health & Welfare Building  
Harrisburg, PA 17105

Re: Regulation # 14-445 (IRRC #2043)  
Department of Public Welfare  
Medical Assistance Estate Recovery Program

Dear Secretary Houstoun:

The Independent Regulatory Review Commission approved your regulation on August 23, 2001.  
Our Order is enclosed and is available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alvin C. Bush".

Alvin C. Bush  
Vice Chairman

wbg

Enclosure

cc: Honorable Dennis M. O'Brien, Majority Chairman, House Health & Human Services Committee  
Honorable Frank L. Oliver, Democratic Chairman, House Health & Human Services Committee  
Honorable Harold F. Mowery, Chairman, Senate Public Health & Welfare Committee  
Honorable Vincent J. Hughes, Minority Chairman, Senate Public Health & Welfare Committee  
Nia Wilson, Legal Counsel, House Health & Human Services Committee  
Stanley Mitchell, Chief Counsel, House Health & Human Services Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION  
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held August 23, 2001

John R. McGinley, Jr., Chairman, by Phone  
Alvin C. Bush, Vice Chairman  
Arthur Coccodrilli  
Robert J. Harbison, III  
John F. Mizner

Regulation No. 14-445  
Department of Public Welfare  
Medical Assistance Estate Recovery Program

On July 9, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare (Department). This rulemaking adds 55 Pa. Code Chapter 258. The proposed regulation was published in the July 24, 1999 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 29, 2001. On July 19, 2001, the Commission received a request from the Department to toll consideration of this final-form regulation to make a number of technical corrections. On August 6, 2001, the Department submitted its revisions to the final-form regulation to the Commission.

This final-form rulemaking establishes rules for the operation of the Medical Assistance (MA) Estate Recovery Program (Program). The Program recovers the costs of MA-funded nursing care facility services, home and community-based services and related hospital and prescription drug services from the estates of persons aged 55 or over at the time of death. The proposed regulations are mandated by the Federal Medicaid Program, as well as Act 49 of 1994, and Act 20 of 1995, both omnibus public welfare laws.

We have determined this regulation is consistent with the statutory authority of the Department (62 P.S. §§ 201(2), 1410 and 1412 and 42 U.S.C. § 1396p(b)(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

**BY ORDER OF THE COMMISSION:**

This regulation is approved.



  
\_\_\_\_\_  
Alvin C. Bush, Vice Chairman