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State of Indiana

Indiana Family and Social Services Administration
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FSSA's Family Impact Statement for Telehealth and Telemedicine Services Amendments

Executive Order 13-05 (the "Order") requires the Family and Social Services Administration ("FSSA") to assess a policy or proposed rule's impact on family formation and general well-being and to certify its compliance with the Order. FSSA hereby submits this certification that it has assessed the proposed rule's impact on family formation and general well-being based on the enumerated considerations listed in the Order.

Background and Summary of the Rule

In 2013, the Indiana General Assembly passed SEA 554 (P.L. 204), which added Ind. Code §12-15-5-11. Ind. Code §12-15-5-11 defines both telehealth services and telemedicine services. The law also mandates that the OMPP reimburse Medicaid providers who are licensed home health agencies for telehealth services, directs the OMPP as to which providers must be reimbursed for telemedicine services, sets out the provider types that must be reimbursed for telemedicine services regardless of the distance between the telemedicine hub site and spoke site, requires the OMPP to file any Medicaid state plan amendment ("SPA") with the United States Department of Health and Human Services ("HHS") necessary to implement and administer Ind. Code § 12-15-5-11, and requires the OMPP to implement any part of the section that is approved by the HHS.

The OMPP, pursuant to the mandate in Ind. Code § 12-15-5-11(f), filed a SPA with HHS on November 26, 2013. HHS is currently reviewing this SPA. HHS will likely approve it in the near future with an effective date of October 1, 2014.

The amendments will allow the OMPP to implement the provisions of Ind. Code § 12-15-5-11 once HHS has approved the SPA. The amendments will define telehealth services and telemedicine services; provide that the OMPP reimburse Medicaid-enrolled home health agencies for telehealth services provided that meet the requirements of the rule; and remove the requirement that the hub site and spoke site for telemedicine services be at least twenty (20) miles apart for Federally Qualified Health Centers (FQHCs), Rural Health Clinics (RHCs), Community Mental Health Centers (CMHCs), and critical access hospitals.

Impact of the proposed rule on the family well-being or family formation

FSSA assessed the proposed rule's impact on family formation and well-being in light of the six considerations enumerated in the Order. In general, Medicaid reimbursement for telehealth and telemedicine services to certain providers does not discourage traditional family formation or encourage family dissolution. Accordingly, FSSA expects that the proposed rule will have a **neutral** impact on family well-being or family formation. The FSSA is submitting this certification to the OMB that it has considered the requisite criteria in Executive Order 13-05 in developing the proposed rule. FSSA's response to the enumerated measures is as follows:

1) Whether or not this action by government strengthens or erodes the stability of the family and the marital commitment.

Response: The amendments add Medicaid reimbursement for telehealth services provided by home health agencies and make changes to limitations in Medicaid reimbursement to certain providers for telemedicine services. Therefore, the amendments neither strengthen nor erode the stability of the marital commitment.

2) Whether or not this action encourages or discourages non-marital childbearing.

Response: The amendments add Medicaid reimbursement for telehealth services provided by home health agencies and make changes to limitations in Medicaid reimbursement to certain providers for telemedicine services. Therefore, the amendments neither encourage nor discourage non-marital childbearing.

3) Whether or not this action respects or inhibits the rights of parents to raise their children and make the best choices about their children's education, health, and well-being.

Response: The amendments add Medicaid reimbursement for telehealth services provided by home health agencies and make changes to limitations in Medicaid reimbursement to certain providers for telemedicine services. Therefore, the amendments neither respect nor inhibit the rights of parents to raise their children and make parental choices.

4) Whether or not this action increases or decreases private family earnings or the incentive for parents to provide materially and emotionally for their children.

Response: The amendments add Medicaid reimbursement for telehealth services provided by home health agencies and make changes to limitations in Medicaid reimbursement to certain providers for telemedicine services. Therefore, the amendments neither increase nor decrease family earnings or the incentive for parents to provide for their children.

- 5) What message, intended or otherwise, does this program send to the public concerning the status of the family?**

Response: The amendments add Medicaid reimbursement for telehealth services provided by home health agencies and make changes to limitations in Medicaid reimbursement to certain providers for telemedicine services. Therefore, the amendments do not send any message, positive or negative, concerning the status of the family.

- 6) What message does the action send to children about the relationship between their present choices and their future well-being?**

Response: The amendments merely add Medicaid reimbursement for telehealth services provided by home health agencies and make changes to limitations in Medicaid reimbursement to certain providers for telemedicine services. Therefore, the amendments do not send any message, positive or negative, concerning the parent/child relationship.



Family Impact Assessment

Documentation of new Policies and Rules

Pursuant to Section 2(a)-(f) of Executive Order 13-05:

In formulating and implementing policies and rules that may have a significant impact on family formation and general well-being, the agencies listed in Section 1 of Executive Order 13-05 shall assess such measures in light of the following considerations:

- 1) Whether or not this action by government strengthens or erodes the stability of the family and the marital commitment.
- 2) Whether or not this action encourages or discourages non-marital childbearing.
- 3) Whether or not this action respects or inhibits the rights of parents to raise their children and make the best choices about their children's education, health, and well-being.
- 4) Whether or not this action increases or decreases private family earnings or the incentive for parents to provide materially and emotionally for their children.
- 5) What message, intended or otherwise, does this program send to the public concerning the status of the family?
- 6) What message does the action send to children about the relationship between their present choices and their future well-being?

These assessments should be answered on a separate document attached to this submission form and clearly marked as answers to considerations 1-6. If an agency does not think that a consideration applies to their proposal, the agency must include an explanation of why the consideration does not apply. Additionally, if the proposal contains a potentially negative impact on family well-being or family formation, the agency must include an explanation of why the proposal is necessary.

This submission form and the agency assessments should be submitted simultaneously with the proposed policy or rule to the Office of Management and Budget.

By signing below, the agency head certifies that they are aware of the Family Impact Assessment, and all information submitted is accurate to the best of their knowledge.

Julia J. Minetti
Agency Head Signature

4-23-14
Date

FSSA
Agency