
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 #06-153

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

From: Scott Linneweber, Staff Attorney

Re: LSA #06-153, Amendments to Prescription Drug Program Rules (Medicare Wraparound)

Date: December 21, 2006

Cc: Chuck Mayfield, Legislative Services Agency
John Davis, General Counsel, FSSA
Jeanne M. LaBrecque, Director, Office of Medicaid Policy and Planning

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

On May 26, 2006, the agency sent the Office of Management and Budget a copy of the proposed rule along with the fiscal analysis required under [IC 4-22-2-28](#). The agency published its notice of intent to adopt a rule for the captioned document on June 1, 2006 (29 IR 3042). Under [IC 4-22-2-28](#), the agency cannot send the proposed rule for publication in the Indiana Register until the agency receives OMB approval. The agency did not receive OMB approval until October 30, 2006. The proposed rule was published on November 11, 2006, and the public hearing was held on December 19, 2006. Following the public hearing, the agency has to consider and respond to public comments, adopt the rule, and present the rule to the FSSA rules committee for approval before the rule can be submitted to the Office of Attorney General for approval.

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. Thus promulgation of this rule may not be completed by June 1, 2007. The agency expects that the rule can be approved by the governor by December 21, 2007.

This notice setting forth the expected date of approval of LSA #06-153 as December 21, 2007, is being submitted in a timely manner. January 7, 2007, is the two hundred fiftieth day after publication of the notice of intent to adopt a rule.

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