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

May 17, 2001

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

Re: Regulation #14-461 (IRRC #2194)
Department of Public Welfare
Medical Assistance Income

Dear Secretary Houstoun:

The Independent Regulatory Review Commission approved your regulation on May 17, 2001.
Our Order is enclosed and is available on our website at 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,


John R. McGinley, Jr.
Chairman

cae

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 May 17, 2001

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

Regulation No. 14-461
Department of Public Welfare
Medical Assistance Income

On April 25, 2001, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code Chapter 181. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

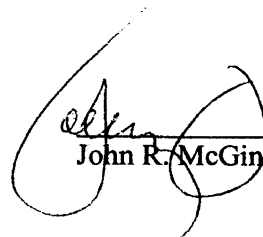
This regulation eliminates the requirement that a Medical Assistance (MA) recipient enroll in the Pharmaceutical Assistance Contract for the Elderly (PACE) Program. Federal law requires the Commonwealth to consider compensable drugs as a covered service for Medically Needy Only - MA recipients receiving nursing facility services. Therefore, it is no longer necessary to require MA recipients in nursing facilities to enroll in the PACE Program.

We have determined this regulation is consistent with the statutory authority of the Department (62 P.S. §§ 201(2) and 403(b)) 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.





John R. McGinley, Jr., Chairman