

Federal Register – November 2019

[Student Assistance General Provisions, The Secretary's Recognition of Accrediting Agencies, The Secretary's Recognition Procedures for State Agencies, 84 Federal Register 58834, November 1, 2019](#)

FINAL REGULATIONS: These regulations—

- Revise the requirements for accrediting agencies in their oversight of member institutions and programs to be less prescriptive and provide greater autonomy and flexibility to facilitate agility and responsiveness and promote innovation;
- Revise the criteria used by the Secretary to recognize accrediting agencies to focus on education quality and allow competition;
- Revise the Department's process for recognition and review of accrediting agencies;
- Clarify the core oversight responsibilities among each entity in the regulatory triad—accrediting agencies, States, and the Department—to hold institutions accountable;
- Establish the roles and responsibilities of institutions and accrediting agencies in the teach-out process;
- Establish that the Department recognizes an institution's legal authorization to operate postsecondary educational programs when it is exempt from State authorization under the State constitution or by State law as a religious institution with a religious mission;
- Revise the State authorization requirements for institutions offering distance education or correspondence courses; and
- Remove the regulations related to the Robert C. Byrd Honors Scholarship Program, which has not received funding in many years.

EFFECTIVE DATE: July 1, 2020

[2019-2020 Award Year Deadline Dates for Reports and Other Records Associated With the Free Application for Federal Student Aid \(FAFSA\), the Federal Supplemental Educational Opportunity Grant Program \(FSEOG\), the Federal Work-Study \(FWS\) Programs, the Federal Pell Grant \(Pell Grant\) Program, the William D. Ford Federal Direct Loan \(Direct Loan\) Program, the Teacher Education Assistance for College and Higher Education \(TEACH\) Grant Program, and the Iraq and Afghanistan Service Grant Program, 84 Federal Register 58699, November 1, 2019](#)

NOTICE: The Secretary announces deadline dates for the receipt of documents and other information from applicants and institutions participating in certain Federal student aid programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA), for the 2019-2020 award year.

DEADLINE DATES: variable (see Tables A & B in notice)

[Agency Information Collection Activities: Information Collection Revision; Submission for OMB Review; Regulation E-Electronic Fund Transfer Act and Regulation Z-Truth in Lending Act, 84 Federal Register 59446, November 4, 2019](#)

NOTICE: The Electronic Fund Transfer Act (EFTA) [3] and Regulation E [4] require disclosure of basic terms, costs, and rights relating to electronic fund transfer services debiting or crediting a consumer's account. The Truth in Lending Act (TILA) [5] and Regulation Z [6] require that the costs and terms of credit be disclosed to consumers.

