

Economic Impact Statement

LSA Document #07-489

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**Description of Rule**

This proposed rule requires registration of out-of-state mobile health care entities. An out-of-state mobile health care entity is an entity that is licensed or registered under the laws of another state, foreign country, or province of a foreign country and provides health care services in a mobile facility or temporary location for a short period of time in Indiana. The proposed rule follows the statute ([IC 16-41-42](#)) very closely. Out-of-state mobile health care entities are required to submit a department prescribed registration form that requires the entity to disclose the following:

- (1) The types of health care services that the health care entity will provide in Indiana.
- (2) The names of any employees, who are currently in good standing, licensed, certified, or registered in a health care profession in:
 - (A) Indiana; or
 - (B) any other state;

and a copy of the employee's license, certification, or registration.

- (3) Any health care services that are to be provided under a contract between the health care entity and a person that is licensed, certified, or registered in Indiana to provide health care services.

- (4) The types of:

- (A) health care services;
- (B) health care tests; and
- (C) equipment;

that the health care entity will perform or use.

- (5) The manner in which test results and recommendations for health care based on the results are disclosed to the patient.

- (6) The health care entity's name, address, and telephone number and the name of any company that is affiliated with the health care entity.

- (7) The name and address of the state agency, foreign country agency, or province agency of a foreign country agency where the health care entity is registered or licensed.

The out-of-state mobile health care entity must renew their registration annually to continue to provide health care services in Indiana.

Economic Impact on Small Businesses**1. Estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule.**

[IC 4-22-2.1-4](#) defines a small business as any person, firm, corporation, limited liability company, partnership, or association that:

- (1) is actively engaged in business in Indiana and maintains its principal place of business in Indiana;
- (2) is independently owned and operated;
- (3) employs one hundred (100) or fewer full-time employees; and
- (4) has gross annual receipts of five million dollars (\$5,000,000) or less.

The ISDH has no good estimate of how many out-of-state mobile health care entities provide services in the state. The ISDH estimates that there could be 100. However by the descriptive name, out-of-state mobile health care entities, these entities would not likely meet the definition a small businesses as defined by [IC 4-22-2.1-4](#).

2. Estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule.

Assuming that any of the "out-of-state" entities meet the definition of a small business, which is unlikely, any reporting, record keeping, and other administrative costs to them will be minimal. Completion of the registration application should require no more than 30 minutes.

3. Estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule.

Assuming that any of the "out-of-state" entities meet the definition of a small business, which is unlikely, the total annual economic impact of compliance with this proposed rule will be so minimal as to be near \$0.

4. Statement justifying any requirement or cost that is imposed on small businesses by the rule; and not expressly required by the statute authorizing the agency to adopt the rule; or any other state or federal

law.

The proposed rule does not impose any requirement in addition to what is required by the statute.

5. Regulatory Flexibility Analysis

Other factors considered:

A. Establishment of less stringent compliance or reporting requirements for small businesses.

B. Establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

C. Consolidation or simplification of compliance or reporting requirements for small businesses.

The simplicity and specificity of the statute leave no need or regulatory room for flexibility. The proposed rule is not difficult to understand or to comply with.

D. Establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.

The implementation of performance standards is not relevant to this situation.

E. Exemption of small businesses from part or all of the requirements or costs imposed by the rule.

The statute provides no exemptions for part or all of the requirements imposed.

Conclusion

The proposed rule likely does not impact small business as defined by [IC 4-22-2.1-4](#). The entities required to register in Indiana are by definition entities whose principal place of business is not in Indiana.

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