

Economic Impact Statement

LSA Document #09-875

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

This memo is submitted in accordance with [IC 4-22-2.1](#). [IC 4-22-2.1-5\(a\)](#) provides that an agency that intends to adopt a rule under [IC 4-22-2](#) that will impose requirements or costs on small businesses must prepare a statement that describes the annual economic impact of the rule on small businesses after the rule is fully implemented as described in [IC 4-22-2.1-5\(b\)](#).

The proposed rule adds [440 IAC 11](#), with regard to assertive community treatment teams, to provide definitions, establish certification requirements for assertive community treatment teams, and establish operational standards and requirements for assertive community treatment teams and repeals [440 IAC 5.2](#).

Impact on Small Business

This rule will not have an impact on small businesses, as defined in [IC 4-22-2.1-4](#), since none of the community mental health centers that operate assertive community treatment teams would qualify as a small business.

The following section provides responses to the questions outlined in [IC 4-22-2.1-5](#):

1. An estimate of the number of small businesses, classified by industry sector that will be subject to the proposed rule.

Of the 26 community mental health centers (CMHCs) in Indiana, 23 CMHCs have gross annual receipts in excess of \$5,000,000 from funding from the Division of Mental Health and Addiction (DMHA) and Medicaid Rehabilitation Option (MRO) billings. Accordingly, 23 CMHCs clearly do not qualify as "small businesses". The remaining three CMHCs have gross annual receipts in excess of \$4,000,000, taking into consideration the receipts from DMHA funding and MRO billings alone. All CMHCs also have additional receipts in an unknown amount from both state and county financial assistance and other outside payment sources, for example, private payments for services. After taking into consideration the latter additional sources of receipts, it is likely that the remaining three CMHCs would also have gross annual receipts in excess of \$5,000,000.

Accordingly, none of the mental health providers appear to meet the requirements of the statutory definition of a small business.

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

No small businesses will incur any additional costs.

3. An estimate of the total annual economic impact that compliance will have on small businesses subject to the rule.

There is no annual economic impact on small businesses.

4. A statement justifying any requirement or cost that is imposed by the rule and not expressly required by (a) the statute authorizing the agency to adopt the rule or (b) any other state or federal law. The statement must reference any data, studies, or analyses relied upon by the agency in determining that the imposition of the requirement or cost is necessary.

The rule amendment imposes no additional cost or requirements on small businesses.

5. Any regulatory flexibility analysis that considers any less intrusive or less costly alternative methods of achieving the same purpose.

Because no small business is impacted by this rule, completing a regulatory flexibility analysis is not required.

Posted: 09/22/2010 by Legislative Services Agency

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