

Economic Impact Statement
LSA Document #23-367

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 5-20-5](#) and [405 IAC 5-24-8](#) to clarify language to include electronic signatures.

Impact on Small Businesses

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 section 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.

Response: All pharmacies will be subject to the proposed rule change.

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.

Response: The proposed rule will not impose any additional annual reporting, record keeping, or other administrative costs on small businesses to comply with the proposed rule. The proposed rule change is clarifying language.

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

Response: The proposed rule amendment will have no economic impact on small businesses. The proposed rule change is clarifying language.

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.

Response: This rule imposes no requirement or cost on small businesses that is not already required by law. The proposed rule change is clarifying language.

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.

Response: 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. The proposed rule change is clarifying language.

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

Response: 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. The proposed rule change is clarifying language.

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

Response: 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. The proposed rule change is clarifying language.

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

Response: The rule has no impact on performance or operational standards for small businesses. The proposed rule change is clarifying language.

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

Response: The rule imposes no additional requirements or cost on small businesses as we cannot treat small or large businesses differently under federal and state regulations. The proposed rule change is clarifying language.

If there are any programmatic or fiscal questions, please contact Keith McConomy at (317) 233-9640 or at keith.mcconomy@fssa.in.gov. Questions regarding any other aspect of the proposed changes should also be addressed to Amanda DeRoss at (317) 234-8533 or at amanda.deross@fssa.in.gov.

[Notice of Intent was published in the manner set forth in [IC 4-22-2](#), before its amendment July 1, 2023]

Posted: 07/19/2023 by Legislative Services Agency
An [html](#) version of this document.