
Notice of Rule Adoption

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #00-277(F)

Under IC 12-8-3-4.4, LSA Document #00-277, printed at 24 IR 4126, which amends 405 IAC 1-14.6-2, 405 IAC 1-14.6-3, 405 IAC 1-14.6-4, 405 IAC 1-14.6-5, 405 IAC 1-14.6-6, 405 IAC 1-14.6-7, 405 IAC 1-14.6-9 and 405 IAC 1-14.6-20 to revise case mix reimbursement methodology by modifying the payment methodology for therapy, for repairs and maintenance costs, reduce the profit add-on percentage, and update case mix indices. Amends 405 IAC 1-15-1, 405 IAC 1-15-5, and 405 IAC 1-15-6 to clarify when MDS assessments are due at the conclusion of therapies and to make technical changes, was adopted by the Office of the Secretary of Family and Social Services on January 7, 2002. The rule which was adopted is a different version from the proposed rule which was published in the Indiana Register on September 1, 2001.

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #01-175(F)

Under IC 12-8-3-4.4, LSA Document #01-175, printed at 24 IR 4136, which adds 405 IAC 2-3-1.2 concerning Medicaid penalties for transferring assets for less than fair market value. Specifies that the purchase of an annuity or similar arrangement is considered a transfer of assets for less than fair market value unless the annuity is irrevocable, commercially issued, actuarially sound, and provides substantially equal monthly payments with no balloon payment, was adopted by the Office of the Secretary of Family and Social Services on January 7, 2002. The rule which was adopted is a different version from the proposed rule which was published in the Indiana Register on September 1, 2001.

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #01-206(F)

Under IC 12-8-3-4.4, LSA Document #01-206, printed at 24 IR 4137, which amends 405 IAC 2-3-1.1 to specify the method for calculating the Medicaid eligibility penalty for transferring income. Specifies that when the right to a stream of income is transferred for less than fair market value, the penalty is calculated based on the projected total income expected to be transferred during the individual's lifetime. Specifies that a transfer of income includes, but is not limited to (1) transferring income-producing real property; and (2) accepting less than the fair market rental value when property is rented. Specifies that, for purposes of the Medicaid eligibility penalty for transferring assets for less than fair market value, "assets" includes any income or resources which the

applicant or recipient or the applicant's or recipient's spouse is entitled to receive, but does not receive because of failure to take action to receive those assets. Repeals 405 IAC 2-3-1, was adopted by the Office of the Secretary of Family and Social Services on January 7, 2002. The rule which was adopted is a different version from the proposed rule which was published in the Indiana Register on September 1, 2001.

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #01-214(F)

Under IC 12-8-3-4.4, LSA Document #01-214, printed at 24 IR 3756, which amends 405 IAC 5-31-8 to eliminate bed hold days for Medicaid certified and enrolled nursing facilities with less than ninety percent (90%) occupancy, was adopted by the Office of the Secretary of Family and Social Services on January 7, 2002. The rule which was adopted is a different version from the proposed rule which was published in the Indiana Register on August 1, 2001.

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #01-302(F)

Under IC 12-8-3-4.4, LSA Document #01-302, printed at 25 IR 138, which amends 405 IAC 5-34-12 to eliminate bed hold days for hospice recipients when Medicaid certified and enrolled nursing facility occupancy for all residents is less than ninety percent (90%), was adopted by the Office of the Secretary of Family and Social Services on January 7, 2002. The rule which was adopted is the same version as the proposed rule which was published in the Indiana Register on October 1, 2001.

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #01-304(F)

Under IC 12-8-3-4.4, LSA Document #01-304, printed at 25 IR 138, which adds 405 IAC 1-18 to specify Medicaid reimbursement methodology for Medicare cross-over claims, was adopted by the Office of the Secretary of Family and Social Services on January 7, 2002. The rule which was adopted is the same version as the proposed rule which was published in the Indiana Register on October 1, 2001.

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

LSA Document #01-204

Under IC 12-8-3-4.4, notice is hereby given that LSA Document #01-204, printed at 25 IR 163, was adopted by the Director of the Division of Disability, Aging, and Rehabilitative Services on December 4, 2001. The rule amends 460 IAC 3.5-2-1 to update the unit of service reimbursement rates for adult day services paid by the Division to approved providers. Adult day services are provided to eligible individuals with a developmental disability. The rule that was adopted is different from the proposed rule that was published in the Indiana Register on October 1, 2001 at 25 IR 163.