	<p>The Prepaid Accounts final rules issued by the Consumer Financial Protection Bureau (CFPB) [7] require financial institutions to make available to consumers disclosures before a consumer acquires a prepaid account. This notice outlines the requirements of the 2016 rule as amended by the 2018 rule.</p> <p>COMMENTS DUE: December 4, 2019</p>
<p>In the Matter of Use of Common Antenna Site, Modernization of Media Regulation Initiative, 84 Federal Register 59756, November 6, 2019</p>	<p>PROPOSED RULE: The FCC seeks comment on whether we should eliminate or revise the requirements, in sections 73.239 and 73.635 of the Commission's rules, regarding access to FM and TV broadcast antenna sites. As described in more detail below, these rules prohibit the grant, or renewal, of a license for an FM or TV station if that applicant or licensee controls an antenna site that is peculiarly suitable for broadcasting in the area and does not make the site available for use by other similar licensees. We seek comment on whether these requirements, which are rarely invoked, are outdated and unnecessary in light of the significant changes in the broadcast marketplace, including significant growth in the availability of broadcast infrastructure that has occurred since these restrictions were first adopted nearly 75 years ago. With this proceeding, we continue our efforts to modernize our rules and eliminate or modify outdated and unnecessary regulations.</p> <p>COMMENTS DUE: December 23, 2019</p>
<p>Digital Performance Right in Sound Recordings and Ephemeral Recordings, 84 Federal Register 60356, November 8, 2019</p>	<p>PROPOSED RULE: The Copyright Royalty Judges are publishing for comment proposed regulations governing the rates and terms for the digital performances of sound recordings by new subscription services and for the making of ephemeral recordings necessary to facilitate those transmissions for the period commencing January 1, 2021, and ending on December 31, 2025.</p> <p>COMMENTS DUE: December 9, 2019</p>
<p>Updated Life Expectancy and Distribution Period Tables Used for Purposes of Determining Minimum Required Distributions, 84 Federal Register 60812, November 8, 2019</p>	<p>PROPOSED RULE: This document sets forth proposed regulations providing guidance relating to the life expectancy and distribution period tables that are used to calculate required minimum distributions from qualified retirement plans, individual retirement accounts and annuities, and certain other tax-favored employer-provided retirement arrangements. These regulations affect participants, beneficiaries, and plan administrators of these qualified retirement plans and other tax-favored employer-provided retirement arrangements, as well as owners, beneficiaries, trustees and custodians of individual retirement accounts and annuities. This document also provides a notice of a public hearing on these proposed regulations.</p> <p>COMMENTS DUE: January 7, 2020</p>
<p>Request for Public Comments on a DRAFT NIH Policy for Data Management and Sharing and Supplemental DRAFT Guidance, 84 Federal Register 60398, November 8, 2019</p>	<p>REQUEST FOR COMMENTS: The National Institutes of Health (NIH) is seeking public comments on a DRAFT NIH Policy for Data Management and Sharing and supplemental DRAFT guidance. The purpose of this DRAFT Policy and supplemental DRAFT guidance is to promote effective and efficient data management and sharing to further NIH's commitment to making the results and accomplishments of the research it funds and conducts available to the public.</p> <p>COMMENTS DUE: January 10, 2020</p>

<p>Electronic Filing of the Report of Health Insurance Provider Information, 84 Federal Register 61547, November 13, 2019</p>	<p>FINAL REGULATIONS: This document contains final regulations amending the Health Insurance Providers Fee regulations to require certain covered entities engaged in the business of providing health insurance for United States health risks to electronically file Form 8963, "Report of Health Insurance Provider Information." These final regulations affect those entities.</p> <p>EFFECTIVE DATE: November 13, 2019</p>
<p>FCC Final Rule for Improving Public Safety Communications in the 800 MHz Band, 84 Federal Register 61831, November 14, 2019</p> <p>Proposed Rule for Streamlining Public Safety Communications in the 800 Mhz Band</p>	<p>FINAL RULE: In this document, the Federal Communications Commission (Commission) streamlines our rules and procedures to accelerate the successful conclusion of the Commission's 800 MHz band reconfiguration program, or rebanding. The 800 MHz rebanding initiative is a 14-year, \$3.6 billion program, involving Sprint Corporation (Sprint) and 800 MHz licensees. At the conclusion of this initiative, public safety, critical infrastructure and other 800 MHz licensees will operate in a reconfigured 800 MHz band free of the interference that plagued first responders' mission-critical communications before the Commission instituted rebanding in the 800 MHz Report and Order.</p> <p>COMMENTS DUE on PROPOSED RULE: December 16, 2019</p> <p>EFFECTIVE DATE of FINAL RULE: December 16, 2019</p>
<p>U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, 84 Federal Register 62280, November 14, 2019</p>	<p>PROPOSED RULE: The Department of Homeland Security (DHS) proposes to adjust certain immigration and naturalization benefit request fees charged by U.S. Citizenship and Immigration Services (USCIS). USCIS conducted a comprehensive biennial fee review and determined that current fees do not recover the full costs of providing adjudication and naturalization services. DHS proposes to adjust USCIS fees by a weighted average increase of 21 percent, add new fees for certain benefit requests, establish multiple fees for petitions for nonimmigrant workers, and limit the number of beneficiaries on certain forms to ensure that USCIS has the resources it needs to provide adequate service to applicants and petitioners. Adjustments to the fee schedule are necessary to recover the full operating costs associated with administering the nation's immigration benefits system, safeguarding its integrity, and efficiently and fairly adjudicating immigration benefit requests, while protecting Americans, securing the homeland, and honoring our country's values. USCIS also is proposing changes to certain other immigration benefit request requirements.</p> <p>COMMENTS DUE: December 16, 2019</p>
<p>Office of the Assistant Secretary for Financial Resources; Health and Human Services Grants Regulation, 84 Federal Register 63831, November 20, 2019</p>	<p>PROPOSED RULE: This is a notice of proposed rulemaking to repromulgate or revise certain regulatory provisions of the Department of Health and Human Services, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards.</p> <p>COMMENTS DUE: December 19, 2019</p>
<p>Cost of Living Adjustment to Public Broadcasters Compulsory License Royalty Rate, 84 Federal Register 64205, November 21, 2019</p>	<p>FINAL RULE: The Copyright Royalty Judges announce a cost of living adjustment (COLA) to the royalty rate that noncommercial radio stations at certain colleges, universities, and other educational institutions that are not affiliated with</p>

