



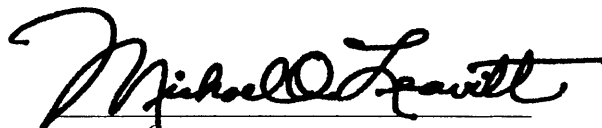
THE SECRETARY OF HEALTH AND HUMAN SERVICES  
WASHINGTON, D.C. 20201

**NOTICE OF RECHARTERING  
OF THE  
PRACTICING PHYSICIANS ADVISORY COUNCIL**

This Committee was established by statute and has functions, which are of a continuing nature so that its duration is not governed by section 14(a) of the Federal Advisory Committee Act but is otherwise provided for by law. The Committee is rechartered in accordance with section 14(b)(2) of said Act.

MAY - 8 2007

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Secretary



THE SECRETARY OF HEALTH AND HUMAN SERVICES  
WASHINGTON, D.C. 20201

## CHARTER

### PRACTICING PHYSICIANS ADVISORY COUNCIL

#### PURPOSE

The Secretary of the Department of Health and Human Services is mandated by title XVIII of the Social Security Act (the Act), as amended by section 1868(a) of the Omnibus Budget Reconciliation Act of 1990, to establish a Practicing Physicians Advisory Council (PPAC) to advise the Secretary on certain proposed changes in regulations and carrier manual instructions related to physician services identified by the Secretary.

#### AUTHORITY

42 U.S.C. 1395ee; section 1868(a) of the Act.

The Council is governed by the provision of Public Law 92-463 (5 U.S. Appendix 2), which sets forth standards for the formation and use of advisory committees.

#### FUNCTION

The PPAC shall advise the Secretary and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on certain proposed changes in Medicare regulations and contractor manual instructions related to physician services identified by the Secretary. To the extent feasible and consistent with statutory deadlines, such consultation shall occur before the publication of proposed changes.

#### STRUCTURE

The Secretary shall appoint, based upon nominations submitted by medical organizations representing physicians, 15 physicians, including the Chair, each of whom has submitted at least 250 claims for physician services under title XVIII of the Act in the previous year.

At least 11 of the members of the Council shall be physicians described in section 1861(r)(1) of the Act. Members of the Council shall include both participating and nonparticipating physicians, and physicians practicing in rural and underserved urban areas. The remaining members may include dentists, podiatrists, optometrists, and chiropractors.

Members shall be invited to serve for overlapping 4-year terms; an additional term may be served with the Secretary's approval, contingent upon the re-charter of the Council by appropriate action prior to its termination. A vacancy on the Council shall be filled in the same manner in which the original appointment was made. Members may serve after the expiration of their term until a successor has taken office.

With the approval of the Secretary or designee, subcommittees consisting of two or more of the members may be established to perform functions within the Council's jurisdiction. One of the members will be designated as Chair of the subcommittee. The Department Committee Management Officer (DCMO) will be notified upon establishment of each subcommittee and shall be provided information on its name, membership, function, and estimated frequency of meetings.

Management and support services shall be provided by the Center for Medicare Management, CMS.

### **MEETINGS**

The Council shall meet once during each calendar quarter, at the call of the Designated Federal Officer or designee who shall approve the agenda and shall be present at all meetings. A senior Government official shall also be present at all meetings.

Meetings shall be open to the public except as determined otherwise by the Secretary or other official to whom the authority has been delegated in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)) and the Federal Advisory Committee Act (FACA). Adequate advance notice of all meetings shall be published in the *Federal Register*.

Meetings shall be conducted, and records of the proceedings kept, as required, by applicable laws and Department regulations.

### **COMPENSATION**

Members of the Council shall be entitled to receive reimbursement of expenses and per diem in lieu of subsistence in the same manner as other members of advisory councils appointed by the Secretary are provided such reimbursement and per diem under title XVIII.

### **ANNUAL COST ESTIMATE**

Estimated annual cost for operation of the Council, including travel and per diem for members, but excluding staff support, is \$100,000. The estimated annual person-years of staff support required 2.0 at an estimated annual cost of \$219,872.

**REPORTS**

An annual report shall be submitted to the Secretary and the Administrator of CMS not later than December 31 of each year, which shall contain, as a minimum, a list of members and their business addresses, the Council's functions, dates, and places of meetings, and a summary of Council activities and recommendations made during the fiscal year. A copy of the report shall be provided to the DCMO.

In the event a portion of a meeting is closed to the public, as determined by the Secretary, in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)) and FACA, a report shall be prepared which shall contain, as a minimum, all of the same information required in the yearly report listed above.

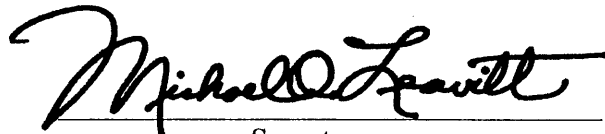
**TERMINATION DATE**

Unless renewed by appropriate action prior to its expiration, the PPAC will terminate on June 12, 2009.

**APPROVED:**

MAY - 8 2007

Date

  
Secretary