

Economic Impact Statement
LSA Document #18-249

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

The Indiana Family and Social Services Administration (FSSA) Office of Medicaid Policy and Planning (OMPP) proposes to:

Amend [405 IAC 5-22-12](#) to revise the definition of a diagnostic evaluation to use the current version of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM). Remove the requirement that treatment referrals include a projected length of treatment. Clarify that treatment plans should be focused on addressing specific behavioral issues and community integration and include the projected length of treatment. Clarify that school attendance includes homeschooling. Clarify prior authorization criteria. Remove the restriction on a registered behavior technician providing services in the home or school setting.

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.

There are approximately 77 current Indiana providers that would potentially be subject to the proposed rule that meet the criteria 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.

The proposed rule 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.

The proposed rule amendment will have no economic impact on small businesses.

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.

This rule imposes no requirement or cost on small businesses that is not already required by law.

5. Any regulatory flexibility analysis that considers any less intrusive or less costly alternative methods of achieving the same purpose.**A. Establishment of less stringent compliance or reporting requirements for small businesses.**

The rule has no impact on compliance or reporting requirements for small businesses. The agency, by federal and state law, is required to maintain certain record keeping and reporting requirements in order to maintain program integrity for all businesses, large or small.

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. The agency, by federal and state law, is required to maintain schedules and deadlines for compliance reporting requirements in order to maintain program integrity for all businesses, large or small.

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. The agency, by federal and state law, is required to maintain schedules and deadlines for compliance reporting requirements in order to maintain program integrity for all businesses, large or small.

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 costs on small businesses as we cannot treat small or large businesses differently under federal and state regulations.

If there are any programmatic or fiscal questions, please contact Michael Cook at (317) 232-7050 or at michael.cook@fssa.in.gov. Questions regarding any other aspect of the proposed changes should also be

addressed to Jeremy Hoffman at (317) 234-6579 or at jeremy.hoffman@fssa.in.gov.

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