	<p>National Public Radio must pay for the use in 2020 of published nondramatic musical compositions in the SESAC repertory pursuant to the statutory license under the Copyright Act for noncommercial broadcasting.</p> <p>EFFECTIVE DATE: December 23, 2019</p>
<p>Privacy Act of 1974; ED Matching Program, 84 Federal Register 64308, November 21, 2019</p>	<p>NOTICE: This provides notice of the re-establishment of a matching program between the Department of Education (Department or ED) and the Selective Service System (SSS). Under the Solomon Amendment to the Military Selective Service Act Section 12(f), young men who are required under Section 3 of the Military Selective Service Act to be registered with SSS must fulfill the registration requirement in order to be eligible for any form of assistance or benefits provided under title IV of the Higher Education Act of 1965, as amended (HEA). This matching program enables ED to prevent improper payments to those applicants who are not eligible under the Military Selective Service Act to receive any form of assistance or benefit provided under title IV of the HEA.</p> <p>COMMENTS DUE: December 23, 2019</p>
<p>Office Patent Trial Practice Guide, November 2019 Edition, 84 Federal Register 64280, November 21, 2019</p>	<p>NOTICE: The United States Patent and Trademark Office (“Office”) is issuing a consolidated Office Patent Trial Practice Guide (“Practice Guide”) to incorporate prior updates to the original August 2012 Practice Guide. The Office publishes the Practice Guide to provide practitioners with guidance on typical procedures and timeframes for taking action in post-grant trials implemented following the Leahy-Smith America Invents Act (“AIA”), as well as to bring greater procedural consistency among panels of the Patent Trial and Appeal Board (“Board”). The November 2019 edition of the Practice Guide may be viewed or downloaded from the USPTO website at https://www.uspto.gov/TrialPracticeGuideConsolidated.</p>
<p>Federal Acquisition Regulation: Reporting of Nonconforming Items to the Government-Industry Data Exchange Program, 84 Federal Register 64680, November 22, 2019</p>	<p>FINAL RULE: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to require contractors and subcontractors to report to the Government-Industry Data Exchange Program certain counterfeit or suspect counterfeit parts and certain major or critical nonconformances.</p> <p>EFFECTIVE DATE: December 23, 2019</p>
<p>HHS Policy for the Protection of Human Research Subjects, 84 Federal Register 64432, November 22, 2019</p>	<p>FINAL RULE: The Office for Human Research Protections (OHRP), Office of the Assistant Secretary for Health (OASH), Department of Health and Human Services (HHS), excepts two categories of research from the required use of a single institutional review board (IRB) to review cooperative research under the HHS regulations for the protection of human subjects. OHRP has determined that the following research is excepted from the single IRB mandate: (1) Cooperative research conducted or supported by HHS agencies other than the National Institutes of Health (NIH), if an IRB approved the research before January 20, 2020, or (2) cooperative research conducted or supported by NIH if either (a) the NIH single IRB policy [1] does not apply, and the research was initially approved by an IRB before January 20, 2020, or (b) NIH</p>

