
TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

**Administrative Rules Oversight Committee Notice
One Year Requirement ([IC 4-22-2-25](#))
LSA Document #09-40**

August 7, 2009

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

RE: LSA Document #09-40 – School Immunizations Rule

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 January 21, 2009 (DIN: [20090121-IR-410090040NIA](#)). On March 23, 2009, 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 may not send the Proposed Rule for publication in the Indiana Register until the agency receives OMB approval. The agency received approval from OMB to go forward with this rulemaking on May 11, 2009. Once approval was received, the Proposed Rule and Notice of Public Hearing were published on August 5, at least 21 days before the hearing date. The public hearing for this rule will be held on September 3, 2009.

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 45 days to complete review of the rule. Whether a quorum is present at the ISDH Executive Board meeting and the Attorney General's time frame for rule review are outside of the agency's control. Thus, promulgation of this rule will likely not be completed by January 21, 2010. The agency expects that the rule can be approved by the Governor by January 21, 2011.

This notice setting forth the expected date of approval of LSA *[Document]* #09-40 as January 21, 2011, is being submitted in a timely manner. September 28, 2009, is the two hundred and fiftieth day after publication of the Notice of Intent to Adopt a Rule.

Sincerely,

Loren Robertson, M.S., R.E.H.S.
Deputy State Health Commissioner

Posted: 08/19/2009 by Legislative Services Agency
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