



Michael R. Pence, Governor  
State of Indiana

*Indiana Family and Social Services Administration*  
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## **FSSA's Family Impact Statement for Amendments to 440 IAC 10, Minimum Standards for the Provision of Services by Opioid Treatment Facilities and Programs**

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Executive Order 13-05 ("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. The 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 2014, the Indiana General Assembly passed House Enrolled Act ("HEA") 1218 (Public Law 131). HEA 1218 amended Ind. Code § 12-23-18-5 and Ind. Code § 12-23-18-7 requiring the Division of Mental Health and Addiction ("DMHA") to promulgate rules. HEA 1218 changes standards for operation rules concerning prior authorization for a take-home supply of opioid treatment medication from fourteen (14) days of medication to seven (7) days of medication and only if certain conditions are met. HEA 1218 also requires the DMHA to establish certain standards and protocols for opioid treatment programs:

- To assess new opioid treatment program patients to determine the most effective opioid treatment medications to start the patient's opioid treatment;
- To ensure that each patient voluntarily chooses maintenance treatment and that the use of opioid treatment medications are clearly and adequately explained to the patient;
- To transition opioid treatment program patients who are receiving methadone to other approved opioid treatment medications; and
- To list other medications as alternatives to methadone that may be used by opioid treatment programs to treat opioid treatment program patients.

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

The FSSA – DMHA assessed the proposed rule's impact on family formation and well-being in light of the six considerations enumerated in the Order. In general, the amendments to the Minimum Standards for the Provision of Services by Opioid Treatment Facilities and Programs **does not** discourage traditional family formation or encourage family dissolution. Accordingly,

FSSA – DMHA expects that the proposed rule will have a **positive** impact on family well-being or family formation. The FSSA – DMHA 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 – DMHA’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 change the prior authorization for a take-home supply of opioid treatment medication from fourteen (14) days to seven (7) days and add standards for the operation of opioid treatment programs. The amendments are believed to strengthen the stability of the family and marital commitment. This is due to the patient having more time in the clinic to seek assistance for needs that arise in daily life. The patient’s addiction, if left untreated, could significantly erode the family unit. Patients will make weekly visits to the clinic for their medication instead of receiving the currently allowed fourteen (14) days supply. Patients who seek help for their individual issues will be more likely to stay in recovery, allowing them to make better life choices, career choices and family decisions. Therefore, the amendments strengthen the stability of the family and marital commitment.

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

Response: The amendments change the prior authorization for a take-home supply of opioid treatment medication from fourteen (14) days to seven (7) days and add standards for the operation of opioid treatment programs. 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 change the prior authorization for a take-home supply of opioid treatment medication from fourteen (14) days to seven (7) days and add standards for the operation of opioid treatment programs. The amendments do not interfere with a parent’s right to raise his or her children or make choices about their education, health and well-being. Therefore, the amendments respect 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 change the prior authorization for a take-home supply of opioid treatment medication from fourteen (14) days to seven (7) days and add standards

for the operation of opioid treatment programs. DMHA believes that the change from fourteen (14) days of take-home medications to seven (7) days of take-home medications will allow the patient to continue to find and keep gainful employment while continuing the recovery process through the use of medication. 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 change the prior authorization for a take-home supply of opioid treatment medication from fourteen (14) days to seven (7) days and add standards for the operation of opioid treatment programs. DMHA believes that the message sent to the public about the status of family by treatment providers is that family matters. This form of medicated assisted treatment assists the patient in recovery and allows them to follow through with their family responsibilities in the areas of commitment, career choices, as well as continuing education in many cases. Therefore, the amendments send a positive message 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 change the prior authorization for a take-home supply of opioid treatment medication from fourteen (14) days to seven (7) days and add standards for the operation of opioid treatment programs. Therefore, the amendments do not send any message, positive or negative, concerning the parent/child relationship.

Office of the Secretary of Family and  
Social Services



Dr. John J. Wernert  
Secretary

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## 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.

Dr. John J. Wernert

8/12/14

Date

FSSA

Amendments to 440 IAC 10, Minimum Standards for the Provision of Services by Opioid Treatment Facilities and Programs