	<p>excepted the research from its single IRB policy before January 20, 2020.</p> <p>EFFECTIVE DATE: November 22, 2019</p>
<p>Total and Permanent Disability Discharge of Loans Under Title IV of the Higher Education Act, 84 Federal Register 65000, November 26, 2019</p>	<p>INTERIM FINAL RULE: The Department of Education (Department) issues these interim final regulations to amend and update the regulations for total and permanent disability student loan discharge for veterans by removing administrative burdens that may have prevented at least 20,000 totally and permanently disabled veterans from obtaining discharges of their student loans, as the law provides. These barriers create significant and unnecessary hardship for these veterans. Removing these barriers is a matter of pressing national concern. Although the Department construes its interim final rulemaking power narrowly, under these circumstances the Department finds good cause to implement the rule immediately.</p> <p>EFFECTIVE DATE: July 1, 2020</p> <p>COMMENTS DUE: January 27, 2020</p>
<p>Estate and Gift Taxes; Difference in the Basic Exclusion Amount, 84 Federal Register 64995, November 26, 2019</p>	<p>FINAL REGULATIONS: This document contains final regulations addressing the effect of recent legislative changes to the basic exclusion amount allowable in computing Federal gift and estate taxes. The final regulations will affect donors of gifts made after 2017 and the estates of decedents dying after 2025.</p> <p>EFFECTIVE DATE: November 26, 2019</p>
<p>Agency Information Collection Activities; Proposed eCollection; eComments Requested; Extension Without Change of a Currently Approved Collection. Requirement That Movie Theaters Provide Notice as to the Availability of Closed Movie Captioning and Audio Description, 84 Federal Register 65185, November 26, 2019</p>	<p>NOTICE: The Department of Justice (the Department), Civil Rights Division, Disability Rights Section (DRS), will submit the following information collection extension request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA).</p> <p>COMMENTS DUE: December 26, 2019</p>
<p>EBSA Transparency in Coverage, 84 Federal Register 65464, November 27, 2019</p>	<p>PROPOSED RULE: These proposed rules set forth proposed requirements for group health plans and health insurance issuers in the individual and group markets to disclose cost-sharing information upon request, to a participant, beneficiary, or enrollee (or his or her authorized representative), including an estimate of such individual's cost-sharing liability for covered items or services furnished by a particular provider. Under these proposed rules, plans and issuers would be required to make such information available on an internet website and, if requested, through non-internet means, thereby allowing a participant, beneficiary, or enrollee (or his or her authorized representative) to obtain an estimate and understanding of the individual's out-of-pocket expenses and effectively shop for items and services. These proposed rules also include proposals to require plans and issuers to disclose in-network provider negotiated rates, and historical out-of-network allowed amounts through two machine-readable files posted on an internet website, thereby allowing the public to have access to health insurance coverage information that can be used to understand health care pricing and potentially dampen the rise in health care spending. The Department of Health and Human Services (HHS) also proposes amendments to its medical loss ratio program rules to allow issuers offering group or individual</p>

