

Notice of First Public Comment Period
LSA Document #23-727

COMPREHENSIVE REHABILITATIVE MANAGEMENT NEEDS FACILITIES

PURPOSE OF NOTICE

The Office of Medicaid Policy and Planning (OMPP) is soliciting public comment on amendments to [405 IAC 1-12-21](#), concerning a rate increase for Medicaid enrolled large private intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) licensed as comprehensive rehabilitative management needs facilities (CRMNFs). The proposed rule change also creates consistency between the language used in the section heading and the body of the rule. The OMPP seeks comment on the affected citations listed and any other provisions of Title 405 that may be affected by this rulemaking.

CITATIONS AFFECTED: [405 IAC 1-12-21](#)

AUTHORITY: [IC 12-15-1-10](#); [IC 12-15-21-2](#)

OVERVIEW

Basic Purpose and Background

Amendments to [45 IAC 1-12-21](#) propose an increase in rates to CRMNFs. The CRMNF rate was increased in the 2021 legislative session as a measure to assist group homes due to workforce shortages brought on by the COVID-19 public health emergency. Due to how CRMNF methodology differs from other group homes, they did not receive that increased rate. The rule change would increase the rate paid to Medicaid enrolled large private ICFs/IID licensed as CRMNFs from six hundred thirty-nine dollars and eighteen cents (\$639.18) to seven hundred three dollars and ten cents (\$703.10) per resident day. The proposed rule change also creates consistency between the language used in the section heading and the body of the rule. The OMPP has authority under [IC 12-15-1-10](#) and [IC 12-15-21-2](#), and does not add or increase any fees, fines, or civil penalties.

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Keith McConomy
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) 233-9640
keith.mcconomy@fssa.in.gov

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

Matthew Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 650-0126
majaworowski@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.

REQUEST FOR PUBLIC COMMENTS

At this time, the OMPP is soliciting public comments on the proposed rule. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
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Amanda DeRoss
402 West Washington Street, Room W451
Indianapolis IN 46204

(2) By electronic mail to amanda.deross@fssa.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(3) Attend scheduled public hearing.

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than December 4, 2023.

The rule, Regulatory Analysis and the data, studies, or analyses referenced in the Regulatory Analysis, and materials incorporated by reference (if applicable) are on file at the Office of Medicaid Policy and Planning, 402 West Washington Street, Room W451, Indianapolis, Indiana and are available for public inspection. Copies of the rule and Regulatory Analysis and the data, studies, or analyses referenced in the Regulatory Analysis are available at the Office of Medicaid Policy and Planning.

If the OMPP does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

ADDITIONAL DOCUMENTS

Regulatory Analysis DIN: [20231101-IR-405230727RAA](#)

Notice of Public Hearing DIN: [20231101-IR-405230727PHA](#)

PROPOSED RULE

SECTION 1. [405 IAC 1-12-21](#) IS AMENDED TO READ AS FOLLOWS:

[405 IAC 1-12-21](#) Nonstate-operated intermediate care facilities for individuals with intellectual disabilities; allowable costs; compensation; per diem rate

Authority: [IC 12-15-1-10](#); [IC 12-15-21-2](#)

Affected: [IC 12-13-7-3](#); [IC 12-15](#)

Sec. 21. (a) The procedures described in this section are applicable to ICFs/IID with nine (9) or more beds only, notwithstanding the application of standards and procedures set forth in sections 1 through 20 of this rule.

(b) The per diem rate for ICFs/IID is an all-inclusive rate. The per diem rate includes all services provided to patients by the facility.

(c) Costs related to staffing shall be ~~are~~ limited to seven (7) hours worked per patient day.

(d) ~~Any An~~ **An** ICF/IID that is licensed as a CRMNF will be paid at a rate of ~~six hundred thirty nine dollars and eighteen cents (\$639.18)~~ **seven hundred three dollars and ten cents (\$703.10)** per resident day. This per diem rate is available only upon certification as a Medicaid ICF/IID and licensure by DDRS. ICFs/IID that are licensed as CRMNFs are not subject to other rate adjustments identified in this rule ~~except for [405 IAC 1-12-27](#)~~ and will not receive a base rate nor be subject to the base rate reporting requirements at section 5 of this rule.

(Office of the Secretary of Family and Social Services; [405 IAC 1-12-21](#); filed Jun 1, 1994, 5:00 p.m.: 17 IR 2328; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; readopted filed Sep 19, 2007, 12:16 p.m.: [20071010-IR-405070311RFA](#); filed Aug 28, 2013, 10:20 a.m.: [20130925-IR-405120637FRA](#); readopted filed Oct 28, 2013, 3:18 p.m.: [20131127-IR-405130241RFA](#); filed Apr 29, 2015, 3:38 p.m.: [20150527-IR-405150034FRA](#); filed Aug 1, 2016, 3:44 p.m.: [20160831-IR-405150418FRA](#); filed Oct 13, 2017, 12:09 p.m.: [20171108-IR-405160327FRA](#); readopted filed May 30, 2023, 11:54 a.m.: [20230628-IR-405230292RFA](#))

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An [html](#) version of this document.