

List of Subjects in 38 CFR Part 13

Surety bonds, Trusts and trustees, and Veterans.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on May 5, 2022, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Luvenia Potts,

Regulations Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR part 13 as set forth below:

PART 13—FIDUCIARY ACTIVITIES

■ 1. The authority citation for part 13 continues to read as follows:

Authority: 38 U.S.C. 501, 5502, 5506–5510, 6101, 6106–6108, and as noted in specific sections.

Source: 83 FR 32738, July 13, 2018, unless otherwise noted.

■ 2. Amend § 13.230 by revising paragraph (c)(1) to read as follows:

§ 13.230 Protection of beneficiary funds.

* * * * *

(c) * * *. (1) The provisions of paragraphs (a) and (b) of this section do not apply to:

(i) A fiduciary that is a trust company or a bank with trust powers organized under the laws of the United States or a state;

(ii) A fiduciary who is the beneficiary's spouse;

(iii) A fiduciary in the Commonwealth of Puerto Rico, Guam, or another territory of the United States, or in the Republic of the Philippines, who has entered into a restricted withdrawal agreement in lieu of a surety bond;

(iv) A fiduciary that is also appointed by a court and has obtained a state-court bond, as referenced in 38 CFR 14.709, sufficient to cover both VA and non-VA funds; or

(v) A fiduciary that is also a state agency with existing, state-mandated liability insurance or a blanket bond sufficient to cover both VA and non-VA funds.

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[FR Doc. 2022–10388 Filed 5–13–22; 8:45 am]

BILLING CODE 8320–01–P

POSTAL SERVICE**39 CFR Part 241****Post Office Organization and Administration: Discontinuance of USPS-Operated Retail Facilities**

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The United States Postal Service® has revised its regulations concerning the Postal Service-Operated Retail Facilities Discontinuance Guide to conform to organizational changes.

DATES: Effective May 16, 2022.

FOR FURTHER INFORMATION CONTACT: Sal Faraglia, 202–494–3329, Post Office Operations and Processing Logistics and Integration.

SUPPLEMENTARY INFORMATION: The revision makes minor changes to § 241.3 to update the text with the correct job titles following organizational changes.

List of Subjects in 39 CFR Part 241

Organization and functions (Government agencies).

Accordingly, 39 CFR part 241 is amended as follows:

PART 241—ESTABLISHMENT CLASSIFICATION, AND DISCONTINUANCE

■ 1. The authority citation for part 241 continues to read as follows:

Authority: 39 U.S.C. 101, 401, 403, 404, 410, 1001.

■ 2. Amend § 241.3 by revising paragraphs (b)(2) and (d)(3) introductory text to read as follows:

§ 241.3 Discontinuance of USPS-operated retail facilities.

* * * * *

(b) * * *

(2) *ZIP Code assignment.* The ZIP Code for each address formerly served from the discontinued USPS-operated retail facility should be kept, wherever practical. In some cases, the ZIP Code originally assigned to the discontinued USPS-operated retail facility may be changed if the responsible District Manager receives approval from his or her Vice President of Area Delivery and Retail Operations before any proposal to discontinue the USPS-operated retail facility is posted.

* * * * *

(d) * * *

(3) *Other steps.* In addition to providing notice and inviting comment, the District Manager must take any other steps necessary to ensure that the persons served by affected USPS-operated retail facilities understand the

nature and implications of the proposed action. A community meeting must be held to provide outreach and gain public input after the proposal is posted, unless otherwise instructed by the responsible Headquarters Vice President or the applicable Vice President of Area Delivery and Retail Operations. Authorization to forgo a community meeting should issue only where exceptional circumstances make a community meeting infeasible, such as where the community no longer exists because of a natural disaster or because residents have moved elsewhere.