	<p>health insurance coverage to receive credit in their medical loss ratio calculations for savings they share with enrollees that result from the enrollee's shopping for, and receiving care from, lower-cost, higher-value providers.</p> <p>COMMENTS DUE: January 14, 2020</p>
<p>Notice of the Federal Unemployment Tax Act (FUTA) Credit Reduction Applicable in 2019, 84 Federal Register 65464, November 27, 2019</p>	<p>NOTICE: Sections 3302(c)(2)(A) and 3302(d)(3) of the FUTA provide that employers in a state that has outstanding advances under Title XII of the Social Security Act on January 1 of two or more consecutive years are subject to a reduction in credits otherwise available against the FUTA tax for the calendar year in which the most recent such January 1 occurs, if advances remain on November 10 of that year. Further, Section 3302(c)(2)(C) of FUTA provides for an additional credit reduction for a year if a state has outstanding advances on five or more consecutive January 1 and has a balance on November 10 for such years. Section 3302(c)(2)(C) also provides for waiver of this additional credit reduction and substitution of the credit reduction provided in Section 3302(c)(2)(B) if a state meets certain conditions.</p>
<h2>Virginia Register – November 2019</h2>	
<p>9VAC25-650. Closure Plans and Demonstration of Financial Capability (amending 9VAC25-650-70, 9VAC25-650-90), Virginia Register of Regulations, Volume 36, Issue 6, November 11, 2019</p>	<p>FAST-TRACK REGULATION: This regulation is being amended to revise financial assurance requirements related to the transfer of the permit to a new owner or operator. Currently the previous owner or operator is required to provide financial assurance until the new owner or operator provides financial assurance. The regulation is being amended to require the new owner or operator to provide financial assurance prior to the transfer of the permit. This change is consistent with the requirement for a new facility to provide financial assurance prior to the facility beginning to operate. This change will reduce the regulatory burden on former permit holders by requiring the new owner or operator to provide financial assurance before the permit transfer occurs.</p> <p>COMMENTS DUE: December 11, 2019</p> <p>EFFECTIVE DATE: December 26, 2019</p>
<p>18VAC115-40, Regulations Governing the Certification of Rehabilitation Providers, Virginia Register of Regulations, Volume 36, Issue 6, November 11, 2019</p>	<p>NOTICE OF INTENDED REGULATORY ACTION: The purpose of the proposed action is to update regulations, clarify language, and achieve some consistency among standards of practice and renewal requirements for certified and registered professions. The board will consider requiring hours of continuing education for renewal and adding grounds for disciplinary actions that are found in all other chapters for other professions regulated by the board.</p> <p>COMMENTS DUE: December 11, 2019</p>
<p>12VAC5-90. Regulations for Disease Reporting and Control (amending 12VAC5-90-10, 12VAC5-90-80, 12VAC5-90-90, 12VAC5-90-103, 12VAC5-90-107, 12VAC5-90-140, 12VAC5-90-215, 12VAC5-90-225, 12VAC5-90-280, 12VAC5-90-370), Virginia Register of Regulations, Volume 36, Issue 6, November 11, 2019</p>	<p>FAST-TRACK REGULATION: Key amendments to current regulations include, among other things:</p> <ol style="list-style-type: none"> 1. Specify new timelines for submission of isolates or specimens for state public health laboratory testing; 2. Remove the list of isolates or specimens that must be forwarded for public health laboratory testing from 12VAC5-90-

	<p>90 because the list was added to 12VAC5-90-80 in a separate regulatory action effective November 14, 2018;</p> <p>3. Remove the requirement that physicians and directors of medical care facilities submit weekly counts of cases of influenza;</p> <p>4. Replace reporting by way of the Form Epi-1, Confidentiality Morbidity Report, with reporting through the online morbidity reporting portal of VDH;</p> <p>5. Add language that states that if a laboratory ascertains that the reference laboratory that tests a specimen reports to VDH electronically, then those reference laboratory findings do not need to be reported by the laboratory of origin;</p> <p>6. Add language that clarifies that if a facility director reports on behalf of the laboratory, the laboratory is still responsible for submitting isolates or specimens for public health testing unless the laboratory has submitted an exemption request that has been approved by the department, thereby providing a process for opting out of the specimen forwarding requirement;</p> <p>7. Clarify that confirmatory testing is not required for blood lead levels that are below the Centers for Disease Control and Prevention (CDC) reference range on screening test;</p> <p>8. Limit the reporting of select agents to only an annual report and those scenarios in which such agents are released, lost, or stolen; and</p> <p>12. Require that health care facilities share with VDH any data they supply to CDC as a result of a requirement of the Centers for Medicare and Medicaid Services and not limited to the Hospital Inpatient Quality Reporting Program of that agency.</p> <p>COMMENTS DUE: December 11, 2019 EFFECTIVE DATE: December 26, 2019</p>
<p>18VAC5-22. Board of Accountancy Regulations (amending 18VAC5-22-80), Virginia Register of Regulations, Volume 36, Issue 6, November 11, 2019</p>	<p>FINAL REGULATION: The amendments authorize the board to modify the current provisions on when a person may retake a failed section of the Certified Professional Accountant examination.</p> <p>EFFECTIVE DATE: December 11, 2019</p>
<p>18VAC110-15. Regulations for Delegation to an Agency Subordinate (adding 18VAC110-15-10), Virginia Register of Regulations, Volume 36, Issue 6, November 11, 2019</p> <p>18VAC110-20. Regulations Governing the Practice of Pharmacy (amending 18VAC110-20-10, 18VAC110-20-20, 18VAC110-20-25, 18VAC110-20-110, 18VAC110-20-140, 18VAC110-20-150, 18VAC110-20-180, 18VAC110-20-200, 18VAC110-20-211, 18VAC110-20-220, 18VAC110-20-240, 18VAC110-20-270, 18VAC110-20-280, 18VAC110-20-290, 18VAC110-20-355, 18VAC110-20-390, 18VAC110-20-425, 18VAC110-20-470, 18VAC110-20-490, 18VAC110-20-530, 18VAC110-20-550, 18VAC110-20-580, 18VAC110-20-680; adding 18VAC110-20-112; repealing 18VAC110-20-15, 18VAC110-20-21, 18VAC110-20-22, 18VAC110-20-30 through 18VAC110-20-106).</p>	<p>FINAL REGULATION: The amendments (i) move the provision regarding the delegation of informal fact-finding proceedings from Regulations Governing the Practice of Pharmacy (18VAC110-20) into a new chapter, Regulations for Delegation to an Agency Subordinate (18VAC110-15); (ii) move the provisions relating to the licensure of pharmacists and registration of pharmacy technicians from 18VAC110-20 into a new regulatory chapter, Regulations Governing the Licensure of Pharmacists and Registration of Pharmacy Technicians (18VAC110-21); (iii) incorporate provisions currently found in guidance documents into 18VAC110-20 and into Regulations Governing Wholesale Distributors, Manufacturers, and Warehousemen (18VAC-110-50); and (iv) clarify practice requirements.</p> <p>Changes to the proposed regulation modify several provisions in 18VAC20-110, reduce the required number of live continuing</p>

