

Administrative Rules Oversight Committee Notice
1 Year Requirement ([IC 4-22-2-25](#))
LSA Document #06-139

January 17, 2007

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

RE: LSA Document #06-139 - Rule for the reporting of morbid obesity surgical treatment deaths and complications

Dear Senator Young,

On behalf of the Indiana State Department of Health (Department), I am submitting this notice to the Administrative Rules Oversight Committee in compliance with [IC 4-22-2-25](#), because the Department 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.

The Department published its notice of intent to adopt a rule for the captioned document on June 1, 2006 (29 IR 3043). On August 30, 2006, the agency sent the Office of Management and Budget (OMB) a copy of the proposed rule and fiscal analysis as required under [IC 4-22-2-28](#). 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 notice of OMB approval until December 18, 2006. The proposed rule was published on January 17, 2007, and the public hearing will be held on February 13, 2007.

Following the public hearing, the agency must consider and respond to public comments and present the rule to the ISDH Executive Board for final adoption. Pursuant to [IC 4-22-2-32](#), the Attorney General has forty-five days to complete review of the rule. Whether a quorum is present at the ISDH Executive Board meeting, and the Attorney General's timeframe 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 October 1, 2007.

This notice setting forth the expected date of approval of LSA #06-139 as October 1, 2007 is being submitted in a timely manner. February 7, 2007, is the two hundred and fiftieth day after publication of the notice of intent to adopt a rule.

Sincerely,

Mary L. Hill, RN, Esq.
Deputy State Health Commissioner
cc: Stephen Barnes, Managing Editor, Legislative Services Agency

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