

national standard of practice may be phased in across all medical facilities, with limited exemptions for health care professionals as needed.

### National Standard for Histopathology Technologists

The proposed format for national standards of practice when there are state licenses and a national certification is as follows: The first paragraph provides general information about the profession and what the health care professionals can do. The second paragraph references the education and certification needed to practice this profession at VA. The third paragraph confirms that this profession follows the standard set by the national certifying body. A final statement explains that while VA only requires a national certification, some states also require licensure for this profession. The standard includes information on which states offer an exemption for Federal employees and where VA will preempt state laws, if applicable.

We note that the proposed standards of practice do not contain an exhaustive list of every task and duty that each VA health care professional can perform. Rather, it is designed to highlight whether there are any areas of variance in how this profession can practice across states and how this profession will be able to practice within VA notwithstanding their state license, certification, registration and other requirements.

Histopathology technologists, also referred to as histotechnologists, are highly skilled medical laboratory professionals who are responsible for the preanalytical processing of human tissue and body fluid specimens. VA qualification standards require histopathology technologists to have an active, current, full and unrestricted histotechnologist (HTL) certification from the American Society for Clinical Pathology. VA reviewed whether there are any alternative registrations, certifications or state requirements that could be required for histopathology technologists and found that eight states require a license to practice as a histopathology technologist in that state. Of those, six states exempt Federal employees from their state license requirements. The standards set forth in the licensure requirements for all eight states are consistent with what is permitted under the national certification. Therefore, there is no variance in how histopathology technologists practice in any State.

VA proposes to adopt a standard of practice consistent with the national certification. Therefore, VA

histopathology technologists will continue to follow the same standard as set by their national certification. The standard for the certification can be found here: <https://www.ascp.org/content/docs/default-source/policy-statements/ascp-pdf-ft-pp-personnel-standards.pdf?sfvrsn=2>.

Because the practice of Histopathology Technologists is not changing, there will be no impact on the practice of this occupation when this national standard of practice is implemented.

### Proposed National Standard of Practice for Histopathology Technologist

Histopathology technologists are highly skilled medical laboratory professionals who are responsible for the preanalytical processing of human tissue and body fluid specimens. Through the utilization of a broad range of specialized techniques and procedures, both manual and automated, histopathology technologists preserve and prepare specimens for pathologist review, interpretation, evaluation and diagnosis of patient conditions or disease.

Histopathology technologists in VA possess the education and certification required by VA qualification standards, as more specifically described in VA Handbook 5005, Staffing, dated February 4, 2022.

This national standard of practice confirms that histopathology technologists practice according to the HTL certification standards from the American Society for Clinical Pathology (ASCP), available at: [www.ascp.org](http://www.ascp.org). As of March 2022, all histopathology technologists in VA follow this national certification.

Although VA only requires a certification, the following eight States require a State license in order to practice as a histopathologist in that State: Florida, Louisiana, Montana, Nevada, New York, Puerto Rico, Tennessee, and West Virginia. Of these, the following States exempt Federal employees from their State license requirements: Florida, Louisiana, Montana, New York, Tennessee and West Virginia. As of October 2022, there is no variance in how VA Histopathology Technologists practice in any State.

### Request for Information

1. Are there any required trainings for the aforementioned practices that we should consider?

2. Are there any factors that would inhibit or delay the implementation of the aforementioned practices for VA health care professionals in any States?

3. Is there any variance in practice that we have not listed?

4. What should we consider when preempting conflicting State laws, regulations, or requirements regarding supervision of individuals working toward obtaining their license or unlicensed personnel?

5. Is there anything else you would like to share with us about this national standard of practice?

### Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on April 28, 2023, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

### Luvenia Potts,

*Regulation Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.*

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## DEPARTMENT OF VETERANS AFFAIRS

### Privacy Act of 1974; Matching Program

**AGENCY:** Department of Veterans Affairs (VA).

**ACTION:** Notice of a new matching program.

**SUMMARY:** This re-established Computer Matching Agreement (CMA) sets forth the terms, conditions, and safeguards under which the Internal Revenue Service (IRS) will disclose return information, relating to unearned income, to the Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA) for the Disclosure of Information to Federal, State and Local Agencies (DIFSLA). The purpose of this CMA is to make available to VBA certain return information needed to determine eligibility for, and amount of benefits for, VBA applicants and beneficiaries of needs-based benefits, and to adjust income-dependent benefit payments, as prescribed by law. Currently, the most cost effective and efficient way to verify annual income of applicants, and recipients of these benefits, is through a computer match.

