
TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION

Administrative Rules Oversight Committee Notice
One Year Requirement ([IC 4-22-2-25](#))
LSA Document #08-412

January 22, 2009

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 #08-412 - Rule for Minimum Standards for the Provision of Services by Opioid Treatment Facilities and Programs

Dear Senator Young:

On behalf of the Division of Mental Health and Addiction (DMHA), I am submitting this notice to the Administrative Rules Oversight Committee in compliance with [IC 4-22-2-25](#), because the DMHA 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 Division published its Notice of Intent to Adopt a Rule for the captioned document on May 28, 2008. The drafting of the Proposed Rule took longer than expected as a result of the Division's working on drafts of the Proposed Rule with stakeholders, including the providers and patient advocacy groups. The Proposed Rule was published in the Indiana Register on November 26, 2008. A public hearing was held on December 18, 2008. In addition to comments from speakers at the public hearing, the DMHA received more than 300 written comments from providers and consumers concerning the Proposed Rule. As a result, the DMHA is determining how best to proceed with the above captioned rule. Because of the volume of public comments received, and the agency's desire to give thoughtful responses to the public comments, the agency may not be able to obtain the Governor's approval of the Final Rule within the time requirements of [IC 4-22-2-25\(a\)](#).

There are several steps remaining in the rule promulgation process to be completed before this rule can be approved. In addition to the rule promulgation process in [IC 4-22-2](#), any rule adopted by the DMHA must be approved by the Family and Social Services Committee (FSSC), which meets only one time per month. See [IC 12-8-3-1](#) et seq. Following approval by the FSSC, the rule must be submitted to the Attorney General's office. Pursuant to [IC 4-22-2-32](#), the Attorney General has forty-five (45) days to complete the review of the rule. For these reasons, 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 on May 28, 2008. The agency expects that LSA Document #08-412 can be approved by the Governor by May 28, 2010.

This notice setting forth the expected date of approval of LSA Document #08-412 as May 28, 2010, is being submitted in a timely manner. February 1, 2009, is the 250th day after publication of the Notice of Intent to Adopt a Rule.

Sincerely,

Barbara A. Nardi
Office of General Counsel
Family and Social Services Administration

cc: Stephen Barnes, Managing Editor, Legislative Services Agency

Posted: 01/28/2009 by Legislative Services Agency
An [html](#) version of this document.