

(i) Total reimbursement received and receivable for services furnished CHAMPUS beneficiaries during the cap period, including physician's services not of an administrative or general supervisory nature.

(ii) Total reimbursement received and receivable for general inpatient care and inpatient respite care furnished to CHAMPUS beneficiaries during the cap period.

(iii) Total number of inpatient days furnished to CHAMPUS hospice patients (both general inpatient and inpatient respite days) during the cap period.

(iv) Total number of CHAMPUS hospice days (both inpatient and home care) during the cap period.

(v) Total number of beneficiaries electing hospice care. The following rules must be adhered to by the hospice in determining the number of CHAMPUS beneficiaries who have elected hospice care during the period:

(A) The beneficiary must not have been counted previously in either another hospice's cap or another reporting year.

(B) The beneficiary must file an initial election statement during the period beginning September 28 of the previous cap year through September 27 of the current cap year in order to be counted as an electing CHAMPUS beneficiary during the current cap year.

(C) Once a beneficiary has been included in the calculation of a hospice cap amount, he or she may not be included in the cap for that hospice again, even if the number of covered days in a subsequent reporting period exceeds that of the period where the beneficiary was included.

(D) There will be proportional application of the cap amount when a beneficiary elects to receive hospice benefits from two or more different CHAMPUS-certified hospices. A calculation must be made to determine the percentage of the patient's length of stay in each hospice relative to the total length of hospice stay.

(8) *Reconsideration of cap amount and inpatient limit.* A hospice dissatisfied with the contractor's calculation and application of its cap amount and/or inpatient limitation may request and obtain a contractor review if the amount of program reimbursement is in controversy—with respect to matters which the hospice has a right to review—is at least \$1000. The administrative review by the contractor of the calculation and application of the cap amount and inpatient limitation is the only administrative review available. These calculations are not subject to the appeal procedures set

forth in § 199.10. The methods and standards for calculation of the hospice payment rates established by CHAMPUS, as well as questions as to the validity of the applicable law, regulations or CHAMPUS decisions, are not subject to administrative review, including the appeal procedures of § 199.10.

(9) *Beneficiary cost-sharing.* There are no deductibles under the CHAMPUS hospice benefit. CHAMPUS pays the full cost of all covered services for the terminal illness, except for small cost-share amounts which *may be* collected by the individual hospice for outpatient drugs and biologicals and inpatient respite care.

(i) The patient is responsible for 5 percent of the cost of outpatient drugs or \$5 toward each prescription, whichever is less. Additionally, the cost of prescription drugs (drugs or biologicals) may not exceed that which a prudent buyer would pay in similar circumstances; that is, a buyer who refuses to pay more than the going price for an item or service and also seeks to economize by minimizing costs.

(ii) For inpatient respite care, the cost-share for each respite care day is equal to 5 percent of the amount CHAMPUS has estimated to be the cost of respite care, after adjusting the national rate for local wage differences.

(iii) The amount of the individual cost-share liability for respite care during a hospice cost-share period may not exceed the Medicare inpatient hospital deductible applicable for the year in which the hospice cost-share period began. The individual hospice cost-share period begins on the first day an election is in effect for the beneficiary and ends with the close of the first period of 14 consecutive days on each of which an election is not in effect for the beneficiary.

* * * * *

Dated: January 25, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95-2194 Filed 1-31-95; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

RIN 1024-AB10

Everglades National Park Special Regulations; Correction

AGENCY: National Park Service, Interior.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations which were published Tuesday, November 15, 1994. The regulations related to fishing and boating activities within Everglades National Park.

EFFECTIVE DATE: December 15, 1994.

FOR FURTHER INFORMATION CONTACT: Superintendent, Everglades National Park, 40001 State Road 9336, Homestead, FL 33034. Telephone (305) 242-7730.

SUPPLEMENTARY INFORMATION:

Background

On November 15, 1994, the National Park Service (NPS) published in the **Federal Register** (59 FR 58781) a final rule changing the special regulations for Everglades National Park. The final rule completely revises the special regulations for the park. The rule achieves consistency with State fishing rules and allows the park to adopt State fishing regulations. It more closely regulates the activities of commercial guide fishing and redefines "commercial fishing" to include the taking of sponges and other non-edible marine life.

The final rule allows the NPS to take a more proactive role in its mission to protect and conserve natural and cultural resources and gives the Superintendent more specific authority to regulate fishing and boating. It prohibits the use of personal watercraft, closes accessible marine wilderness areas to the use of motorized vessels and allows for better management of wildlife habitat sites. The rule also deletes existing obsolete regulations from the Code of Federal Regulations pertaining to mining and commercial fishing.

Need for Correction

As published, the final rule contains two typographical errors which may prove to be misleading and are in need of correction.

Correction of Publication

Accordingly, the publication on November 15, 1994 (59 FR 58781) of the final regulation, rule document 94-