**DATES:** Comments on this matching program must be received no later than June 15, 2023. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the new agreement will become effective a

minimum of 30 days after date of publication in the **Federal Register**. If VA receives public comments, VA shall review the comments to determine whether any changes to the notice are necessary. This matching program will be valid for 18 months from the effective date of this notice.

**ADDRESSES:** Comments may be submitted through [www.Regulations.gov](http://www.Regulations.gov) or mailed to VA Privacy Service, 810 Vermont Avenue NW, (005X6F), Washington, DC 20420. Comments should indicate that they are submitted in response to IRS, DIFSLA CMA. Comments received will be available at [regulations.gov](http://regulations.gov) for public viewing, inspection or copies.

**FOR FURTHER INFORMATION CONTACT:** Gary Hodge, Lead Program Analyst, Pension and Fiduciary Service (21P), Department of Veterans Affairs, 810 Vermont Ave. NW, Washington, DC 20420, 202-461-8394.

**SUPPLEMENTARY INFORMATION:** CMA between VA and IRS DIFSLA, expires June 30, 2023. VBA has a legal obligation to reduce the amount of pension and of parents' dependency and indemnity compensation by the amount of annual income received by the VBA beneficiary. VA will use this information to verify the income information submitted by beneficiaries in VA's needs-based benefit programs and adjust VA benefit payments as prescribed by law. By comparing the information received through the matching program between VBA and IRS, VBA will be able to timely and accurately adjust benefit amounts. The match information will help VBA minimize overpayments and deter fraud and abuse. The legal authority to conduct this match is 38 U.S.C. 5106, which requires any Federal department or agency to provide VA such information as VA requests for the purposes of determining eligibility for benefits or verifying other information with respect to payment of benefits. The VA records involved in the match are in

"Compensation, Pension, Education, and Vocational and Rehabilitation and Employment Records—VA (58 VA 21/22/28)," a system of records which was first published at 41 FR 9294 (March 3, 1976), amended and republished in its entirety at 77 FR 42593 (July 19, 2012). The IRS records consist of information from the system records identified as will extract return information with respect to unearned income of the VBA applicant or beneficiary and (when applicable) of such individual's spouse from the Information Return Master File (IRMF), Treasury/IRS 22.061, at 80 FR 54081-082 (September 8, 2015). In accordance with the Privacy Act, 5 U.S.C. 552a(o)(2) and (r), copies of the agreement are being sent to both Houses of Congress and to the Office of Management and Budget. This notice is provided in accordance with the provisions of Privacy Act of 1974 as amended by Public Law 100-503.

*Participating Agencies:* The Internal Revenue Service (IRS) and Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA).

*Authority for Conducting the Matching Program:* The Internal Revenue Code (IRC), 26 U.S.C. 6103(l)(7)(B), authorizes the IRS to disclose return information with respect to unearned income to VBA.

*Purpose(s):* To provide VBA with certain IRS return information needed to determine eligibility for and amount of benefits for VBA applicants and beneficiaries of needs-based benefits and to adjust income-dependent benefit payments as prescribed by law.

*Categories of Individuals:* Veterans and beneficiaries who apply for VA income benefits.

*Categories of Records:* VBA will furnish the IRS with records in accordance with the current IRS Publication 3373, DIFSLA Handbook. The requests from VBA will include: The Social Security Number (SSN) and name Control (first four characters of the surname) for each individual for whom unearned income information is

requested. IRS will provide a response record for each individual identified by VBA. The total number of records will be equal to or greater than the number of records submitted by VBA. In some instances, an individual may have more than one record on file. When there is a match of individual SSN and name control, IRS will disclose the following to VBA: Payee account number; payee name and mailing address; payee Taxpayer Identification Numbers (TIN); payer name and address; payer TIN; and income type and amount.

*System(s) of Records:* VBA records involved in this match are in "VA Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records—VA" (58 VA 21/22/28), a system of records that was first published at 41 FR 9294 (March 3, 1976), amended and republished in its entirety at 77 FR 42593 (July 19, 2012). IRS will extract return information with respect to unearned income of the VBA applicant or beneficiary and (when applicable) of such individual's spouse from the IRMF, Treasury/IRS 22.061, as published at 80 FR 54081-082 (September 8, 2015).

#### Signing Authority

The Senior Agency Official for Privacy, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. John Oswalt, Chief Privacy Officer and Chair of the Data Integrity Board, Department of Veterans Affairs approved this document on May 4, 2023 for publication.

Dated: May 10, 2023.

**Amy L. Rose,**

*Program Analyst, VA Privacy Service, Office of Information Security, Office of Information and Technology, Department of Veterans Affairs.*

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