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**TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH**

**Administrative Rules Oversight Committee Notice  
One Year Requirement ([IC 4-22-2-25](#))  
LSA Document #07-488**

March 13, 2008

Honorable Representative Scott Pelath, Chairperson  
Administrative Rules Oversight Committee  
Indiana Legislative Services Agency  
200 West Washington Street, Suite 301  
Indianapolis, Indiana 46204-2789  
ATTN: Allen Morford

RE: LSA Document #07-488 – Small employer wellness program rule

Dear Representative Pelath,

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 August 15, 2007 (DIN: [20070815-IR-410070488NIA](#)). On March 12, 2008, the agency preliminarily adopted a proposed rule. The agency must now send to 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 may not send the proposed rule for publication in the Indiana Register until the agency receives OMB approval. Once approval is received, the proposed rule must be published and a public hearing held 21 days after publication of the notice.

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 will likely not be completed by August 15, 2008. The agency expects that the rule can be approved by the Governor by August 15, 2009.

This notice setting forth the expected date of approval of LSA #07-488 as August 15, 2009, is being submitted in a timely manner. April 21, 2008, 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

*Posted: 04/09/2008 by Legislative Services Agency*  
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