

Economic Impact Statement
LSA Document #21-431

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Description of the Rule

This rule is being promulgated to comply with the statutory directive extending the pilot hyperbaric oxygen treatment (HBOT) program to June 30, 2025. The HBOT program was established by the General Assembly in 2017 with the passage of House Enrolled Act (HEA) 1001. The program is to assist providers approved by the Indiana Department of Health (IDOH) to provide diagnostic testing and hyperbaric oxygen treatment to veterans suffering from traumatic brain injury (TBI) and posttraumatic stress disorder (PTSD).

Economic Impact on Small Businesses

1. Estimate of the number of small businesses, classified by industry sector, 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.

Since the pilot program is voluntary, the number of businesses subject to the rule will be limited to providers that apply to provide hyperbaric oxygen therapy.

2. Estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule.

There will be no additional reporting, record keeping, or other administrative costs other than those already incurred by approved providers of diagnostic testing and hyperbaric oxygen therapy.

3. Estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule.

Approved providers will have factored in associated costs in response to the Request for Proposals (RFP) issued by IDOH. As such, the approved providers will have made the business decision that applicable costs are worth incurring.

4. Statement justifying any requirement or cost that is imposed on small businesses by the rule; and not expressly required by the statute authorizing the agency to adopt the rule; or any other state or federal law.

There are no requirements or costs imposed on small businesses by the rule other than those set out in statute.

5. Regulatory Flexibility Analysis

Other factors considered:

A. Establishment of less stringent compliance or reporting requirements for small businesses.

The rule repeats the requirements of the statute.

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

The rule repeats the requirements of the statute.

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

The rule repeats the requirements of the statute.

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

The rule repeats the requirements of the statute.

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

The rule repeats the requirements of the statute.

Conclusion

There are no requirements or costs imposed on small businesses by the rule other than those set out by statute.

