

Readoption Review

Incorporation by reference 410 IAC 15

IC 4-22-2.5-3.1(c) requires an agency to conduct a review to consider whether there are alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would minimize the economic impact of the proposed rule on small business.

Description of Rule:

The Indiana State Department of Health (ISDH) has the responsibility for licensure and inspection of hospitals and ambulatory outpatient surgical centers, abortion clinics, and birthing centers. This particular rule establishes the licensure requirements for hospitals and ambulatory surgical centers, as well as, requirements for hospital fiscal reporting.

Readoption Analysis:

1) Is there a continued need for this rule?

Yes, there is a continued need for licensure of hospitals, ambulatory outpatient surgical centers and fiscal reporting for hospitals. Pursuant to IC 16-21-2-2, ISDH is required to license and regulate these two provider types. In addition, the Centers for Medicare and Medicaid require licensure for hospitals [§482.11] and ambulatory surgical centers must meet state licensure requirements [§416.40].

2) What is the nature of any complaints or comments received from the public, including small business, concerning the rule or the implementation of the rule by the agency?

Since the effective date of the rule, there has been no complaints or comments received from the public or small business concerning this rule or the implementation of this rule by ISDH. No substantive changes have been made in the past several years. The regulations remain broad and non-prescriptive in the means or methods to be used to meet compliance.

3) Examine the complexity of the rule, including difficulties encountered by the agency in administering the rule and small businesses in complying with the rule.

No complaints or comments have been received from the regulated entities about this rule or the implementation of it and ISDH is not aware of any difficulties in administration of or compliance with this rule. The state rules are far less complex than the requirements imposed by the Centers for Medicare and Medicaid.

4) To what extent does the rule overlap, duplicate, or conflict with other federal, state, or local laws, rules, regulations, or ordinances?

This rule does not overlap, duplicate, or conflict with any other federal, state, or local laws, rules, regulations, or ordinances. ISDH is the only entity with statutory authority to license hospitals and outpatient ambulatory surgical centers and adopt rules thereunder.

5) When was the last time the rule was reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by this rule since that time?

The rule was reviewed thoroughly by the agency and the public through the public hearing process before final adoption. Indiana has not seen a significant increase in the number of providers. However, building/construction among the current provider base continues, especially for hospitals, as current providers expand services. There is a fair amount of consolidation being pursued as large hospital systems continue to purchase other hospitals as part of strategic business planning. The readoption will not add any additional economic burdens. Where technology has been employed by providers, ISDH has waived rule requirements that become negated by technology.

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