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**TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES**

**Attorney General's Notice of Disapproval**  
LSA Document #06-5

September 22, 2006

E. Mitchell Roob, Jr., Secretary  
Family and Social Services Administration

Jeanne M. LaBrecque, Director  
Health Policy and Medicaid  
Office of Medicaid Policy and Planning

**Re: LSA Document #06-05(F)**

Dear Secretary Roob and Director LaBrecque:

The Family and Social Services Administration (FSSA) submitted LSA Document number 06-05(F) to the Office of the Attorney General on August 8, 2006, for approval pursuant to Indiana Code section 4-22-2-31. Our office has reviewed the rule and supporting documentation and has determined that the rule should be disapproved pursuant to Indiana Code section 4-22-2-32(c) because it was adopted without complying with Indiana Code chapter 4-22-2 and Indiana Code chapter 4-22-2.1.

The rule in question amends [405 IAC 5-14](#) to place limitations on dental services for adults and amends rules regarding coverage for diagnostic services. Our office requested supporting documentation that FSSA has complied with the small business economic impact statement requirements under Indiana Code section 4-22-2.1-6; specifically, whether the Indiana Economic Development Corporation (IEDC) provided written comments to FSSA on the proposed rule not later than seven (7) days before the date of the public hearing, whether FSSA responded to those comments, and whether FSSA made the comments available for public inspection and copying in its office, electronically, and for distribution at the public hearing. We were advised by the FSSA Office of General Counsel that FSSA had not complied with these specific requirements and therefore could not provide supporting documentation for compliance with [IC 4-22-2.1-6](#).

Since the requirements in [IC 4-22-2.1-6](#) for review of the small business economic impact statement by the Indiana Economic Development Corporation and consideration of the IEDC written comments by FSSA were not completed, the proposed rule was adopted without complying with Indiana Code chapter 4-22-2. For that reason, the Attorney General issues this Notice of Disapproval of LSA Document #06-05.

Sincerely,

Gregory F. Zoeller  
Chief Deputy

Elizabeth A. Brown  
Deputy Attorney General

*Posted: 10/04/2006 by Legislative Services Agency*  
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