

Federal Register – January 2019

<p>2019 Revised Patent Subject Matter Eligibility Guidance, 84 Federal Register 50, January 7, 2019</p>	<p>EXAMINATION GUIDANCE: The United States Patent and Trademark Office (USPTO) has prepared revised guidance (2019 Revised Patent Subject Matter Eligibility Guidance) for use by USPTO personnel in evaluating subject matter eligibility. The 2019 Revised Patent Subject Matter Eligibility Guidance revises the procedures for determining whether a patent claim or patent application claim is directed to a judicial exception (laws of nature, natural phenomena, and abstract ideas) under Step 2A of the USPTO's Subject Matter Eligibility Guidance.</p> <p>EFFECTIVE DATE: January 7, 2019</p> <p>COMMENTS DUE: March 8, 2019</p>
<p>PTO - Examining Computer-Implemented Functional Claim Limitations for Compliance With 35 U.S.C. 112, 84 Federal Register 50, January 7, 2019</p>	<p>EXAMINATION GUIDANCE: This guidance will assist United States Patent and Trademark Office (USPTO) personnel in the examination of claims in patent applications that contain functional language, particularly patent applications where functional language is used to claim computer-implemented inventions.</p> <p>EFFECTIVE DATE: January 7, 2019</p> <p>COMMENTS DUE: March 8, 2019</p>
<p>Federal Perkins Loan, Federal Work-Study, and Federal Supplemental Educational Opportunity Grant Programs; 2019-20 Award Year Deadline Dates, 84 Federal Register 351, January 24, 2019</p>	<p>NOTICE: The Secretary announces the 2019-20 award year deadline dates for the submission of requests and documents from postsecondary institutions for the Federal Perkins Loan (Perkins Loan), Federal Work-Study (FWS), and Federal Supplemental Educational Opportunity Grant (FSEOG) programs (collectively, the “Campus-Based programs”)</p> <p>DEADLINES: March 2, 2020 (Institutional Application and Agreement for Participation). See FR for entire list of deadlines.</p>
<p>Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2020, 84 Federal Register 227, January 24, 2019</p>	<p>PROPOSED RULE: This proposed rule sets forth payment parameters and provisions related to the risk adjustment and risk adjustment data validation programs; cost-sharing parameters; and user fees for Federally-facilitated Exchanges (FFE) and State-based Exchanges on the Federal Platform (SBE-FPs). It proposes changes that would allow greater flexibility related to the duties and training requirements for the Navigator program and proposes changes that would provide greater flexibility for direct enrollment entities, while strengthening program integrity oversight over those entities. It proposes policies that are intended to reduce the costs of prescription drugs. It includes proposed changes to Exchange standards related to eligibility and enrollment; exemptions; and other related topics.</p> <p>COMMENTS DUE: February 19, 2019</p>
<p>Tracking of Workplace Injuries and Illnesses, 84 Federal Register 380, January 25, 2019</p>	<p>RULE: To protect worker privacy, the Occupational Safety and Health Administration (OSHA) is amending the recordkeeping regulation by rescinding the requirement for establishments with 250 or more employees to electronically submit information from OSHA Forms 300 and 301. These establishments will continue to be required to maintain those</p>

