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

November 4, 1999

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

Re: IRRC Regulation #14-462 (#2060)  
Department of Public Welfare  
Special MA Eligibility Provisions

Dear Secretary Houstoun:

The Independent Regulatory Review Commission approved the subject regulation at its November 4, 1999 public meeting. Our Order is enclosed and is available on our website at <http://www.irrc.state.pa.us>.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Alvin C. Bush".

Alvin C. Bush  
Vice Chairman

ACB:kcg  
Enclosure  
cc: Edward J. Zogby  
George L. Hoover  
Thomas Vracarich

**INDEPENDENT REGULATORY REVIEW COMMISSION**

14th Floor, 333 Market Street  
Harrisburg, PA 17101

Commissioners Voting:

Public Meeting Held November 4, 1999

John R. McGinley, Jr., Chairman, by proxy  
Alvin C. Bush, Vice Chairman  
Arthur Coccodrilli  
John F. Mizner

Department of Public Welfare  
Special MA Eligibility Provisions

Regulation No. 14-462

**BY ORDER OF THE COMMISSION**

On August 31, 1999, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Public Welfare (Department). It amends various provisions of 55 Pa. Code Chapter 140. The authority for this regulation is Section 4732 of the federal Balanced Budget Act of 1997 (Pub. L. No. 105-33), which amended Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. § 1396a(a)(10)(E)). Notice of proposed rulemaking was omitted for this regulation pursuant to Section 812(b) and (e) of The Administrative Code of 1929 (71 P.S. § 279.3a). It will become effective upon publication in the *Pennsylvania Bulletin*.

On September 20, 1999, the Commission received a request from the Department to toll the consideration of this final-omitted regulation to make technical corrections. On October 19, 1999, the Department submitted its revisions to the final-omitted regulation to the Commission.

This regulation expands coverage under the Medical Assistance Program to include full or partial payment of Medicare Part B premiums for the elderly or disabled with incomes of at least 120 percent, but less than 175 percent, of the current Federal Poverty Income Guidelines.

We have reviewed this regulation and find it to be in the public interest. The Department must comply with federal requirements to avoid jeopardizing its federal financial participation and the Commonwealth from facing possible legal sanctions from the Health Care Financing Administration. The federal government will reimburse all of Pennsylvania's program costs, which the Department estimates will be \$1,699,255 for FY 1999-2000.

**THEREFORE, IT IS ORDERED THAT:**

1. Regulation No. 14-462 from the Department of Public Welfare, as revised on October 19, 1999, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

  
Alvin C. Bush, Vice Chairman

