
TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

Notice of Intent to Adopt a Rule

LSA Document #18-125

Under [IC 4-22-2-23](#), the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

OVERVIEW: Amends [405 IAC 5-3-5](#) to remove the requirement for rehabilitative potential for wheelchairs for child recipients in a nursing facility in accordance with [IC 12-15-5-12](#). Amends [405 IAC 5-19-1](#) and [405 IAC 5-19-2](#) to update and clarify definitions and terminology. Adds [405 IAC 5-19-2.5](#) to implement the requirement for documentation of a face-to-face encounter for home health DME items in accordance with 42 CFR 440.70(f). Amends [405 IAC 5-19-7](#) to revise state regulations for prior authorization to implement the requirement for documentation of a face-to-face encounter for home health DME items in accordance with 42 CFR 440.70(f) and to remove the requirement for rehabilitative potential for wheelchairs for child recipients in a nursing facility in accordance with [IC 12-15-5-12](#). Amends [405 IAC 5-19-13](#) to update and clarify definitions and terminology. Amends [405 IAC 5-19-18](#), [405 IAC 5-26-5](#), and [405 IAC 5-26-6](#) to comply with court order requiring coverage of orthotics regardless of age. Effective 30 days after filing with the Publisher. Statutory authority: [IC 12-15-1-10](#); [IC 12-15-21-1](#); [IC 12-15-21-2](#); [IC 12-15-21-3](#).

For purposes of [IC 4-22-2-28.1](#), the Small Business Regulatory Coordinator for this rule is:

Michael Cook
Indiana Family and Social Services Administration
Office of Medicaid Policy and Planning
Indiana Government Center South
402 West Washington Street, Room W374
Indianapolis, IN 46204
(317) 232-7050
michael.cook@fssa.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Katelyn Colclazier
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 431-1560
kcolclazier@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

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