

Notice of Public Hearing
LSA Document #18-125

Notice of Public Hearing

Under [IC 4-22-2-24](#), notice is hereby given that on May 24, 2018, at 10:00 a.m., at the Indiana Government Center South, 402 West Washington Street, Conference Center Room #19, Indianapolis, Indiana, the Office of the Secretary of Family and Social Services – Division of Office of Medicaid Policy and Planning will hold a public hearing on a proposed rule amending [405 IAC 5-3-5](#), [405 IAC 5-19](#), and [405 IAC 5-26](#) to amend rules applying to durable medical equipment (DME).

This rule will update and clarify definitions and terminology and remove the requirement for rehabilitative potential for wheelchairs for child recipients in a nursing facility in accordance with [IC 12-15-5-12](#). Additionally, this rule will 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 revise the corresponding regulations for prior authorization. Finally, this rule will amend [405 IAC 5-19](#) and [405 IAC 5-26](#) to comply with court orders requiring coverage of orthotics regardless of age.

Pursuant to [IC 4-22-2-24](#)(d)(3), the Indiana Family and Social Services Administration (FSSA) – Office of Medicaid Policy and Planning (OMPP) has determined that changes to the current rules are necessary to comply with state and federal law and bring the administrative rules into conformity with the enabling statutes and court orders.

All parties interested in the proposed rule are invited to attend the public hearing and to offer public comments. In lieu of attendance at the public hearing, written comments may be sent to: FSSA, Attention: Jeremy Hoffman c/o Michael Cook, 402 W. Washington St., Room W451, Indianapolis, IN 46204. Correspondence should be identified in the following manner: "COMMENT RE: LSA Document #18-125, DME and Orthotics Proposed Rule." All written comments concerning the rule received by the FSSA – OMPP will be available for public inspection at FSSA's Office of General Counsel, Indiana Government Center South, 402 West Washington Street, Room W451, Indianapolis, Indiana.

Pursuant to [IC 4-22-2-24](#)(d), copies of the proposed rule and any data, studies, or analyses referenced in a justification of requirements or costs on regulated entities are available to be inspected and copied on the FSSA website at:

<http://www.in.gov/fssa/4543.htm>

Copies of the rule and corresponding documents are now on file at the Indiana Government Center South, 402 West Washington Street, Room W451, Indianapolis, Indiana and are open for public inspection and copying.

Jennifer Walthall, M.D., M.P.H.
Secretary
Indiana Family and Social Services Administration

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