

Economic Impact Statement

LSA Document #12-660

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

This memo is submitted in accordance with [IC 4-22-2.1](#), and formalizes our analysis of the fiscal impact of the attached rule amendment. This rule amendment is for definitions and criteria for a new licensure level of Intermediate Care Facility for the Mentally Retarded (ICF/MR). The new licensure level will be called the Comprehensive Rehabilitative Management Needs Facility (CRMNF) and is necessary due to the closure of the State Intermediate Care Facility for the Mentally Retarded (ICF/MR) facilities. Many of the residents from the former State ICFs/MR will be placed in facilities licensed as CRMNF. DDRS has determined that there are no existing licensure levels appropriate for this population and that a new licensure level is needed. CRMNFs will also provide services to beneficiaries currently residing in existing living arrangements that would more appropriately be placed in the CRMNF level of service.

Impact on Small Business

The following section provides responses to the following 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.

[IC 5-28-2-6](#) defines a small business as a business entity that satisfies the following requirements:

- (1) On at least fifty percent (50%) of the working days of the business entity occurring during the preceding calendar year, the business entity employed not more than one hundred fifty (150) employees.
- (2) The majority of the employees of the business entity work in Indiana.

The DDRS anticipates that there will be one facility licensed as a CRMNF, which will be owned or affiliated with Oconomowoc Residential Programs, Inc. The 2010 annual report for Oconomowoc Residential Programs, Inc. indicates that they served 1,761 individuals in two states, Wisconsin and Indiana, and that they employed 2,134 individuals. This organization does not meet the definition of a small business.

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

The proposed rule amendment will not impose any additional annual reporting, record keeping, or other administrative costs on small businesses in order to comply with the proposed rule.

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

There is no economic impact that compliance will have on a small business subject to this rule, since no small businesses will incur any additional cost to comply with this rule.

4. A statement justifying any requirement or cost that is imposed by the rule and not expressly required by law. The statement must reference any data, studies, or analyses relied upon by the agency in determining imposition of the requirement or cost is necessary.

The proposed rule amendment will not impose any additional annual reporting, record keeping, or other administrative costs on small businesses in order to comply with the proposed rule.

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

Other factors considered:

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

The rule has no impact on reporting requirements for small businesses.

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

The rule has no impact on schedules or deadlines for compliance or reporting requirements for small businesses.

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

The rule has no impact on compliance or reporting requirements for small businesses.

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

The rule has no impact on performance or operational standards for small businesses.

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

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

If there are any programmatic or fiscal questions, please contact Jessica Smith at (317) 234-6311 or at jessica.smith@fssa.in.gov. Questions regarding any other aspect of the proposed changes should be addressed to Kim Crawford at (317) 232-1244 or at kim.crawford@fssa.in.gov.

Indiana Register

Please contact Kim Crawford at (317) 232-1244 or at kim.crawford@fssa.in.gov regarding IEDC's comments about this rule amendment. The public hearing will be scheduled after receiving authorization from Legislative Services Agency to do so. Ms. Crawford will then contact you to provide the date of the hearing for your convenience.

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