

CFR 160.202, "contrary" means that it would be impossible for a covered entity to comply with both the State and Federal requirements, or that the State law is an obstacle to accomplishing the full purposes and objectives of the Administration Simplification provisions of HIPAA.

The regulations also provide that a request to except a provision of State law from preemption under 45 CFR 160.203(a) must be submitted to the Secretary in writing. If the request is from a State, it must be submitted through its chief elected official, or his or her designee. The request must: (1) Identify the provision of State law for which the exception is requested; (2) identify the particular standard, requirement, or implementation specification for which the exception is requested; (3) specify the part of the standard or other provision that will not be implemented if the exception determination is made or the additional data to be collected based on the exception, as appropriate; (4) state how the exception determination would affect health care providers, health plans and other entities; and (5) the reasons why the State law should not be preempted, including how the contrary State law meets one or more of the specific criteria in 45 CFR 160.203(a). The Secretary may also request additional information that may be necessary for him to make the exception determination. See 45 CFR 160.204.

This notice establishes that, for the purposes of 45 CFR 160.204, exception determination requests should be addressed to the Director, Office for Civil Rights, Department of Health and Human Services, Mail Stop Room 506F, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.<sup>2</sup> To expedite handling, the envelope should also state: "ATTN: Exception Determination Request."

The Federal standard, requirement, or implementation specification remains in effect until an exception determination is made. When such determinations are made, we will promptly inform the public through publication of notice in the **Federal Register** and on the Department's websites, including the OCR Web site at [www.hhs.gov/ocr/hipaa/](http://www.hhs.gov/ocr/hipaa/).

<sup>2</sup> This notice identifies the address where all exception determinations should be submitted. The Secretary delegated to the Director of the Office for Civil Rights (OCR) the authority to make exception determinations as they may relate to the Privacy Rule. See 65 FR 82381. The Secretary, or his designee, shall make exception determinations with respect to requests concerning the other Administrative Simplification Rules.

The OCR Web site and the Web site for the Centers for Medicare and Medicaid Services, <http://www.cms.hhs.gov/hipaa/>, may also be consulted for more information about the Administrative Simplification provisions (including the Privacy Rule). In addition, answers to frequently asked questions about preemption and exception determinations will be available on the OCR website soon.

**FOR FURTHER INFORMATION CONTACT:**

Susan McAndrew, Office for Civil Rights, Department of Health and Human Services, Mail Stop Room 506F, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201. Telephone number: (202) 205-8725.

Dated: January 29, 2003.

**Richard M. Campanelli,**

*Director, Office for Civil Rights.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Office of Budget, Technology and Finance; Statement of Organization, Functions, and Delegations of Authority

Part A, Office of the Secretary, Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (HHS) is being amended as follows: Chapter AM, Office of Budget, Technology and Finance, as last amended at 66 FR 55666-55678, dated October 26, 2001. This reorganization will help streamline Office functions and better support the Office's ability to meet the goals of the President's Management Agenda.

The changes are as follows:

1. Under Part A, "Office of the Secretary," delete Chapter AM in its entirety and replace with the following:

#### A. Chapter (AM) Office of Budget, Technology and Finance

*Section AM.00 Mission.* The mission of the Office of Budget, Technology and Finance (OBTF) is to provide advice and guidance to the Secretary on budget, financial management, and information technology, and to provide for the direction and coordination of these activities throughout the Department.

*Section AM.10 Organization:* The Office of Budget, Technology, and Finance is headed by the Assistant Secretary for Budget, Technology and Finance (ASBTF). The Assistant

Secretary for Budget, Technology, and Finance is the Departmental Chief Financial Officer (CFO), and reports to the Secretary. The office consists of the following components:

- Immediate Office of the ASBTF (AM)
- Office of Budget (AML)
- Office of Information Resources Management (AMM)
- Office of Finance (AMS)

#### Section AM.20. Functions

1. *Immediate Office of the Assistant Secretary for Budget, Technology, and Finance/Chief Financial Officer (AM).* Provides executive direction to OBTF components. The ASBTF is the principal adviser to the Secretary on all aspects of budgetary and financial management and information technology. By delegation from the Secretary, the ASBTF/CFO exercises full Department-wide authority of the Secretary in the assigned areas of responsibility to include all responsibilities provided by the Chief Financial Officers Act of 1990. This includes the approval of the job descriptions and skill requirements, and the selection of OPDIV CFOs as well as participation with the OPDIV Head in the annual performance plan/evaluation of the OPDIV CFO. In addition, the ASBTF/CFO provides Department-wide policy guidance on the qualifications, recruitment, performance, training, and retention of all financial management personnel. The ASBTF manages the Chief Information Officer (CIO) and the CIO's fulfillment of all functional responsibilities included in the Clinger-Cohen Act.

2. *Office of Budget (AML).* The Office of Budget is headed by a Deputy Assistant Secretary for Budget. The Office: (1) Advises and supports the Secretary and the Assistant Secretary for Budget, Technology and Finance/CFO and oversees the preparation of the Departmental budget estimates and forecasts resources required to support programs and activities of the Department; (2) analyzes budgetary and financial management implications of new or proposed legislation, programs or activities; (3) appraises program activities and operations in terms of policies, goals and objectives of the Department; (4) operates HHS' integrated funding system; (5) recommends and administers policies and procedures for allocation and control of employment ceilings; (6) develops and executes Department-wide procedures relating to implementation and management of the Government Performance and Results Act (GPRA); (7) responsible for the Office of the