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**TITLE 460 DIVISION OF DISABILITY, AGING, AND  
REHABILITATIVE SERVICES**

LSA Document #02-319(F)

**DIGEST**

Adds 460 IAC 1-3.3, providing new criteria, reimbursement rates, and procedures for providers in the residential care assistance program in Indiana. Repeals 460 IAC 1-3-1, 460 IAC 1-3-2, 460 IAC 1-3-3, 460 IAC 1-3-4, 460 IAC 1-3-5, 460 IAC 1-3-6, 460 IAC 1-3-7, 460 IAC 1-3-8, 460 IAC 1-3-9, 460 IAC 1-3-10, 460 IAC 1-3-11, 460 IAC 1-3-12, 460 IAC 1-3-13, 460 IAC 1-3-14, and 460 IAC 1-3-15. Effective 30 days after filing with the secretary of state.

<b>460 IAC 1-3-1</b>	<b>460 IAC 1-3-9</b>
<b>460 IAC 1-3-2</b>	<b>460 IAC 1-3-10</b>
<b>460 IAC 1-3-3</b>	<b>460 IAC 1-3-11</b>
<b>460 IAC 1-3-4</b>	<b>460 IAC 1-3-12</b>
<b>460 IAC 1-3-5</b>	<b>460 IAC 1-3-13</b>
<b>460 IAC 1-3-6</b>	<b>460 IAC 1-3-14</b>
<b>460 IAC 1-3-7</b>	<b>460 IAC 1-3-15</b>
<b>460 IAC 1-3-8</b>	<b>460 IAC 1-3.3</b>

SECTION 1. 460 IAC 1-3.3 IS ADDED TO READ AS FOLLOWS:

**Rule 3.3. Residential Care Assistance Program Reimbursement**

**460 IAC 1-3.3-1 Policy; scope**

**Authority:** IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

**Affected:** IC 12-30; IC 16-28

**Sec. 1. (a)** This rule sets forth the per diem rate for reimbursement of providers providing residential care to recipients receiving residential care assistance from the division.

**(b)** Reimbursement is contingent upon current licensure by the Indiana state department of health for facilities requiring licensure and a current provider agreement with the division.

**(c)** The per diem reimbursements set forth a per diem rate that is based on the costs that must be incurred by efficiently and economically operated facilities in order to provide room, board, laundry, and other services, along with administrative direction to recipients. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.3-1; filed Jun 5, 2003, 8:30 a.m.: 26 IR 3643*)

**460 IAC 1-3.3-2 Definitions**

**Authority:** IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

**Affected:** IC 12-30; IC 16-28

**Sec. 2. (a)** The definitions in this section apply throughout this rule.

**(b)** "County home" means a residential facility owned, staffed, maintained, and operated by a county government that provides residential care to individuals.

(c) “Division” means the division of disability, aging, and rehabilitative services.

(d) “Facility” means a county home or residential home with a current contract with the division to provide residential care assistance.

(e) “Recipient” means an individual who is receiving residential care assistance.

(f) “Residential care” means room, board, and laundry, along with minimal administrative direction.

(g) “Residential care assistance” means state financial assistance through the division for residential care.

(h) “Residential home” means a facility licensed under IC 16-28 or an accredited Christian Science facility listed and certified by the Commission for Accreditation of Christian Science Nursing Organization/Facilities, Inc., that meets certain life safety standards considered necessary by the state fire marshal, that provides residential care to individuals. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.3-2; filed Jun 5, 2003, 8:30 a.m.: 26 IR 3644)*

#### **460 IAC 1-3.3-3 Per diem reimbursement rates**

**Authority:** IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

**Affected:** IC 12-10-6-4; IC 12-30; IC 16-28

**Sec. 3. (a)** Subject to the availability of funds appropriated for the residential care assistance program, a facility that is not licensed under IC 16-28 that is providing residential care shall receive per diem reimbursement of twenty-seven dollars (\$27) for each recipient. If such facility charges the general public a rate of less than twenty-seven dollars (\$27), the facility shall receive per diem reimbursement from the division equal to the rate the facility charges the general public.

**(b)** Subject to the availability of funds appropriated for the residential care assistance program, a facility that is licensed under IC 16-28 that is providing residential care shall receive per diem reimbursement of thirty-nine dollars and thirty-five cents (\$39.35) for each recipient receiving residential care assistance from the division. This per diem reimbursement takes into account the rules for residential care for facilities that are licensed under IC 16-28. If such facility charges the general public a rate of less than thirty-nine dollars and thirty-five cents (\$39.35), the facility shall receive per diem reimbursement from the division equal to the rate the facility charges the general public.

**(c)** If a recipient has applied excess income toward residential care assistance pursuant to IC 12-10-6-4(b), the amount paid by the division to the affected provider will be reduced by the amount received by the recipient. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.3-3; filed Jun 5, 2003, 8:30 a.m.: 26 IR 3644)*

#### **460 IAC 1-3.3-4 Annual review of per diem reimbursement rate**

**Authority:** IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

**Affected:** IC 12-30; IC 16-28

**Sec. 4. (a)** By March 1 of each year, providers receiving reimbursement from the division to provide residential care shall submit on a form approved by the division a summary of the provider’s costs.

**(b)** Based upon the cost information submitted pursuant to subsection (a), the division shall annually review the per diem reimbursement rates established by this article. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.3-4; filed Jun 5, 2003, 8:30 a.m.: 26 IR 3644)*

**SECTION 2. THE FOLLOWING ARE REPEALED:** 460 IAC 1-3-1; 460 IAC 1-3-2; 460 IAC 1-3-3; 460 IAC 1-3-4; 460 IAC 1-3-5; 460 IAC 1-3-6; 460 IAC 1-3-7; 460 IAC 1-3-8; 460 IAC 1-3-9; 460 IAC 1-3-10; 460 IAC 1-3-11; 460 IAC 1-3-12; 460 IAC 1-3-13; 460 IAC 1-3-14; 460 IAC 1-3-15.

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