

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

January 10, 2002

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


Re: Regulation #14-473 (IRRC #2240)  
Department of Public Welfare  
Changes in Payment Methodology for Movable  
Property and Exceptional Payment for Nursing  
Facility Services

Dear Secretary Houstoun:

The Independent Regulatory Review Commission approved your regulation on January 10, 2002. 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,

  
Alvin C. Bush  
Vice Chairman  
evp  
Enclosure

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

**INDEPENDENT REGULATORY REVIEW COMMISSION  
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held January 10, 2002

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

Regulation No. 14-473  
Department of Public Welfare  
Changes in Payment Methodology for  
Movable Property and Exceptional Payment  
for Nursing Facility Services

On December 12, 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 changes the methodology for reporting of and payment for movable property under the case-mix system. The Department will now be able to make additional payments to nursing facilities for medically necessary durable medical equipment when the cost of such equipment exceeds what is normally covered by Medical Assistance.

We have determined this regulation is consistent with the statutory authority of the Department of Public Welfare (62 P.S. §§ 201 and 443.1) 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.



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

Alvin C. Bush, Vice Chairman