

Final Rule
LSA Document #23-727

DIGEST

Amends [45 IAC 1-12-21](#) concerning an increase in rates to CRMNFs. Effective 30 days after filing with the publisher.

HISTORY

Notice of First Public Comment Period, published November 1, 2023: [20231101-IR-405230727FNA](#).
Regulatory Analysis submitted with Notice of First Public Comment Period: [20231101-IR-405230727RAA](#).
Date of First Hearing: December 4, 2023.

SUMMARY/RESPONSE TO COMMENTS

The Office of the Secretary of Family and Social Services (FSSA) requested public comment from November 1, 2023, through December 4, 2023, and during the public hearing on December 4, 2023. The FSSA received no comments in response to the Notice of First Public Comment Period.

[405 IAC 1-12-21](#)

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~~ **set forth in** 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](#); filed Mar 26, 2024, 10:57 a.m.: [20240424-IR-405230727FRA](#))

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Notice of First Public Comment Period: [20231101-IR-405230727FNA](#)

Hearing Held: December 4, 2023

Approved by Attorney General: March 13, 2024

Approved by Governor: March 22, 2024

Filed with Publisher: March 26, 2024, 10:57 a.m.

Budget Agenda: None Received by Publisher

Documents Incorporated by Reference: None Received by Publisher

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