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Joshua J. Hofer,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2022–10283 Filed 5–13–22; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 170**

[EPA–HQ–OPP–2017–0543; FRL–9803–01–OCSPP]

Pesticides; Agricultural Worker Protection Standard; Revision of the Application Exclusion Zone Requirements; Court Order; Stay of Effectiveness

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; court-ordered stay of effectiveness.

SUMMARY: On December 28, 2020, the United States District Court for the Southern District of New York issued an order in the case of *State of New York et al. v. United States Environmental Protection Agency*, which resulted in a stay of the effectiveness for an October 30, 2020 final rule (2020 AEZ Rule) amending certain provisions of EPA's Agricultural Worker Protection Standard (WPS) regulations under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) related to the application exclusion zone (AEZ). Subsequent orders have extended this stay of the effectiveness. Although the text of the Code of Federal Regulations reflects the amendments to the AEZ provisions under the 2020 AEZ Rule, the district court's stay orders have prevented those amendments from going into effect. Accordingly, the regulatory text prior to the amendments provides the operative regulatory language during the current stay and any future extensions of the stay.

DATES: As of February 15, 2022, the effectiveness of the final rule published

at 85 FR 68760 (October 30, 2020) is stayed by court order until August 22, 2022. EPA intends to publish another document in the **Federal Register** to address the status of the 2020 final rule if the stay of effectiveness expires or is lifted, but the Agency does not intend to publish additional **Federal Register** documents to announce any additional court orders entered to further stay the effectiveness of the 2020 final rule.

FOR FURTHER INFORMATION CONTACT:

Carolyn Schroeder, Pesticide Re-Evaluation Division (7508M), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566-2376; email address: schroeder.carolyn@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this announcement affect me?

You may be interested in this announcement if you work in or employ persons working in crop production agriculture where pesticides are applied. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Agricultural Establishments (NAICS code 111000).
- Nursery and Tree Production (NAICS code 11421).
- Timber Tract Operations (NAICS code 113110).
- Forest Nurseries and Gathering of Forest Products (NAICS code 113210).
- Farm Workers (NAICS codes 11511, 115112, and 115114).
- Pesticide Handling on Farms (NAICS code 115112).
- Farm Labor Contractors and Crew Leaders (NAICS code 115115).
- Pesticide Handling in Forestry (NAICS code 115310).
- Pesticide Manufacturers (NAICS code 325320).
- Farm Worker Support Organizations (NAICS codes 813311, 813312, and 813319).
- Farm Worker Labor Organizations (NAICS code 813930).
- Crop Advisors (NAICS codes 115112, 541690, 541712).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

The docket for this announcement, identified by docket identification (ID) number EPA-HQ-OPP-2017-0543, is available at <https://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and the OPP Docket is (202) 566-1744. Please review the visitor instructions and additional information about the docket available at <https://www.epa.gov/dockets>.

II. Announcement of Court Order

On December 28, 2020, the United States Southern District of New York issued an order granting plaintiffs' request for a temporary restraining order (TRO) and injunctive relief in the case of *State of New York et al. v. United States Environmental Protection Agency*, Case No. 1:20-cv-10642 (Ref. 1). The Court's order stayed the December 29, 2020 effective date of the 2020 AEZ Rule (Ref. 2) and enjoined all EPA authorities who would otherwise take action to make the 2020 AEZ Rule effective from doing so (Ref. 1). Following the December 2020 Order, the Court has issued several additional stipulated orders further extending the preliminary injunction staying the effectiveness of the 2020 AEZ Rule (Refs. 3-10). The most recent stipulated order, issued on February 15, 2022, continues the stay of the effectiveness of the 2020 AEZ Rule through August 22, 2022. Additional stay orders may be entered in the future.

III. Current Status of the WPS in Light of Court Orders

In November 2015, the Agency finalized amendments to the WPS that included the establishment of the AEZ and related provisions (2015 WPS) (Ref. 11). The text of the 2015 WPS and the AEZ provisions within the rule is available at 80 FR 67496 (November 2, 2015) (FRL-9931-81). As described above, court orders have stayed the effectiveness of the 2020 AEZ Rule, which would have modified the AEZ provisions in the 2015 WPS, until August 22, 2022. Additional court orders may extend this stay.

