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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

October 18, 2001

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


Re: Regulation #14-470 (IRRC #2217)
Department of Public Welfare
Disproportionate Share Incentive Payments

Dear Secretary Houstoun:

The Independent Regulatory Review Commission approved your regulation on October 18, 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 meets the criteria and intent of the Regulatory Review Act.

Sincerely,


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 October 18, 2001

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

Regulation No. 14-470
Department of Public Welfare
Disproportionate Share Incentive Payments

On September 4, 2001, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code, Chapter 1187. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation authorizes an increase to the disproportionate share incentive payments for nursing facilities for fiscal year 1999-2000, through fiscal year 2002-2003. This incentive will be used to encourage nursing facilities to admit individuals eligible for Medical Assistance (MA) and to give additional revenue to nursing facilities that serve a greater number of MA residents. The amendments are in response to the Intergovernmental Transfer Agreement between the Department and the County Commissioners Association of Pennsylvania.

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