

Economic Impact Statement

LSA Document #22-74

[IC 4-22-2.1-5](#) Statement Concerning Rules Affecting Small Businesses**Description of the Rule**

This rule seeks to clarify the abortion reporting requirements for physicians and facilities as required by [IC 16-34-2-4.7](#). The rule clarifies that the physician must use his or her best medical judgment to determine if something is an abortion complication, and that only one of the facility or physician must report, but they must have a policy in place to ensure that reporting occurs. It requires the report to be submitted within 30 days of beginning treatment of the abortion complication.

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.

This rule applies to all the statutorily required reporters, such as any physician or facility, including abortion clinics and hospitals, so it is difficult to know how many of these are small businesses. There are seven abortion clinics that are subject to this rule which may qualify as small businesses as well as an estimated ten hospitals. There may be many physician offices that are small businesses, but they are indeterminable for IDOH.

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 are no administrative, reporting, or record keeping costs associated with this rule.

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

There is no economic impact caused by compliance with the rule because it is only clarification, not imposing new requirements.

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 is no cost that is imposed on small businesses by this rule. The only requirement that is added is a timeframe for submission, which is required to ensure timely reporting of abortion complications and to eliminate any confusion for providers for submission.

5. Regulatory Flexibility Analysis

Other factors considered:

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

The rule does not establish reporting requirements, it just clarifies them, so there cannot be less stringent standards.

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

The only compliance standard set in this rule that is not in [IC 16-34-2-4.7](#) is the timeframe for submission. 30 days is enough time to make the report, so this requirement needs to be consistent for all reporters to ensure accurate data reporting.

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

This rule only clarifies statutory requirements, so they cannot be consolidated or simplified.

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

This rule is a clarification of statutory requirements, so no design or operational standards are imposed.

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

This rule must be the same for all medical providers to ensure consistency in data collection.

Conclusion

This rule is a clarification of abortion reporting requirements. The only additional standard added through the

rule is the timeframe which is necessary for both the provider and agency to ensure that reporting is consistent throughout the state.

Posted: 05/18/2022 by Legislative Services Agency
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