
TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

Administrative Rules Oversight Committee Notice
1 Year Requirement ([IC 4-22-2-25](#))
LSA Document #06-14

September 29, 2006

To: Honorable R. Michael Young, Chairperson
Administrative Rules Oversight Committee
c/o Sarah Burkman
Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, IN 46204-2789

Fr: Catherine Rudd, Deputy General Counsel

Re: LSA Document #06-14

Cc: Chuck Mayfield, Legislative Services Agency
John Davis, General Counsel, FSSA
Jeanne LaBrecque, Director of Health Policy & Medicaid, FSSA

On behalf of the Family and Social Services Administration, Office of Medicaid Policy and Planning, I am submitting this memo to the Administrative Rules and Oversight Committee in compliance with [IC 4-22-2-25](#), because the agency has determined that the promulgation of the captioned rule will not be completed within one year after publication of the notice of intent to adopt a rule.

The agency published its notice of intent to adopt a rule for the captioned document on February 1, 2006 (29 IR 1584). The proposed rule has not yet been published. The rule will add Medicaid eligibility criteria for individuals at least eighteen (18) years of age [*sic.*, *age*] and less than twenty-one (21) who were receiving foster care when the individual turned eighteen or became emancipated. Once the rule is published, a public hearing held and adopted by the agency, it must, like all rules adopted by the agency, be approved by the Family and Social Services Committee (see [IC 12-8-3](#)), a committee that meets only once per month. It is possible a monthly meeting could occur without a quorum and therefore without any action being taken on an adopted rule. This would mean delayed approval until the next monthly meeting of the committee and presence of a quorum. Following approval by the FSSA committee, the rule must be submitted to the Attorney General's office. Pursuant to [IC 4-22-2-32](#), the Attorney General has forty-five days to complete his review of a rule. Whether a quorum is present at a monthly meeting of the FSSA committee and the Attorney General's time frame for rule review are outside of the agency's control. Because the agency has additional work to complete and there are aspects of the promulgation process that are outside of its control, it is unlikely that the rule will be approved by the Governor within one year of the date of publication of the notice of intent. The agency expects that the rule can be approved by the Governor by November 1, 2007.

This notice setting forth the expected date of approval of LSA #06-14 as November 1, 2007, is being submitted in a timely manner. October 9, 2006, is the two hundred fiftieth day after publication of the notice of intent to adopt a rule.

Posted: 10/11/2006 by Legislative Services Agency
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