<p>18VAC110-21. Regulations Governing the Licensure of Pharmacists and Registration of Pharmacy Technicians (adding 18VAC110-21-10 through 18VAC110-21-180).</p> <p>18VAC110-50. Regulations Governing Wholesale Distributors, Manufacturers, and Warehousemen (amending 18VAC110-50-40, 18VAC110-50-60, 18VAC110-50-80),</p>	<p>education hours for a pharmacist in 18VAC110-21-120, and update forms for each chapter. EFFECTIVE DATE: December 11, 2019</p>
<p>16VAC30-110. Medical Fee Schedules Regulations (amending 16VAC30-110-10 Virginia Register of Regulations, Volume 36, Issue 7, November 25, 2019)</p>	<p>FINAL REGULATION: The amendments define the 2020 medical fee schedules that will be applicable to medical services rendered in workers' compensation cases during the period from January 1, 2020, through December 31, 2021 EFFECTIVE DATE: December 25, 2019</p>
<p>18VAC125-20. Regulations Governing the Practice of Psychology (amending 18VAC125-20-10, 18VAC125-20-41, 18VAC125-20-42, 18VAC125-20-54, 18VAC125-20-55, 18VAC125-20-56, 18VAC125-20-65, 18VAC125-20-80, 18VAC125-20-120, 18VAC125-20-121, 18VAC125-20-122, 18VAC125-20-130, 18VAC125-20-150, 18VAC125-20-160; adding 18VAC125-20-35), Virginia Register of Regulations, Volume 36, Issue 7, November 25, 2019</p>	<p>PROPOSED REGULATION: The proposed amendments provide consistency and clarity, reduce the regulatory requirements for licensure by endorsement, increase the opportunities for continuing education credits, specify a timeframe within which an applicant must pass the national examination, and simplify the requirement for individual supervision in a residency. The proposed amendments also require all psychology doctoral programs to be accredited by the American Psychological Association, the Canadian Psychological Association, or another accrediting body acceptable to the board within seven years of the effective date of the regulation. Finally, the proposed amendments emphasize rules for professionalism, confidentiality, client records, and prohibitions on dual relationships in the standards of conduct required by licensees. COMMENTS DUE: January 24, 2020</p>