Because the 2020 AEZ Rule has not taken effect, the AEZ provisions from the 2015 WPS remain in effect and will

continue to remain in effect in the event of future stays of the effectiveness. Accordingly, any enforcement activity by EPA officials and other authorities tasked with enforcing the WPS should be conducted based on the AEZ requirements in the 2015 WPS, until such time as a subsequent rule goes into effect.

IV. Status of Rulemaking

EPA has commenced a new rulemaking effort to address the AEZ and anticipates issuing a proposal in 2022, which is identified in the Semi-Annual Unified Regulatory Agenda under RIN 2070-AK92. As part of the future proposed rulemaking, EPA intends to thoroughly review the 2020 AEZ Rule to determine the extent to which it is consistent with the policies established in Executive Order 13990, entitled "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis" (86 FR 7037, January 25, 2021). Any final rule resulted from this rulemaking process may modify content of the 2015 WPS, the 2020 AEZ Rule, or both.

V. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

1. *State of New York et al. v. United States Environmental Protection Agency*, Case No. 1:20-cv-10642; (United States Southern District of New York, December 28, 2020). Amended Order Re: Complaint for Declaratory and Injunctive Relief.
2. EPA. Pesticides; Agricultural Worker Protection Standard Revisions; Revision of the Application Exclusion Zone Requirements; Final Rule. **Federal Register**. 85 FR 68760, October 30, 2020 (FRL-10016-03).
3. *State of New York et al. v. United States Environmental Protection Agency*, Case No. 1:20-cv-10642; (United States Southern District of New York, January 19, 2021). Stipulation and Consent Order Extending Stay and Entering Injunction.
4. *State of New York et al. v. United States Environmental Protection Agency*, Case No. 1:20-cv-10642; (United States Southern District of New York, February 10, 2021). Stipulation and Consent Order Further Extending Stay and Entering Injunction.

5. *State of New York et al. v. United States Environmental Protection Agency*, Case No. 1:20-cv-10642; (United States Southern District of New York, April 12, 2021). Second Stipulation and Consent Order Further Extending Stay and Extending Injunction.
6. *State of New York et al. v. United States Environmental Protection Agency*, Case No. 1:20-cv-10642; (United States Southern District of New York, June 14, 2021). Third Stipulation and Consent Order Further Extending Stay and Extending Injunction.
7. *State of New York et al. v. United States Environmental Protection Agency*, Case No. 1:20-cv-10642; (United States Southern District of New York, August 12, 2021). Fourth Stipulation and Consent Order Further Extending Stay and Extending Injunction.
8. *State of New York et al. v. United States Environmental Protection Agency*, Case No. 1:20-cv-10642; (United States Southern District of New York, October 12, 2021). Fifth Stipulation and Consent Order Further Extending Stay and Extending Injunction.
9. *State of New York et al. v. United States Environmental Protection Agency*, Case No. 1:20-cv-10642; (United States Southern District of New York, December 14, 2021). Sixth Stipulation and Consent Order Further Extending Stay and Extending Injunction.
10. *State of New York et al. v. United States Environmental Protection Agency*, Case No. 1:20-cv-10642; (United States Southern District of New York, February 15, 2022). Seventh Stipulation and Consent Order Further Extending Stay and Extending Injunction.
11. EPA. Pesticides; Agricultural Worker Protection Standard Revisions; Final Rule. **Federal Register**. 80 FR 67496, November 2, 2015 (FRL-9931-81).

Authority: 7 U.S.C. 136-136y.

Dated: May 5, 2022.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2022-10019 Filed 5-13-22; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 447

[CMS-2444-F]

RIN 0938-AU73

Medicaid Program; Reassignment of Medicaid Provider Claims

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule.