	<p>records on-site, and OSHA will continue to obtain them as needed through inspections and enforcement actions. In addition to reporting required after severe injuries, establishments will continue to submit information from their Form 300A. Such submissions provide OSHA with ample data that it will continue seeking to fully utilize. In addition, OSHA is amending the recordkeeping regulation to require covered employers to submit their Employer Identification Number (EIN) electronically along with their injury and illness data submission, which will facilitate use of the data and may help reduce duplicative employer reporting. Nothing in the final rule revokes an employer's duty to maintain OSHA Forms 300 and 301 for OSHA inspection.</p> <p>EFFECTIVE DATE: February 25, 2019</p>
<p>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 84 Federal Register 409, January 28, 2019</p>	<p>EXTENSION OF COMMENT PERIOD: On November 29, 2018, the Department published in the Federal Register a notice of proposed rulemaking (NPRM) to amend the Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance regulations. That NPRM established a 60-day comment period from November 29, 2018, through January 28, 2019. The Department is extending the public comment period for two days, until January 30, 2019.</p> <p>COMMENTS DUE: January 30, 2019</p>
<p>Administrative Simplification; Modification of the Requirements for the Use of Health Insurance Portability and Accountability Act of 1996 National Council for Prescription Drug Programs D.0 Standard, 84 Federal Register 554, January 31, 2019</p>	<p>PROPOSED RULE: This proposed rule would adopt a modification to the requirements for the use of the Telecommunication Standard Implementation Guide, Version D, Release 0 (Version D.0), August 2007, National Council for Prescription Drug Programs by requiring covered entities to use the Quantity Prescribed (460-ET) field for retail pharmacy transactions for Schedule II drugs. The modification would enable covered entities to clearly distinguish whether a prescription is a “partial fill,” where less than the full amount prescribed is dispensed, or a refill, in the HIPAA retail pharmacy transactions.</p> <p>COMMENTS DUE: April 1, 2019</p>
<h2>Virginia Register – January 2019</h2>	
<p>12VAC5-490. Virginia Radiation Protection Regulations: Fee Schedule (amending 12VAC5-490-10, 12VAC5-490-20, 12VAC5-490-40), Volume 35, Issue 10, Virginia Register of Regulations, January 7, 2019</p>	<p>FINAL REGULATION: The amendments increase fees in the fee schedule used by the X-Ray Program for device registrations and inspections and in the fee schedule used by the Radioactive Materials Program for charging annual licensing fees to maintain program solvency and provide adequate regulatory controls.</p> <p>EFFECTIVE DATE: February 7, 2019</p>
<p>18VAC90-19. Regulations Governing the Practice of Nursing (amending 18VAC90-19-110), Volume 35, Issue 10, Virginia Register of Regulations, January 7, 2019</p>	<p>FAST-TRACK REGULATION: The purpose is clarification of 18VAC90-19-110 F, which specifies the requirements for licensure by examination. As authorized by the Code of Virginia, the board allows an applicant to practice for 90 days following graduation from a nursing education program. The current language seems to indicate that the applicant has 90 days to practice following receipt of the authorization letter from the board. The board often encounters confusion among applicants about the timing of the 90 days of authorized practice. The</p>

	<p>amendment clarifies the use of titles by applicants, so employers and applicants will clearly understand the limitations. Public health and safety will be better protected by clarifying that applicants who have failed the examination or have not passed within the 90-day period cannot practice or represent themselves as registered nurse or licensed practical nurse applicants.</p> <p>COMMENTS DUE: February 6, 2019 EFFECTIVE DATE: February 21, 2019</p>
<p>12VAC35-105. Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services (amending 12VAC35-105-20), Volume 35, Issue 10, Virginia Register of Regulations, January 7, 2019</p>	<p>FAST-TRACK REGULATION: Psychiatric and mental health nurse practitioners work with mental health patients of all ages and may specialize in a specific age population. A licensed psychiatric/mental health nurse practitioner (PMHNP) can practice in a variety of locations including, but not limited to, in-patient psychiatric facilities, state psychiatric facilities, correctional facilities, mental health centers, home health locations, and schools. By adding this profession to the definition of who can be considered a licensed mental health practitioner, it facilitates more trained professionals to be available to provide services.</p> <p>COMMENTS DUE: February 6, 2019 EFFECTIVE DATE: February 21, 2019</p>
<p>18VAC140-20. Regulations Governing the Practice of Social Work (amending 18VAC140-20-105), Volume 35, Issue 10, Virginia Register of Regulations, January 7, 2019</p>	<p>PROPOSED REGULATION: Currently, 18VAC140-20-105 specifies that 30 hours of continuing education are required for renewal of a licensed clinical social work license and 15 hours for a licensed social worker every two years. A minimum of two of those hours must pertain to ethics or the standards of practice for the behavioral health professions or to laws governing the practice of social work in Virginia. The proposed amendment would increase the ethics or standards requirement from two to six hours for LCSWs and three hours for licensed social workers; there would be no change in the total hours required.</p> <p>COMMENTS DUE: March 8, 2019</p>
<p>16VAC25-90. Federal Identical General Industry Standards re: Beryllium (amending 16VAC25-90-1910.1024), Volume 35, Issue 11, Virginia Register of Regulations, January 21, 2019</p>	<p>FINAL REGULATION: In a final rule, federal Occupational Safety and Health Administration (OSHA) adopted clarifying amendments to address the application of the comprehensive general industry standard for beryllium and beryllium compounds exposure to materials containing trace amounts of beryllium. The direct final rule (i) amends the definition of "beryllium work area" and "emergency"; (ii) adds definitions for "contaminated with beryllium and beryllium-contaminated," and "dermal contact with beryllium"; (iii) clarifies the provision for disposal and recycling; and (iv) clarifies the provisions that apply only where skin can be exposed to materials containing at least 0.1% beryllium by weight.</p> <p>EFFECTIVE DATE: February 22, 2019</p>