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

Proposed Rule
LSA Document #02-319

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 1-3-12, 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.

460 IAC 1-3-1	460 IAC 1-3-9
460 IAC 1-3-2	460 IAC 1-3-10
460 IAC 1-3-3	460 IAC 1-3-12
460 IAC 1-3-4	460 IAC 1-3-13
460 IAC 1-3-5	460 IAC 1-3-14
460 IAC 1-3-6	460 IAC 1-3-15
460 IAC 1-3-7	460 IAC 1-3.3
460 IAC 1-3-8	

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

Rule 3.3. Residential Care Assistance Program

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*)

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) “Provider” 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*)

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 county home that is not licensed under IC 16-28 shall receive per diem reimbursement of twenty-five dollars and fifteen cents (\$25.15) for each recipient. If a county home charges the general public a rate of less than twenty-five dollars and fifteen cents (\$25.15), the county home shall receive per diem reimbursement from the division equal to the rate the county home charges the general public.

(b) Subject to the availability of funds appropriated for the residential care assistance program, a county home that is licensed under IC 16-28 shall receive per diem reimbursement of thirty-three dollars and ninety-two cents (\$33.92) 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 a county home that is licensed under IC 16-28 charges the general public a rate of less than thirty-three dollars and ninety-two cents (\$33.92), the county home shall receive per diem reimbursement from the division equal to the rate the county home charges the general public.

(c) Subject to the availability of funds appropriated for the residential care assistance program, a residential home 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 a residential home charges the general public a rate of less than thirty-nine dollars and thirty-five cents (\$39.35), the county home shall receive per diem reimbursement from the division equal to the rate the county home charges the general public.

(d) 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*)

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*)

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 1-3-12; 460 IAC 1-3-13; 460 IAC 1-3-14; 460 IAC 1-3-15.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 25, 2003 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Division of Disability, Aging, and Rehabilitative Services will hold a public hearing on a proposed new rule concerning new criteria, reimbursement rates, and procedures for providers in the residential care assistance program. If an accommodation is required to allow an individual with a disability to participate in this meeting, please contact Kevin Wild at (317) 233-2582 at least 48 hours prior to the meeting. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Howard Stevenson
General Counsel
Division of Disability, Aging, and Rehabilitative Services