



Michael R. Pence, Governor
State of Indiana

Indiana Family and Social Services Administration
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INDIANAPOLIS, IN 46207-7083

FSSA's Family Impact Statement for Proposed Rule – Tobacco Dependence Treatment

Executive Order 13-05 (the "Order") requires the Family and Social Services Administration ("FSSA") to assess a policy or proposed rule's impact on family formation and general well-being and to certify its compliance with the Order. FSSA hereby submits this certification that it has assessed the proposed rule's impact on family formation and general well-being based on the enumerated considerations listed in the Order.

Background and summary of the rule

The proposed rule updates existing Indiana regulations to align the current findings regarding best practices for tobacco cessation treatment. More specifically, the proposed rule amendment expands FSSA's reimbursement limitations and subjects continued tobacco cessation treatment to prior authorization, which means a person could receive treatment more than once a year when it is medically necessary. This amendment allows clinicians to more effectively manage the utilization of medically necessary tobacco dependence drug products and counseling sessions according to clinical practice standards. Such policies and practices are consistent with the utilization of other drugs in the Indiana Medicaid pharmacy benefit and services in the medical benefit. Additionally, this rule amendment revises 405 IAC 5-37 to update definitions and expand the list of practitioners eligible to provide tobacco dependence counseling.

FSSA has not yet scheduled a public hearing for this proposed rule. We will notify you of the public hearing once known if we have not yet received your approval.

Impact of the proposed rule on the family well-being or family formation

FSSA assessed the proposed rule's impact on family formation and well-being in light of the six considerations enumerated in the Order. In general, the rule expands Medicaid reimbursement policies for tobacco cessation treatment. Accordingly, FSSA expects that the proposed rule will have a **neutral** impact on family well-being or family formation. FSSA's response to the enumerated measures is as follows:

1) Whether or not this action by government strengthens or erodes the stability of the family and the marital commitment.

Response: the proposed rule expands Medicaid reimbursement policies regarding tobacco cessation treatment. The goal is to eliminate a Medicaid recipient's dependency on tobacco products and make effective treatment more available. Therefore, the proposed rule neither strengthens nor erodes the stability of the marital commitment.

2) Whether or not this action encourages or discourages non-marital childbearing.

Response: the proposed rule expands Medicaid reimbursement policies regarding tobacco cessation treatment. The goal is to eliminate a Medicaid recipient's dependency on tobacco products and make effective treatment more available. Therefore, the proposed rule neither encourages nor discourages non-marital childbearing.



- 3) **Whether or not this action respects or inhibits the rights of parents to raise their children and make the best choices about their children's education, health, and well-being.**

Response: the proposed rule expands Medicaid reimbursement policies regarding tobacco cessation treatment. The goal is to eliminate a Medicaid recipient's dependency on tobacco products and make effective treatment more available. Therefore, the proposed rule does not inhibit the rights of parents to raise their children and make parental choices.

- 4) **Whether or not this action increases or decreases private family earnings or the incentive for parents to provide materially and emotionally for their children.**

Response: the proposed rule expands Medicaid reimbursement policies regarding tobacco cessation treatment. The goal is to eliminate a Medicaid recipient's dependency on tobacco products and make effective treatment more available. Therefore, the proposed rule does not decrease family earnings or negatively impact the incentive for parents to provide for their children.

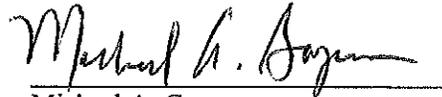
- 5) **What message, intended or otherwise, does this program send to the public concerning the status of the family?**

Response: the proposed rule expands Medicaid reimbursement policies regarding tobacco cessation treatment. The goal is to eliminate a Medicaid recipient's dependency on tobacco products and make effective treatment more available. Therefore, the proposed rule does not send any message, positive or negative, concerning the status of the family.

- 6) **What message does the action send to children about the relationship between their present choices and their future well-being?**

Response: the proposed rule expands Medicaid reimbursement policies regarding tobacco cessation treatment. The goal is to eliminate a Medicaid recipient's dependency on tobacco products and make effective treatment more available. It is possible that a parent, by quitting tobacco dependence through these services, could serve as a positive example to his/her children about the importance of making choices. The proposed rule does not send any negative message about a child's present choices and future well-being.

Office of the Secretary of Family and
Social Services



Michael A. Gargano
Interim Secretary



Family Impact Assessment

Documentation of new Policies and Rules

Pursuant to Section 2(a)-(f) of Executive Order 13-05:

In formulating and implementing policies and rules that may have a significant impact on family formation and general well-being, the agencies listed in Section 1 of Executive Order 13-05 shall assess such measures in light of the following considerations:

- 1) **Whether or not this action by government strengthens or erodes the stability of the family and the marital commitment.**
- 2) **Whether or not this action encourages or discourages non-marital childbearing.**
- 3) **Whether or not this action respects or inhibits the rights of parents to raise their children and make the best choices about their children's education, health, and well-being.**
- 4) **Whether or not this action increases or decreases private family earnings or the incentive for parents to provide materially and emotionally for their children.**
- 5) **What message, intended or otherwise, does this program send to the public concerning the status of the family?**
- 6) **What message does the action send to children about the relationship between their present choices and their future well-being?**

These assessments should be answered on a separate document attached to this submission form and clearly marked as answers to considerations 1-6. If an agency does not think that a consideration applies to their proposal, the agency must include an explanation of why the consideration does not apply. Additionally, if the proposal contains a potentially negative impact on family well-being or family formation, the agency must include an explanation of why the proposal is necessary.

This submission form and the agency assessments should be submitted simultaneously with the proposed policy or rule to the Office of Management and Budget.

By signing below, the agency head certifies that they are aware of the Family Impact Assessment, and all information submitted is accurate to the best of their knowledge.

Michael A. Gargano, Interim Secretary, FSSA

7/17/14

Date

FSSA

Agency

Proposed rule: Tobacco Dependence Treatment