SUMMARY: This final rule reinterprets the scope of the general requirement that State payments for Medicaid services under a State plan must generally be made directly to the individual practitioner or institution providing services or to the beneficiary, in the case of a class of practitioners for which the Medicaid program is the primary source of revenue. Specifically, this final rule explicitly authorizes States to make payments to third parties on behalf of individual practitioners, for individual practitioners' health insurance and welfare benefits, skills training, and other benefits customary for employees, if the individual practitioner consents to such payments on their behalf.

DATES: These regulations are effective June 15, 2022.

FOR FURTHER INFORMATION CONTACT: Christopher Thompson, (410) 786-4044.

SUPPLEMENTARY INFORMATION:

I. Background

A. Prohibition on Payment Reassignment

Congress established the Medicaid program in 1965 to provide health care services for low-income beneficiaries and beneficiaries with disabilities. Section 1902(a)(32) of the Social Security Act (the Act) imposes certain requirements on how States may make payments for services furnished to Medicaid beneficiaries. Section 1902(a)(32) of the Act provides generally that "no payment under the plan for any care or service provided to an individual shall be made to anyone other than such individual or the person or institution providing such care or service, under an assignment or power of attorney or otherwise." This prohibition is followed by four enumerated exceptions. On September 29, 1978, we codified these exceptions under 42 CFR 447.10, the regulation implementing section 1902(a)(32) of the Act, in the "Payment for Services" final rule (43 FR 45253) (hereinafter referred to as the "1978 final rule"). The 1978 final rule simply reorganized and redesignated existing Medicaid regulations that previously appeared at 42 CFR 449.31. Since the 1990s, we have mostly understood this provision as governing only assignments and other similar Medicaid payment arrangements.

Consistent with this understanding, from 2012 to 2014, we engaged in rulemaking in the "State Plan Home and Community-Based Services, 5-Year Period for Waivers Provider Payment Reassignment, and Setting Requirements for Community First Choice" proposed rule published in the

May 3, 2012 **Federal Register** (77 FR 26362) (hereinafter referred to as the "2012 proposed rule") to make it explicit that section 1902(a)(32) of the Act did not apply to certain payments made by the State Medicaid program on behalf and for the benefit of individual Medicaid practitioners whose primary source of revenue is the State Medicaid program. We finalized this regulation in the "State Plan Home and Community Based Services, 5-Year for Waivers, Provider Payment Reassignment, and Home and Community-Based Setting Requirements for Community First Choice and Home and Community Based Services (HCBS) Waivers" final rule published in the January 16, 2014 **Federal Register** (79 FR 2948) (hereinafter referred to as the "2014 final rule"). In that rulemaking, we reasoned that the statute permitted this policy because the apparent purpose of section 1902(a)(32) of the Act was to prohibit factoring arrangements, the practice by which providers sold their claims for a percentage of their value to companies that would then submit the claims to the State. The purpose was not to preclude a Medicaid program that is functioning as the practitioner's primary source of revenue from fulfilling the basic employer-like responsibilities that are associated with that role, a scenario that was not contemplated by section 1902(a)(32) of the Act and was outside of the intended scope of the statutory prohibition.

We codified this policy as a regulatory exception under § 447.10(g)(4) to permit withholding from the payment due to the individual practitioner for amounts paid by the State directly to third parties for health and welfare benefits, training costs, and other benefits customary for employees. In an August 3, 2016 Center for Medicaid and CHIP Services Informational Bulletin, we outlined suggested approaches for strengthening and stabilizing the Medicaid home care workforce, including by supporting home care worker training and development. We noted that under § 447.10(g)(4), State Medicaid agencies could facilitate this goal by, with the consent of the individual practitioner, making payment on behalf of the practitioner to a third party that provides benefits to the workforce, such as health insurance, skills training, and other benefits customary for employees.¹

¹ <https://www.medicaid.gov/federal-policy-guidance/downloads/cib080316.pdf>.